

§1253. Commercial licenses

1. Classifications. A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748 and regulations adopted under those Acts in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.

These compliance measures must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Require commercial drivers to have a single license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(2) Refused to submit to or complete a lawfully requested test to determine that driver's alcohol level; or

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; [PL 2023, c. 108, §1 (AMD); PL 2023, c. 108, §4 (AFF).]

E. Provide maximum safety on public ways; and [PL 2023, c. 108, §2 (AMD); PL 2023, c. 108, §4 (AFF).]

F. Allow for the reinstatement, in accordance with 49 Code of Federal Regulations, Section 383.51(a)(6) (2023), of a commercial license of any driver who has been disqualified for life from operating a commercial motor vehicle for offenses described in paragraphs (b)(1) to (b)(8) of Table 1 to 49 Code of Federal Regulations, Section 383.51 (2023). [PL 2023, c. 108, §3 (NEW); PL 2023, c. 108, §4 (AFF).]

[PL 2023, c. 108, §§1-3 (AMD); PL 2023, c. 108, §4 (AFF).]

3. Endorsements for double or triple trailers, buses, tank vehicles or hazardous materials. Operation of a double or triple trailer, bus or tank vehicle requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

A person who applies for or receives a hazardous material endorsement must comply with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

[PL 2013, c. 381, Pt. B, §13 (AMD).]

4. Air brakes. If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Operation with an alcohol level of 0.04 grams or more or under the influence of intoxicating liquor or drugs. The Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of intoxicating liquor or drugs.

The period of suspension must satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII. [PL 2009, c. 447, §28 (AMD).]

6. Human trafficking prevention; information. A commercial driver's license issued or renewed by the Secretary of State must be accompanied by information that outlines how to recognize human trafficking and how to report human trafficking and includes a telephone number for a national human trafficking hotline.

[PL 2017, c. 192, §1 (NEW).]

7. Conviction for severe forms of trafficking in persons. The Secretary of State shall permanently revoke, without preliminary hearing, the commercial driver's license of a person who has been convicted of a felony involving an act or practice of severe forms of trafficking in persons, as defined in 22 United States Code, Section 7102.11 (2000), in which a commercial motor vehicle was used.

[PL 2023, c. 257, §12 (NEW).]

8. Query of drug and alcohol clearinghouse. Beginning no later than November 18, 2024, the Secretary of State shall query the Federal Motor Carrier Safety Administration's drug and alcohol clearinghouse prior to the issuance, upgrade, renewal or transfer of a commercial driver's license or a commercial learner's permit and shall deny the transaction and initiate downgrade procedures if the query results indicate the driver is prohibited from operating a commercial motor vehicle.

[PL 2023, c. 634, §23 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 434, §§15,16 (AMD). PL 2003, c. 434, §37 (AFF). PL 2003, c. 652, §B6 (AMD). PL 2003, c. 652, §B8 (AFF). PL 2005, c. 433, §15 (AMD). PL 2009, c. 447, §§27, 28 (AMD). PL 2013, c. 381, Pt. B, §13 (AMD). PL 2017, c. 192, §1 (AMD). PL 2023, c. 108, §§1-3 (AMD). PL 2023, c. 108, §4 (AFF). PL 2023, c. 257, §12 (AMD). PL 2023, c. 634, §23 (AMD).

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