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An Act To Amend the Motor Vehicle Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §101, sub-§32-A, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 688, Pt. B, §8 and affected by §9, is amended to read:

32-A. Low-speed vehicle. "Low-speed vehicle" means a 4-wheeled automobile that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and ~~does not exceed 1,800~~is less than 3,000 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500, as amended.

Sec. 2. 29-A MRSA §453, sub-§3-A, as enacted by PL 2003, c. 434, §9 and affected by §37, is amended to read:

3-A. Restrictions. The Secretary of State, in the Secretary of State's discretion, may refuse to issue or may recall a vanity plate that:

- A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;
- B. Promotes abusive or unlawful activity;
- C. Falsely suggests an association with public institutions; or
- D. Is duplicative.

Sec. 3. 29-A MRSA §456-A, sub-§1, as enacted by PL 2001, c. 623, §4, is amended to read:

1. Lobster plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of lobster special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The Secretary of State may issue lobster plates to certain state-owned vehicles in accordance with section 517.

Sec. 4. 29-A MRSA §456-F, sub-§1, as enacted by PL 2007, c. 703, §10, is amended to read:

1. Agriculture education plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501, section 504, subsection 1 or section 505 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of agriculture education special

registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The Secretary of State may issue agricultural education plates to certain state-owned vehicles in accordance with section 517.

Sec. 5. 29-A MRSA §517, sub-§2, as amended by PL 2003, c. 490, Pt. D, §2, is further amended to read:

2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Notwithstanding section 501, subsection 11, the Secretary of State shall issue distinctive municipal plates under this subsection to a low-speed vehicle owned by a municipality or loaned by a dealer to a municipality. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Conservation with authorization from the department's commissioner. The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Baxter State Park Authority with authorization from the Commissioner of Inland Fisheries and Wildlife in the commissioner's capacity as a member of the Baxter State Park Authority. A state-owned vehicle issued environmental registration plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 455, subsection 4.

The Secretary of State may issue agricultural education plates to a state-owned vehicle assigned to the Department of Agriculture, Food and Rural Resources with authorization from the Commissioner of Agriculture, Food and Rural Resources. A state-owned vehicle issued agricultural education plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-F, subsection 2.

The Secretary of State may issue lobster plates to a state-owned vehicle assigned to the Department of Marine Resources with authorization from the Commissioner of Marine Resources. A state-owned vehicle issued lobster plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-A, subsection 2.

Sec. 6. 29-A MRSA §517-B is enacted to read:

§ 517-B. Registration exemption for antique farm tractors used in demonstrations, parades, ceremonies and organized charitable events

Farm tractors or farm equipment at least 25 years old, as determined by the model year, are exempt from registration requirements and registration fees when used for demonstrations, ceremonies, parades or organized charitable events.

Sec. 7. 29-A MRSA §533-A, sub-§3, ¶A, as amended by PL 2001, c. 361, §15, is further amended to read:

A. Between July 1st and October 31st, the Secretary of State shall disburse to a participating municipality a sum equal to the difference in the amount of excise tax that would have been collected by that municipality in the prior fiscal year on each commercial motor vehicle 5 years old or less as determined by the model year under Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) using the manufacturer's suggested retail price from the amount of that excise tax actually collected by that municipality in the prior fiscal year based on the actual purchase price. The Secretary of State shall provide supporting documentation to a municipality regarding the disbursement that municipality receives under this section.

Sec. 8. 29-A MRSA §651, sub-§6, as amended by PL 2007, c. 466, Pt. A, §47 and affected by §49, is further amended to read:

6. Manufactured housing. Beginning October 1, 2007, the Secretary of State shall issue certificates of title for new single-unit manufactured housing beginning with model year 2007. Beginning October 1, 2007 and ending September 30, 2009, the Secretary of State shall issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title. Beginning October 1, 2009, the Secretary of State may issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title or a model year 2007 or later model that was never issued a certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

Sec. 9. 29-A MRSA §652, sub-§13, as repealed and replaced by PL 1999, c. 470, §9, is amended to read:

13. Certain automobiles, commercial vehicles and vehicles. Automobiles and all over-the-road commercial vehicles ~~and vehicles that are more than 15 years old~~ with a model year prior to 1995, except when the Secretary of State determines it is in the best interest of the State and the applicant to issue a title to a vehicle ~~more than 15 years old~~ with a model year prior to 1995;

Sec. 10. 29-A MRSA §661, sub-§2, as amended by PL 2001, c. 361, §22 and affected by §38, is further amended to read:

2. Time. The Secretary of State is not required to issue ~~an additional~~ a duplicate until 15 days after the previous ~~duplicate~~ title was issued.

Sec. 11. 29-A MRSA §701, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Additional. Upon request of the owner or subordinate lienholder, and receipt of an owner's application and fee, a lienholder in possession of the certificate of title shall deliver the certificate to the subordinate lienholder for delivery to the Secretary of State. ~~Upon receipt from the subordinate lienholder of an owner's application and fee, the lienholder shall deliver them to the Secretary of State with the certificate.~~ The Secretary of State shall record the subordinate lien and reissue the title to the first lienholder. The delivery of the certificate does not affect the rights of the first lienholder under that lienholder's security agreement.

Sec. 12. 29-A MRSA §705, sub-§5 is enacted to read:

5. Manufactured housing. This subsection governs satisfaction of a security interest in manufactured housing.

A. Upon satisfaction of a security interest in manufactured housing, the lienholder whose security interest is satisfied shall execute, within 60 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied.

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A.

Sec. 13. 29-A MRSA §903, sub-§3, as amended by PL 2005, c. 433, §12 and affected by §28, is further amended to read:

3. Plate reduction. Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell ~~a minimum of one vehicle per month or at least~~ 12 vehicles within a 12-month period must be reduced to ~~one~~² dealer plateplates, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of vehicles more than 15 years old, emergency vehicles or industrial or farm equipment or who sells only trucks with a gross vehicle weight rating of more than 26,000 pounds is exempt from this subsection.

Sales of vehicles to dealerships under the same ownership must be excluded when determining total sales.

Sec. 14. 29-A MRSA §957, sub-§3, as amended by PL 2007, c. 5, §1, is further amended to read:

3. Attended sales promotion. The Secretary of State may issue to a dealer a 90-day permit for up to 90 days to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and must contain the proposed promotion dates. The promotion must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair or other agricultural event is exempt from this subsection. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. ~~The fee for a 90-day attended sales promotion permit is \$150. The permit may be renewed.~~ The fee for an attended sales promotion is:

- A. Fifty dollars if the promotion runs for 7 or fewer days;
- B. One hundred dollars if the promotion runs for more than 7 but no more than 60 days; and
- C. One hundred fifty dollars if the promotion runs for more than 60 days but no more than 90 days.

Sec. 15. 29-A MRSA §1002, sub-§6, ¶C, as amended by PL 1999, c. 470, §15, is further amended to read:

C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a wrecker that does not exceed ~~24,000~~26,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight.

Sec. 16. 29-A MRSA §1102-A is enacted to read:

§ 1102-A. Mobile crushers

A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to the provisions of this subchapter except the provisions of section 1103. The Secretary of State may adopt rules for the permitting of mobile crushers. For purposes of this section, "mobile crusher" means a transportable device that is used to crush motor vehicles.

Sec. 17. 29-A MRSA §1110, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Availability. The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

The operator of a mobile crusher as defined in section 1102-A shall make that operator's records available in this State during normal business hours or in accordance with rules adopted by the Secretary of State.

Sec. 18. 29-A MRSA §1407, as amended by PL 1995, c. 645, Pt. B, §15, is further amended to read:

§ 1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within ~~1020~~ days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

Sec. 19. 29-A MRSA §2081, sub-§3-A, as amended by PL 2007, c. 60, §1, is further amended to read:

3-A. Other passengers 18 years of age and older; operators. When a person 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the passenger must be properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be properly secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, or the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.

Sec. 20. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 2001, c. 671, §32, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3): a sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) ~~For commercial vehicles manufactured in model year 1996 and after~~ the first 5 model years, the amount of excise tax due for trucks or truck tractors registered for more than 26,000 pounds and for Class A special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. For the

6th and subsequent model years, the excise tax is based on the maker's list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1, paragraph C, the excise tax must be prorated for the number of months in the registration.

Sec. 21. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, section 533-A, subsection 3, paragraph A and Title 36, section 1482, subsection 1, paragraph C take effect January 1, 2010.

SUMMARY

This bill makes several changes to the motor vehicle laws. The bill:

1. Amends the weight limitation for a low-speed vehicle;
2. Allows the Secretary of State to issue agricultural education plates to Department of Agriculture, Food and Rural Resources vehicles and lobster plates to Department of Marine Resources vehicles;
3. Exempts antique farm tractors from registration requirements when used in parades and charitable events;
4. Makes adjustments to the commercial vehicle excise tax reimbursement laws;
5. Clarifies that a title issued for manufactured housing remains in effect unless cancelled, allows a manufactured housing title to be cancelled if the home is permanently affixed to real property and allows rather than requires the Secretary of State to issue a title on used manufactured housing;
6. Allows the Secretary of State to recall an offensive vanity plate;
7. Extends titling requirements to most motor vehicles and trailers to vehicles manufactured in 1995 and after. Currently, only vehicles less than 15 years old are required to be titled;
8. Provides that a duplicate title is not required to be issued until 15 days after the previous title was issued;
9. Clarifies the process for managing additional security interests;
10. Modifies the release of lien process for manufactured housing;
11. Makes adjustments to the dealer plate reduction law;
12. Modifies the attended sales promotion procedures to provide for shorter permit periods at a reduced fee;
13. Increases the maximum weight of a light wrecker from 24,000 to 26,000 pounds for the purpose of determining the dealer plate fee to coincide with commercial driver's license limits;
14. Defines mobile crushers and requires them to be licensed;

15. Increases the time within which a person is obligated to notify the Secretary of State of an address or name change from 10 to 20 days; and

16. Makes a technical correction to the seatbelt requirements.