

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Safety at Motor Vehicle Events

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

Sec. 1. 8 MRSA §561, as enacted by PL 1973, c. 662, §2, is repealed and the following enacted in its place:

§ 561. License required; issuance of license

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor vehicle" means a self-propelled land vehicle operating on 3 or more wheels or treads and includes, but is not limited to, an automobile, truck, stock car, go-kart, all-terrain vehicle, motorcycle and dragster.

B. "Motor vehicle event" means an activity in which a motor vehicle is operated or displayed for the entertainment of an audience. Such activities include, but are not limited to, thrill shows, demolition derbies, monster truck shows and traveling motor vehicle events.

C. "Motor vehicle racing" means an activity involving a motor vehicle when the motor vehicle is operated on a prescribed course or displayed in a competition against another motor vehicle or against a standard or a set of criteria by which a winner is determined or when a point system is used to determine a winner. A standard or a set of criteria by which a winner is determined may include, but is not limited to, a time measurement, a measurement of the precision of vehicle performance or an assessment of the appearance of a vehicle. "Motor vehicle racing" includes, but is not limited to, activities such as on-track racing, drag racing, mud runs, sand drags, all-terrain vehicle racing, technical driving courses, ice racing, go-kart racing, lawn mower racing, practice runs, qualifying heats, winner's runs and demonstration runs.

2. License required. A person or organization may not operate any type of motor vehicle racing or motor vehicle event within the State unless that person or organization has obtained a license from the Commissioner of Public Safety.

3. Issuance. A license for the operation of motor vehicle racing or a motor vehicle event may be issued by the Commissioner of Public Safety to the person or organization applying for that license if the commissioner is satisfied that the person or organization has complied with all the provisions of this chapter and all the rules adopted by the commissioner pursuant to section 562 and that the person or organization has furnished the commissioner, in an amount to be determined by the commissioner, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason of the operation of motor vehicle racing or a motor vehicle event.

4. License duration. All licenses issued for the operation of any type of motor vehicle racing or motor vehicle event expire December 31st of each year unless sooner revoked by the Commissioner of Public Safety for violation of any provision of this chapter or for violation of any rule adopted by the commissioner pursuant to section 562. Licenses issued are not transferable or assignable.

Sec. 2. 8 MRSA §562, as amended by PL 1997, c. 728, §4, is further amended to read:

§ 562. Rules

The Commissioner of Public Safety shall ~~makeadopt~~, amend or rescind, after ~~public hearing~~, notice of which has been duly advertised in the state paper, ~~reasonable~~in accordance with the Maine Administrative Procedure Act, routine technical rules to be enforced with respect to the location, erection, construction and maintenance of grandstands, bleachers, stadiums, arenas, fences, safety barriers or other like structures or spectator areas intended primarily to support or protect spectators during any type of motor vehicle racing or motor vehicle events and with respect to public liability insurance coverage required by section 561.

~~Rules become effective when reviewed for form and legality by the Office of the Attorney General and approved in writing by the Commissioner of Public Safety and when a certified copy of the rules has been filed with the Secretary of State.~~

The Commissioner of Public Safety may waive the requirements of any rules to cover any special circumstances or conditions when the commissioner is satisfied that the special circumstances or conditions provide at least the same amount of safety to spectators at motor vehicle races or motor vehicle events that the rules, the waiver of which is requested, were intended to provide.

Sec. 3. 8 MRSA §563, as amended by PL 1997, c. 728, §5, is further amended to read:

§ 563. Fees

The fee for the inspection of all structures or areas where motor vehicle racing or a motor vehicle event operates and the annual license ~~for motor vehicle raceways~~ is may not exceed \$300. The fee permits the holder of any ~~motor vehicle raceway~~the license to provide entertainment events such as auto thrill shows, ~~motoreyele~~ acts and other spectacular stunts at the licensed ~~raceway~~motor vehicle racing or motor vehicle event area. These events must be included in the certificate of public liability required pursuant to section ~~562~~561. These fees must accompany the application and be credited to a special revenue account to defray expenses in carrying out this section. Any balance of these fees does not lapse but is carried forward as a continuing account to be expended for the same purposes in the following years.

Sec. 4. 8 MRSA §565, as enacted by PL 1973, c. 662, §2, is amended to read:

§ 565. Penalties

Any person or organization who operates any type of motor vehicle racing or motor vehicle event without a license duly issued therefor ~~shall be punished by a fine~~must be fined an amount of not more than \$1,000.

Any person or organization who operates any type of motor vehicle racing or motor vehicle event or who locates, erects, constructs or maintains any motor vehicle racing or motor vehicle event structure or spectator area except as provided for in the rules ~~and regulations~~ of the Commissioner of Public Safety shall be ~~punished by a fine~~ must be fined an amount of not more than \$500 for each offense.

Sec. 5. 8 MRSA §566, as enacted by PL 1973, c. 662, §2, is amended to read:

§ 566. Injunctions

In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, ~~regulation~~, order or decision of the Commissioner of Public Safety, the Superior Court shall ~~have~~ has jurisdiction upon complaint filed by the commissioner, or any person duly authorized to act for the commissioner, to restrain or enjoin any person or organization from operating any type of motor vehicle racing or motor vehicle event or doing any act prohibited by this chapter or prohibited by any rule ~~or regulation~~ of the commissioner. If it is established upon hearing that the person or organization, or the officers, agents, servants or employees of such a person or organization, charged has been or is operating any type of motor vehicle racing or motor vehicle event in violation of any rule, ~~regulation~~, order or decision of the commissioner, the court shall enter a decree enjoining ~~said~~ that person or organization and the officers, agents, servants and employees of ~~said~~ that person or organization and any other person from further operation of such motor vehicle racing or motor vehicle event. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies ~~shall be nois~~ not a defense to this proceeding. The commissioner or ~~his~~ the commissioner's authorized agent shall ~~is~~ not be required to give or post a bond when making an application for an injunction under this section.

Sec. 6. 8 MRSA §567, as enacted by PL 1973, c. 662, §2, is repealed.

Sec. 7. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 8, chapter 22, in the chapter headnote, the words "motor vehicle racing" are amended to read "motor vehicle racing and motor vehicle events," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

SUMMARY

This bill makes the laws applicable to motor racing events also applicable to motor vehicle events, which are activities in which a motor vehicle is operated or displayed for the entertainment of an audience.