

## **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

Legislative Document

No. 945

S.P. 323

In Senate, March 12, 2013

An Act To Amend Provisions of Law Pertaining to Motor Vehicles

Reference to the Committee on Transportation suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator MAZUREK of Knox. Cosponsored by Senators: COLLINS of York, VALENTINO of York, Representatives: THERIAULT of Madawaska, VEROW of Brewer.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 25 MRSA §2106-A, as amended by PL 1983, c. 862, §73, is repealed and the following enacted in its place:
4	<u>§2106-A. Penalties</u>
5 6	<b><u>1.</u></b> Criminal penalties. Except as provided in subsection 2, a person who violates this chapter or a rule adopted pursuant to this chapter commits a Class D crime.
7 8 9 10 11 12	2. Civil violation. A person who violates this chapter or a rule adopted pursuant to this chapter commits a civil violation if the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Section 385.3 (2013). A civil violation under this subsection is subject to a fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.
13 14	Sec. 2. 29-A MRSA §101, sub-§42, as amended by PL 2005, c. 577, §5, is further amended to read:
15 16	<b>42.</b> Motor vehicle. "Motor vehicle" means a self-propelled vehicle not operated exclusively on <u>railroad</u> tracks but does not include:
17	A. A snowmobile as defined in Title 12, section 13001;
18 19 20	B. An all-terrain vehicle as defined in Title 12, section 13001, unless the all-terrain vehicle is permitted in accordance with section 501, subsection 8 or is operated on a way and section 2080 applies; and
21	C. A motorized wheelchair or an electric personal assistive mobility device.
22 23	<b>Sec. 3. 29-A MRSA §101, sub-§80,</b> as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.
24 25	<b>Sec. 4. 29-A MRSA §101, sub-§86,</b> as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:
26 27 28 29	<b>86. Trailer.</b> "Trailer" means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on <u>railroad</u> tracks, and so constructed that no part of its weight rests upon the towing vehicle. "Trailer" does not include tow dollies.
30 31	<b>Sec. 5. 29-A MRSA §101, sub-§91,</b> as amended by PL 2003, c. 414, Pt. B, §44 and affected by c. 614, §9, is further amended to read:
32 33 34 35	<b>91. Vehicle.</b> "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on <u>railroad</u> tracks or snowmobiles as defined in Title 12, section 13001 or an electric personal assistive mobility device as defined in this section.

§3, are further amended to read: 2 3 A. A traffic infraction for which a forfeiture fine of not more than \$50 may be adjudged if the vehicle was registered and the registration has been expired for more 4 5 than 30 days but less than 150 days; or 6 B. A Class E crime if the vehicle was not registered or the registration has been expired for 150 days or more-; or 7 8 Sec. 7. 29-A MRSA §351, sub-§1, ¶C is enacted to read: 9 C. A traffic infraction for which a fine of not less than \$200 nor more than \$1,000 10 may be adjudged if the vehicle was not properly registered. For purposes of this paragraph, "not properly registered" means the vehicle is either registered in a 11 manner that is not reflective of its current actual use or as a type of vehicle that it is 12 not as a matter of law, including, but not limited to, a motor vehicle registered as an 13 antique auto when the vehicle is not an antique auto as defined in section 101, 14 15 subsection 3; or 16 Sec. 8. 29-A MRSA §2077, as enacted by PL 1993, c. 683, Pt. A, §2 and affected 17 by Pt. B, §5, is amended to read: 18 §2077. Working on ways 19 Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not apply to a person, 20 team, motor vehicle and other equipment actually engaged in work on the surface of a public way, but does do apply to such a person and vehicle when traveling to or from 21 22 such work. 23 **SUMMARY** 24 This bill amends the laws related to motor vehicles in the following ways. 25 1. It provides that a person who violates certain laws pertaining to the transport of 26 hazardous materials, or a rule adopted pursuant to those laws, commits a Class D crime, 27 unless the violation is discovered during a compliance review. In the latter circumstance, 28 the violation is a civil violation. Current law provides that all such violations are Class D 29 crimes. 30 2. It amends the definitions of "motor vehicle" and "vehicle" to clarify that the terms mean a self-propelled vehicle not operated exclusively on railroad tracks. Currently, the 31 32 definition could be read to mean other types of tracks, such as, for example, racing tracks. 33 3. It repeals the definition of "team" and removes a reference to this term. 34 4. It creates the traffic infraction of failing to properly register a vehicle.

Sec. 6. 29-A MRSA §351, sub-§1, ¶A and B, as amended by PL 2001, c. 671,

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