

ALTERNATIVE VEHICLES WORKING GROUP REPORT

To the Joint Standing Committee on Transportation

February 2010



Maine Study 2010

Alternative Vehicle Working Group

Table of Contents

Introduction	page 3
Summary	page 4
Findings and Recommendations	page 5
Transportation Committee Letter	page 7
List of Appendices:	
A. Alternative Vehicle Working Group Membership	page 9
B. Glossary	page 10
C. Summary of States' Laws	page 11
D. Summary of States' Non-Standard Vehicle Policies	page 15
E. Vehicle Classification Process	page 17
F. Draft Non-Standard Vehicle Law	page 18

Report of the Alternative Vehicle Working Group

Introduction. The Joint Standing Committee on Transportation requested that the Maine Bureau of Motor Vehicles (BMV) convene a working group on alternative vehicles (AVWG). The request was made due to the introduction of several bills related to alternative vehicles. These included bills on low speed vehicles (LSVs), medium speed vehicles (MSVs), autocycles, mini-trucks, and modified utility vehicles. The Transportation Committee's request noted that the state and federal laws regarding these types of vehicles are complex, and requested the Bureau to compile and analyze other states' policies.

In its charge to the Bureau, the Transportation Committee recognized the desirability of encouraging alternative vehicles that are more fuel efficient, economical, and environmentally responsible, but which do not adversely affect highway safety. The Transportation Committee charged the AVWG to review state and federal laws regarding various types of alternative vehicles and to make recommendations for possible adjustments to Maine law. The AVWG specifically was charged with focusing on policies related to safety issues as well as potential environmental impacts.

The Bureau was asked to invite participation from the Department of Public Safety, the Department of Environmental Protection, the Department of Transportation, and from the public. Appendix A is a complete list of working group participants.

Between the Transportation Committee's charge and the commencement of the working group's work, a second issue arose. The issue had to do with the on-road operation of homemade and fabricated non-standard recreational vehicles, often called "dune buggies". (The term "dune buggy" is not defined in Maine motor vehicle law. The term is used here to refer to automobile-type vehicles made from older automobile components or fabricated parts.) The AVWG included several members specifically interested in on-road recreational-type vehicles. Since there are many overlapping issues with other alternative vehicles, the "dune buggy" topic was added to the working group's agenda.

The working group met twice. The first meeting was devoted primarily to reviewing federal and Maine motor vehicle safety and emissions regulations that affect alternative vehicles. The second meeting was devoted to reviewing survey results and research, and discussing possible recommendations. The AVWG's meeting minutes and presentation materials are available upon request.

The working group surveyed and reviewed other states' laws relative to LSVs, MSVs, mini-trucks, and recreational-type vehicles. The results are in Appendixes C and D.

Summary. The National Highway Traffic Safety Administration (NHTSA) is charged with establishing safety regulations for the manufacture and importation of motor vehicles intended for highway use. NHTSA is an agency of the United States Department of Transportation. NHTSA tests and adopts safety standards for motor vehicles and vehicle components. NHTSA's standards are appropriate for the vehicle classification. That is, there are lesser standards for motorcycles and low speed vehicles, than for automobiles. Once NHTSA has adopted a safety standard, it is effective for all subsequent model years. (Therefore, determining the correct model year is critical when discussing reconstructed or composite vehicles such as dune buggies.)

The United States Department of Environmental Protection establishes fuel efficiency and emission standards for highway vehicles. Automobiles and trucks sold new in Maine are subject to the stricter California emissions standards.

It is a violation of federal law to manufacture, import, or offer for sale for highway use any motor vehicle that does not meet the applicable NHTSA or EPA standards. Manufacturers and importers apply to the appropriate federal agencies for certification. Generally, these requirements are enforced through the motor vehicle titling process. Motor vehicle titles generally indicate the vehicle type, and whether the vehicle is certified for on highway or off highway use. Maine law prohibits the registration of off-highway vehicles for highway use. (29A MRSA §354.)

NHTSA's Federal Motor Vehicle Safety Standards may be found at:

http://www.access.gpo.gov/nara/cfr/waisidx_07/49cfrv6_07.html#501

Generally, NHTSA's Federal Motor Vehicle Safety Standards (FMVSS) apply to manufactures, dealers, garages and importers. There are no specific penalties against states permitting non-complying motor vehicles on their public roadways, or for individuals who may construct or alter vehicles: for example, for altering a low speed vehicle to be able to travel at higher speed. However, the EPA theoretically can sanction individuals who tamper with emission controls, or who operate non-complying motor vehicles on the public ways.

Maine law requires motor vehicles to have an annual safety inspection. A vehicle must conform to the safety and emissions standards for its model year. For example, automobiles manufactured after 1966 must have seat belts. Generally, for a composite or altered vehicle, the model year is determined by the vehicle's frame. Engines generally must be of the same family. A "dune buggy" with a shop-manufactured frame is classified by the year the frame was constructed, and is subject to the safety inspection requirements for that year. A dune buggy made primarily with a 1971 Volkswagen frame would be considered a 1971 model year vehicle.

Findings and Recommendations.

Electric/Alternative Fuel Vehicles. Both the technology and the marketplace are evolving rapidly with respect to alternative vehicles. Several companies either offer or soon will offer competitively priced, practical high MPG or electric automobiles. These vehicles are able to comply with all FMVSS and EPA requirements. The availability of high MPG and electric automobiles obviates the need for transitional vehicles such as medium speed vehicles not meeting FMVSS. The recently authorized autocycle also can fill the niche between LSVs and automobiles for a cost effective, fuel efficient vehicle for local travel.

As fuel efficiency increases and different types of motive power become more common, the adequacy and equity of the motor fuel tax becomes an issue. For example, electric-powered vehicles do not pay any motor fuel tax for the use of the highway system. Consideration should be given to developing an equitable and efficient means of taxing automobiles based on highway usage. Prior to about 1992, the fee to register electric-powered vehicles was ten dollars greater than for conventional automobiles.

Maine Laws and Procedures. Maine laws, with respect to LSVs, MSVs, mini-trucks and utility vehicles, are consistent with those of most states. Further, Maine law and policy is congruent with federal safety and emissions requirements. The working group believes that it would adversely affect public safety, and would be a public disservice to deviate significantly from current alternative vehicle policies.

Niche Vehicles. There will be a continuing demand for niche vehicles such as low speed vehicles, autocycles, motorized bicycles, and mopeds. The demand will increase as the price of fuel increases. Maine's current laws comply with federal requirements, and strike a balance between mobility and safety.

Safety. Safety considerations for both vehicle occupants and other highway users must be paramount, and safety standards should be independent of motive power.

Hobbyist/Recreational/Homemade/Non-Standard Vehicles. There are a small group of vehicles, commonly known as "dune buggies" which have been registered in Maine even though some of these vehicles may not meet FMVSS or EPA requirements, or state inspection standards. Most of these vehicles are heavily modified, reconstructed, or fabricated vehicles, and do not conform to any established vehicle class (such as antique, street rod, or custom vehicle.) Many have BMV-assigned VINs. There is a mistaken belief that an assigned VIN constitutes roadworthiness. The purpose of a BMV VIN assignment is to establish that the vehicle's major components are not stolen, and that the ownership documents are in order. VIN assignment does not constitute a safety inspection.

Given the confusion about this type of vehicle, the AVWG recommends that any dune buggy which does not meet applicable safety standards for its model year, and which previously has been registered, should be allowed to continue to be registered by the

same owner, provided the vehicle meets basic safety requirements established by the State Police.

Non-Standard Vehicle Designs. Except for the proposed grandfathering of certain hobbyist vehicles which have been previously registered, homemade or other non-standard motor vehicles which have not received NHTSA and EPA approval should be required to pass a certification process prior to registration. The AVWG recommends that any non-standard motor vehicle be certified by a professional automotive engineer registered with the Society of Automotive Engineers. <http://www.sae.org/> The professional engineer should certify that the motor vehicle meets FMVSS and EPA standards for its class and model year. (See Appendix E for a flow chart and Appendix F for draft proposed legislation.)

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State of Maine
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

May 20, 2009

Garry Hinkley
Director of Vehicle Services
Bureau of Motor Vehicles
101 Hospital Street
Augusta, ME 04333

RE: Alternative vehicles

Dear Mr. Hinkley:

Over the course of the legislative session, the Joint Standing Committee on Transportation has held public hearings and work sessions on several bills relating to alternative vehicles, such as autocycles, low-speed vehicles, modified utility vehicles and mini-trucks, to name a few. Generally, the Committee encourages and supports the use of alternative vehicles. We would like to facilitate the use of alternative vehicles in Maine's transportation system, but we would like to do so in a responsible and safe manner.


When fuel costs rise, people are looking for ways to reduce fuel consumption and alternative vehicles may provide a viable option. Others are interested in alternative vehicles, particularly electric vehicles, as a way to limit exhaust pollution. The Transportation Committee, and the Maine Legislature as a whole, has had a long-standing policy of careful consideration regarding vehicles that are allowed on our roadways. Safety is a primary concern. However, we are equally concerned about potential impacts to the environment and meeting the requirements of the federal Clean Air Act.

We have looked to other states to see how they address alternative fuels in either policy or regulation. It is difficult to draw comparisons, however, when standards or definitions vary from state to state.


Because of this, the Transportation Committee would like the Bureau to convene a working group to explore issues relating to alternative vehicles. In addition to the Bureau of Motor Vehicles, the working group should include, but is not limited to, the following: Department of Public Safety, Department of Transportation, Department of Environmental Protection, and interested parties from the general public. The working group should focus on safety issues as well as potential impacts to the environment. Furthermore, the working group should examine both Maine and federal regulations and explore how other states address alternative vehicles. The Transportation Committee requests that the working group report back to the Committee no later than the first business day in February 2010.

Thank you for your efforts on this important matter.

Sincerely,



Dennis S. Damon
Senate Chair



Edward J. Mazurek
House Chair

CC: Members of the Joint Standing Committee on Transportation
Lt. Christopher Grotton, Maine State Police – Department of Public Safety
Theresa Savoy, Maine Department of Transportation
Scott Wilson, Maine Department of Environmental Protection
Roger and Laura Brainerd, Rowan Tree Farm
William Drinkwater, Electric Vehicles in Maine
Eric Fuller, Maine Motorcyclist Political Action Committee

Appendix A

Alternative Vehicle Working Group

The people listed below contributed to the Alternative Vehicle Working Group by attending at least one of the two working group meetings.

Catherine Curtis, Deputy Secretary of state for the Bureau of Motor Vehicles

Lt. Christopher Grotton, Maine State Police, Traffic Division

Garry Hinkley, Dir. Vehicle Services Division, Maine Bureau of Motor Vehicles
Garry.hinkley@maine.gov 207/624-9055

Sgt. Brian Scott, Maine State Police, Traffic Division

Scott Wilson, Environmental Specialist III, Maine DEP, Air Bureau

David W. Guilmette, Dir., Office of Investigations, Maine Bureau of Motor Vehicles

Bruce Hurley, Sr. Detective, Office of Investigations, Maine Bureau of Motor Vehicles

Gary Williams, Office of Policy and Communications, Maine DOT

Mark Newcomb, recreational vehicle hobbyist/fabricator

William Drinkwater, Executive Director, E.V. Maine

Steve Daniel, recreational vehicle hobbyist

The Honorable David Cotta, State Representative, District 55

The Honorable Anna Blodgett, State Representative, District 56

Nikki Bachelder, Secretary, Vehicle Services Div. Maine Bureau of Motor Vehicles
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Glossary

Low-speed vehicle. A 4-wheeled vehicle 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 2,999 lbs. in unloaded weight. 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. (1998)

Medium Speed Vehicle. Generally means a 4-wheeled vehicle which meets LSV safety requirements, but which is able to obtain a speed greater than is allowed for LSVs.

NHTSA Response to MSV Questions

- Federal law prohibits manufacture, import, or sale of vehicles that do not meet Federal standards, regardless of state statutes.
- NHTSA does not recognize MSVs as a unique class of vehicles.
- NHTSA does not intend to seek recognition of MSVs as a new class of vehicles – rejected petition.
- MSVs are considered passenger cars or trucks.

NHTSA Standards. A person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter.

Assigned Vehicle Identification Numbers.

- BMV assigns VINs to certain reconstructed or homemade vehicles
 - Antitheft program: to establish ownership and to make certain major vehicle components have not been reported stolen
 - Parts VINs run through National Criminal Information Center (NCIC) and National Insurance Computer System (NICS) databases
 - BMV titles vehicles according to the VIN of the frame
 - Establishes Make, Model, Year
 - Title required for vehicle 15 years old or less
 - Assigning a VIN necessary for Registration
 - Does not establish roadworthiness
 - BMV (or a town) registers a vehicle based on the information presented

Appendix C

**LOW SPEED VEHICLES
State Law Summary**

State	Where Permitted?	Maximum Speed
Alabama	may not impede normal traffic	not specified
Alaska	posted speed limit of 35mph	25 mph
Arizona	posted speed limit of 35mph	25 mph
Arkansas	may not impede normal traffic	not specified
California	posted speed limit of 35mph	25 mph
Colorado	posted speed limit of 35mph	25 mph
Connecticut	no state law	
Delaware	posted speed limit of 35mph	25 mph
District of Columbia	may not impede normal traffic	25 mph
Florida	posted speed limit of 35mph	25 mph
Georgia	posted speed limit of 35mph	25 mph
Hawaii	posted speed limit of 35mph	25 mph
Idaho	posted speed limit of 35mph	25 mph
Illinois	by local ordinance up to 35 mph	25 mph
Indiana	posted speed limit of 35mph	25 mph
Iowa	posted speed limit of 35mph	25 mph
Kansas	posted speed limit of 30mph	25 mph
Kentucky	posted speed limit of 35mph	25 mph
Louisiana	posted speed limit of 35mph	25 mph
Maine	posted speed limit of 35mph	25 mph
Maryland	posted speed limit of 30mph	25 mph
Massachusetts	posted speed limit of 30mph	25 mph
Michigan	posted speed limit of 35mph	25 mph
Minnesota	posted speed limit of 35mph	25 mph
Mississippi	no state law	
Missouri	posted speed limit of 35mph	25 mph
Montana	no state law	

Nebraska	local option	25 mph
Nevada	posted speed limit of 35mph	25 mph
New Hampshire	posted speed limit of 35mph	25 mph
New Jersey	posted speed limit of 25mph Generally.	25 mph
New Mexico	posted speed limit of 35mph	25 mph
New York	posted speed limit of 35mph	25 mph
North Carolina	posted speed limit of 35mph	25 mph
North Dakota	posted speed limit of 35mph	25 mph
Ohio	local option	20 mph
Oklahoma	posted speed limit of 35mph	25 mph
Oregon	posted speed limit of 35mph	25 mph
Pennsylvania	no state law	
Rhode Island	posted speed limit of 25mph 6am to 6pm	25 mph
South Carolina	posted speed limit of 35mph	25 mph
South Dakota	posted speed limit of 35mph	25 mph
Tennessee	posted speed limit of 35mph	25 mph
Texas	posted speed limit of 45mph	25 mph
Utah	posted speed limit of 35mph	25 mph
Vermont	posted speed limit of 35mph	25 mph
Virginia	posted speed limit of 35mph	25 mph
Washington	posted speed limit of 35mph	25 mph
West Virginia	town roads where the speed limit is 25 mph or less	25 mph
Wisconsin	local ordinance; roads posted for 35 mph or less	25 mph
Wyoming	non-interstate highways where vehicle is capable of max. speed limit	non specified

Source: Institute for Highway Safety

MEDIUM SPEED VEHICLES
State law Summary

Nine states permit some form of a medium speed vehicle. These are vehicles which exceed the maximum speed of 25 mph permitted by NHTSA for a low speed vehicle, but which do not comply with automobile safety standards.

State	Where Permitted?	Maximum Speed
Colorado	roads posted for 45 mph	max speed 45 mph
Colorado's law only goes into affect when USDOT adopts MSV standards		
Kentucky	roads posted for 45 mph	max speed 45 mph
Minnesota	roads posted for 45 mph	max speed 35 mph
Montana	roads posted for 45 mph	max speed 45 mph
Oklahoma	roads posted for 45 mph	max speed 35 mph
Oregon	roads posted for 45 mph	max speed 35 mph
Tennessee	roads posted for 45 mph	max speed 35 mph
Texas	roads posted for 45 mph	max speed 35 mph
Washington	roads posted for 45 mph	max speed 35 mph

Source: Institute for Highway Safety

MINI-TRUCKS State Law Summary

Thirteen states permit mini-trucks under some conditions. Mini-trucks are small right-hand drive vehicles, generally imported from Asia, which do not meet NHTSA safety or EPA emissions requirements. These vehicles may be imported only as non-highway vehicles, and may not be sold legally for highway use.

State	Where Permitted?	Max. Speed	Classification
Arkansas	Roads posted for 55mph	55 mph	Mini-truck
Florida	Roads posted for 35 mph	35 mph	Mini-truck
Idaho	Local option	n/a	UTV
Illinois	Local option; roads posted for 35 mph	25 mph	Neighborhood vehicle
Kansas	Non-interstate local option	n/a	Micro utility truck
Louisiana	Non-interstate roads	n/a	Mini-vehicle
Minnesota	Local option	Local option	Mini-truck
Missouri	Local option	45 mph	Utility vehicle
North Dakota	Paved roads posted for 65 mph or less	55 mph	Off-highway vehicle
Oklahoma	Non-interstate highway	n/a	Mini-truck
Tennessee	Roads posted for less than 40 mph. Counties/towns may prohibit.	35 mph	Medium speed vehicle
Utah	Single lane roads and streets; other restrictions	35 mph	Off-highway vehicle
Wyoming	Non-interstate highways	Slow vehicles stay to extreme right	Multipurpose vehicle

Source: Institute for Highway Safety

Appendix D

States' Non-Standard Vehicle Policies States responding to Survey

Alabama – Will title and register vehicles only if they comply with state and federal safety, emissions, and antitheft requirements.

Arizona – Permits off road vehicles (ORV) to be registered for highway use provided the registrant/owner certifies that the ORV meets all state and federal (NHTSA and EPA) safety and emissions requirements. Use is limited by local ordinance. ATV's may be registered as motorcycles in some instances.

California – Licenses dune buggies for off road use only. Dune buggies still must meet strict CA emissions requirements and are limited to designated trails. All vehicles used on highway must meet state and federal safety requirements for the model year.

Florida – Titles but does not register ORVs. Mini-trucks may be registered as LSVs. Limited to roads posted for 35 MPH.

Georgia – ORVs are limited to off road use only.

Hawaii – No special provisions for dune buggies. Basically considered to be ORVs. Dune buggies may qualify as street rods.

Idaho – ORVs including dune buggies only may be used on roads on federal and state lands. May not be used on public roads.

Indiana – Non-traditional vehicles must comply with Federal Motor Vehicle Safety Standards (FMVSS) or Indiana equivalent standards.

Iowa – All highway vehicles must comply with Federal Motor Vehicle Safety Standards. The only exception is for LSVs.

Kansas – Mini-trucks are titled as off-road vehicles.

Kentucky – No specific laws on dune buggies, however, a dune buggy may be registered if the vehicle passes a Sheriff's safety inspection and complies with KY vehicle safety statutes. ATVs not allowed on public roads. LSVs, alternative speed motorcycles, and low speed electric vehicles allowed to operate on highways with a posted speed of 35 mph or less.

New York – Follows federal standards for most types of vehicles. Generally, vehicles used on highway must meet FMVSS and EPA requirements. Homemade vehicles are rated by the year the vehicle is finished. ORVs are not allowed on public roads.

Ohio – Is studying alternative vehicles similarly to Maine. Their laws have not been updated since the 1970's, and they rely on policies. Ohio does not allow ATV' or dune buggies on public

highways. Mini-trucks and other vehicles must be NHTSA-compliant. Autocycles are considered to be a type of motorcycle. Motorcycle license and safety requirements apply.

Oregon – Dune buggies are considered to be a type of ATV and are not allowed on public roads. Any vehicle operating on a public road must be FMVSS-compliant. Oregon does have special provisions for MSVs, however, MSVs must meet NHTSA automobile safety standards.

Pennsylvania – Dune buggies are considered to be “specially constructed vehicles.” Since dune buggies are not produced by a recognized manufacturer of vehicles and are not certified as meeting Federal Motor Vehicle Safety Standards for traditional highway vehicles, they must comply with Subchapters E and K of Pennsylvania’s Vehicle Equipment and Inspection Regulations and pass an enhanced vehicle safety inspection in order to be titled and registered for on-road use.

Mini-trucks not permitted on highway as they do not meet FMVSS standards. ATVs not permitted on public highways. MSEVs must meet FMVSS.

South Dakota – ORVs including dune buggies may not be operated on public streets and roads. ATV’s may be registered and operated as motorcycles.

Vermont – In order to be registered, a vehicle must meet FMVSS and EPA standards. Mini-trucks are prohibited.

Virginia – Dune buggies must meet FMVSS and state safety inspection requirements in order to be operated on public streets and roads. ORVs and ATVs may not be operated on public roads. Utility vehicles (which presumably includes mini-trucks) may be used only off road.

Washington – Dune buggies and mini-trucks are considered to be off road vehicles, and may not operate on public roads unless they are FMVSS-compliant. ORVs are required to be registered for off road use similar to ATV’s. Washington does allow MSEVs.

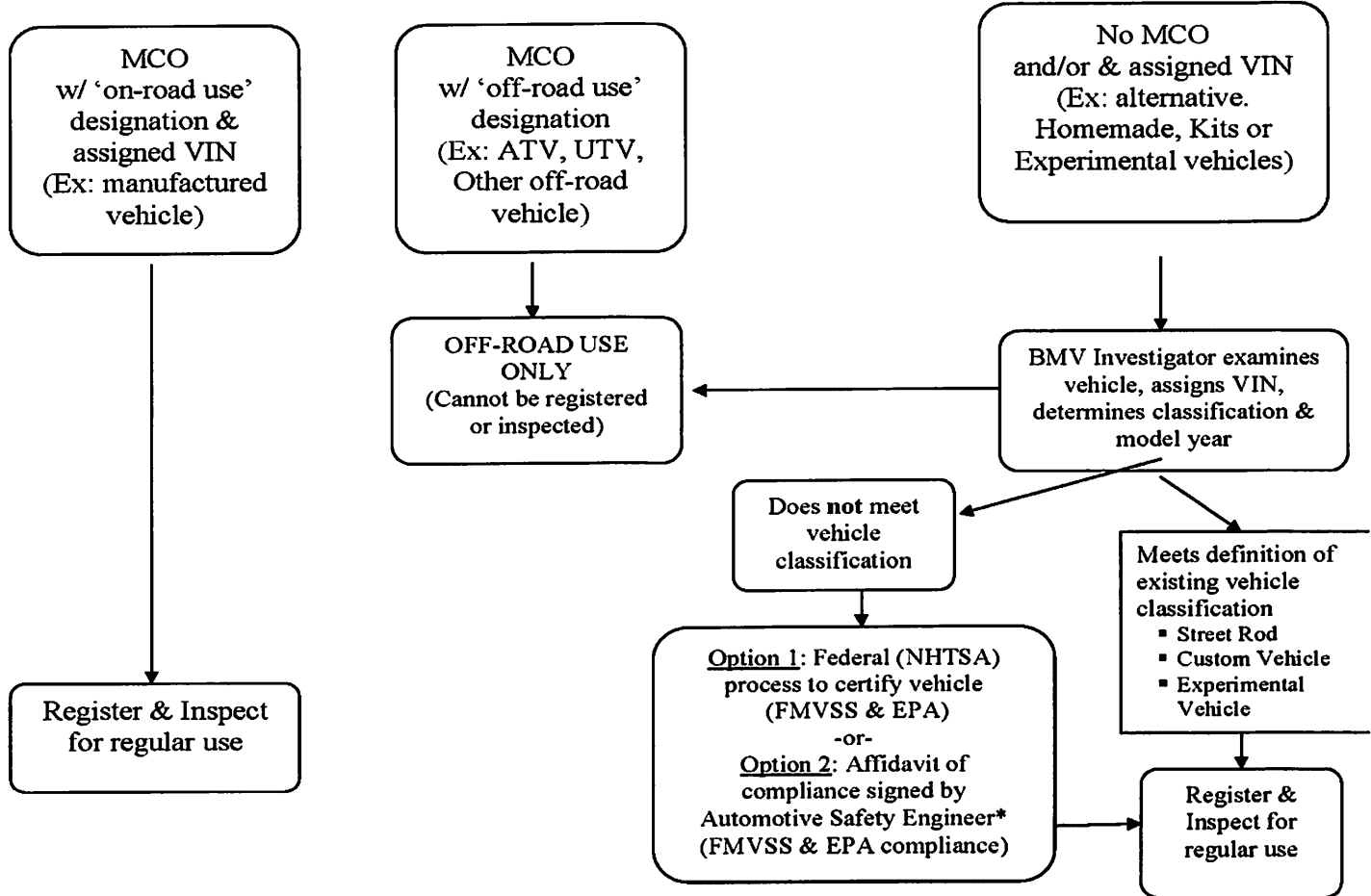
West Virginia – No specific statutes on alternative vehicles (except LSVs). Any registered vehicle would need to pass a state safety inspection.

Wisconsin – Dune buggies are considered to be *Class 1 Amusement Vehicles*, and may not be registered for highway use unless FMVSS-compliant.

Wyoming – Defines a multi-purpose vehicle and permits multi-purpose vehicle to be operated on public roads. An MPV is defined as a four-wheeled vehicle with a weight of more than 300 but not more than 3,000 pounds, with an upright seat or saddle. This includes ATVs, ORVs and mini-trucks.

Questions and responses are available upon request.

State of Maine Vehicle Classification Process Chart



This is intended as a tool and guide in order to illustrate the process used to determine whether or not a vehicle may be registered, inspected and operated on public roadways. This is not a legal reference, and the reader is directed to Maine statute and applicable rules for current and complete information regarding Maine law. Revised October 2009

*Automotive Safety Engineer is defined as a professional engineer who is a member of the Society of Auto Engineers.

Appendix F

An Act Relating to Non-Standard Motor Vehicles

Section 1. 29A MRSA §101 as amended by C. 315, PL 2009 is further amended by adding a new sub-section as follows: (sub§ numbering TBD)

Non-standard Motor Vehicle. “Non-standard Motor Vehicle” means a 4-wheeled motor vehicle manufactured, fabricated, substantially modified, or imported by a person who is not registered with the National Highway Traffic Safety Administration as a vehicle manufacturer or importer, and which does not meet any vehicle classification of this title.

Section 2. 29A MRSA §458-C is enacted as follows:

Non-Standard Motor Vehicles.

1. **Registration authorized.** A non-standard motor vehicle may be registered and operated in this state if the vehicle has been certified to meet all applicable Federal Motor Vehicle Safety Standards and United States Department of Environmental Protection emission standards for the vehicle’s model year. The certification must be made by a registered professional engineer who is a member of the Society of Automotive Engineers. The vehicle’s model year shall be determined by the year of manufacture of the vehicle’s frame, or by the Secretary of State.
2. **Registration fee.** The fee for the non-standard motor vehicle registration plate is the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 482.
3. **Registration plates.** The Secretary of State shall issue a registration certificate and a set of non-standard motor vehicle registration plates in a 3-number and 3-letter combination sequence to be used in lieu of regular registration plates.
4. **Vanity plates.** The Secretary of State may issue vanity plates in accordance with section 453 and may not duplicate vanity plates issued in another class of plate.
5. **Weight limit.** A non-standard motor vehicle registration plate may be issued for a motor vehicle that does not exceed 6,000 pounds.
6. **Inspection.** A non-standard motor vehicle is subject to the inspection requirements of section 1751.

Any non-standard motor vehicle that as of January 1, 2010 had been registered for at least two years to the same owner, is exempt from paragraph 1.

The Secretary of State and the Chief of the Maine State Police may adopt rules to carry out this section. Any rule adopted pursuant to this section shall be non-substantive technical rule.

Summary

This bill defines non-standard motor vehicles such as dune buggies and creates a procedure for registering these vehicles. It establishes minimum safety and emissions requirements, and requires a professional engineer to certify to those requirements. The bill exempts any vehicle from the certification if the vehicle was registered to the same owner for at least two years.