

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 362

S.P. 125

In Senate, February 9, 1993

**An Act to Provide for the Registration and Licensing of Motor Vehicle
Body Shops.**

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

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Sec. 1. 29 MRSA c. 24 is enacted to read:

CHAPTER 24

REGISTRATION AND LICENSING OF MOTOR VEHICLE BODY SHOPS

§2651. Definitions

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

1. Body or frame repairs. "Body or frame repairs" means repairs, corrections, alterations, improvements, including refinishing, to components that comprise motor vehicle bodies or frames.

2. Collision damage. "Collision damage" means any damage to a motor vehicle that results from impact with another vehicle or an object, animal or person and damage to a motor vehicle resulting from an act of God.

3. Collision damage repairs. "Collision damage repairs" means repairs to motor vehicle bodies or frames that are required as a result of collision damage.

4. For compensation. "For compensation" means for money, barter goods, turnabout trade or receipt of products or services that have a monetary value.

5. Motor vehicle. "Motor vehicle" has the same meaning as provided under section 1, subsection 7.

6. Motor vehicle bodies. "Motor vehicle bodies" means those components of vehicles that are finished with paint or are attached to components that are finished with paint. Doors, hoods, trunk lids, quarter panels, roofs, rocker panels, front and rear body panels and components that comprise the unibody assembly are parts of vehicle bodies.

7. Motor vehicle body shop. "Motor vehicle body shop" means a garage or other facility where body or frame repairs are performed for the general public for compensation.

8. Motor vehicle frames. "Motor vehicle frames" means assemblies or component parts of assemblies to which vehicle bodies and mechanical and suspension components or assemblies are attached that serve as the principal strengthening structure of motor vehicles.

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§2652. Registration of motor vehicle body shops

A person may not operate a motor vehicle body shop unless that shop has been registered in accordance with this section.

1. Application. The Chief of the State Police shall prescribe an application form for the registration of motor vehicle body shops. The owner or operator of a motor vehicle body shop may register a motor vehicle body shop by filing a completed application with the Chief of the State Police and paying a fee established in accordance with subsection 2. The application must contain the following:

A. The applicant's name; and

B. The name and location of the shop being registered.

2. Registration period and fee. The Chief of the State Police shall establish a registration period and a registration fee. Registration fees must cover but may not exceed the cost of administering this section and rules adopted in accordance with section 2655. The registration fee may not exceed \$50 per year.

3. Certificate of registration. Upon receipt of a completed application and the registration fee, the Chief of the State Police shall issue a certificate of registration. A registration is valid only for the shop whose name appears on the registration certificate and only for operation at the location on the certificate.

§2653. Licensing of motor vehicle body shops to perform collision damage repair

A motor vehicle body shop may not perform collision damage repairs unless that shop has been licensed under this section.

1. Application. The Chief of the State Police shall prescribe an application form for the licensing of motor vehicle body shops. An owner or operator of a motor vehicle body shop applies for a license by filing a completed application with the Chief of the State Police and paying a fee established in accordance with subsection 3.

2. Requirements. A motor vehicle body shop must meet the following criteria to be licensed to perform collision damage repairs.

A. The shop must be a legally organized business in compliance with all state laws relative to business formation and must be in possession of all required business permits, registrations and licenses.

2 B. Body and frame repairs must be performed within a
4 building or buildings owned, leased or rented by the
licensee and buildings must meet all applicable state and
local building and fire codes.

6 C. A minimum of \$300,000 in garage liability insurance must
8 be in force at all times.

10 D. The shop must possess and maintain a comprehensive and
12 current set of collision damage estimating manuals or an
electronic equivalent.

14 E. The shop must possess and maintain a comprehensive and
16 current set of body and frame dimension manuals or an
electronic equivalent.

18 F. The shop must possess equipment appropriate for the
20 accurate correction of damage to motor vehicle bodies or
frames. "Appropriate equipment" means equipment that is
22 capable of holding a vehicle in a level and fixed position
without causing damage to the vehicle while corrective pulls
24 and pushes are made to the vehicle's components from
multiple directions simultaneously.

26 G. The shop must possess equipment appropriate for precise,
28 3-dimensional measurement of damage and corrections made to
vehicle bodies and frames. Appropriate equipment must
30 provide 3-dimensional measurements that are accurate to 3
millimeters or less.

32 H. The shop must possess a metal inert gas welder.

34 3. License period and fee. The Chief of the State Police
36 shall establish a license period and fee. License fees must
cover but may not exceed the cost of administering the licensing
program. The license fee may not exceed \$200 per year.

38 4. Inspection. The Chief of the State Police or a state
40 police officer may enter a motor vehicle body shop at reasonable
times to inspect the premises, the equipment and documents
42 relating to the shop for the purpose of determining compliance
with this section.

44 5. Issuance of license. The Chief of the State Police
46 shall issue a collision damage repair license when the conditions
of this section and any additional criteria established by rule
48 by the Chief of the State Police are met. With the issuance of
the license, the Chief of the State Police shall issue an
50 official collision repair shop sign.

2 6. Conditional licenses. The Chief of the State Police
4 shall issue a conditional license and an official collision
6 repair shop sign if a motor vehicle body shop meets all licensing
8 requirements except subsection 2, paragraph G and the following
10 conditions.

12 A. The shop subcontracts structural repairs of vehicle
14 bodies, unibody assemblies and frames to a motor vehicle
16 body shop that holds an unconditional license.

18 B. The shop keeps accurate and complete repair records,
20 including records of all collision repairs subcontracted for
22 a period of 3 years.

24 C. The shop complies with all other requirements for
26 conditional licensing as adopted by the Chief of the State
28 Police.

30 7. Posting of sign. A motor vehicle body shop licensed to
32 perform collision damage repairs must display the official
34 collision repair shop sign in a prominent place on the outside of
36 the shop.

38 8. License not transferable. A license to perform
40 collision damage repairs is not valid at any location other than
42 the location designated on the license.

44 **§2654. Exemption**

46 A motor vehicle body shop that performs body and frame
48 repairs or collision damage repairs solely to vehicles with a
50 manufactured curb weight of 10,000 pounds or more is exempt from
the registration and licensing requirements of this chapter.

§2655. Rules

The Chief of the State Police may adopt rules for the
administration and enforcement of this chapter and for the
establishment of additional criteria for registration of motor
vehicle body shops and licensing to perform collision damage
repairs.

§2656. Penalty

A person who operates a motor vehicle body shop without a
registration or who operates a motor vehicle body shop that
performs collision damage repairs without a license commits a
Class D crime.

Sec. 2. Effective date. This Act takes effect on January 1, 1994.

STATEMENT OF FACT

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This bill establishes provisions for the registration of motor vehicle body shops. In addition, it requires motor vehicle body shops to be licensed to perform collision damage repairs. The Chief of the State Police is in charge of administering these provisions.