

29 DEPARTMENT OF SECRETARY OF STATE

250 BUREAU OF MOTOR VEHICLES

Chapter 110: NON-GOVERNMENTAL REGISTRATION AGENT REQUIREMENTS

SUMMARY: This rule establishes the requirements for non-governmental registration agents pursuant to 29-A M.R.S. §204. The rule sets forth requirements for training, equipment and software, reporting, inventory control, audit, and suspension and hearings for registration agents. A registration agent may be authorized to collect registration, title and related taxes and fees, and to issue registration credentials and indicia. A registration agent is authorized and required to transmit registration data to the Bureau of Motor Vehicles. A registration agent may be authorized to process motor vehicle registrations, and annual and long term trailer registrations. A registration agent may be authorized to have plate and validation inventory, and to issue motor vehicle credentials.

A. COMMUNICATIONS

1. All communications shall be directed to: Maine Bureau of Motor Vehicles, ~~Dealer and~~ Municipal & Agent Services, 29 State House Station, Augusta, ME 04333-0029. E- mail: municipal.bmv@maine.gov. Phone: 207/624-9000 x. ~~52143~~ 52163. (Hereinafter, the Maine Bureau of Motor Vehicles, ~~Dealer and~~ Municipal & Agent Services shall be referred to as the “Bureau”).

B. REMITTANCES

1. All remittances shall be in US funds, payable to the Maine Secretary of State.

C. DEFINITION

1. Unless the context clearly states otherwise, terms shall have the same meaning as in Title 29-A.

D. APPLICATION

1. An applicant desiring to become a registration agent shall submit an application to the Bureau on the application form (“Application Form”) approved by the Bureau ~~and~~ ~~appended hereto as Appendix A.~~
2. An applicant must be a Maine resident or Maine Resident Corporation must have a place of business in Maine.
3. Must maintain all records in Maine.

4. The Application Form requires:
 - * The company name
 - * Officers' Federal identification tax number
 - * Principal physical address where records are kept
 - * Mailing address, telephone number, email address
 - * The name of one or more persons to be trained as agents.
 - * After review of the Application Form, the Bureau may request additional information.
 - * A corporate, partnership or trust applicant is required to seek authorization for one or more employees to serve as a registration agent. In the event a corporate entity names more than one registration agent, one registration agent shall be designated the principal agent. In addition, in order to serve as a registration agent, a corporate entity must have at least one full time employee who has completed training and has been authorized to be an agent.

E. AUTHORIZATION

1. An applicant must receive written authorization from the Bureau prior to serving as a registration agent.
2. Prior ~~the to~~ serving as a registration agent, an applicant, ~~or employee as the case may be,~~ must complete all of the Bureau's limited new, new registration, and truck training modules.
3. Authorization may be granted both to a corporate entity, partnership or trust, and to specific employees who have completed training.
4. The authorization shall state the services for which the registration agent is authorized to provide.

F. COMPUTER SYSTEM

1. A registration agent must use one of the Bureau-approved vendor computer systems for processing all motor vehicle-related transactions.
2. The registration agent is responsible for all costs associated with the computer system, including training.
3. The system must be able to exchange information with Bureau's computer system using secure file transfer protocol. (See Appendix B for a list of approved vendor systems.) The Bureau maintains a list of approved vendors, available upon request.

4. A registration agent must transmit all data to the Bureau at least once a week.
5. All data must be accurate and complete.
6. The Bureau may establish a file naming convention to clearly identify the submitter and the file date range.

G. DOCUMENTS AND FUNDS

1. All registrations and related documents and all funds must be delivered to the Bureau at least weekly.
2. Documents and fees must correspond to the electronic data submitted and they must meet the application and fee requirements set forth in *Motor Vehicle Code*, Title 29-A of the *Maine Revised Statutes*.
3. All documents issued, fees, cash reports, and electronic data submitted must be tallied and balanced correctly and completely.
4. The Bureau will provide notice to a registration agent when transactions are incomplete or incorrect, and may, after notice, refuse to accept transactions until they are completed correctly.
5. All taxes and fees collected on behalf of the State must be submitted by company check, money order, or by a mutually agreed secure funds transfer process.
6. The failure to submit sufficient funds timely may result in the registration agent's authority being suspended or revoked.

H. INVENTORY

1. The Bureau may authorize a registration agent to have plate and validation sticker inventory.
2. The registration agent shall be responsible for accounting for all assigned inventory, and shall submit inventory used/on hand reports at least once a week.
3. The reports shall be in the format the Bureau prescribes. (~~See Appendix C~~)
4. The failure to maintain and submit inventory reports and account for assigned inventory may result in the suspension or revocation of the registration agent's authority.

I. AUDIT

1. The Bureau may conduct an audit of a registration agent's records, documents and credentials relating to vehicle registrations and inventory.

2. Generally, the Bureau will schedule an audit for a mutually agreed time. However, the Bureau reserves the right to conduct an unannounced audit during normal business hours.
3. The failure to meet auditing standards may result in the suspension or revocation of the registration agent's Authority.
4. Any loss or theft of motor vehicle inventory must immediately be reported to the Bureau.

J. BONDING REQUIREMENT

1. A registration agent shall maintain a bond in a form approved by the Bureau and in the amount of \$25,000. ~~(See Appendix D for sample bond form.)~~
2. The bond shall be payable to the State of Maine, Department of Secretary of State, Bureau of Motor Vehicles, and shall be filed with the Bureau within ten (10) days of receipt of authorization to serve as a registration agent.
3. The Bureau may invoke the bond in the event the registration agent is in breach of the terms and conditions of authorization, or refuses or fails to pay registration-related taxes and fees.
4. A registration agent shall maintain the bond for the entire period for which authorization to act as a registered agent is in effect. In the event of cancellation, the bond must be replaced with no lapse of coverage.
5. The Bureau must be notified at least 30 days in advance of any cancellation.
6. Failure to maintain the bond may result in the suspension or revocation of authorization.
7. The authorization to serve as a registration agent that has suspended for failure to maintain the required bond may be restored when a bond is acquired.

K. SUSPENSION AND REVOCATION

1. A registration agent may be suspended for up to six months for a violation of this rule, or upon conviction of a relevant crime, including theft, forgery, or similar violations.
2. For a second or subsequent violation within five years, the registration agent may be suspended for up to a year or permanently revoked.
3. A registration agent may be required to re-take training prior to restoration.
4. The Bureau may require a corporation, partnership or trust to ~~the~~ remove and/or replace an employee serving as a registration agent when the Bureau, in its sole discretion, determines that removal ~~of~~ or replacement is in the State's best interest.
5. Any replacement must be authorized to serve as a registration agent as provided in this rule.

6. Prior to restoration, a registration agent shall pay a restoration fee as specified in 29-A M.R.S. §2486 (1).

L. HEARINGS

1. A registration agent whose authorization has been suspended or revoked, or any applicant who has been denied authorization, may request a hearing. Hearings shall be held pursuant to the Secretary of State's rules for the conduct of hearings.
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STATUTORY AUTHORITY: 29-A M.R.S. §204

EFFECTIVE DATE:

March 31, 2014 – filing 2014-053