

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; New Motor Vehicle Arbitration; Lemon Law; mail;
4 electronic mail; mobile identification; validation stickers; registration;
5 registration fees; plug-in electric vehicles (PEVs); **speed limits**; total
6 abstinence; permits; title; towing; abandoned motor vehicles;
7 **snowmobiles**; commercial driver’s licenses; Drug and Alcohol
8 Clearinghouse; purchase and use tax; gross vehicle weights; DMV
9 modernization project; all-terrain vehicles (ATVs); Vermont ATV
10 Sportsman’s Association (VASA)

11 Statement of purpose of bill as introduced: This bill proposes to make
12 miscellaneous changes to laws related to vehicles.

13 An act relating to miscellaneous changes to laws related to vehicles

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 * * * New Motor Vehicle Arbitration * * *

16 Sec. 1. 9 V.S.A. § 4173(d) is amended to read:

17 (d) Within the 45-day period set forth in subsection (c) of this section but at
18 least five days prior to hearing, the manufacturer shall have one final
19 opportunity to correct and repair the defect that the consumer claims entitles
20 ~~him or her~~ the consumer to a refund or replacement vehicle. Any right to a

1 final repair attempt is waived if the manufacturer does not complete it at least
2 five days prior to hearing. If the consumer is satisfied with the corrective work
3 done by the manufacturer or ~~his or her~~ the manufacturer's delegate, the
4 arbitration proceedings shall be terminated without prejudice to the consumer's
5 right to request arbitration be recommenced ~~if the repair proves unsatisfactory~~
6 ~~for the duration of the~~ within one year following the expiration of the express
7 warranty term in accordance with subsection 4179(a) of this title.

8 * * * Definition of Mail * * *

9 Sec. 2. 23 V.S.A. § 4(87) is added to read:

10 (87) "Mail," "mail or deliver," "mails," "mails or delivers," "mailing,"
11 "mailing or delivering," "mailed," and "mailed or delivered" mean any method
12 of delivery authorized by the Commissioner, which may include by hand, U.S.
13 mail, and electronic transmission.

14 * * * Mobile Identification * * *

15 Sec. 3. 23 V.S.A. § 116 is added to read:

16 § 116. ISSUANCE OF MOBILE IDENTIFICATION

17 (a) Definitions. As used in this section:

18 (1) "Data field" means a discrete piece of information that appears on a
19 mobile identification.

20 (2) "Full profile" means all the information provided on a mobile
21 identification.

1 (3) “Limited profile” means a portion of the information provided on a
2 mobile identification.

3 (4) “Mobile identification” means an electronic representation of the
4 information contained on a nonmobile credential.

5 (5) “Mobile identification holder” means an individual to whom a
6 mobile identification has been issued.

7 (6) “Nonmobile credential” means a nondriver identification card issued
8 under section 115 of this title, a driver’s license issued under section 603 of
9 this title, a junior operator’s license issued under section 602 of this title, a
10 learner’s permit issued under section 617 of this title, a commercial driver’s
11 license issued under section 4111 of this title, or a commercial learner’s permit
12 issued under section 4112 of this title.

13 (b) Issuance. The Commissioner of Motor Vehicles may issue a mobile
14 identification to an individual in addition to, and not instead of, a nonmobile
15 credential. If issued, the mobile identification shall:

16 (1) be capable of producing both a full profile and a limited profile;

17 (2) satisfy the purpose for which the profile is presented;

18 (3) allow the mobile identification holder to maintain physical
19 possession of the device on which the mobile identification is accessed during
20 verification; and

1 (4) not be a substitute for an individual producing a nonmobile
2 credential upon request.

3 (c) Agreements with other entities. The Commissioner may enter into
4 agreements to facilitate the issuance, use, and verification of a mobile
5 identification or other electronic credentials issued by the Commissioner or
6 another state.

7 (d) Administration.

8 (1) The Commissioner may operate, or may operate through a third-
9 party administrator, a verification system for mobile identifications.

10 (2) Access to the verification system and any data field by a person
11 presented with a mobile identification requires the credential holder’s consent,
12 and, if consent is granted, the Commissioner may release the following through
13 the verification system:

14 (A) for a full profile, all data fields that appear on the mobile
15 identification; and

16 (B) for a limited profile, only the data fields represented in the
17 limited profile for the mobile identification.

18 * * * License Plate Stickers; Validation Stickers * * *

19 Sec. 4. 23 V.S.A. § 305 is amended to read:

20 § 305. REGISTRATION PERIODS

1 (a) The Commissioner of Motor Vehicles shall issue registration
2 certificates, ~~validation stickers~~, and number plates upon initial registration, and
3 registration certificates ~~and validation stickers~~ for each succeeding renewal
4 period of registration upon payment of the registration fee. Number plates so
5 issued will become void one year from the first day of the month following the
6 month of issue, unless a longer initial registration period is authorized by law
7 or unless this period is extended through renewal. Registrations issued for
8 motor trucks shall become void one year from the first day of the month
9 following the month of issue.

10 (b) The Commissioner shall issue a registration certificate, ~~validation~~
11 ~~sticker~~, and a number plate or number plates for each motor vehicle owned by
12 the State, which shall be valid for a period of five years. Such motor vehicle
13 shall be considered properly registered while the issued number plate or
14 number plates are attached to the motor vehicle. The Commissioner may
15 replace such number plate or number plates when in ~~his or her~~ the
16 Commissioner's discretion their condition requires.

17 (c) ~~Except as otherwise provided in subsection (d) of this section, no plate~~
18 ~~is valid unless the validation sticker is affixed to the rear plate in the manner~~
19 ~~prescribed by the Commissioner in section 511 of this title. [Repealed.]~~

20 (d) When a registration for a motor vehicle, snowmobile, motorboat, or all-
21 terrain vehicle is processed electronically, a receipt shall be available

1 electronically and for printing. An electronic or printed receipt shall serve as a
2 temporary registration for 10 days after the date of the transaction. An
3 electronic receipt may be shown to an enforcement officer using a portable
4 electronic device. Use of a portable electronic device to display the receipt
5 does not in itself constitute consent for an officer to access other contents of
6 the device.

7 Sec. 5. 23 V.S.A. § 326 is amended to read:

8 § 326. REFUND UPON LOSS OF VEHICLE

9 The Commissioner may cancel the registration of a motor vehicle when the
10 owner ~~thereof~~ of the motor vehicle proves to ~~his or her~~ the Commissioner's
11 satisfaction that ~~it~~ the motor vehicle has been totally destroyed by fire or,
12 through crash or wear, has become wholly unfit for use and has been
13 dismantled. After the Commissioner cancels the registration and the owner
14 returns to the Commissioner either the registration certificate, or the number
15 plate or number plates ~~and the validation sticker~~, the Commissioner shall
16 certify to the Commissioner of Finance and Management the fact of the
17 cancellation, giving the name of the owner of the motor vehicle, ~~his or her~~ the
18 owner's address, the amount of the registration fee paid, and the date of
19 cancellation. The Commissioner of Finance and Management shall issue ~~his or~~
20 ~~her~~ the Commissioner of Finance and Management's warrant in favor of the
21 owner for such percent of the registration fee paid as the unexpired term of the

1 registration bears to the entire registration period, but in no case shall the
2 Commissioner of Finance and Management retain less than \$5.00 of the fee
3 paid.

4 Sec. 6. 23 V.S.A. § 364b is amended to read:

5 § 364b. ALL-SURFACE VEHICLES; REGISTRATION

6 (a) The annual fee for registration of an all-surface vehicle (ASV) shall be
7 the sum of the fees established by sections 3305 and 3504 of this title, plus
8 \$26.00.

9 (b) Evidence of the registration shall be a ~~sticker, as determined by the~~
10 ~~Commissioner, affixed to~~ registration certificate and the number plate issued
11 pursuant to chapter 31 of this title.

12 Sec. 7. 23 V.S.A. § 453(f) is amended to read:

13 (f) In any year that number plates are reused ~~and validation stickers are~~
14 ~~issued~~, the Commissioner shall not be required to issue new number plates to
15 persons renewing registrations under this section.

16 Sec. 8. 23 V.S.A. § 457 is amended to read:

17 § 457. TEMPORARY PLATES

18 At the time of the issuance of a registration certificate to a dealer as
19 provided in this chapter, the Commissioner shall furnish the dealer with a
20 sufficient number of number plates ~~and temporary validation stickers,~~
21 temporary number plates, or temporary decals for use during the 60-day period

1 immediately following sale of a vehicle or motorboat by the dealer. The plates
2 and decals shall have the same general design as the plates or decals furnished
3 individual owners, but the plates and decals may be of a material and color as
4 the Commissioner may determine. The Commissioner shall collect a fee of
5 \$5.00 for each temporary plate issued.

6 Sec. 9. 23 V.S.A. § 458 is amended to read:

7 § 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

8 On the day of the sale or exchange of a motor vehicle, motorboat,
9 snowmobile, or all-terrain vehicle to be registered in this State, a dealer may
10 issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-
11 terrain vehicle, or to be carried in or on the motorboat, a number plate ~~with~~
12 ~~temporary validation stickers~~, a temporary number plate, or a temporary decal,
13 provided that the purchaser deposits with such dealer, for transmission to the
14 Commissioner, a properly executed application for the registration of such
15 motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required
16 fee. If a properly licensed purchaser either attaches to the motor vehicle,
17 snowmobile, or all-terrain vehicle or carries in the motorboat such number
18 plate or decal, ~~he or she~~ the purchaser may operate the same for a period not to
19 exceed 60 consecutive days immediately following the purchase. ~~An~~
20 ~~individual shall not operate a motor vehicle, motorboat, snowmobile, or all-~~
21 ~~terrain vehicle with a number plate with temporary validation stickers, a~~

1 ~~temporary number plate, or a temporary decal attached to the motor vehicle or~~
2 ~~carried in the motorboat except as provided in this section.~~

3 Sec. 10. 23 V.S.A. § 459 is amended to read:

4 § 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

5 (a) Upon issuing a number plate ~~with temporary validation stickers~~, a
6 temporary number plate, or a temporary decal to a purchaser, a dealer shall
7 have 15 calendar days, or up to 30 calendar days as applicable pursuant to
8 subsection 2015(b) of this title, to forward to the Commissioner the application
9 and fee, deposited with ~~him or her~~ the dealer by the purchaser, together with
10 notice of such issue and such other information as the Commissioner may
11 require.

12 (b) If a number plate ~~with temporary validation stickers~~, a temporary
13 registration plate, or a temporary decal is not issued by a dealer in connection
14 with the sale or exchange of a vehicle or motorboat, the dealer may accept
15 from the purchaser a properly executed registration, tax, and title application
16 and the required fees for transmission to the Commissioner. The dealer shall
17 have 15 calendar days, or up to 30 calendar days as applicable pursuant to
18 subsection 2015(b) of this title, to forward to the Commissioner the application
19 and fee together with such other information as the Commissioner may require.

20 Sec. 11. 23 V.S.A. § 465 is amended to read:

21 § 465. LOANING OF PLATES, VEHICLES, OR MOTORBOATS

1 PROHIBITED

2 A dealer shall not lend or lease registration certificates, ~~validation stickers,~~
3 numbers, decals, or number plates that have been assigned to ~~him or her~~ the
4 dealer under the provisions of this chapter, nor shall ~~he or she~~ the dealer lend
5 or lease a vehicle or motorboat to which ~~his or her~~ the dealer's decals,
6 numbers, or number plates have been attached, nor lend or lease ~~his or her~~ the
7 dealer's decals, numbers, or number plates to a subagent.

8 Sec. 12. 23 V.S.A. § 494 is amended to read:

9 § 494. FEES

10 The annual fee for a transporter's registration certificate, or number plate, ~~or~~
11 ~~validation sticker~~ is \$123.00.

12 Sec. 13. 23 V.S.A. § 511 is amended to read:

13 § 511. MANNER OF DISPLAY

14 (a) Number plates. A motor vehicle operated on any highway shall have
15 displayed in a conspicuous place either one or two number plates as the
16 Commissioner may require. Such number plates shall be furnished by the
17 Commissioner and shall show the number assigned to such vehicle by the
18 Commissioner. If only one number plate is furnished, the same shall be
19 securely attached to the rear of the vehicle. If two are furnished, one shall be
20 securely attached to the rear and one to the front of the vehicle. The number
21 plates shall be kept entirely unobscured, and the numerals and letters thereon

1 shall be plainly legible at all times. They shall be kept horizontal, shall be so
2 fastened as not to swing, excepting, however, there may be installed on a
3 motor truck or truck tractor a device that would, upon contact with a
4 substantial object, permit the rear number plate to swing toward the front of the
5 vehicle, provided such device automatically returns the number plate to its
6 original rigid position after contact is released, and the ground clearance of the
7 lower edges thereof shall be established by the Commissioner pursuant to the
8 provisions of 3 V.S.A. chapter 25.

9 ~~(b) Validation sticker. A registration validation sticker shall be~~
10 ~~unobstructed and shall be affixed as follows:~~

11 ~~(1) for vehicles issued registration plates with dimensions of~~
12 ~~approximately 12 x 6 inches, in the lower right corner of the rear registration~~
13 ~~plate; and~~

14 ~~(2) for vehicles issued a registration plate with a dimension of~~
15 ~~approximately 7 x 4 inches, in the upper right corner of the rear registration~~
16 ~~plate. [Repealed.]~~

17 (c) Violation. A person shall not operate a motor vehicle unless a number
18 plate or number plates ~~and a validation sticker~~ are displayed as provided in this
19 section.

20 ~~(d) Failure to display a validation sticker. An operator cited for violating~~
21 ~~subsection (c) of this section with respect to failure to display a validation~~

1 ~~sticker on a pleasure car, motorcycle, or truck that could be registered for less~~
2 ~~than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00,~~
3 ~~which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if~~
4 ~~he or she is cited within the 14 days following the expiration of the motor~~
5 ~~vehicle's registration. [Repealed.]~~

6 * * *

7 * * * Electronic Proof of Registration * * *

8 Sec. 14. 23 V.S.A. § 307 is amended to read:

9 § 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT
10 AND CORRECTED CERTIFICATES

11 (a) ~~A person~~ An individual shall not operate a motor vehicle nor draw a
12 trailer or semi-trailer unless all required registration certificates are carried in
13 some easily accessible place in the motor vehicle or electronically on a
14 portable electronic device; however, use of a device for this purpose does not
15 in itself constitute consent for an enforcement officer to access other contents
16 of the device.

17 * * *

18 (d)(1) An operator cited for violating subsection (a) of this section shall not
19 be convicted if the operator sends a copy of or produces to the issuing
20 enforcement agency within seven business days after the traffic stop proof of a
21 valid registration certificate that was in effect at the time of the traffic stop.

1 (2) An operator cited for violating subsection (a) of this section with
2 respect to a pleasure car, motorcycle, or truck that could be registered for less
3 than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00,
4 which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if
5 ~~he or she~~ the operator is cited within the 14 days following the expiration of
6 the motor vehicle's registration.

7 * * * Registration Fees; Plug-In Electric Vehicles * * *

8 Sec. 15. 23 V.S.A. § 361 is amended to read:

9 § 361. PLEASURE CARS

10 The annual registration fee for ~~registration of any motor vehicle of the a~~
11 pleasure car type, and ~~all vehicles powered by electricity~~ as defined in
12 subdivision 4(28) of this title, and including a pleasure car that is a plug-in
13 electric vehicle, as defined in subdivision 4(85) of this title, shall be \$74.00;
14 and the biennial fee shall be \$136.00.

15 Sec. 16. 23 V.S.A. § 362 is amended to read:

16 § 362. SPECIALIZED FUEL MOTOR VEHICLES AND MOTOR BUSES

17 (a) The annual registration fee for ~~the registration of any “specialized fuel~~
18 driven motor vehicle”, as defined in ~~section~~ subdivision 4(22) of this title, and
19 of motor buses, as defined in section 3002 of this title, shall be one and three-
20 quarters times the amount of the annual fee provided for a motor vehicle of the
21 classification and weight under the terms of this chapter.

1 (b) Notwithstanding subsection (a) of this section, the annual and biennial
2 registration fees for a pleasure car, as defined in subdivision 4(28) of this title,
3 that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title,
4 shall be determined pursuant to section 361 of this chapter, and the annual
5 registration fee for a motorcycle, as defined in subdivision 4(18)(A) of this
6 title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this
7 title, shall be determined pursuant to section 364 of this chapter.

8 * * * Statutory Default Speed Limits on

9 Unpaved and Unposted Town Highways * * *

10 Sec. 17. 23 V.S.A. § 1081 is amended to read:

11 § 1081. BASIC RULE AND MAXIMUM LIMITS

12 (a) No individual shall drive a vehicle on a highway at a speed greater than
13 is reasonable and prudent under the conditions, having regard for the actual
14 and potential hazards then existing. In every event, speed shall be controlled
15 as necessary to avoid colliding with any individual, vehicle, or other object on
16 or adjacent to the highway.

17 (b) Except when there exists a special hazard that requires lower speed in
18 accordance with subsection (a) of this section, the limits specified in this
19 section or established pursuant to this section are maximum lawful speeds, and
20 no individual shall drive a vehicle on a highway at a speed in excess of:

21 (1) 50 miles per hour; or

1 (2) 35 miles per hour on an unpaved town highway, as defined in 19
2 V.S.A. § 301(7), appearing on the official town highway map, as required
3 pursuant to 19 V.S.A. § 305, that does not have a posted speed limit.

4 (c) The maximum speed limits set forth in this section may be altered in
5 accordance with sections 1003, 1004, 1007, and 1010 of this title.

6 (d) The driver of every vehicle shall, consistent with the requirements of
7 subsection (a) of this section, drive at an appropriate, reduced speed when
8 approaching and crossing an intersection or railway grade crossing, when
9 approaching and going around a curve, when approaching the crest of a hill,
10 when traveling upon any narrow or winding roadway, and when special hazard
11 exists.

12 Sec. 18. OUTREACH CAMPAIGN

13 The Agency of Transportation, in consultation with the Vermont League of
14 Cities and Towns and the State’s regional planning commissions, shall prepare
15 materials disseminating information on the new statutory default speed limits
16 for unposted and unpaved town highways in 23 V.S.A. § 1081(b)(2), as added
17 by Sec. 17 of this act, not later than September 1, 2023 to municipalities, law
18 enforcement, and the general public. At a minimum, the materials shall
19 include:

20 (1) what the new statutory default speed limit is;

- 1 (2) an easy to understand, including pictures, description of what town
2 highways the new statutory default speed limit applies to; and
3 (3) the effective date of Sec. 17 of this act.

4 * * * Total Abstinence Program * * *

5 Sec. 19. 23 V.S.A. § 1209a is amended to read:

6 § 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND
7 DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

8 (a) Conditions of reinstatement. No license or privilege to operate
9 suspended or revoked under this subchapter, except a license or privilege to
10 operate suspended under section 1216 of this title, shall be reinstated except as
11 follows:

12 (1) In the case of a first suspension, a license or privilege to operate
13 shall be reinstated only:

14 (A) after the ~~person~~ individual has successfully completed the
15 Alcohol and Driving Education Program, at the ~~person's~~ individual's own
16 expense, followed by an assessment of the need for further treatment by a
17 State-designated counselor, at the ~~person's~~ individual's own expense, to
18 determine whether reinstatement should be further conditioned on satisfactory
19 completion of a therapy program agreed to by the ~~person~~ individual and the
20 Drinking Driver Rehabilitation Program Director;

1 (B) if the screening indicates that therapy is needed, after the ~~person~~
2 individual has satisfactorily completed or shown substantial progress in
3 completing a therapy program at the ~~person's~~ individual's own expense agreed
4 to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

5 (C) if the ~~person~~ individual elects to operate under an ignition
6 interlock RDL or ignition interlock certificate, after the ~~person~~ individual
7 operates under the RDL or certificate for the applicable period set forth in
8 subsection 1205(a) or section 1206 of this title, plus any extension of this
9 period arising from a violation of section 1213 of this title; and

10 (D) if the ~~person~~ individual has no pending criminal charges, civil
11 citations, or unpaid fines or penalties for a violation under this chapter.

12 (2) In the case of a second suspension, a license or privilege to operate
13 shall not be reinstated until:

14 (A) the ~~person~~ individual has successfully completed an alcohol and
15 driving rehabilitation program;

16 (B) the ~~person~~ individual has completed or shown substantial
17 progress in completing a therapy program at the ~~person's~~ individual's own
18 expense agreed to by the ~~person~~ individual and the Driver Rehabilitation
19 Program Director;

20 (C) after the ~~person~~ individual operates under an ignition interlock
21 RDL or ignition interlock certificate for 18 months or, in the case of a ~~person~~

1 someone subject to the one-year hard suspension prescribed in subdivision
2 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant
3 period arising from a violation of section 1213 of this title, except if otherwise
4 provided in subdivision (4) of this subsection (a); and

5 (D) the ~~person~~ individual has no pending criminal charges, civil
6 citations, or unpaid fines or penalties for a violation under this chapter.

7 (3) In the case of a third or subsequent suspension or a revocation, a
8 license or privilege to operate shall not be reinstated until:

9 (A) the ~~person~~ individual has successfully completed an alcohol and
10 driving rehabilitation program;

11 (B) the ~~person~~ individual has completed or shown substantial
12 progress in completing a therapy program at the ~~person's~~ individual's own
13 expense agreed to by the ~~person~~ individual and the Driver Rehabilitation
14 Program Director;

15 (C) the ~~person~~ individual has satisfied the requirements of subsection
16 (b) of this section; and

17 (D) the ~~person~~ individual has no pending criminal charges, civil
18 citations, or unpaid fines or penalties for a violation under this chapter.

19 (4) The Commissioner shall waive a requirement under subdivision (2)
20 of this subsection or subsection (b) of this section that a ~~person~~ an individual

1 operate under an ignition interlock RDL or certificate prior to eligibility for
2 reinstatement if:

3 (A) the ~~person~~ individual furnishes sufficient proof as prescribed by
4 the Commissioner that ~~he or she~~ the individual is incapable of using an ignition
5 interlock device because of a medical condition that will persist permanently or
6 at least for the term of the suspension or, in the case of suspensions or
7 revocations for life, for a period of at least three years; or

8 (B) the underlying offenses arose solely from being under the
9 influence of a drug other than alcohol.

10 (b) Total Abstinence Program.

11 (1) As used in this subsection:

12 (A) “Drug” means:

13 (i) a regulated drug, as defined in 18 V.S.A. § 4201, that is used in
14 any way other than as prescribed for a legitimate medical use in conformity
15 with instructions from the prescriber; or

16 (ii) any substance or combination of substances, other than alcohol
17 or a regulated drug, that potentially affects the nervous system, brain, or
18 muscles of an individual so as to impair an individual’s ability to drive a
19 vehicle safely to the slightest degree.

20 (B) “Total abstinence” means refraining from consuming any amount
21 of alcohol or drugs at any time, regardless of whether the alcohol or drugs are

1 consumed by an individual when attempting to operate, operating, or in actual
2 physical control of a vehicle.

3 (2)(A) Notwithstanding any other provision of this subchapter, ~~a person~~
4 an individual whose license or privilege to operate has been suspended or
5 revoked for life under this subchapter may apply to the Commissioner for
6 reinstatement of ~~his or her~~ the individual's driving privilege if the individual
7 satisfies the requirements set forth in subdivision (3) of this subsection (b).

8 ~~The person shall have completed three years of total abstinence from~~
9 ~~consumption of alcohol and nonprescription regulated drugs. The use of a~~
10 ~~regulated drug in accordance with a valid prescription shall not disqualify an~~
11 ~~applicant for reinstatement of his or her driving privileges unless the applicant~~
12 ~~used the regulated drug in a manner inconsistent with the prescription label.~~

13 (B) The beginning date for the period of total abstinence shall be not
14 earlier than the effective date of the suspension or revocation from which the
15 ~~person~~ individual is requesting reinstatement and shall not include any period
16 during which the ~~person~~ individual is serving a sentence of incarceration to
17 include furlough. The application shall include the applicant's authorization
18 for a urinalysis examination, or another examination if it is approved as a
19 preliminary screening test under this subchapter, to be conducted prior to
20 reinstatement under this subdivision (2). The application to the Commissioner
21 shall be accompanied by a fee of \$500.00. The Commissioner shall have the

1 discretion to waive the application fee if the Commissioner determines that
2 payment of the fee would present a hardship to the applicant.

3 ~~(2)~~(3) If the Commissioner or a medical review board convened by the
4 Commissioner is satisfied by a preponderance of the evidence that the
5 applicant has ~~abstained for the required number of years~~ maintained total
6 abstinence for the three years immediately preceding the application, has
7 successfully completed a therapy program as required under this section, and
8 has operated under a valid ignition interlock RDL or under an ignition
9 interlock certificate for at least three years following the suspension or
10 revocation, and the ~~person~~ applicant provides a written acknowledgment that
11 ~~he or she cannot drink any amount of alcohol at all and cannot consume~~
12 ~~nonprescription regulated drugs under any circumstances~~ the applicant must
13 maintain total abstinence at all times while participating in the Total
14 Abstinence Program, the ~~person's~~ applicant's license or privilege to operate
15 shall be reinstated immediately, subject to the condition that the ~~person's~~
16 applicant's suspension or revocation will be put back in effect in the event any
17 further investigation reveals a ~~return to the consumption of alcohol or drugs~~
18 failure to maintain total abstinence and to ~~such~~ any additional conditions as the
19 Commissioner may impose to advance the public interest in public safety. The
20 requirement to operate under an ignition interlock RDL or ignition interlock

1 certificate shall not apply if the ~~person~~ applicant is exempt under subdivision
2 (a)(4) of this section.

3 ~~(3)~~(4) If after notice and an opportunity for a hearing the Commissioner
4 later finds that the ~~person~~ individual was violating the conditions of the
5 ~~person's~~ individual's reinstatement under this subsection, the ~~person's~~
6 individual's operating license or privilege to operate shall be immediately
7 suspended or revoked for life.

8 ~~(4)~~(5) If the Commissioner finds that a ~~person~~ an individual reinstated
9 under this subsection is suspended pursuant to section 1205 of this title or is
10 convicted of a violation of section 1201 of this title subsequent to
11 reinstatement under this subsection, the ~~person~~ individual shall be conclusively
12 presumed to be in violation of the conditions of ~~his or her~~ the reinstatement.

13 ~~(5)~~(6) ~~A person~~ An individual shall be eligible for reinstatement under
14 this subsection only once following a suspension or revocation for life.

15 ~~(6)~~(7)(A) If an applicant for reinstatement under this subsection (b)
16 resides in a jurisdiction other than Vermont, the Commissioner may elect not
17 to conduct an investigation. If the Commissioner elects not to conduct an
18 investigation, ~~he or she~~ the Commissioner shall provide a letter to the
19 applicant's jurisdiction of residence stating that Vermont does not object to the
20 jurisdiction issuing the applicant a license if the applicant is required to operate
21 only vehicles equipped with an ignition interlock device for at least a three-

1 year period, unless exempt under subdivision (a)(4) of this section, and is
2 required to complete any alcohol rehabilitation or treatment requirements of
3 the licensing jurisdiction.

4 (B) If the applicant’s jurisdiction of residence is prepared to issue or
5 has issued a license in accordance with subdivision (A) of this subdivision (6)
6 and the applicant satisfies the requirements of section 675 of this title, the
7 Commissioner shall update relevant State and federal databases to reflect that
8 the applicant’s lifetime suspension or revocation in Vermont under chapter 13,
9 subchapter 13 of this title has terminated.

10 (c) Screening and therapy programs. In the case of a second or subsequent
11 suspension, the Commissioner shall notify the ~~person that he or she is required~~
12 individual of the requirement to enroll in the alcohol and driving education
13 screening and therapy program provided for in this section within 30 days ~~of~~
14 after license suspension. If the ~~person~~ individual fails to enroll or fails to
15 remain so enrolled until completion, the Drinking Driver Rehabilitation
16 Program shall report such failure to the sentencing court. The court may order
17 the ~~person~~ individual to appear and show cause why ~~he or she~~ the individual
18 failed to comply.

19 (d) Judicial review. ~~A person~~ An individual aggrieved by a decision of a
20 designated counselor under this section may seek review of that decision
21 pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

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Sec. 20. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS

(a) Not later than September 1, 2023, the Commissioner of Motor Vehicles shall provide written notice to all individuals participating in or applying to participate in the Total Abstinence Program as of the effective date of this section of amendments to 23 V.S.A. § 1209a and that, as of the effective date of this section, they must maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act, at all times while participating in or applying to participate in the Total Abstinence Program. Notice shall be mailed to an individual’s residence or mailing address as currently listed with the Department of Motor Vehicles.

(b) Notwithstanding any provision of law to the contrary, the license or privilege to operate of an individual participating in the Total Abstinence Program on the effective date of this section may be suspended or revoked for life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 19 of this act, in the event that any further investigation reveals a failure to maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act.

* * * Overweight Permits * * *

Sec. 21. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

1 Except as provided in section 1400 of this title, a person or corporation shall
2 not operate or cause to be operated a motor vehicle in excess of the total
3 weight, including vehicle, object, or contrivance and load, of:

4 * * *

5 (3) No vehicle may exceed a gross weight in excess of 80,000 pounds
6 unless the operator or owner of the vehicle has complied with the provisions of
7 section 1400 of this title or except as otherwise provided in this section.

8 * * *

9 (13) Despite the axle-load provisions of section 1391 of this title and the
10 maximum gross load of subdivision (4) of this section, a special annual permit,
11 which shall expire with the vehicle’s registration, except for vehicles not
12 registered in Vermont in which case the permit shall become void on January 1
13 following date of issue, may be issued to a person ~~or corporation~~ operating on
14 designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00
15 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This
16 special permit shall be issued only for a combination of vehicle and semi-
17 trailer or trailer equipped with five or more axles, with a distance between
18 axles that meets the minimum requirements of registering the vehicle to 80,000
19 pounds as allowed under subdivision (4) of this section. The maximum gross
20 load under this special permit shall be 90,000 pounds. Unless authorized by

1 federal law, this subdivision shall not apply to operation on the Dwight D.
2 Eisenhower National System of Interstate and Defense Highways.

3 (14) Despite the axle-load provisions of section 1391 of this title and the
4 axle spacing and maximum gross load provisions of subdivision (4) of this
5 section, a special annual permit, which shall expire with the vehicle's
6 registration, except for vehicles not registered in Vermont in which case the
7 permit shall become void on January 1 following date of issue, may be issued
8 to a person ~~or corporation~~ transporting loads on vehicles on designated routes
9 on the State Highway System for the following fees for each vehicle unit.

10 Unless authorized by federal law, the provisions of this subdivision regarding
11 weight limits, **or** tolerances, or both, shall not apply to operation on the Dwight
12 D. Eisenhower National System of Interstate and Defense Highways. This
13 special permit shall be issued for the following vehicles and conditions:

14 * * *

15 (16) Notwithstanding the axle load provisions of section 1391 of this
16 title and the maximum gross load of subdivision (4) of this section, a five or
17 more axle truck tractor, semi-trailer combination, or truck trailer combination,
18 when the load consists solely of unprocessed milk products as defined in
19 subdivision 4(55) of this title, may be registered for and operated with a
20 maximum gross weight of 90,000 pounds on State highways without permit
21 and upon posted State and town highways ~~and those highways designated as~~

1 ~~the Dwight D. Eisenhower National System of Interstate and Defense~~
2 ~~Highways~~ when the vehicle has been issued a permit in compliance with the
3 provisions of section 1400 of this title; however:

4 (A) Vehicles operated pursuant to this subdivision (16) shall be
5 subject to the same axle spacing restrictions as are applied to five or more axle
6 vehicles registered to 80,000 pounds as set forth in subdivision (4) of this
7 section.

8 (B) ~~On those highways designated as the Dwight D. Eisenhower~~
9 ~~National System of Interstate and Defense Highways, the provisions of~~
10 ~~subsection 1391(c) of this title shall apply unless other axle load limits,~~
11 ~~tolerances, or both, are authorized under federal law. Unless prohibited by~~
12 ~~federal law, the provisions of this subdivision (16) shall apply to operation on~~
13 ~~the Dwight D. Eisenhower National System of Interstate and Defense~~
14 ~~Highways.~~

15 (C) ~~The fee for the annual permit as provided in this subdivision (16)~~
16 ~~shall be \$10.00 when the fee has been paid to register the vehicle for 90,000~~
17 ~~pounds or \$382.00 when the vehicle is registered for 80,000 pounds.~~

18 [Repealed.]

19 (17) Notwithstanding the gross vehicle weight provisions of subdivision
20 (4) of this section, a truck trailer combination or truck tractor, semi-trailer
21 combination with six or more load-bearing axles registered for 80,000 pounds

1 shall be allowed to bear a maximum of 99,000 pounds by special annual
2 permit, which shall expire with the vehicle's registration, except for vehicles
3 not registered in Vermont in which case the permit shall become void on
4 January 1 following the date of issue, for operating on designated routes on
5 State and town highways, subject to the following:

6 (A) The combination of vehicles must have, as a minimum, a
7 distance of 51 feet between extreme axles.

8 (B) The axle weight provisions of section 1391 of this title and
9 ~~subdivision 1392~~ the axle weight provisions of subdivisions (6)(A)–(D) of this
10 section shall also apply to vehicles permitted under this subdivision (17).

11 (C) When determining the ~~fine~~ civil penalty for a gross overweight
12 violation of this subdivision (17), the ~~fine~~ civil penalty for any portion of the
13 first 10,000 pounds over the permitted weight shall be the same as provided in
14 section 1391a of this title, and for overweight violations 10,001 pounds or
15 more over the permitted weight, the ~~fine~~ civil penalty schedule provided in
16 section 1391a shall be doubled.

17 (D) The weight permitted by this subdivision (17) shall be allowed
18 for foreign trucks that are registered or permitted for 99,000 pounds in a state
19 or province that recognizes Vermont vehicles for weights consistent with this
20 subdivision (17).

1 (E) Unless authorized by federal law, the provisions of this
2 subdivision (17) shall not apply to operation on the Dwight D. Eisenhower
3 National System of Interstate and Defense Highways.

4 (F) The fee for the annual permit as provided in this subdivision (17)
5 shall be ~~\$415.00~~ \$382.00 for vehicles bearing up to 90,000 pounds and
6 \$560.00 for vehicles bearing up to 99,000 pounds.

7 * * *

8 (19)(A) A person issued a permit under the provisions of subdivision
9 (13), (14), ~~(16)~~, or (17) of this section, and upon payment of a \$10.00
10 administrative fee for each additional permit, may obtain additional permits for
11 the same vehicle, provided the additional permit is for a lesser weight and
12 provided the vehicle or combination of vehicles meets the minimum
13 requirements for the permit sought as set forth in this section.

14 * * *

15 * * * Electronic Permits * * *

16 Sec. **22**. 23 V.S.A. § 1392 is amended to read:

17 § 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

18 Except as provided in section 1400 of this title, a person ~~or corporation~~ shall
19 not operate or cause to be operated a motor vehicle in excess of the total
20 weight, including vehicle, object, or contrivance and load, of:

21 * * *

1 ~~(21) All permits issued pursuant to this section shall be carried in the~~
2 ~~vehicle. The fine for violation of this subdivision shall be \$150.00. A~~
3 ~~violation of this subdivision shall be considered an offense separate from an~~
4 ~~overweight violation. [Repealed.]~~

5 Sec. 23. 23 V.S.A. § 1455 is added to read:

6 § 1455. CARRYING OF PERMITS IN THE PERMITTED MOTOR

7 VEHICLE

8 All permits issued pursuant to this subchapter shall be carried in the motor
9 vehicle in either paper or electronic form. Use of a portable electronic device
10 to display an electronic permit does not in itself constitute consent for an
11 enforcement officer to access other contents of the device. The civil penalty
12 for violation of this section shall be \$150.00. A violation of this section shall
13 be considered an offense separate from any other related violations.

14 * * * Title * * *

15 * * * Prospective Elimination of 15-Year Limitation; Electronic Title * * *

16 Sec. 24. 23 V.S.A. § 2012 is amended to read:

17 § 2012. EXEMPTED VEHICLES

18 No certificate of title need be obtained for:

19 * * *

20 (10) a vehicle that is more than 15 years old on January 1, 2024.

1 Sec. 25. 23 V.S.A. § 2013 is amended to read:

2 § 2013. ~~WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT~~
3 ~~VEHICLE TITLE UPON REQUEST~~

4 (a)(1) Except as provided in section 2012 of this title, the provisions of this
5 chapter shall apply to and a title must be obtained for all motor vehicles at the
6 time of first registration or when a change of registration is required under the
7 provisions of section 321 of this title by reason of a sale for consideration.

8 (2) ~~In addition, a Vermont resident may apply at any time to the~~
9 ~~Commissioner to obtain an “exempt vehicle title” for a vehicle that is more~~
10 ~~than 15 years old. Such titles shall be in a form prescribed by the~~
11 ~~Commissioner and shall include a legend indicating that the title is issued~~
12 ~~under the authority of this subdivision. The Commissioner shall issue an~~
13 ~~exempt vehicle title if the applicant pays the applicable fee and fulfills the~~
14 ~~requirements of this section, and if the Commissioner is satisfied that:~~

15 (A) ~~the applicant is the owner of the vehicle;~~

16 (B) ~~the applicant is a Vermont resident; and~~

17 (C) ~~the vehicle is not subject to any liens or encumbrances.~~

18 [Repealed.]

19 (3) ~~Prior to issuing an exempt vehicle title pursuant to subdivision (2) of~~
20 ~~this subsection, the Commissioner shall require all of the following:~~

1 ~~(A) The applicant to furnish one of the following proofs of~~
2 ~~ownership, in order of preference:~~

3 ~~(i) a previous Vermont or out of state title indicating the~~
4 ~~applicant’s ownership;~~

5 ~~(ii) an original or a certified copy of a previous Vermont or out of~~
6 ~~state registration indicating the applicant’s ownership;~~

7 ~~(iii) sufficient evidence of ownership as determined by the~~
8 ~~Commissioner, including bills of sale or original receipts for major~~
9 ~~components of homebuilt vehicles; or~~

10 ~~(iv) a notarized affidavit certifying that the applicant is the owner~~
11 ~~of the vehicle and is unable to produce the proofs listed in subdivisions (i) (iii)~~
12 ~~of this subdivision (3)(A) despite reasonable efforts to do so.~~

13 ~~(B) A notarized affidavit certifying:~~

14 ~~(i) the date the applicant purchased or otherwise took ownership~~
15 ~~of the vehicle;~~

16 ~~(ii) the name and address of the seller or transferor, if known;~~

17 ~~(iii) that the applicant is a Vermont resident; and~~

18 ~~(iv) that the vehicle is not subject to any liens or encumbrances.~~

19 ~~(C) Assignment of a new vehicle identification number pursuant to~~
20 ~~section 2003 of this title, if the vehicle does not have one. [Repealed.]~~

21 * * *

1 Sec. 26. 23 V.S.A. § 2017 is amended to read:

2 § 2017. ISSUANCE OF CERTIFICATE; RECORDS

3 (a) The Commissioner shall file each application received and, when
4 satisfied as to its genuineness and regularity and that the applicant is entitled to
5 the issuance of a certificate of title, shall issue a certificate of title of the
6 vehicle, without regard to the age of the vehicle.

7 (b) The Commissioner may issue an electronic certificate of title, provided
8 that the applicant is entitled to the issuance of the certificate of title pursuant to
9 subsection (a) of this section.

10 (c) The Commissioner shall maintain ~~at his or her central office~~ a record of
11 all certificates of title issued ~~by him or her for vehicles 15 years old and newer,~~
12 and of all exempt vehicle titles issued ~~by him or her,~~ under a distinctive title
13 number assigned to the vehicle; under the identification number of the vehicle;
14 alphabetically, under the name of the owner; and, in the discretion of the
15 Commissioner, by any other method ~~he or she~~ the Commissioner determines.

16 The original records may be maintained on microfilm or electronic imaging.

17 Sec. 27. 23 V.S.A. § 2091(a) is amended to read:

18 (a) Except for vehicles for which no certificate of title is required pursuant
19 to section 2012 of this title ~~and for vehicles that are more than 15 years old,~~
20 any person who purchases or in any manner acquires a vehicle as salvage; any
21 person who scraps, dismantles, or destroys a motor vehicle; or any insurance

1 company or representative thereof who declares a motor vehicle to be a total
2 loss, shall apply to the Commissioner for a salvage certificate of title within 15
3 days ~~of~~ after the time the vehicle is purchased or otherwise acquired as
4 salvage; is scrapped, dismantled, or destroyed; or is declared a total loss.
5 However, an insurance company or representative thereof proceeding under
6 subsection (c) of this section may apply outside this 15-day window to the
7 extent necessary to comply with the requirements of that subsection.

8 * * * Nonresident Title * * *

9 Sec. 28. 23 V.S.A. § 2020 is amended to read:

10 § 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED

11 If the Commissioner is not satisfied as to the ownership of the vehicle or
12 that there are no undisclosed security interests in it, the Commissioner may
13 register the vehicle but shall either:

14 (1) Withhold issuance of a certificate of title until the applicant presents
15 documents reasonably sufficient to satisfy the Commissioner as to the
16 applicant's ownership of the vehicle and that there are no undisclosed security
17 interests in it; ~~or,~~

18 (2) As a condition of issuing a certificate of title, require ~~the~~ an
19 applicant who is a Vermont resident to file with the Commissioner a bond in
20 the form prescribed by the Commissioner and executed by the applicant, and
21 either accompanied by the deposit of cash with the Commissioner or also

1 executed by a person authorized to conduct a surety business in this State. The
2 bond shall be in an amount equal to one and one-half times the value of the
3 vehicle as determined by the Commissioner and conditioned to indemnify any
4 prior owner and lienholder and any subsequent purchaser of the vehicle or
5 person acquiring any security interest in it, and their respective successors in
6 interest, against any expense, loss, or damage, including reasonable attorney's
7 fees, by reason of the issuance of the certificate of title of the vehicle or on
8 account of any defect in or undisclosed security interest upon the right, title,
9 and interest of the applicant in and to the vehicle. Any such interested person
10 has a right of action to recover on the bond for any breach of its conditions, but
11 the aggregate liability of the surety to all persons shall not exceed the amount
12 of the bond. The bond, and any deposit accompanying it, shall be returned at
13 the end of three years or earlier if the vehicle is no longer registered in this
14 State and the currently valid certificate of title is surrendered to the
15 Commissioner, unless the Commissioner has been notified of the pendency of
16 an action to recover on the bond. The Commissioner shall not issue titles to
17 nonresidents under the provisions of this subdivision.

18 * * * Towing; Abandoned Vehicles * * *

19 Sec. 29. 23 V.S.A. § 4(88) is added to read:

1 (88) “Towing business” means a person that regularly engages in one or
2 more of the following: recovery, impoundment, transport, storage, or disposal
3 of motor vehicles.

4 Sec. 30. 23 V.S.A. § 2151 is amended to read:

5 § 2151. DEFINITIONS

6 As used in this subchapter:

7 (1)(A) “Abandoned motor vehicle” means:

8 (i) a motor vehicle that has remained on public or private property
9 or on or along a highway for more than 48 hours without the consent of the
10 owner or person in control of the property and has a valid registration plate or
11 public vehicle identification number that has not been removed, destroyed, or
12 altered; or

13 (ii) a motor vehicle that has remained on public or private property
14 or on or along a highway without the consent of the owner or person in control
15 of the property for any period of time if:

16 (I) the vehicle does not have a valid registration plate or the
17 public vehicle identification number has been removed, destroyed, or altered;

18 or

19 (II) a law enforcement officer has requested that the vehicle be
20 removed by a towing business.

1 (B) “Abandoned motor vehicle” does not include a vehicle or other
2 equipment used or to be used in construction or in the operation or
3 maintenance of highways or public utility facilities, which is left in a manner
4 that does not interfere with the normal movement of traffic.

5 (2) “Landowner” means a person who owns or leases or otherwise has
6 authority to control use of real property.

7 (3) “Law enforcement officer” means a State Police officer, municipal
8 police officer, motor vehicle inspector, Capitol Police officer, constable,
9 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council
10 under 20 V.S.A. § 2358.

11 (4) “Motor vehicle” means all vehicles propelled or drawn by power
12 other than muscular power that have, or could have, one or more of the
13 following:

14 (A) a registration plate, registration decal, or certificate of number;

15 (B) a public vehicle identification number; or

16 (C) a certificate of title.

17 ~~(3)~~(5) “Public vehicle identification number” means the public vehicle
18 identification number that is usually visible through the windshield and
19 attached to the driver’s side of the dashboard, instrument panel, or windshield
20 pillar post or on the doorjamb on the driver’s side of the vehicle.

1 Sec. 31. 23 V.S.A. § 2153(a) is amended to read:

2 (a) A landowner on whose property an abandoned motor vehicle ~~is located~~
3 was discovered or has been relocated shall apply to the Department for an
4 abandoned motor vehicle certification on forms supplied by the Department
5 within ~~30~~ 90 days ~~of~~ after the date the vehicle was discovered ~~on or brought to~~
6 ~~the property unless the vehicle has been removed from the property or~~
7 relocated. An abandoned motor vehicle certification form shall indicate the
8 date that the abandoned motor vehicle was discovered or ~~brought to the~~
9 ~~property~~ relocated; the make, color, model, and location of the vehicle; the
10 name, address, and telephone number of the landowner of the property where
11 the vehicle is currently located; and a certification of the public vehicle
12 identification number, if any, ~~to be recorded~~ prepared by a law enforcement
13 officer, licensed dealer, or inspection station designated by the Commissioner
14 of Motor Vehicles. This subsection shall not be construed as creating a private
15 right of action against the landowner of the property where an abandoned
16 motor vehicle is located.

17 Sec. 32. 23 V.S.A. § 2158 is amended to read:

18 § 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

19 (a) A towing service may charge a fee of up to ~~\$40.00~~ \$125.00 for towing
20 an abandoned motor vehicle from public property under the provisions of
21 sections 2151–2157 of this ~~title~~ subchapter. This fee shall be paid to the

1 towing service upon the issuance by the Department of Motor Vehicles of a
2 certificate of abandoned motor vehicles under section 2156 of this title. The
3 Commissioner of Motor Vehicles shall notify the Commissioner of Finance
4 and Management who shall issue payment to the towing service for vehicles
5 removed from public property. ~~Payments under this section shall terminate~~
6 ~~upon the payment of a total of \$16,000.00 for towing abandoned motor~~
7 ~~vehicles from public property in any fiscal year. A towing company shall not~~
8 ~~be eligible for more than 50 percent of this annual allocation.~~

9 (b) ~~The Commissioner of Motor Vehicles is authorized to expend up to~~
10 ~~\$16,000.00 of the Department's annual appropriation for the purpose of this~~
11 ~~section. [Repealed.]~~

12 Sec. 33. 9 V.S.A. chapter 51, subchapter 2 is amended to read:

13 Subchapter 2. ~~Artisan's~~ Service Provider Liens for Personal Property

14 * * *

15 § 1951a. TOWING AND STORING LIEN

16 (a) Definitions. As used in this section:

17 (1) “Abandoned motor vehicle” has the same meaning as in 23 V.S.A.

18 § 2151(1).

19 (2) “Towing business” has the same meaning as in 23 V.S.A. § 4(88).

20 (b) Lien. A towing business that tows a motor vehicle at the request of the
21 owner or an abandoned motor vehicle shall have a lien on the motor vehicle for

1 the towing business’s reasonable towing, storage, and remediation charges and
2 may retain possession of the motor vehicle and its contents at the towing
3 business’s place of business until the towing business is satisfied that the
4 reasonable charges for towing, storage, and remediation have been paid.

5 (c) Bond. The owner of a motor vehicle that is being retained pursuant to
6 subsection (b) of this section shall be allowed to provide a surety bond in an
7 amount equal to the towing business’s reasonable towing, storage, and
8 remediation charges in exchange for the release of the motor vehicle.

9 * * *

10 * * * Proof of Liability Insurance; Snowmobiles * * *

11 Sec. 34. 23 V.S.A. § 3206(b) is amended to read:

12 (b) A snowmobile shall not be operated:

13 * * *

14 (19) Without carrying proof of liability insurance as described in this
15 subdivision. No owner or operator of a snowmobile shall operate or permit the
16 operation of the snowmobile on the Statewide Snowmobile Trail System or
17 public right of way, except on the property of the owner, without having in
18 effect a liability policy or bond in the amounts of at least \$25,000.00 for one
19 person and \$50,000.00 for two or more persons killed or injured and
20 \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence
21 of self-insurance in the amount of \$115,000.00 must be filed with the

1 Commissioner. Such financial responsibility shall be maintained and
2 evidenced in a form prescribed by the Commissioner. The standards and
3 process established in subsection 801(c) of this title shall be adopted. An
4 operator may prove financial responsibility using a portable electronic device;
5 however, use of a device for this purpose does not in itself constitute consent
6 for an enforcement officer to access other contents of the device. An operator
7 cited for violating this subsection shall not be convicted if the operator sends or
8 produces to the issuing enforcement agency within seven business days of the
9 traffic stop proof of financial responsibility that was in effect at the time of the
10 traffic stop.

11 * * *

12 * * * Commercial Driver's License; Federal Motor Carrier Safety
13 Administration Drug and Alcohol Clearinghouse * * *

14 Sec. 35. 23 V.S.A. § 4108 is amended to read:

15 § 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL

16 LEARNER'S PERMIT QUALIFICATION STANDARDS

17 (a) Before issuing a commercial driver's license or commercial learner's
18 permit, the Commissioner shall request the applicant's complete operating
19 record from any state in which the applicant was previously licensed to operate
20 any type of motor vehicle in the past 10 years and conduct a check of the
21 applicant's operating record by querying the National Driver Register

1 established under 49 U.S.C. § 30302 ~~and~~, the Commercial Driver’s License
2 Information System established under 49 U.S.C. § 31309, and the Commercial
3 Driver’s License Drug and Alcohol Clearinghouse established under 49 C.F.R.
4 Part 382, Subpart G and required pursuant to 49 C.F.R. § 382.725 to determine
5 if:

6 (1) the applicant has already been issued a commercial driver’s license;

7 (2) the applicant’s commercial driver’s license has been suspended,
8 revoked, or canceled; ~~or~~

9 (3) the applicant has been convicted of any offense listed in 49 U.S.C.
10 § 30304(a)(3); or

11 (4) the applicant has a verified positive, adulterated, or substituted
12 controlled substances test result; has an alcohol confirmation test with a
13 concentration of 0.04 or higher; has refused to submit to a test in violation of
14 49 C.F.R. § 382.211; or the applicant’s employer has reported actual
15 knowledge, as defined at 49 C.F.R. § 382.107, that the applicant used alcohol
16 on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in
17 violation of 49 C.F.R. § 382.207, used alcohol following an accident in
18 violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of
19 49 C.F.R. § 382.213.

20 (b) The Commissioner shall not issue a commercial driver’s license or
21 commercial learner’s permit to any individual:

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(4) Who has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or for whom an employer has reported actual knowledge, as defined in 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

* * *

* * * Purchase and Use Tax * * *

Sec. 36. 32 V.S.A. § 8902(5) is amended to read:

(5) “Taxable cost” means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

(A) The value allowed by the seller on any motor vehicle accepted by ~~him or her~~ the seller as part of the consideration of the motor vehicle, provided the motor vehicle accepted by the seller is owned and previously or currently

1 registered or titled by the purchaser, with no change of ownership since
2 registration or titling, except for motor vehicles for which registration is not
3 required under the provisions of Title 23 or motor vehicles received under the
4 provisions of subdivision 8911(8) of this title.

5 (B) The amount received from the sale of a motor vehicle last
6 registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the
7 clean trade-in value of the same make, type, model, and year of manufacture as
8 designated by the manufacturer and as shown in the NADA Official Used Car
9 Guide (New England edition), or any comparable publication, provided such
10 sale occurs within three months ~~of~~ after the taxable purchase. However, this
11 three-month period shall be extended day-for-day for any time that a member
12 of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10),
13 spends outside Vermont due to activation or deployment, and an additional
14 60 days following the ~~person's~~ individual's return from activation or
15 deployment. Such amount shall be reported on forms supplied by the
16 Commissioner of Motor Vehicles.

17 * * *

18 Sec. 37. 32 V.S.A. § 8911 is amended to read:

19 § 8911. EXCEPTIONS

20 The tax imposed by this chapter shall not apply to:

21 * * *

1 (22) Motor vehicles that have been registered to the applicant ~~for a~~
2 ~~period of at least three years~~ in a jurisdiction that imposes a state sales or use
3 tax on motor vehicles. An applicant for exemption under this subdivision shall
4 bear the burden of establishing to the satisfaction of the Commissioner that the
5 vehicle was registered in a qualifying jurisdiction ~~for the requisite period.~~

6 * * *

7 * * * Gross Weight Limits on Highways; Report * * *

8 Sec. 38. REPORT ON INCREASING GROSS WEIGHT LIMITS ON

9 HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT

10 (a) The Secretary of Transportation or designee, in collaboration with the
11 Commissioner of Forests, Parks and Recreation or designee; the Executive
12 Director of the Vermont League of Cities and Towns or designee; and the
13 President of the Vermont Forest Products Association or designee and with the
14 assistance of the Commissioner of Motor Vehicles or designee, shall examine
15 adding one or more additional special annual permits to 23 V.S.A. § 1392 to
16 allow for the operation of motor vehicles at a gross vehicle weight over 99,000
17 pounds and shall file a written report on the examination and any
18 recommendations with the House and Senate Committees on Transportation on
19 or before January 15, 2024.

20 (b) At a minimum, the examination shall address:

1 (1) allowing for a truck trailer combination or truck tractor, semi-trailer
2 combination transporting cargo of legal dimensions that can be separated into
3 units of legal weight without affecting the physical integrity of the load to bear
4 a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds
5 on seven axles by special annual permit;

6 (2) limitations for any additional special annual gross vehicle weight
7 permits based on highway type, including limited access State highway, non-
8 limited-access State highway, class 1 town highway, and class 2 town
9 highway;

10 (3) limitations for any additional special annual gross vehicle weight
11 permits based on axle spacing and axle-weight provisions;

12 (4) reciprocity treatment for foreign trucks from a state or province that
13 recognizes Vermont vehicles permitted at increased gross weights;

14 (5) permit fees for any additional special annual gross vehicle weight
15 permits;

16 (6) additional penalties, including civil penalties and permit revocation,
17 for gross vehicle weight violations; and

18 (7) impacts of any additional special annual gross vehicle permits on the
19 forest economy and on the management and forest cover of Vermont's
20 landscape.

1 * * * Implementation of DMV Modernization Project; Driver Services * * *

2 Sec. 39. IMPLEMENTATION OF DEPARTMENT OF MOTOR VEHICLES
3 MODERNIZATION PROJECT

4 (a) Notwithstanding any provision of Title 23 to the contrary or rules
5 adopted pursuant to authority under Title 23 to the contrary, the Commissioner
6 of Motor Vehicles may make reasonable changes to existing Department of
7 Motor Vehicles' processes related to driver services as part of implementing
8 the DMV Core System Modernization project provided that the Commissioner
9 receives approval from the Joint Transportation Oversight Committee pursuant
10 to subsection (b) of this section.

11 (b)(1) The Commissioner shall promptly report any anticipated changes to
12 existing Department of Motor Vehicles' processes to the Joint Transportation
13 Oversight Committee along with a detailed explanation for how statutes or
14 rules will need to be amended in order to have statutes and rules be consistent
15 with Department of Motor Vehicles' processes going forward.

16 (2) If the Joint Transportation Oversight Committee disapproves of the
17 anticipated change to Department of Motor Vehicles' processes, it shall
18 provide notice of that disapproval and an explanation of the basis for the
19 disapproval to the Commissioner within 30 calendar days following receipt of
20 the report of the anticipated change.

1 (3) If the Joint Transportation Oversight Committee disapproves of an
2 anticipated change to Department of Motor Vehicles’ processes under
3 subdivision (2) of this subsection, then the Commissioner may revise and
4 resubmit for further consideration.

5 (4) If the Joint Transportation Oversight Committee does not disapprove
6 of the anticipated change to Department of Motor Vehicles’ processes under
7 the authority of this section within 30 calendar days after receipt of the report
8 of the anticipated change to Department of Motor Vehicles’ processes or
9 receipt of a revised submittal, then the anticipated change to Department of
10 Motor Vehicles’ processes is deemed approved.

11 (c) The Commissioner of Motor Vehicles shall propose for inclusion in the
12 2024 and 2025 Miscellaneous Motor Vehicles Bills amendments to any
13 statutes that will be inconsistent with Department of Motor Vehicles’ processes
14 after approval by the Joint Transportation Oversight Committee pursuant to
15 subsection (b) of this section.

16 (d) This section shall continue in effect until July 1, 2025.

17 Sec. 40. REPEAL

18 Sec. 39 (implementation of Department of Motor Vehicles modernization
19 project) of this act is repealed on July 1, 2025.

20 Sec. 41. 19 V.S.A. § 12b is amended to read:

21 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

1 (a) There is created a the Joint Transportation Oversight Committee
2 composed of the Chairs of the House and Senate Committees on
3 Appropriations, the House and Senate Committees on Transportation, the
4 House Committee on Ways and Means, and the Senate Committee on Finance.
5 The Committee shall be chaired alternately by the Chairs of the House and
6 Senate Committees on Transportation, and the two-year term shall run
7 concurrently with the biennial session of the General Assembly. The Chair of
8 the Senate Committee on Transportation shall chair the Committee during the
9 2009–2010 legislative session.

10 (b) The Committee shall meet during adjournment for official duties.
11 Meetings shall be convened by the Chair and, when practicable, shall be
12 coordinated with the regular meetings of the Joint Fiscal Committee. Members
13 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.
14 § 23. The Committee shall have the assistance of the staff of the Office of
15 Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal
16 Office.

17 (c) The Committee shall provide legislative oversight of the Transportation
18 Fund revenues collection and the operation and administration of the Agency
19 of Transportation ~~construction, paving, and rehabilitation programs~~. The
20 Secretary of Transportation and Commissioner of Motor Vehicles shall report
21 to the Committee upon request.

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Sec. 42. 19 V.S.A. § 12b(c) is amended to read:

(c) The Committee shall provide legislative oversight of the Transportation Fund revenues collection and the operation and administration of the Agency of Transportation construction, paving, and rehabilitation programs. The Secretary of Transportation ~~and Commissioner of Motor Vehicles~~ shall report to the Committee upon request.

* * * ATV Fees and Penalties * * *

Sec. 43. REPEALS

(a) 2018 Acts and Resolves No. 158, Secs. 29 (July 1, 2023 amendment to 23 V.S.A. § 3513(a)) and 43(c) (effective date) are repealed.

(b) 2022 Acts and Resolves No. 185, Sec. E.702 (July 1, 2023 amendment to 23 V.S.A. § 3513) is repealed.

Sec. 44. 2022 Acts and Resolves No. 185, Sec. H.100(d) is amended to read:

(d) Secs. E.240.1 (7 V.S.A. § 845); E.240.2 (32 V.S.A. § 7909); ~~E.702 (Fish and Wildlife)~~; F.100(b), F.101(b), F.102(b) and F.103 (Executive Branch; Exempt Employees, Misc. Statutory Salaries; Fiscal Year 2024); F.104–106 (Judicial Branch; Statutory Salaries, Fiscal Year 2024); F.107 (Sheriffs, Statutory Salaries, Fiscal Year 2024); F.108 (State’s Attorney’s; Statutory Salaries; Fiscal Year 2024); and Secs. F.109(a)(2), F.109(b)(3), and

1 F.109(c)(2) (Appropriations; Fiscal Year 2024) shall take effect on July 1,
2 2023.

3 Sec. 45. 23 V.S.A. § 3513(a) is amended to read:

4 (a) The amount of 90 percent of the fees and penalties collected under this
5 chapter, except interest, is allocated to the ~~Agency of Natural Resources~~
6 Department of Forests, Parks and Recreation for use by the Vermont ATV
7 Sportsman’s Association (VASA) for development and maintenance of a
8 Statewide ATV Trail Program, for trail liability insurance, and to contract for
9 law enforcement services with any constable, sheriff’s department, municipal
10 police department, the Department of Public Safety, and the Department of
11 Fish and Wildlife for purposes of trail compliance pursuant to this chapter.
12 The Departments of Public Safety and of Fish and Wildlife are authorized to
13 contract with VASA to provide these law enforcement services. The ~~Agency~~
14 ~~of Natural Resources~~ Department of Forests, Parks and Recreation shall retain
15 for its use up to \$7,000.00 during each fiscal year to be used for administration
16 of the State grant that supports this ~~program~~ Program.

17 * * * Effective Dates * * *

18 Sec. 46. EFFECTIVE DATES

19 (a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A.
20 § 4173(d)), 2 (definition of mail; 23 V.S.A. § 4(87)), 14 (electronic proof of
21 registration; 23 V.S.A. § 307), 15 and 16 (plug-in electric vehicle registration

1 fees; 23 V.S.A. §§ 361 and 362), 20 (current Total Abstinence Program
2 participants), and 22 and 23 (electronic permits; 23 V.S.A. §§ 1392(21) and
3 1455) shall take effect on passage.

4 (b) Sec. 19 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take
5 effect on passage and apply to all individuals participating in or in the process
6 of applying to participate in the Total Abstinence Program as of the effective
7 date of this section without regard to when the individual’s license was
8 reinstated under the Total Abstinence Program.

9 (c) Secs. 4–13 (license plate stickers; validation stickers) shall take effect
10 on November 1, 2023.

11 (d) Secs. 24–27 (title; 23 V.S.A. §§ 2012, 2013, 2017, and 2091(a)) shall
12 take effect upon completion of the vehicle services module of the DMV Core
13 System Modernization project.

14 (e) Sec. 17 (statutory default speed limits; 23 V.S.A. § 1081) shall take
15 effect on January 1, 2024.

16 (f) Sec. 35 (commercial driver’s license clearinghouse; 23 V.S.A. § 4108)
17 shall take effect on November 18, 2024.

18 (g) Sec. 42 (Joint Transportation Oversight Committee; 19 V.S.A.
19 § 12b(c)) shall take effect on July 1, 2025.

20 (h) All other sections shall take effect on July 1, 2023.