

**Short Section-by-Section Summary**  
**S.309 (Misc. MV) Bill, Sen. Transportation Strike-All Amendment**

**Sec. 1 – Definition of a Transporter:** This section amends the definition of transporter in 23 V.S.A. § 4(42)(A) to include as a new subdivision (23 V.S.A. § 4(42)(A)(vi)(IV)), those persons that “sell or exchange new or used motor vehicles but who are not engaged in business” according to the threshold in 23 V.S.A. § 4(8)(A)(ii)(I) (~12+ pleasure cars/trucks).

**Sec. 2 – Application to be Registered as a Transporter:** This section amends statute to just require a self-certification (not proof) from the transporter.

**Sec. 3 – Definition of All-Surface Vehicle:** This section amends statute to allow for ASVs to have up to eight wheels.

**Secs. 4–9 – Record Keeping Requirements for Title:** These sections add a new section (23 V.S.A. § 117) that prescribes how title records are stored and then amends existing statutes on title to reference the new storage statute.

**Secs. 10 & 11 – Registration:** These sections amend statute to permit temporary residents to register motor vehicles in Vermont; add definitions, applicable only to the section on who is required to register, for resident and temporary resident; and require the DMV to register motor vehicles that are required or permitted to be registered in Vermont.

**Sec. 12 – Weight Limitations on Low Number Plates:** This section amends statute to allow low-number plates on vehicles registered for less than 26,001 pounds.

**Sec. 13 – Prorated Refunds of Registration Fees:** This section amends statute to also address the return of registration fees before the beginning of the second, third, fourth, and fifth years of a five-year registration fee (some trailers).

**Secs. 14–16 – Tinted Windows:** These sections amend law to allow tinting (aftermarket and in window/glazing) provided that the visible light transmission (new definition, basically 100% less level of tint) is not less than the level required under federal regulations for pleasure cars; expresses that it is the legislative intent that tinting that does not meet the requirements

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of statute, as amended, poses a danger to highway users; requires that the Periodic Inspection Manual be updated accordingly; and requires public outreach on the amended statute and Periodic Inspection Manual. NOTE: Prohibition not applicable/Periodic Inspection Manual does not need to be updated until July 1, 2026.

**Sec. 17 – Rusted Brake Rotors:** This section:

- expresses legislative intent that the DMV should provide information on what is rust, for purposes of failing the annual safety inspection, to all certified inspection mechanics and that surface rust should not be sufficient for a motor vehicle to fail inspection because that rust does not cause diminished braking performance that prevents a motor vehicle from adequately stopping;
- requires the DMV to issue a clarifying administrative bulletin to all certified inspection mechanics that details the rejection criteria for rotors and drums in the Periodic Inspection Manual, explains the difference between surface rust and rust that is considerable for purposes of the rejection criteria, and provides information that an inspection mechanic should give to the owner of a motor vehicle that fails the annual safety inspection due to rusting on rotors and drums; and
- requires that contact information for the DMV be included on all notices of failure issued by certified inspection mechanics.

**Secs. 18–23 – Emergency Warning Lamps and Sirens:** These sections amend statute to allow sirens and emergency warning lamps to be used on certain government owned motor vehicles without a permit and explicitly prohibit blue lights and flashing lights in a color other than amber (unless the lights are allowed under statute).

**Secs. 24 and 25 – Child Restraint Systems (aka car seats):** These sections amend statute to be more consistent with the 2018 American Academy of Pediatrics Policy Statement and require a public outreach campaign by the Vermont Department of Health to educate Vermonters on the change in law, Policy Statement, and car seat safety.

**Secs. 26–30 – Exempt Vehicle Title:** These sections amend statute to eliminate remaining references to exempt vehicle title that can be deleted (Secs. 26, 27, 29, and 30) and amend the certificate of title exemption to

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only apply for vehicles that are more than 15 years old on January 1, 2024, until there is a change in ownership (latter effective on January 1, 2024).

**Sec. 31 – Fire Extinguishers on Vessels:** This section amends statute to track [33 C.F.R. § 175.320](#) (Table 1 to subdivision (a)(1) gives applicable minimums) and adds a new allowance, pursuant to [33 C.F.R. § 175.380](#), for previously approved fire extinguishers on a motorboat with a model year between 1953 and 2017 to continue to be used until they are no longer in good and serviceable condition.

**Sec. 32 – Numbering Provisions for Vessels:** This section amends statute to require that a vessel in Vermont have a Vermont number once it has been in Vermont for more than 60 (not 90, as in current statute) days, in accordance with [33 C.F.R. § 173.17](#) (reciprocity for up to 60 days) and [33 C.F.R. § 173.77\(d\)](#) (number from another state invalid after 60 days).

**Sec. 33 – Masking of Convictions for CDLs and CLPs:** This section amends statute to identically track the applicable federal regulation.

**Sec. 34 – Airbags:** This section maintains the crime and criminal penalty (fine and/or term of imprisonment) but expands upon the prohibition to apply to the knowing manufacturing, importation, distribution, offering for sale, selling, leasing, transferring, installing, reinstalling, causing to be installed, or causing to be reinstalled a counterfeit automobile supplemental restraint component or a nonfunctional airbag or to the knowing installation or reinstallation as an automobile supplemental restraint system component anything that causes the diagnostic system for the motor vehicle to fail to warn the operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle.

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\* \* \* Transporters \* \* \*

**Sec. 1 – Definition of a Transporter**

- **Big Picture:** Currently, there are persons in Vermont who sell a few, but less than what would qualify as a dealer under 23 V.S.A. § 4(8)(A)(ii)(I) (included in bill), motor vehicles and need a plate that can be used to transport the sold vehicles. **This section amends the definition of transporter in 23 V.S.A. § 4(42)(A) to include as a new subdivision (23 V.S.A. § 4(42)(A)(vi)(IV)), those persons that “sell or exchange new or used motor vehicles but who are not engaged in business” according to the threshold in 23 V.S.A. § 4(8)(A)(ii)(I) (~12+ pleasure cars/trucks).**

**Sec. 2 – Application to be Registered as a Transporter**

- **Big Picture:** Currently, in order to be registered as a transporter, the transporter needs to present proof of insurance and business location with hours and records storage to the Commissioner of Motor Vehicles. **This section amends statute to just require a self-certification (not proof) from the transporter.**

\* \* \* All-Surface Vehicles \* \* \*

**Sec. 3 – Definition of All-Surface Vehicle**

- **Big Picture:** Currently, all-surface vehicles (ASV) need to have six to eight wheels. **This section amends statute to allow for ASVs to have up to eight wheels.**

\* \* \* Record Keeping \* \* \*

**Secs. 4–9 – Record Keeping Requirements for Title**

- **Big Picture:** Currently, there are prescriptive medium specific and indexed specific requirements for how records of title must be maintained by the Department of Motor Vehicles and they differ depending on the type of title. **These sections add a new section (23 V.S.A. § 117) that prescribes how title records are stored and then amends existing statutes on title to reference the new storage statute.**
  - **Sec. 4:** Adds a new statute to require original records to be maintained “[a]n electronic image or electronic copy or other form of image, which allows for the tracing of anything for which the [DMV] issues a certificate of title, for a period of five years[,]” and in any other format that allows for tracing. Will apply to motor vehicles, vessels, ATVs, ASVs, etc. (anything for which title is issued) and for as long as the DMV knows that the titled conveyance exists.
  - **Sec. 5:** Amends existing statute to have the new recordkeeping requirements apply to certificates of title for motor vehicles.
  - **Sec. 6:** Amends existing statute to have the new recordkeeping requirements apply to surrendered certificates of title for motor vehicles.
  - **Sec. 7:** Amends existing statute to have the new recordkeeping requirements apply to salvage certificates of title for motor vehicles.

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- Sec. 8: Amends existing statute to have the new recordkeeping requirements apply to certificates of title for vessels, snowmobiles, and all-terrain vehicles.
- Sec. 9: Amends existing statute to have the new recordkeeping requirements apply to surrendered certificates of title for vessels, snowmobiles, and all-terrain vehicles.

\* \* \* Registration \* \* \*

**Secs. 10 & 11 – Registration**

- **Big Picture**: Currently, temporary residents are not allowed to register motor vehicles in Vermont. **These sections amend statute to permit temporary residents to register motor vehicles in Vermont; add definitions, applicable only to the section on who is required to register, for resident and temporary resident; and require the DMV to register motor vehicles that are required or permitted to be registered in Vermont.**
  - Sec. 10: Amends statute to permit temporary residents to register motor vehicles in Vermont and add definitions, applicable only to the section on who is required to register, for resident and temporary resident
  - Sec. 11: Amends statute to require the DMV to register motor vehicles that are required or permitted to be registered in Vermont.

**Sec. 12 – Weight Limitations on Low Number Plates**

- **Big Picture**: Currently, only pleasure cars and trucks registered at the pleasure car rate are allowed a low-number plate. **This section amends statute to allow low-number plates on vehicles registered for less than 26,001 pounds.**
  - NOTE: Does not change what the registration fee is, makes the low number plates consistent with the conservation and Building Bright Futures plates, and (by way of example) the Tundra cannot be registered at the pleasure car weight.

**Sec. 13 – Prorated Refunds of Registration Fees**

- **Big Picture**: Currently, statute only addresses the return of registration fees before and within the first 30 days of the registration period and before the beginning of the second year of a two-year registration. **This section amends statute to also address the return of registration fees before the beginning of the second, third, fourth, and fifth years of a five-year registration fee (some trailers).**
  - NOTE: DMV is currently issuing prorated refunds for five-year registrations, so these amendments are consistent with current practice.

As Amended:

|   | One-Year Registration | Two-Year Registration | Five-Year Registration |
|---|-----------------------|-----------------------|------------------------|
| Before Beginning of Registration Period | Reg. fee less \$5.00  | Reg. fee less \$5.00  | Reg. fee less \$5.00   |
| Within 30 Days After Issue              | Reg. fee less \$5.00  | Reg. fee less \$5.00  | Reg. fee less \$5.00   |

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|   |     |                                    |                                    |
|---|-----|------------------------------------|------------------------------------|
| Before Beginning of Second Year in Two-Year Registration  | N/A | $\frac{1}{2}$ Reg. fee less \$5.00 | N/A                                |
| Before Beginning of Second Year in Five-Year Registration | N/A | N/A                                | $\frac{4}{5}$ Reg. fee less \$5.00 |
| Before Beginning of Third Year in Five-Year Registration  | N/A | N/A                                | $\frac{3}{5}$ Reg. fee less \$5.00 |
| Before Beginning of Fourth Year in Five-Year Registration | N/A | N/A                                | $\frac{2}{5}$ Reg. fee less \$5.00 |
| Before Beginning of Fifth Year in Five-Year Registration  | N/A | N/A                                | $\frac{1}{5}$ Reg. fee less \$5.00 |

\* \* \* Tinted Windows \* \* \*

**Secs. 14–16 – Tinted Windows**

- **Big Picture:** Currently, no after-market tint is allowed if it “materially obstructs the driver’s view[,]” which is interpreted in the Periodic Inspection Manual to mean that any in window tinting (also known as glazing) is allowed but that aftermarket tint, of any amount, on the windshield is a reject and on the front side windows is an advisory. **These sections amend law to allow tinting (aftermarket and in window/glazing) provided that the visible light transmission (new definition, basically 100% less level of tint) is not less than the level required under federal regulations for pleasure cars; expresses that it is the legislative intent that tinting that does not meet the requirements of statute, as amended, poses a danger to highway users; requires that the Periodic Inspection Manual be updated accordingly; and requires public outreach on the amended statute and Periodic Inspection Manual.**
  - Sec. 14: Amends statute.
  - Sec. 15: Expresses legislative intent.
  - Sec. 16: Sets timeline for updating the Periodic Inspection Manual and public outreach.
- **Effective Date:** Statute amendments and legislative intent effective on July 1, 2026, with that being the date by which the Period Inspection Manual needs to be updated (with two months of public outreach preceding that date).

\* \* \* Rusted Brake Rotors; Safety Inspection \* \* \*

**Sec. 17 – Rusted Brake Rotors**

- **Big Picture:** Currently, rusted brake rotors should only lead a motor vehicle to fail the annual safety inspection, per the Periodic Inspection Manual, if the rust is “a condition of any swelling, delamination or pitting,” but it is possible that certified inspection mechanics are interpreting “rust” to also include surface rust. **This section:**

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- expresses legislative intent that the DMV should provide information on what is rust, for purposes of failing the annual safety inspection, to all certified inspection mechanics and that surface rust should not be sufficient for a motor vehicle to fail inspection because that rust does not cause diminished braking performance that prevents a motor vehicle from adequately stopping;
- requires the DMV to issue a clarifying administrative bulletin to all certified inspection mechanics that details the rejection criteria for rotors and drums in the Periodic Inspection Manual, explains the difference between surface rust and rust that is considerable for purposes of the rejection criteria, and provides information that an inspection mechanic should give to the owner of a motor vehicle that fails the annual safety inspection due to rusting on rotors and drums; and
- requires that contact information for the DMV be included on all notices of failure issued by certified inspection mechanics.

\* \* \* Emergency Warning Lamps and Sirens \* \* \*

Secs. 18–23 – Emergency Warning Lamps and Sirens

- **Big Picture:** Currently, a motor vehicle can only have a siren or signal lamp (not defined) colored other than amber if the Commissioner of Motor Vehicles has issued a permit for the siren or signal lamp, or both. **These sections amend statute to allow sirens and emergency warning lamps to be used on certain government owned motor vehicles without a permit and explicitly prohibit blue lights and flashing lights in a color other than amber (unless the lights are allowed under statute).**
  - Sec. 18: Amends statute to explicitly prohibit:
    - a siren, unless a permit is issued by the Commissioner or one is not needed under statute;
    - an emergency warning lamp (with definition added), unless a permit is issued by the Commissioner or one is not needed under statute;
    - a blue light of any kind, unless a permit is issued by the Commissioner or one is not needed under statute; and
    - a lamp or lamps that is not an emergency warning lamp and provides a flashing light in a color other than amber.
  - Sec. 19: Amends statute to:
    - allow government owned law enforcement vehicles to, without permit, use sirens, blue (and combination) emergency signal lamps, and a red (and combination) emergency signal lamp provided it is mounted to be visible primarily from the rear of the vehicle;
    - preserve status quo of law enforcement vehicles owned by a certified law enforcement officer needing a permit to use sirens, blue (and combination) emergency signal lamps, and a red (and combination) emergency signal lamp provided it is mounted to be visible primarily from the rear;
    - allow law enforcement vehicles owned or leased by a certified constable for a municipality that has not voted to limit the constable’s authority to engage in

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- enforcement activities to, without permit, use a red (and combination) emergency signal lamp provided it is mounted to be visible primarily from the rear of the vehicle;
- allow government owned emergency services vehicles to, without permit, use sirens, red (and combination) emergency signal lamps, and a blue (and combination) emergency signal lamp provided it is mounted to be visible primarily from the rear of the vehicle; and
  - preserves status quo of non-government owned emergency services vehicles needing a permit to use sirens, red (and combination) emergency signal lamps, and a blue (and combination) emergency signal lamp provided it is mounted to be visible primarily from the rear of the vehicle.
- Sec. 20: Amends statute to add a definition of emergency warning lamp applicable to statutes that regulate emergency warning lamps.
  - Sec. 21–23: Amends statute to make conforming revisions to correct terminology and cross references. Those sorts of amendments are also in Secs. 18 and 19, along with adding subsection headings.

\* \* \* Child Restraint Systems \* \* \*

#### Secs. 24 and 25 – Child Restraint Systems (aka car seats)

- **Big Picture:** Currently, statute only requires a child to be rear facing until the child reaches the later of one year old or 20 lbs and in a child restraint system until turning five years old, which is inconsistent with best practice and recommendations from a [2018 American Academy of Pediatrics Policy Statement](#) that recommends that children remain rear facing for as long as the manufacturer specifications permit and forward facing in a five point harness for as long as the manufacturer specifications permit. **These sections amend statute to be more consistent with the 2018 American Academy of Pediatrics Policy Statement and require a public outreach campaign by the Vermont Department of Health to educate Vermonters on the change in law, Policy Statement, and car seat safety.**
- Sec. 24: Amends statute to:
  - require rear facing with five-point harness until two years of age or meeting the weight or height limit of the rear-facing child restraint system as set by the manufacturer;
    - **NOTE: IF THE CHILD HAS HIT THE MAXIMUM FOR A BUCKET SEAT (the one with a handle that infants go in and can lock into a base) AND IS SWITCHED TO ANOTHER CAR SEAT IT WILL BE A COMBINATION CAR SEAT (what exists before a booster seat) AND THAT WILL HAVE HEIGHT/WEIGHT LIMITS FOR REAR FACING (what would apply until the child is two) AND FORWARD FACING.**
  - require forward facing with five-point harness until five years of age or meeting the weight and height limit of the forward-facing child restraint system as set by the manufacturer, unless the child is in a rear-facing child restraint system;



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- require booster seat until turning eight years of age, unless the child is in a rear- or forward-facing child restraint system;
- preserves the status quo of requiring child restraint system, booster seat, or seatbelt for a child under 18 years of age;
- requires, if practical, that a child under 13 years of age rides in a rear seat of a motor vehicle; and
- requires that the passenger-side airbags be deactivated if a child is riding in the front seat in a child restraint system.
- Sec. 25: Sets contents of public outreach campaign.
- NOTE: These are Secs. 2 and 3 from [S.187 \(2024\)](#) and [H.538 \(2024\)](#) with two small technical corrections.

\* \* \* Exempt Vehicle Title \* \* \*

#### Secs. 26–30 – Exempt Vehicle Title

- **Big Picture**: When statute was amended in the 2023 Misc. MV Bill to eliminate exempt vehicle titles (what was available for vehicles that were more than 15, formerly 25, years old) in advance of the Vehicle Services Phase of the DMV Modernization Project, there were a few exempt vehicle title references in statute that were not deleted and the certificate of title exemption for vehicles that were more than 15 years old on January 1, 2024, did not account for a certificate of title being issued upon a change in ownership. **These sections amend statute to eliminate remaining references to exempt vehicle title that can be deleted (Secs. 26, 27, 29, and 30) and amend the certificate of title exemption to only apply for vehicles that are more than 15 years old on January 1, 2024, until there is a change in ownership.**
  - Sec. 26: Amends statute to account for the DMV no longer issuing exempt vehicle titles.
  - Sec. 27: Amends statute to account for the DMV no longer issuing exempt vehicle titles.
  - Sec. 28: Amends statute to match current DMV practice of not requiring a certificate of title for motor vehicles that are more than 15 years old on January 1, 2024, but then issuing a certificate of title (can be based on an attestation and a bill of sale) if there is a change in ownership after January 1, 2024.
    - Effective Date: Effective retroactively on January 1, 2024.
  - Sec. 29: Amends statute to account for the DMV no longer issuing exempt vehicle titles.
  - Sec. 30: Amends statute to account for the DMV no longer issuing exempt vehicle titles.

\* \* \* Vessels; Fire Extinguishers \* \* \*

#### Sec. 31 – Fire Extinguishers on Vessels

- **Big Picture**: The U.S. Coast Guard does regular audits of Vermont laws and frequently identifies aspects of Vermont law that should be updated to reflect federal

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law or regulation. **This section amends statute to track [33 C.F.R. § 175.320](#) (Table 1 to subdivision (a)(1) gives applicable minimums) and adds a new allowance, pursuant to [33 C.F.R. § 175.380](#), for previously approved fire extinguishers on a motorboat with a model year between 1953 and 2017 to continue to be used until they are no longer in good and serviceable condition.**

As Amended/Under Table 1 to 33 C.F.R. § 175.320(a)(1):

| Length (feet)           | Min. # of 5-B portable fire extinguishers required    |  |
|-------------------------|---|--|
|                         | No fixed fire extinguishing system in machinery space | Fixed fire extinguishing system in machinery space |
| Less than 16            | 1   | 0  |
| 16 or more/less than 26 | 1   | 0  |
| 26 or more/less than 40 | 2   | 1  |
| 40 or more/65 or less   | 3   | 2  |

\* \* \* Vessels; Numbering Provisions \* \* \*

**Sec. 32 – Numbering Provisions for Vessels**

- **Big Picture:** The U.S. Coast Guard does regular audits of Vermont laws and frequently identifies aspects of Vermont law that should be updated to reflect federal law or regulation. **This section amends statute to require that a vessel in Vermont have a Vermont number once it has been in Vermont for more than 60 (not 90, as in current statute) days, in accordance with [33 C.F.R. § 173.17](#) (reciprocity for up to 60 days) and [33 C.F.R. § 173.77\(d\)](#) (number from another state invalid after 60 days).**

\* \* \* Commercial Driver’s Licenses; Masking \* \* \*

**Sec. 33 – Masking of Convictions for CDLs and CLPs**

- **Big Picture:** Federal regulation prohibits, pursuant to [49 C.F.R. § 384.226](#), a state from “mask[ing], defer[ing] imposition of judgment, or allow[ing] an individual to enter into a diversion program that would prevent a CLP or CDL holder’s conviction for any violation, in any type of motor vehicle, of a [s]tate or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.” **This section amends statute to identically track the applicable federal regulation.**
  - **NOTE:** “Masking” is not defined in federal law or regulation, which is why the applicable federal regulation is included, but examples of masking are available here (pp. [51](#) and [56](#)).

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\* \* \* Airbags \* \* \*

**Sec. 34 – Airbags**

- **Big Picture:** Statute currently makes it a crime to knowingly install, reinstall, cause to be installed, or cause to be reinstalled an object in lieu of a vehicle airbag that was designed in accordance with the federal safety regulations. **This section maintains the crime and criminal penalty (fine and/or term of imprisonment) but expands upon the prohibition to apply to the knowing manufacturing, importation, distribution, offering for sale, selling, leasing, transferring, installing, reinstalling, causing to be installed, or causing to be reinstalled a counterfeit automobile supplemental restraint component or a nonfunctional airbag or to the knowing installation or reinstallation** (per new definition, these require the vehicle to be returned to the owner or title to the vehicle to be transferred) **as an automobile supplemental restraint system component anything that causes the diagnostic system for the motor vehicle to fail to warn the operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle.**
    - **NOTE:** All of the newly used in statute terms are defined, with definitions only applicable to this section.
    - **NOTE:** No prohibition on manufacturing, selling, installing, etc. an airbag or component of an airbag unless it is counterfeit or nonfunctional, where:
      - “‘counterfeit automobile supplemental restraint system component’ means a replacement component, including an airbag, for an automobile supplemental restraint system that without the authorization of the manufacturer, or a person that supplies parts to the manufacturer, displays a trademark that is identical or substantially similar to the manufacturer’s or supplier’s genuine trademark[.]” so prohibiting the use of another’s trademark; and
      - “‘nonfunctional airbag’ means an airbag with a number of listed faults and exclusions for an airbag installed in a totaled vehicle.
- This means that there is no prohibition on aftermarket airbags that function/meet federal requirements under U.S. Code provided that there is no improper use of a trademark (although it does not seem like there currently are any).