

1 **[ADDITION OF THE MOTORCYCLE MUFFLER STAMP LANGUAGE,**
2 **S.99 (2023) (as introduced), Sec. 21),**
3 **with addition of rulemaking language and technical correction]**

4 * * * Motor Vehicle Noise; Motorcycles * * *

5 Sec. 13a. 23 V.S.A. § 1221 is amended to read:

6 § 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE

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

8 (1) “Exhaust system” means a series of mechanical devices designed or
9 used for the purpose of receiving exhaust gas from an internal combustion
10 engine and expelling it into the atmosphere.

11 (2) “Muffler” means a device consisting of a series of chambers or
12 baffle plates or other mechanical device designed for the purpose of receiving
13 exhaust gas from an internal combustion engine and that is effective in
14 reducing noise.

15 (b) Good mechanical condition. A motor vehicle, **operated** on any
16 highway, shall be in good mechanical condition and shall be properly
17 equipped.

18 (c) Motorcycles. Every motorcycle manufactured after December 31,
19 1985, **operated** on any highway, shall at all times be equipped with a muffler
20 bearing the U.S. Environmental Protection Agency required labeling
21 applicable to the motorcycle’s model year stating that the exhaust system

1 meets the 80-decibel standard at 50 feet, as set out in 40 C.F.R. Part 205,

2 Subparts D and E.

3 **Sec. 13aa. LEGISLATIVE INTENT; RULEMAKING; MOTORCYCLE**

4 **MUFFLERS**

5 (a) It is the intent of the General Assembly that a motorcycle muffler that
6 does not meet the requirements of 23 V.S.A. § 1221(c), as amended by Sec.
7 13a of this act, poses a danger to the individual operating the motorcycle, any
8 passengers on the motorcycle, and other highway users and that such a
9 motorcycle shall fail the annual safety inspection required under 23 V.S.A.
10 § 1222.

11 (b) The Department of Motor Vehicles shall, unless extended by the
12 Legislative Committee on Administrative Rules, adopt amendments to
13 Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-
14 022) consistent with the legislative intent in subsection (a) of this section to be
15 effective not later than the effective date of Sec. 13a of this act.

16 **[ADDITION OF TINTED WINDOW LANGUAGE, [S.279 \(2024\)](#),**

17 **with modifications]**

18 * * * Tinted Windows * * *

19 Sec. 13b. 23 V.S.A. § 1125 is amended to read:

20 § 1125. OBSTRUCTING WINDSHIELDS; AND WINDOWS

1 (a) **Prohibition.** Except as otherwise provided in this section, ~~a person~~ an
2 individual shall not operate a motor vehicle on which material or items have
3 been painted or adhered on or over, or hung in back of, any transparent part of
4 a motor vehicle windshield, vent windows, or side windows located
5 immediately to the left and right of the operator. The prohibition of this
6 section on hanging items shall apply ~~only~~ to shading or tinting material or
7 when a hanging item materially obstructs the driver's view.

8 (b) **General exemptions.** Notwithstanding subsection (a) of this section, ~~a~~
9 ~~person~~ an individual may operate a motor vehicle with material or items
10 painted or adhered on or over, or hung in back of, the windshield, vent
11 windows, or side windows:

12 (1) in a space not over four inches high and 12 inches long in the lower
13 right-hand corner of the windshield;

14 (2) in such space as the Commissioner of Motor Vehicles may specify
15 for location of any sticker required by governmental regulation;

16 (3) in a space not over two inches high and two and one-half inches long
17 in the upper left-hand corner of the windshield;

18 (4) if the operator is ~~a person~~ an individual employed by the federal,
19 State, or local government or a volunteer emergency responder operating an
20 authorized emergency vehicle, who places any necessary equipment in back of

1 the windshield of the vehicle, provided the equipment does not interfere with
2 the operator’s control of the driving mechanism of the vehicle;

3 (5) on a motor vehicle that is for sale by a licensed automobile dealer
4 prior to the sale of the vehicle, in a space not over three inches high and six
5 inches long in the upper left-hand corner of the windshield, and in a space not
6 over four inches high and 18 inches long in the upper right-hand corner of the
7 windshield; ~~or~~

8 (6) if the object is a rearview mirror; or is an electronic toll-collection
9 transponder located either between the roof line and the rearview mirror post
10 or behind the rearview mirror; or

11 (7) if the object is shading or tinting material and the visible light
12 transmission of that shading or tinting material is not less than the level of
13 visible light transmission required under 49 C.F.R. § 571.205, as amended.

14 (c) Medical exemption. The Commissioner may grant an exemption to the
15 prohibition of this section upon application from ~~a person~~ an individual
16 required for medical reasons to be shielded from the rays of the sun and who
17 attaches to the application a document signed by a licensed physician or
18 optometrist certifying that shielding from the rays of the sun is a medical
19 necessity. The physician or optometrist certification shall be renewed every
20 four years. However, when a licensed physician or optometrist has previously
21 certified to the Commissioner that an applicant’s condition is both permanent

1 and stable, the exemption may be renewed by the applicant without submission
2 of a form signed by a licensed physician or optometrist. Additionally, the
3 window shading or tinting permitted under this subsection shall be limited to
4 the vent windows or side windows located immediately to the left and right of
5 the operator. The exemption provided in this subsection shall terminate upon
6 the transfer of the approved vehicle and at that time the applicable window
7 tinting shall be removed by the seller. ~~Furthermore, if the material described in~~
8 ~~this subsection tears or bubbles or is otherwise worn to prohibit clear vision, it~~
9 ~~shall be removed or replaced.~~

10 (d) Rear side window obstructions. The rear side windows and the back
11 window may be obstructed only if the motor vehicle is equipped on each side
12 with a securely attached mirror, ~~which~~ that provides the operator with a clear
13 view of the roadway in the rear and on both sides of the motor vehicle.

14 (e) Removal. Any shading or tinting material that is painted or adhered on
15 or over, or hung in back of, the windshield, vent windows, or side windows in
16 accordance with subdivision (b)(7) or subsection (c) of this section shall be
17 removed if it tears, bubbles, or is otherwise worn to prohibit clear vision.

18 (f) Definition. As used in this section, “visible light transmission” means
19 the amount of visible light that can pass through shading, tinting, or glazing
20 material applied to or within the transparent portion of a window or windshield
21 of a motor vehicle.

1 Sec. 13c. LEGISLATIVE INTENT; TINTED WINDOWS

2 It is the intent of the General Assembly that a motor vehicle with shading or
3 tinting material that is not allowed under 23 V.S.A. § 1125, as amended by
4 Sec. 13b of this act, poses a danger to the individual operating the motor
5 vehicle, any passengers in the motor vehicle, and other highway users and that
6 such a motor vehicle shall fail the annual safety inspection required under
7 23 V.S.A. § 1222.

8 Sec. 13d. RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED
9 WINDOWS; OUTREACH

10 (a) The Department of Motor Vehicles shall, unless extended by the
11 Legislative Committee on Administrative Rules, adopt amendments to
12 Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-
13 022) consistent with the legislative intent in Sec. 13c of this act to be effective
14 not later than the effective date of Sec. 13b of this act. The amendments shall
15 include what level of visible light transmission is required for windshields and
16 the windows to the immediate right and left of the driver under 49 C.F.R.
17 § 571.205 as of the effective date of the amendments.

18 (b) The Department of Motor Vehicles, in consultation with the
19 Department of Public Safety, shall implement a public outreach campaign on
20 window tinting to provide information on the prohibitions and exceptions
21 under 23 V.S.A. § 1125, as amended by Sec. 13b of this act, and the

1 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with
2 amendments adopted under the Administrative Procedure Act consistent with
3 subsection (a) of this section, including what level of visible light transmission
4 is currently required for windshields and the windows to the immediate right
5 and left of the driver under 49 C.F.R. § 571.205. The Department of Motor
6 Vehicles shall start to disseminate information as required under this
7 subsection (b) not later than two months prior to the effective date of Sec. 13b
8 of this act and shall disseminate information on window tinting through e-mail,
9 bulletins, software updates, and the Department of Motor Vehicles’ website.

10 ***[ALTERNATIVE FOR RUSTED BRAKE ROTOR LANGUAGE]***

11 * * * Rusted Brake Rotors; Safety Inspection * * *

12 **Sec. 13e. RUSTED BRAKE ROTORS; LEGISLATIVE INTENT;**

13 **BULLETIN**

14 **(a) Legislative intent. It is the intent of the General Assembly that:**

15 **(1) the Department of Motor Vehicles provide information on the**
16 **existing definition of “rust” in Department of Motor Vehicles, Inspection of**
17 **Motor Vehicles (CVR 14-050-022) (Periodic Inspection Manual), which is “a**
18 **condition of any swelling, delamination, or pitting,” to all inspection**
19 **mechanics certified by the Commissioner of Motor Vehicles so there is**
20 **consistency amongst inspection stations in how the Periodic Inspection Manual**
21 **is interpreted and applied.**

1 (2) that the presence of rust on brake rotors, by itself, does not constitute
2 a failure for the purpose of the annual safety inspection required under
3 23 V.S.A. § 1222 and that the presence of rust that is temporary, also known as
4 surface rust, which sometimes results from the vehicle being parked for a
5 period of time, not be sufficient for a motor vehicle to fail inspection because
6 such rust does not cause diminished braking performance that prevents a motor
7 vehicle from adequately stopping.

8 (b) Bulletin. The Department of Motor Vehicles shall issue a clarifying
9 administrative bulletin to all inspection mechanics certified by the
10 Commissioner of Motor Vehicles that:

11 (1) details the rejection criteria for rotors and drums in the Periodic
12 Inspection Manual;

13 (2) explains the difference between surface rust and rust that is
14 considerable for purposes of determining if the rejection criteria are met, which
15 requires that the existing rust be a condition of any swelling, delamination, or
16 pitting; and

17 (3) provides information that an inspection mechanic should provide to
18 the owners of a vehicle that fails inspection because of rusting on rotors and
19 drums.

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[CHANGES TO THE EFFECTIVE DATES,

HIGHLIGHTED IN YELLOW]

* * * Effective Dates * * *

Sec. 27. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 21 (certificate of title exemptions; 23 V.S.A. § 2012) shall take effect retroactively on January 1, 2024.

(b) Secs. 13a–13c (motorcycle mufflers (23 V.S.A. § 1221) and tinted windows (23 V.S.A. § 1125)) shall take effect on July 1, 2025.

(c) All other sections shall take effect on July 1, 2024.