

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; Department of Motor Vehicles; transporters; all-
4 surface vehicles; record keeping; certificates of title; registration;
5 residents; low-number plates; weight limitations; signal lamps;
6 emergency warning lamps; car seats; child restraint systems; sirens;
7 law enforcement; vessels; motorboats; fire extinguishers; motorboat
8 numbering; commercial driver’s licenses; commercial learner’s
9 permits; masking violations; airbags; automobile supplemental
10 restraint systems

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

13 An act relating to miscellaneous changes to laws related to the Department
14 of Motor Vehicles, motor vehicles, and vessels

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

16 * * * Transporters * * *

17 Sec. 1. 23 V.S.A. § 4 is amended to read:

18 § 4. DEFINITIONS

19 * * *

1 (8)(A)(i) “Dealer” means a person, partnership, corporation, or other
2 entity engaged in the business of selling or exchanging new or used motor
3 vehicles, snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as
4 part of or incidental to such business, repair such vehicles or motorboats, sell
5 parts and accessories, or lease or rent such vehicles or motorboats. “Dealer”
6 ~~shall~~ does not include a finance or auction dealer or a transporter.

7 (ii)(I) For a dealer in new or used cars or motor trucks, “engaged
8 in the business” means having sold or exchanged at least 12 cars or motor
9 trucks, or a combination thereof, in the immediately preceding year, or 24 in
10 the two immediately preceding years.

11 (II) For a dealer in snowmobiles, motorboats, or all-terrain
12 vehicles, “engaged in the business” means having sold or exchanged at least
13 one snowmobile, motorboat, or all-terrain vehicle, respectively, in the
14 immediately preceding year or two in the two immediately preceding years.

15 (III) For a dealer in trailers, semi-trailers, or trailer coaches,
16 “engaged in the business” means having sold or exchanged at least one trailer,
17 semi-trailer, or trailer coach in the immediately preceding year or a
18 combination of two such vehicles in the two immediately preceding years.

19 However, the sale or exchange of a trailer with a gross vehicle weight rating of
20 3,500 pounds or less shall be excluded under this subdivision (III).

1 (IV) For a dealer in motorcycles or motor-driven cycles,
2 “engaged in the business” means having sold or exchanged at least one
3 motorcycle or motor-driven cycle in the immediately preceding year or a
4 combination of two such vehicles in the two immediately preceding years.

5 * * *

6 (42)(A) “Transporter” means:

7 (i) a person engaged in the business of delivering vehicles of a
8 type required to be registered from a manufacturing, assembling, or
9 distributing plant to dealers or sales agents of a manufacturer;

10 (ii) a person regularly engaged in the business of towing trailer
11 coaches, owned by them or temporarily in their custody, on their own wheels
12 over public highways, or towing office trailers owned by them or temporarily
13 in their custody, on their own wheels over public highways;

14 (iii) a person regularly engaged and properly licensed for the
15 short-term rental of “storage trailers” owned by them and who move these
16 storage trailers on their own wheels over public highways;

17 (iv) a person regularly engaged in the business of moving modular
18 homes over public highways;

19 (v) dealers, owners of motor vehicle auction sites, and automobile
20 repair shop owners when engaged in the transportation of motor vehicles to
21 and from their place of business for repair purposes; or

1 (vi) the following, provided that the transportation and delivery of
2 motor vehicles is a common and usual incident to their business:

3 (I) persons towing overwidth trailers owned by them in
4 connection with their business;

5 (II) persons whose business is the repossession of motor
6 vehicles; ~~and~~

7 (III) persons whose business involves moving vehicles from
8 the place of business of a registered dealer to another registered dealer, or
9 between a motor vehicle auction site and a registered dealer or another motor
10 vehicle auction site, leased vehicles to the lessor at the expiration of the lease,
11 or vehicles purchased at the place of auction of an auction dealer to the
12 purchaser; and

13 (IV) persons who sell or exchange new or used motor vehicles
14 but who are not engaged in business as that phrase is defined in subdivision
15 (8)(A)(ii) of this section.

16 * * *

17 Sec. 2. 23 V.S.A. § 491 is amended to read:

18 § 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF
19 TRANSPORTER PLATES

20 (a) A transporter may apply for and the Commissioner of Motor Vehicles,
21 in ~~his or her~~ the Commissioner's discretion, may issue a certificate of

1 registration and a general distinguishing number plate. Before a person may be
2 registered as a transporter, ~~he or she~~ the person shall ~~present proof~~ self-certify
3 the following on a form provided by the Commissioner:

4 (1) ~~of~~ compliance with section 800 of this title; and

5 (2) that ~~he or she~~ the person either owns or leases a permanent place of
6 business located in this State where business will be conducted during
7 regularly established business hours and the required records stored and
8 maintained.

9 (b) When ~~he or she~~ a transporter displays ~~thereon his or her~~ the
10 transporter's registration plate, a the transporter or ~~his or her~~ the transporter's
11 employee or contractor may transport a motor vehicle owned by the
12 transporter, repossessed, or temporarily in the transporter's custody, and it
13 shall be considered ~~to be~~ properly registered under this title. ~~Transporter's A~~
14 transporter's registration plates shall not be used for any other purposes and
15 shall not be used by the holder of such number plates for personal purposes.

16 * * * Definition of All-Surface Vehicle * * *

17 Sec. 3. 23 V.S.A. § 4(80) is amended to read:

18 (80) An "all-surface vehicle" or "ASV" means any non-highway
19 recreational vehicle, except a snowmobile, when used for cross-country travel
20 on trails or on any one of the following or combination of the following: land,
21 water, snow, ice, marsh, swampland, and natural terrain. An all-surface

1 vehicle shall be designed for use both on land and in water, with or without
2 tracks, shall be capable of flotation and shall be equipped with a skid-steering
3 system, a sealed body, a fully contained cooling system, and ~~six or~~ up to eight
4 tires designed to be inflated with an operating pressure not exceeding
5 10 pounds per square inch as recommended by the manufacturer. An all-
6 surface vehicle shall have a net weight of 1,500 pounds or less, shall have a
7 width of 75 inches or less, shall be equipped with an engine of not more than
8 50 horsepower, and shall have a maximum speed of not more than 25 miles per
9 hour. An ASV when operated in water shall be considered to be a motorboat
10 and shall be subject to the provisions of chapter 29, subchapter 2 of this title.
11 An ASV operated anywhere except in water shall be subject to the provisions
12 of chapter 31 of this title.

13 * * * Record Keeping * * *

14 Sec. 4. 23 V.S.A. § 117 is added to read:

15 § 117. RECORD-KEEPING REQUIREMENTS; CERTIFICATES OF TITLE

16 (a) Original records. Original certificate of title records, including
17 surrendered certificates of title and requests for salvage title, as issued pursuant
18 to chapters 21 and 36 of this title, shall be maintained as an electronic image or
19 electronic copy or other form of image, which allows for the tracing of
20 anything for which the Department of Motor Vehicles issues a certificate of
21 title, for a period of five years.

1 (b) Electronic format. Records of title shall be maintained in a format,
2 determined by the Commissioner, that allows for the tracing of anything for
3 which the Department of Motor Vehicles issues a certificate of title.

4 Sec. 5. 23 V.S.A. § 2017(c) is amended to read:

5 (c) The Commissioner shall maintain a record of all certificates of title
6 issued and of all exempt vehicle titles issued ~~under a distinctive title number~~
7 ~~assigned to the vehicle; under the identification number of the vehicle;~~
8 ~~alphabetically, under the name of the owner; and, in the discretion of the~~
9 ~~Commissioner, by any other method the Commissioner determines. The~~
10 ~~original records may be maintained on microfilm or electronic imaging~~
11 pursuant to section 117 of this title.

12 Sec. 6. 23 V.S.A. § 2027(c) is amended to read:

13 (c) The Commissioner shall file and retain ~~for five years~~ every surrendered
14 certificate of title ~~so as to permit the tracing of title of the corresponding~~
15 ~~vehicles~~ pursuant to section 117 of this title.

16 Sec. 7. 23 V.S.A. § 2092 is amended to read:

17 § 2092. ISSUANCE OF SALVAGE TITLE

18 The Commissioner shall file and maintain in the manner provided in section
19 ~~2017~~ 117 of this title each application received and when satisfied as to its
20 genuineness and regularity and that the applicant is entitled to the issuance of a
21 salvage certificate of title, shall issue a salvage certificate of title to the vehicle.

1 Sec. 8. 23 V.S.A. § 3810(b)(1) is amended to read:

2 (b)(1) The Commissioner shall maintain ~~at his or her central office~~ a record
3 of all certificates of title issued by ~~him or her~~:

4 (A) ~~under a distinctive title number assigned to the vessel,~~
5 ~~snowmobile, or all terrain vehicle;~~

6 (B) ~~under the identification number of the vessel, snowmobile, or all~~
7 ~~terrain vehicle;~~

8 (C) ~~alphabetically, under the name of the owner; and, in the~~
9 ~~discretion of the Commissioner, by any other method he or she determines the~~
10 ~~Commissioner pursuant to section 117 of this title.~~

11 Sec. 9. 23 V.S.A. § 3820(c) is amended to read:

12 (c) The Commissioner shall file and retain every surrendered certificate of
13 title ~~for five years. The file shall be maintained so as to permit the tracing of~~
14 ~~title of the vessel, snowmobile, or all terrain vehicle designated pursuant to~~
15 ~~section 117 of this title.~~

16 * * * Registration; Residents * * *

17 Sec. 10. 23 V.S.A. § 301 is amended to read:

18 § 301. PERSONS REQUIRED TO REGISTER

19 (a) Residents, except as provided in chapter 35 of this title, shall annually
20 register motor vehicles owned or leased for a period of more than 30 days and
21 operated by them, unless currently registered in Vermont.

1 (b) Temporary residents and foreign partnerships, firms, associations, and
2 corporations having a place of business in this State may annually register
3 motor vehicles owned or leased for a period of more than 30 days and operated
4 by them or an employee.

5 (c) Notwithstanding this section, a resident who has moved into the State
6 from another jurisdiction shall register ~~his or her~~ the resident's motor vehicle
7 within 60 days ~~of~~ after moving into the State. ~~A person~~

8 (d) An individual shall not operate a motor vehicle nor draw a trailer or
9 semi-trailer on any highway unless such vehicle is registered as provided in
10 this chapter. Vehicle owners who have apportioned power units registered in
11 this State under the International Registration Plan are exempt from the
12 requirement to register their trailers in this State.

13 (e) As used in this section:

14 (1) "Resident" means an individual living in the State who intends to
15 make the State the individual's place of domicile either permanently or for an
16 indefinite number of years.

17 (2) "Temporary resident" means an individual living in the State for a
18 particular purpose involving a defined period, including students, migrant
19 workers employed in seasonal occupations, and individuals employed under a
20 contract with a fixed term, provided that the motor vehicle will be used in the
21 State on a regular basis.

1 Sec. 11. 23 V.S.A. § 303(a) is amended to read:

2 (a) The Commissioner or ~~his or her~~ the Commissioner's duly authorized
3 agent shall register a motor vehicle, trailer, or semi-trailer ~~when~~ that is required
4 or permitted to be registered in Vermont upon application therefor, on a form
5 prescribed by the Commissioner that is filed with the Commissioner, showing
6 such motor vehicle to be properly equipped and in good mechanical condition,
7 ~~is filed with him or her,~~ and accompanied by the required registration fee and
8 evidence of the applicant's ownership of the vehicle in such form as the
9 Commissioner may reasonably require. Except for State or municipal vehicles,
10 registrants and titled owners shall be identical.

11 * * * Weight Limitations on Low-Number Plates * * *

12 Sec. 12. 23 V.S.A. § 304(c) is amended to read:

13 (c) The Commissioner shall issue registration numbers 101 through 9999,
14 which shall be known as reserved registration numbers, for pleasure cars,
15 ~~motor trucks that are registered at the pleasure-car rate~~ for less than 26,001
16 pounds, and motorcycles in the following manner:

17 * * *

18 (4) A person holding a reserved registration number on a pleasure car, a
19 truck ~~that is registered at the pleasure-car rate~~ for less than 26,001 pounds, or a
20 motorcycle may be issued the same reserved registration number for the other

1 authorized vehicle types, provided that the person receives ~~no~~ not more than
2 one such plate or set of plates for each authorized vehicle type.

3 * * * License Plates; Registration; Prorated Refunds * * *

4 Sec. 13. 23 V.S.A. § 327 is amended to read:

5 § 327. REFUND WHEN PLATES NOT USED

6 Subject to the conditions set forth in subdivisions ~~(1), (2), and (3)~~ (1)–(4) of
7 this section, the Commissioner may cancel the registration of a motor vehicle,
8 snowmobile, or motorboat when the owner returns to the Commissioner either
9 the number plates, if any, or the registration certificate. Upon cancellation of
10 the registration, the Commissioner shall notify the Commissioner of Finance
11 and Management, who shall issue a refund as follows:

12 (1) For registrations ~~cancelled~~ cancelled prior to the beginning of the
13 registration period, the refund is the full amount of the fee paid, less a charge
14 of \$5.00.

15 (2) For registrations ~~cancelled~~ cancelled within 30 days ~~of~~ after the date
16 of issue, the refund is the full amount of the fee paid, less a charge of \$5.00.
17 The owner of a motor vehicle must prove to the Commissioner's satisfaction
18 that the number plates have not been used or attached to a motor vehicle.

19 (3) For registrations ~~cancelled~~ cancelled prior to the beginning of the
20 second year of a two-year registration period, the refund is one-half of the full
21 amount of the two-year fee paid, less a charge of \$5.00.

1 (4) For registrations canceled prior to conclusion of a five-year
2 registration period, the refund is as follows:

3 (A) four-fifths of the full amount of the five-year fee paid less a
4 charge of \$5.00 if canceled prior to the beginning of the second year;

5 (B) three-fifths of the full amount of the five-year fee paid less a
6 charge of \$5.00 if canceled prior to the beginning of the third year;

7 (C) two-fifths of the full amount of the five-year fee paid less a
8 charge of \$5.00 if canceled prior to the beginning of the fourth year; and

9 (D) one-fifth of the full amount of the five-year fee paid less a charge
10 of \$5.00 if canceled prior to the beginning of the fifth year.

11 * * * Emergency Warning Lamps and Sirens * * *

12 Sec. 14. 23 V.S.A. § 1251 is amended to read:

13 § 1251. SIRENS AND ~~COLORED SIGNAL~~ EMERGENCY WARNING
14 LAMPS; OUT-OF-STATE EMERGENCY AND RESCUE
15 VEHICLES

16 (a) Prohibition. A motor vehicle shall not be operated upon a highway of
17 this State equipped with any of the following:

18 (1) a siren ~~or signal lamp colored other than amber~~ unless either a permit
19 authorizing ~~this equipment~~ the siren, issued by the Commissioner of Motor
20 Vehicles, is carried in the vehicle or a permit is not required pursuant to section
21 1252 of this subchapter;

1 (2) an emergency warning lamp unless either a permit authorizing the
2 emergency warning lamp, issued by the Commissioner, is carried in the vehicle
3 or a permit is not required pursuant to section 1252 of this subchapter; or

4 (3) a blue light of any kind unless either a permit authorizing the blue
5 light, issued by the Commissioner, is carried in the vehicle or a permit is not
6 required pursuant to section 1252 of this subchapter.

7 (b) Permit transfer. A permit may be transferred following the same
8 procedure and subject to the same time limits as set forth in section 321 of this
9 title. The Commissioner may adopt additional rules as may be required to
10 govern the acquisition of permits and the use pertaining to sirens and ~~colored~~
11 ~~signal~~ emergency warning lamps.

12 ~~(b)~~(c) Exception for vehicles from another state. Notwithstanding the
13 provisions of subsection (a) of this section, when responding to emergencies,
14 law enforcement vehicles, ambulances, fire vehicles, or vehicles owned or
15 leased by, or provided to, volunteer firefighters or rescue squad members that
16 are registered or licensed by another state or province may use sirens and
17 ~~signal~~ emergency warning lamps in Vermont, and a permit shall not be
18 required for such use, ~~as long as~~ provided the vehicle is properly permitted or
19 otherwise permitted to use the sirens and emergency warning lamps without
20 permit in its home state or province.

1 Sec. 15. 23 V.S.A. § 1252 is amended to read:

2 § 1252. LAW ENFORCEMENT VEHICLES; ISSUANCE OF PERMITS

3 FOR SIRENS OR COLORED EMERGENCY WARNING LAMPS,

4 OR BOTH; USE OF AMBER LAMPS

5 (a) Law enforcement vehicles.

6 ~~(1) When satisfied as to the condition and use of the vehicle, the~~
7 ~~Commissioner shall issue and may revoke, for cause, permits for sirens and~~
8 ~~colored signal lamps in the following manner~~ Law enforcement vehicles
9 owned and operated by the government. The following are authorized for use,
10 without permit, on all law enforcement vehicles owned or leased by the federal
11 government, a municipality, the State, or the Vermont Criminal Justice
12 Council:

13 ~~(4)(A) Sirens, blue signal emergency warning lamps, or blue and white~~
14 ~~signal emergency warning lamps, or a combination thereof, may be authorized~~
15 ~~for all law enforcement vehicles owned or leased by a law enforcement~~
16 ~~agency, a certified law enforcement officer, or the Vermont Criminal Justice~~
17 ~~Council.~~

18 (B) A red ~~signal emergency warning lamp or an a red and amber~~
19 ~~signal emergency warning lamp, or a combination thereof, may be authorized~~
20 ~~for all law enforcement vehicles owned or leased by a law enforcement~~
21 ~~agency, a certified law enforcement officer, or the Vermont Criminal Justice~~

1 ~~Council~~, provided that the ~~Commissioner shall require~~ the lamp or lamps be
2 are mounted so as to be visible primarily from the rear of the vehicle.

3 ~~(C)~~(2) Law enforcement vehicles owned or leased by a certified
4 constable.

5 ~~(A) If the applicant is a~~ The following are authorized for use, without
6 permit, on all law enforcement vehicles owned or leased by a Vermont
7 Criminal Justice Council certified constable, the application shall be
8 accompanied by a certification by the town clerk that the applicant is the duly
9 elected or appointed constable and attesting that the town for a municipality
10 that has not voted to limit the constable's authority to engage in enforcement
11 activities under 24 V.S.A. § 1936a: a red emergency warning lamp or a red
12 and amber emergency warning lamp, provided that the lamp or lamps are
13 mounted so as to be visible primarily from the rear of the vehicle.

14 (B) A constable for a municipality that has voted to limit the
15 constable's authority to engage in enforcement activities under 24 V.S.A.
16 § 1936a shall not operate, in the course of the constable's elected duties, a
17 motor vehicle with a siren or an emergency warning lamp.

18 ~~(2)~~(b) Emergency services vehicles.

19 (1) When satisfied as to the condition and use of the vehicle, the
20 Commissioner shall issue and may revoke, for cause, permits for sirens and
21 emergency warning lamps in the following manner:

1 (A) Sirens and red or red and white ~~signal~~ emergency warning lamps
2 may be authorized for all ambulances and other emergency medical service
3 (EMS) vehicles, vehicles owned or leased by a fire department, vehicles used
4 solely in rescue operations, or vehicles owned or leased by, or provided to,
5 volunteer firefighters and voluntary rescue squad members, including a vehicle
6 owned by a volunteer’s employer when the volunteer has the written
7 authorization of the employer to use the vehicle for emergency fire or rescue
8 activities.

9 (B) A blue ~~signal~~ emergency warning lamp or ~~an~~ a blue and amber
10 ~~signal emergency warning lamp, or a combination thereof,~~ may be authorized
11 for all EMS vehicles or vehicles owned or leased by a fire department,
12 provided that the Commissioner shall require the lamp or lamps be mounted so
13 as to be visible primarily from the rear of the vehicle.

14 ~~(3) [Repealed.]~~

15 ~~(4)~~(2) No motor vehicle, other than one owned by the applicant, shall be
16 issued a permit until the Commissioner has recorded the information regarding
17 both the owner of the vehicle and the applicant for the permit.

18 ~~(5)~~(3) Upon application to the Commissioner, the Commissioner may
19 issue a single permit for all the vehicles owned or leased by the applicant.

20 ~~(6)~~(4) Sirens and red or red and white signal lamps or sirens and blue or
21 blue and white signal lamps may be authorized for restored emergency or

1 enforcement vehicles used for exhibition purposes. Sirens and lamps
2 authorized under this subdivision may only be activated during an exhibition,
3 such as a car show or parade.

4 ~~(b)~~(c) Amber signal lamps. Amber signal lamps shall be used on road
5 maintenance vehicles, service vehicles, and wreckers and shall be used on all
6 registered snow removal equipment when in use removing snow on public
7 highways, and the amber lamps shall be mounted so as to be visible from all
8 sides of the motor vehicle.

9 Sec. 16. 23 V.S.A. § 1254 is added to read:

10 § 1254. EMERGENCY WARNING LAMP; DEFINITION

11 As used in sections 1251–1255 of this subchapter, “emergency warning
12 lamp”:

13 (1) means a lamp or lamps that provide a flashing light to identify an
14 authorized vehicle on an emergency mission that may be a rotating beacon or
15 pairs of alternately or simultaneously flashing lamps; and

16 (2) does not include a lamp or lamps that provide an exclusively amber
17 flashing light.

18 Sec. 17. 23 V.S.A. § 1255(b) is amended to read:

19 (b) All persons with motor vehicles equipped as provided in ~~subdivisions~~
20 subsections 1252(a)(4) and (2)(b) of this title subchapter shall use the sirens or
21 ~~colored signal~~ emergency warning lamps, or both, only in the direct

1 performance of ~~their~~ official duties. When any ~~person~~ individual other than a
2 law enforcement officer is operating a motor vehicle equipped as provided in
3 ~~subdivision~~ subsection 1252(a)(4) of this ~~title~~ subchapter, the ~~colored signal~~
4 emergency warning lamps shall be either removed, covered, or hooded. When
5 any ~~person~~ individual other than an authorized emergency medical service
6 vehicle operator, firefighter, or authorized operator of vehicles used in rescue
7 operations is operating a motor vehicle equipped as provided in subdivision
8 ~~1252(a)(2)(b)(1)~~ of this ~~title~~ subchapter, the ~~colored signal~~ emergency warning
9 lamps shall be either removed, covered, or hooded unless the operator holds a
10 senior operator license.

11 Sec. 18. 23 V.S.A. § 4(1) is amended to read:

12 (1) “Authorized emergency vehicle” means a vehicle of a fire
13 department, ~~police~~ law enforcement vehicle, public and private ambulance, and
14 a vehicle ~~to which a permit has been issued pursuant to subdivision 1252(a)(1)~~
15 ~~or (2)~~ equipped as provided in subsections 1252(a) and (b) of this title.

16 Sec. 19. 23 V.S.A. § 1050a(b) is amended to read:

17 (b) The driver of a vehicle shall yield the right of way to any authorized
18 vehicle obviously and actually engaged in work upon a highway when the
19 vehicle displays flashing lights meeting the requirements of subsection
20 ~~1252(b)(c)~~ of this title.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * * Child Restraint Systems * * *

Sec. 20. 23 V.S.A. § 1258 is amended to read:

§ 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS
UNDER AGE 18 YEARS OF AGE

(a) No ~~person~~ individual shall operate a motor vehicle, other than a type I school bus, in this State upon a public highway unless every occupant under ~~age 18 years of age~~ is properly restrained in a federally approved child ~~passenger-restraining~~ restraint system as defined in 49 C.F.R. § 571.213, as may be amended, or a federally approved safety belt, as follows:

(1) ~~all children~~ a child under the two years of age of ~~one and all children~~ weighing less than 20 pounds, regardless of age, shall be restrained in a rear-facing ~~position~~, properly secured in a federally approved ~~child-passenger restraining~~ rear-facing child restraint system with a harness, which shall not be installed in front of an active air bag as those terms are defined in 49 C.F.R. § 571.213, as may be amended, until the child reaches the weight or height limit of the rear-facing child restraint system as set by the manufacturer;

(2) a child ~~weighing more than 20 pounds, and who is one year of age or older and under the age of eight~~ five years, of age who is not properly secured in a federally approved rear-facing child restraint system in accordance with subdivision (1) of this subsection shall be restrained in a ~~child-passenger restraining system~~ properly secured in a forward-facing federally approved

1 child restraint system with a harness until the child reaches the weight or
2 height limit of the child restraint system as set by the manufacturer; and

3 (3) a child under eight years of age who is not properly secured in a
4 federally approved child restraint system in accordance with subdivision (1) or
5 (2) of this subsection shall be properly secured in a booster seat, as defined in
6 49 C.F.R. § 571.213, as may be amended;

7 (4) a child ~~eight through 17~~ under 18 years of age who is not properly
8 secured in a federally approved child restraint system in accordance with
9 subdivision (1), (2), or (3) of this subsection shall be restrained in a safety belt
10 system or a child passenger restraining system;

11 (5) a child under 13 years of age shall always, if practical, ride in a rear
12 seat of a motor vehicle; and

13 (6) no child shall be secured in a rear-facing child restraint system in the
14 front seat of a motor vehicle that is equipped with an active passenger-side
15 airbag unless the airbag is deactivated.

16 (b) ~~A person~~ An individual shall not be adjudicated in violation of this
17 section if:

18 (1) the motor vehicle is regularly used to transport passengers for hire,
19 except a motor vehicle owned or operated by a child care facility;

20 (2) the motor vehicle was manufactured without safety belts; or

1 (3) the ~~person~~ individual has been ordered by an enforcement officer, a
2 firefighter, or an authorized civil authority to evacuate ~~persons~~ individuals
3 from a stricken area.

4 (c) The civil penalty for violation of this section shall be as follows:

5 (1) \$25.00 for a first violation;

6 (2) \$50.00 for a second violation; and

7 (3) \$100.00 for third and subsequent violations.

8 Sec. 21. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH

9 CAMPAIGN

10 (a) The Department of Health, in consultation with the State Highway
11 Safety Office, shall implement a public outreach campaign on car seat safety
12 that builds upon the current Be Seat Smart program; utilizes materials on child
13 safety prepared by the U.S. Department of Transportation, Traffic Safety
14 Marketing; is consistent with the recommendations from the American
15 Academy of Pediatrics in the Child Passenger Safety Policy Statement
16 published in 2018; and educates Vermonters on 23 V.S.A. § 1258, as amended
17 by Sec. 20 of this act.

18 (b) The public outreach campaign shall disseminate information on car seat
19 safety through e-mail; a dedicated web page on car seat safety that is linked
20 through the websites for the Agency of Transportation and the Department of
21 Health; social media platforms; community posting websites; radio; television;

1 and informational materials that can be printed and shall be made available to
2 all pediatricians, obstetricians, and midwives licensed in the State and all Car
3 Seat Inspection Stations in the State.

4 * * * Exempt Vehicle Title * * *

5 Sec. 22. 23 V.S.A. § 2001(15) is amended to read:

6 (15) “Title or certificate of title” means a written instrument or
7 document that certifies ownership of a vehicle and is issued by the
8 Commissioner or equivalent official of another jurisdiction. These terms do not
9 include an exempt vehicle title ~~authorized to be issued under subdivision~~
10 ~~2013(a)(2) of this chapter.~~

11 Sec. 23. 23 V.S.A. § 2002(a)(1) is amended to read:

12 (1) for any certificate of title, including a salvage certificate of title, ~~or~~
13 ~~an exempt vehicle title~~, \$42.00;

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

15 § 2012. EXEMPTED VEHICLES

16 No certificate of title need be obtained for:

17 * * *

18 (10) a vehicle that is more than 15 years old on January 1, 2024 that has
19 been registered in Vermont and has not had a change in ownership since
20 January 1, 2024.

21 Sec. 25. 23 V.S.A. § 2016 is amended to read:

1 § 2016. COMMISSIONER TO CHECK IDENTIFICATION NUMBER

2 The Commissioner, upon receiving application for a first certificate of title
3 ~~or exempt vehicle title~~, shall check the identification number of the vehicle
4 shown in the application against the records of vehicles required to be
5 maintained by section 2017 of this title and against the record of stolen and
6 converted vehicles required to be maintained by section 2084 of this title.

7 Sec. 26. 23 V.S.A. § 2021 is amended to read:

8 § 2021. REFUSAL OF CERTIFICATE

9 The Commissioner shall refuse issuance of a certificate of title ~~or an exempt~~
10 ~~vehicle title~~ if any required fee is not paid or ~~if he or she~~ the Commissioner has
11 reasonable grounds to believe that:

12 * * *

13 * * * Vessels * * *

14 * * * Fire Extinguishers * * *

15 Sec. 27. 23 V.S.A. § 3306 is amended to read:

16 § 3306. LIGHTS AND EQUIPMENT

17 * * *

18 (c) ~~Every motorboat, except a motorboat that is less than 26 feet in length,~~
19 ~~that has an outboard motor and an open construction, and is not carrying~~
20 ~~passengers for hire shall carry on board, fully charged and in good condition,~~
21 ~~U.S. Coast Guard approved hand portable fire extinguishers~~ U.S. Coast Guard-

1 approved hand portable fire extinguishers that are unexpired, fully charged,
2 and in both good and serviceable condition shall be carried on board every
3 motorboat as follows:

4 (1) motorboats with no fixed fire extinguisher system in the machinery
5 space and that are:

6 (A) less than 26 feet in length, not less than one extinguisher;

7 (B) 26 feet or longer, but less than 40 feet, not less than two
8 extinguishers; and

9 (C) 40 feet or longer, not less than three extinguishers; and

10 (2) motorboats with a fixed fire extinguisher system in the machinery
11 space and that are:

12 (A) less than 26 feet in length, no extinguishers required;

13 (B) 26 feet or longer but less than 40 feet, not less than one
14 extinguisher; and

15 ~~(B)~~(C) 40 feet or longer, not less than two extinguishers.

16 (d) Notwithstanding subsection (c) of this section, motorboats less than 26
17 feet in length, propelled by outboard motors, and not carrying passengers for
18 hire need not carry portable fire extinguishers if the construction of the boats
19 will not permit the entrapment of explosive or flammable gases or vapors.

1 ~~(e)~~(1) The extinguishers referred to by this section are class B-I or 5-B
2 extinguishers, but one class B-II or 20-B extinguisher may be substituted for
3 two class B-I or 5-B extinguishers.

4 (2) Notwithstanding subdivision (1) of this subsection, motorboats with
5 a model year between 1953 and 2017 with previously approved fire
6 extinguishers that are not in compliance with the types identified in subdivision
7 (1) of this subsection need not be replaced until such time as they are no longer
8 in good and serviceable condition.

9 ~~(e)~~(f) Every marine toilet on board any vessel operated on the waters of the
10 State shall also incorporate or be equipped with a holding tank. Any holding
11 tank or marine toilet designed so as to provide for an optional means of
12 discharge to the waters on which the vessel is operating shall have the
13 discharge openings sealed shut and any discharge lines, pipes, or hoses shall be
14 disconnected and stored while the vessel is in the waters of this State.

15 ~~(f)~~(g) Nothing in this section shall be construed to prevent the discharge of
16 adequately treated wastes from any vessel operating under the provisions of a
17 valid discharge permit issued by the Department of Environmental
18 Conservation.

19 ~~(g)~~(h) Motorboats operated on waters that the U.S. Coast Guard has
20 determined to be navigable waters of the United States and therefore subject to

1 the jurisdiction of the United States must have lights and other safety
2 equipment as required by U.S. Coast Guard rules and regulations.

3 * * * Vermont Numbering Provisions * * *

4 Sec. 28. 23 V.S.A. § 3307(a) is amended to read:

5 (a) A motorboat is not required to have a Vermont number under this
6 chapter if it is:

7 (1) already covered by a number in effect that has been awarded to it
8 under federal law or a federally approved numbering system of another state if
9 the boat has not been within the State for more than ~~90~~ 60 days;

10 (2) a motorboat from a country other than the United States if the boat
11 has not been within the State for more than ~~90~~ 60 days;

12 * * *

13 * * * Commercial Driver’s Licenses and Permits;

14 Prohibition on Masking or Diversion * * *

15 Sec. 29. 23 V.S.A. § 4122 is amended to read:

16 § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON
17 MASKING OR DIVERSION

18 (a) No judge or court, State’s Attorney, or law enforcement officer may
19 utilize the provisions of 13 V.S.A. § 7041 or any other program to defer
20 imposition of sentence or judgment if the defendant holds a commercial
21 driver’s license or was operating a commercial motor vehicle when the

1 violation occurred and is charged with violating any State or local traffic law
2 other than a parking violation.

3 (b) In accordance with 49 C.F.R. § 384.226, no court, State’s Attorney, or
4 law enforcement officer may mask or allow an individual to enter into a
5 diversion program that would prevent a commercial learner’s permit holder’s
6 or commercial driver’s license holder’s conviction for any violation, in any
7 type of motor vehicle, of a state or local traffic control law other than parking,
8 vehicle weight, or vehicle defect violations from appearing on the Commercial
9 Driver’s License Information System (CDLIS) driver record.

10 * * * Airbags * * *

11 Sec. 30. 13 V.S.A. § 2026 is amended to read:

12 § 2026. INSTALLATION OF OBJECT IN LIEU OF AIR BAG

13 (a) No person shall knowingly:

14 (1) manufacture, import, distribute, offer for sale, sell, lease, transfer,
15 install, or reinstall, or knowingly cause to be installed, or cause to be
16 reinstalled: a counterfeit automobile supplemental restraint system component,
17 a nonfunctional airbag, or

18 (4) an object in lieu of a vehicle air bag that was designed in accordance
19 with the federal safety regulation an automobile supplement restraint system
20 component, when the object does not comply with the requirements of

1 49 C.F.R. § 571.208, as amended, for the make, model, and year of a vehicle;

2 or

3 (2) ~~an inoperable vehicle air bag, knowing the air bag is inoperable~~
4 install or reinstall as an automobile supplemental restraint system component
5 anything that causes the diagnostic system for a motor vehicle to fail to warn
6 the motor vehicle operator that an airbag is not installed or fail to warn the
7 motor vehicle operator that a counterfeit automobile supplemental restraint
8 system component or nonfunctional airbag is installed in the motor vehicle.

9 (b) A person who violates subsection (a) of this section shall be imprisoned
10 for not more than three years or fined not more than \$10,000.00, or both.

11 (c) A person who violates subsection (a) of this section, and serious bodily
12 injury, as defined in section 1021 of this title, or death results, shall be
13 imprisoned for not more than 15 years or fined not more than \$10,000.00, or
14 both.

15 (d) Subsection (a) of this section shall not apply to the sale, lease, transfer,
16 installation, or reinstallation of an airbag in a motor vehicle exclusively used
17 for law enforcement.

18 (e) As used in this section:

19 (1) “Airbag” means an inflatable restraint device for occupants of motor
20 vehicles that is part of an automobile supplemental restraint system.

1 (2) “Automobile supplemental restraint system” means a passive
2 inflatable crash protection system that a vehicle manufacturer designs to
3 protect automobile occupants in the event of a collision in conjunction with a
4 seat belt assembly, as defined in 49 C.F.R. § 571.209, and that consists of one
5 or more airbags and all components required to ensure that each airbag:

6 (A) operates as designed in a crash; and

7 (B) meets federal motor vehicle safety standards for the specific
8 make, model, and year of manufacture of the vehicle in which the airbag is
9 installed.

10 (3) “Counterfeit automobile supplemental restraint system component”
11 means a replacement component, including an airbag, for an automobile
12 supplemental restraint system that without the authorization of a manufacturer,
13 or a person that supplies parts to the manufacturer, displays a trademark that is
14 identical or substantially similar to the manufacturer’s or supplier’s genuine
15 trademark.

16 (4) “Install” and “reinstall” require the completion of installation work
17 related to the automobile supplemental restraint system of a motor vehicle and
18 either:

19 (A) for the motor vehicle to be returned to the owner or operator; or

20 (B) for the transfer of title for the motor vehicle.

21 (5) “Nonfunctional airbag” means a replacement airbag that:

1 (A) was previously deployed or damaged;

2 (B) has a fault that the diagnostic system for a motor vehicle detects
3 once the airbag is installed;

4 (C) may not be sold or leased under 49 U.S.C. § 30120(j); or

5 (D) includes a counterfeit automobile supplemental restraint system
6 component or other part or object that is installed for the purpose of misleading
7 a motor vehicle owner or operator into believing that a functional airbag is
8 installed.

9 (6) “Nonfunctional airbag” does not include an unrepaired deployed
10 airbag or an airbag that is installed in a motor vehicle:

11 (A) that is a totaled motor vehicle, as defined in 23 V.S.A.
12 § 2001(14); or

13 (B) for which the owner was issued a salvaged certificate of title
14 pursuant to 23 V.S.A. § 2091 or a similar title from another state.

15 * * * Effective Dates * * *

16 Sec. 31. EFFECTIVE DATES

17 (a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 24 (certificate of
18 title exemptions; 23 V.S.A. § 2012) shall take effect retroactively on January 1,
19 2024.

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