

1 S.67

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Motor vehicles; motor carrier registration; arrest reports; motorcycle
5 helmet standards; accident reports; delivering certificate of title;
6 salvage title for vessels, snowmobiles, and ATVs; rules regarding
7 motorcycle helmets

8 Statement of purpose: This bill proposes to:

9 (1) suspend or refuse registration when a motor carrier has been
10 prohibited from operating by a federal agency;

11 (2) separate the arrest report and accident report criteria for law
12 enforcement officers;

13 (3) modernize the motorcycle helmet standards by the adoption of the
14 U.S. Department of Transportation standards;

15 (4) require accident reports to be filed with the secretary of
16 transportation and create the accident data repository;

17 (5) create the traffic violation of failure to deliver a certificate of title
18 after transfer;

19 (6) provide for the issuance of salvage titles for vessels, snowmobiles,
20 and all-terrain vehicles; and

1 (7) supersede the existing administrative rule regarding motorcycle
2 helmets.

3 An act relating to motor vehicles

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

5 Sec. 1. 23 V.S.A. § 308 is amended to read:

6 § 308. SUSPENSION AND REVOCATION OF REGISTRATION

7 (a) The commissioner may suspend or revoke the registration of any motor
8 vehicle, registered in this state, and repossess the number plates assigned to it,
9 when he or she is satisfied that:

10 (1) ~~Such~~ The vehicle has been stolen and that the registrant ~~thereof has~~
11 ~~no~~ does not have legal title ~~thereto~~; ~~or~~

12 (2) ~~Such~~ The vehicle is in such poor mechanical condition as to make
13 its operation and use a menace or danger; ~~or~~

14 (3) ~~Such~~ The vehicle is operated without proper equipment after the
15 owner ~~thereof~~ has been notified to procure and use such equipment as is
16 required by law or department ~~regulations~~ rules; ~~or~~

17 (4) The owner of ~~such~~ the motor vehicle has perpetrated some fraud
18 upon the motor vehicle department; ~~or~~

1 (5) The owner of ~~such~~ the motor vehicle is an habitual user of
2 intoxicating liquor to excess; ~~or~~

3 (6) The number plates were erroneously issued; ~~or~~

4 (7) Suspension or revocation is authorized under any other provision of
5 law; or

6 (8) The commercial motor carrier responsible for safety of the vehicle
7 has been prohibited from operating by a federal agency.

8 (b) The commissioner shall deny registration if the applicant fails to
9 disclose material information required, or if the applicant has made a
10 materially false statement on the application, or if the applicant's business is
11 operated, managed, or otherwise controlled or affiliated with a person who is
12 ineligible for registration, including the applicant entity, a relative, family
13 member, corporate officer, or shareholder. A person whose privilege to
14 operate has been suspended in accordance with subsections 3009(b) or 3103(b)
15 of this title or section 110 of this title where the payments were due pursuant to
16 sections 3015 or 3106 of this title shall be ineligible for registration. The
17 department shall deny registration for a vehicle that has been assigned for
18 safety to a commercial motor carrier who has been prohibited from operating
19 by the Federal Motor Carrier Safety Administration or a carrier whose business
20 is operated, managed, or otherwise controlled or affiliated with a person who is

1 ineligible for registration, including the owner, a relative, family member,
2 corporate officer, or shareholder.

3 Sec. 2. 23 V.S.A. § 1016 is amended to read:

4 § 1016. REPORTS OF ARREST

5 Law enforcement officers who make arrests or issue citations for violations
6 of this title, ~~or who investigate motor vehicle accidents,~~ shall forward a written
7 report on forms prescribed and furnished by the commissioners of motor
8 vehicles and public safety and approved by the attorney general with respect to
9 any matter affecting the substantive rights of any person, to the department of
10 motor vehicles within ~~thirty~~ 30 days after the arrest is made ; or the citation is
11 issued ~~or the accident is investigated.~~

12 Sec. 3. 23 V.S.A. § 1256 is amended to read:

13 § 1256. MOTORCYCLES—HEADGEAR

14 ~~No~~ A person may not operate or ride upon a motorcycle upon a highway
15 unless he or she properly wears ~~upon his or her head~~ protective headgear
16 ~~reflectorized in part and of a type approved by the commissioner. The~~
17 ~~headgear shall be equipped with either a neck or chin strap~~ that conforms to the
18 federal Motor Vehicle Safety Standards contained in 49 C.F.R. part 571.218
19 and any amendment or addition to the regulations that may be adopted by the
20 U.S. Secretary of Transportation.

1 Sec. 4. 23 V.S.A. § 1603a is amended to read:

2 § 1603a. REPORTS OF ACCIDENTS ~~INVOLVING COMMERCIAL~~
3 ~~MOTOR VEHICLES~~

4 (a) All accidents involving a commercial motor vehicle or any vehicle
5 displaying a hazardous materials placard shall be reported to the ~~department of~~
6 ~~motor vehicles~~ agency of transportation by appropriate law enforcement
7 personnel on forms and in a manner prescribed by the ~~commissioner~~ secretary
8 of transportation.

9 (b) Law enforcement officers who investigate motor vehicle accidents other
10 than those involving vehicles described in subsection (a) of this section shall
11 forward a report to the agency of transportation within 30 days after the
12 accident is investigated on forms prescribed and furnished by the secretary of
13 transportation, and approved by the attorney general with respect to any matter
14 affecting the substantive rights of any person.

1 Sec. 5. 23 V.S.A. § 1603b is added to read:

2 § 1603b. AGENCY OF TRANSPORTATION REPOSITORY FOR
3 ACCIDENT REPORTS FILED BY LAW ENFORCEMENT;
4 DEPARTMENT OF MOTOR VEHICLES REPOSITORY FOR
5 OPERATOR ACCIDENT REPORTS

6 The agency of transportation shall be the accident data repository for reports
7 submitted by law enforcement agencies in the state. The department of motor
8 vehicles shall be the repository agency for all operator accident reports.

9 Sec. 6. 23 V.S.A. § 2083 is amended to read:

10 § 2083. OTHER OFFENSES

11 (a) A person who:

12 (1) With fraudulent intent, permits another, who is not entitled ~~thereto~~,
13 to use or have possession of a certificate of title;

14 (2) Willfully fails to mail or deliver a certificate of title or application
15 ~~therefor~~ for a certificate of title to the commissioner within ~~40~~ 20 days after the
16 transfer or creation or satisfaction of a security interest;

17 (3) Willfully fails to deliver to his or her transferee a certificate of title
18 within ~~40~~ 20 days after the transfer;

19 (4) Willfully and without authority signs a name other than his or her
20 own on any title or inaccurately states or alters the chain of ownership or other
21 information required on any title, or fails to return a certificate of title that has

1 been fraudulently made, or has unauthorized possession of blank certificates of
2 title or manufacturer's certificates of origin;

3 (5) Willfully violates any provision of this chapter, except as provided
4 in subdivision ~~(5)~~(6) of this section or section 2082 of this title, shall be fined
5 not more than \$2,000.00, or imprisoned for not more than two years, or both;
6 or

7 (6) Willfully represents as his or her own, or sells a motor vehicle or
8 vessel on which he or she does not hold legal title to or is not authorized to sell
9 or transfer the vehicle or vessel by the titleholder shall be fined not more than
10 \$5,000.00, or imprisoned for not more than five years, or both, for each
11 offense.

12 (b) A person shall not willfully fail to deliver to his or her transferee a
13 certificate of title within 10 days after the transfer. A violation of this
14 subsection shall be a traffic violation for which there shall be a penalty of not
15 more than \$1,000.00.

16 Sec. 7. 23 V.S.A. § 3833 is added to read:

17 § 3833. DISMANTLING OR DESTRUCTION OF VESSELS,

18 SNOWMOBILES, OR ALL-TERRAIN VEHICLES

19 (a) Except for vessels, snowmobiles, or all-terrain vehicles for which no
20 certificate of title is required pursuant to section 3807 of this title, any person
21 who purchases or in any manner acquires a vessel, snowmobile, or all-terrain

1 vehicle as salvage who scraps, dismantles, or destroys a vessel, snowmobile, or
2 all-terrain vehicle or any insurance company or representative of an insurance
3 company who declares a vessel, snowmobile, or all-terrain vehicle to be a total
4 loss shall make application for a salvage certificate of title within 15 days of
5 the time the vessel, snowmobile, or all-terrain vehicle is purchased or
6 otherwise acquired as salvage, scrapped, dismantled, or destroyed, or declared
7 a total loss. The application shall be accompanied by:

8 (1) any certificate of title; and

9 (2) any other information or documents that the commissioner may
10 reasonably require to establish ownership of the vessel, snowmobile, or
11 all-terrain vehicle, and the existence or nonexistence of any security interest in
12 the vessel, snowmobile or all-terrain vehicle.

13 (b) When a vessel, snowmobile or all-terrain vehicle is destroyed by
14 crushing for scrap, the person causing the destruction shall immediately mail
15 or deliver to the commissioner the certificate of title, if any, endorsed
16 “crushed” and signed by the person, accompanied by the original plate
17 showing the original identification number. The plate shall not be removed
18 until such time as the vessel, snowmobile, or all-terrain vehicle is crushed.

19 (c) This section shall not apply to, and salvage certificates shall not be
20 required for, unrecovered stolen vessels, snowmobiles, or all-terrain vehicles
21 or vessels, snowmobiles, or all-terrain vehicles stolen and recovered in an

1 undamaged condition, provided that the original vessel, snowmobile, or
2 all-terrain vehicle identification number plate has not been removed, altered, or
3 destroyed, and the number on the vessel, snowmobile, or all-terrain vehicle is
4 identical with that on the original title certificate.

5 Sec. 8. 23 V.S.A. § 3834 is added to read:

6 § 3834. ISSUANCE OF SALVAGE TITLE

7 The commissioner shall file and maintain in the manner provided in section
8 3010 of this title each application received and when satisfied as to its
9 genuineness and regularity and that the applicant is entitled to the issuance of a
10 salvage certificate of title, shall issue a salvage certificate of title to the vessel,
11 snowmobile or all-terrain vehicle.

12 Sec. 9. 23 V.S.A. § 3835 is added to read:

13 § 3835. SALVAGED, TOTALED, AND REBUILT VESSELS,
14 SNOWMOBILES, OR ALL-TERRAIN VEHICLES

15 (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage
16 certificate of title, a parts-only certificate, or other document indicating the
17 vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes
18 has been or should have been issued by the commissioner, or by any other
19 jurisdiction or person or both, a vessel, snowmobile, or all-terrain vehicle that
20 has been declared totaled is rebuilt and restored for operation, the owner shall
21 not apply for a certificate of title or registration, and none shall be issued until

1 the vessel, snowmobile, or all-terrain vehicle has been inspected by the
2 commissioner or his or her authorized representative. The inspection of the
3 vessel, snowmobile, or all-terrain vehicle shall be conducted in the manner
4 prescribed by the commissioner and shall include verification of the
5 identification number and bills of sale or titles for major component parts used
6 to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary, a
7 new identification number shall be attached to the vessel, snowmobile, or
8 all-terrain vehicle as provided by section 2003 of this title. Any new title
9 issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the
10 legend "rebuilt vessel, snowmobile, or all-terrain vehicle."

11 (b) Any person who sells, trades, or offers for sale or trade to a prospective
12 purchaser any interest in a salvaged, salvaged and rebuilt, or totaled vessel,
13 snowmobile, or all-terrain vehicle shall disclose the fact that the vessel,
14 snowmobile, or all-terrain vehicle has been salvaged, salvaged and rebuilt, or
15 totaled both orally and in writing before a sale, trade, or transfer is made.
16 Written disclosure that the vessel, snowmobile, or all-terrain vehicle has been
17 salvaged, salvaged and rebuilt, or totaled, in addition to being disclosed on the
18 certificate of title as required by this subchapter, shall also be conspicuously
19 disclosed on any bill of sale, transfer, purchase, or other agreement.

20 (c) Failure of the seller to provide the notices required by this section shall
21 result in the seller being required, at the option of the buyer, to refund to the

1 buyer the purchase price, including taxes, license fees, and similar
2 governmental charges.

3 Sec. 10. 23 V.S.A. § 3836 is added to read:

4 § 3836. RECORDS; INSPECTION

5 (a) Each person who purchases or in any manner acquires a vessel,
6 snowmobile, or all-terrain vehicle as salvage shall keep and maintain for a
7 period of not less than five years such records as may be prescribed by the
8 commissioner which are reasonably necessary to substantiate the information
9 contained in the application required by sections 3840 and 3842 of this title.

10 These records shall include, but are not limited to, parts and accessories
11 obtained and used for the repair or rebuilding, or both, of a vessel,
12 snowmobile, or all-terrain vehicle, and such financial records that will allow
13 the commissioner to determine if the person qualifies to become or remain
14 licensed as a “salvage dealer.”

15 (b) The commissioner, or his or her agents, may inspect and examine the
16 books, records, premises, and vehicles on the premises of any salvage dealer
17 during the usual business hours of the day to verify the truth and accuracy of
18 any information furnished in connection with the provisions of sections 3833
19 and this section of this chapter.

20 (c) Any salvage dealer who in any manner receives a vessel, snowmobile
21 or all-terrain vehicle which does not have a plate attached to the vessel,

1 snowmobile, or all-terrain vehicle bearing the vehicle identification number
2 shall notify the commissioner in writing that such a vessel, snowmobile, or
3 all-terrain vehicle has been received within seven days.

4 Sec. 11. 23 V.S.A. § 3837 is added to read:

5 § 3837. PENALTY

6 (a) A person who violates any provision of section 3836 of this chapter
7 shall be fined not more than \$500.00 or imprisoned for not more than six
8 months, or both.

9 (b) A person who violates section 3833 or 3835 of this chapter shall be
10 fined not more than \$1,000.00 or imprisoned for not more than one year, or
11 both.

12 Sec. 12. 23 V.S.A. § 3801(22), (23), (24), and (25) are added to read:

13 (22) “Salvage dealer” means any person who, in a single year, purchases
14 or in any manner acquires at a minimum three vessels, snowmobiles, or
15 all-terrain vehicles as salvage or who scraps, dismantles, or destroys at a
16 minimum three vessels, snowmobiles, or all-terrain vehicles in a single year.

17 (23) “Rebuilt vessel, snowmobile, or all-terrain vehicle” means a vessel,
18 snowmobile, or all-terrain vehicle upon which a salvage certificate of title,
19 parts-only certificate, or other document indicating the vessel, snowmobile, or
20 all-terrain vehicle is not sold for reregistration purposes, has been issued and
21 which has been rebuilt and restored for operation.

1 (24) “Salvaged vessel, snowmobile, or all-terrain vehicle” means a
2 vessel, snowmobile, or all-terrain vehicle which has been scrapped,
3 dismantled, destroyed, or declared a total loss by an insurance company.

4 (25) “Totaled vessel, snowmobile, or all-terrain vehicle” means a vessel,
5 snowmobile, or all-terrain vehicle which has been declared a total loss by an
6 insurance company.

7 Sec. 13. SUPERSESSION OF ADMINISTRATIVE RULE

8 Sec. 3 of this act (23 V.S.A. § 1256) shall supersede the administrative rule
9 adopted by the commissioner of motor vehicles titled “Motorcycle Protective
10 Headgear.”