

1 S.94

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Motor vehicles; dealers; record custodian; operator's licenses;  
5 surrender; special registration plates; replacement registration plates;  
6 foreign citizen operator's licenses; financial responsibility; minimum  
7 fines; proof; DUI; school bus operators; commercial motor vehicle  
8 operators; persons under 21; civil suspensions; inspection stickers;  
9 titling; electricity-powered motorcycles; liens; titling violations; mens  
10 rea; purchase and use tax; zone registration; repeal

11 Statement of purpose: This bill proposes to:

12 (1) require that motor vehicle dealers designate a custodian for the  
13 administration of documents required to be maintained under the motor vehicle  
14 laws;

15 (2) eliminate the requirement that suspended or revoked driver's  
16 licenses be surrendered to the commissioner of motor vehicles;

17 (3) conform Vermont law governing issuance of special registration  
18 plates to the First Amendment of the United States Constitution, amend  
19 provisions governing applications for and issuance of special safety and  
20 service organization plates, and authorize special plates for members of the  
21 U.S. Armed Forces and for veteran or military motorcycle operators;

1           (4) authorize the commissioner to waive fees for replacement number  
2 plates when a plate becomes illegible due to faulty manufacturing or materials;

3           (5) eliminate the requirement that operator licenses issued to citizens of  
4 foreign countries be issued for a period of not less than 180 days;

5           (6) increase the authorized penalty for failing to maintain financial  
6 responsibility;

7           (7) raise the property damage threshold for the requirement that proof of  
8 financial responsibility be furnished to the commissioner by the operator of a  
9 motor vehicle involved in an accident;

10          (8) specify that a person with blood alcohol concentration of 0.02 or  
11 more operating a school bus or a person with blood alcohol concentration of  
12 0.04 or more operating a commercial motor vehicle is subject to a civil  
13 suspension of his or her operator's license or privilege to operate;

14          (9) provide that civil suspensions imposed on persons under age 21 for  
15 operating a motor vehicle with a blood alcohol concentration of 0.02 or more  
16 shall run concurrently with suspensions arising from certain other offenses  
17 arising from the same incident, and that such persons shall receive credit for  
18 certain prior suspensions;

19          (10) clarify that inspection stickers may not be reaffixed if removed  
20 prior to expiration;

1           (11) exempt from titling requirements electricity-powered motorcycles  
2 with engine power of 20 kilowatts or less;

3           (12) require that motor vehicle dealers tender payment to satisfy  
4 preexisting liens on motor vehicles offered in consideration for a motor vehicle  
5 purchase or trade within five days of the purchase or trade;

6           (13) clarify the mental state required to subject a person to criminal  
7 penalties for violating various provisions related to certificates of title;

8           (14) for periods of military activation or deployment outside Vermont,  
9 extend day-for-day the three-month period following the sale of a motor  
10 vehicle on which purchase and use tax has been paid during which the sale  
11 price of that vehicle may be subtracted from the purchase price of a  
12 replacement vehicle for purposes of calculating the purchase and use tax owed,  
13 and add 60 days to this extended period to follow the person's return; and

14           (15) repeal a provision of law related to zone registration of  
15 nonresidents.

16           An act relating to miscellaneous amendments to the motor vehicle laws

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

1 Sec. 1. 23 V.S.A. § 466 is amended to read:

2 § 466. RECORDS; CUSTODIAN

3 (a) On a form prescribed or approved by the commissioner, every licensed  
4 dealer shall maintain and retain for six years a record containing the following  
5 information, which shall be open to inspection by any law enforcement officer  
6 or motor vehicle inspector or other agent of the commissioner during  
7 reasonable business hours:

8 (1) Every motor vehicle which is bought, sold, or exchanged by the  
9 licensee or received or accepted by the licensee for sale or exchange;

10 (2) Every motor vehicle which is bought or otherwise acquired and  
11 dismantled by the licensee;

12 (3) The name and address of the person from whom such motor vehicle  
13 was purchased or acquired, the date thereof, name and address of the person to  
14 whom any such motor vehicle was sold or otherwise disposed of and the date  
15 thereof, a sufficient description of every such motor vehicle by name and  
16 identifying numbers thereon to identify the same;

17 (4) If the motor vehicle is sold or otherwise transferred to a consumer,  
18 the cash price. For purposes of this section, “consumer” shall be as defined in  
19 ~~subsection 2451a(a) of Title 9 V.S.A. § 2451a(a)~~ and “cash price” shall be as  
20 defined in ~~subdivision 2351(6) of Title 9 V.S.A. § 2351(6)~~.

1       (b) Every licensed dealer shall designate a custodian of documents who  
2       shall have primary responsibility for administration of documents required to  
3       be maintained under this title. In the absence of the designated custodian, the  
4       dealer shall have an ongoing duty to make such records available for  
5       inspection by any law enforcement officer or motor vehicle inspector or other  
6       agent of the commissioner during reasonable business hours.

7       Sec. 2. 23 V.S.A. § 204 is amended to read:

8       § 204. ~~PROCEDURE FOR REVOCATION~~ SURRENDER OF LICENSE OR  
9       REGISTRATION

10       (a) A person whose license to operate a motor vehicle, nondriver  
11       identification card, or motor vehicle registration has been issued in error ~~or is~~  
12       ~~suspended or revoked by the commissioner under the provisions of this title~~  
13       shall surrender forthwith his or her license or registration upon demand of the  
14       commissioner or his or her authorized inspector or agent. The demand shall be  
15       made in person or by notice in writing sent by first class mail to the last known  
16       address of the person.

17       (b) The commissioner or his or her authorized inspector or agent, and all  
18       enforcement officers are authorized to take possession of any certificate of  
19       title, nondriver identification card, registration, or license issued by this or any  
20       other jurisdiction, which has been revoked, canceled, or suspended, or which is  
21       fictitious, stolen, or altered.

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

\* \* \*

Sec. 3. 23 V.S.A. § 304 is amended to read:

§ 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY  
AND OTHER SPECIAL PLATES

\* \* \*

(b) The authority to issue ~~special~~ vanity motor vehicle number plates or  
~~receive applications or petitions for~~ special number plates for safety  
organizations and service organizations shall reside with the commissioner.  
Determination of compliance with the criteria contained in this ~~subsection~~  
section shall be within the discretion of the commissioner. Series of number  
plates for safety and service organizations which are authorized by the  
commissioner shall be issued in order of approval, subject to the operating  
considerations in the department as determined by the commissioner. The  
commissioner shall issue vanity and special organization number plates  
~~marked with initials, letters, or combination of numerals and letters~~, in the  
following manner:

(1) ~~Except as otherwise provided,~~ Vanity plates. Subject to the  
restrictions of this section, vanity plates shall be issued at the request of the  
registrant of ~~any motor vehicle,~~ a vehicle registered at the pleasure car rate or  
of a truck registered for less than 26,001 pounds (but excluding trucks  
registered under the International Registration Plan) upon application and upon

1 payment of an annual fee of \$38.00 in addition to the annual fee for  
2 registration. ~~He or she may~~ The commissioner shall not issue two sets of  
3 ~~special number~~ plates bearing the same initials or letters unless the plates also  
4 contain a distinguishing number. ~~Special number~~ Vanity plates are subject to  
5 reassignment if not renewed within 60 days of expiration of the registration.

6 (2) Special organization plates.

7 (A) For the purposes of this ~~subdivision,~~ “safety section:

8 (i) “Safety organizations” shall include groups which have at least  
9 100 in-state members in good standing and are groups that provide police and  
10 fire protection, rescue squads, the Vermont national guard, together with those  
11 organizations required to respond to public emergencies. It shall include, and  
12 amateur radio operators licensed by the U.S. Federal Communications  
13 Commission. For purposes of this subdivision, To qualify for a special  
14 organization plate, safety organizations must have at least 100 in-state  
15 members in good standing.

16 (ii) ~~“service~~ “Service organization” includes congressionally  
17 chartered or noncongressionally chartered United States military service  
18 veterans’ groups, and any group which:

19 (I) ~~has~~ has as a primary purpose, service to the community through  
20 specific programs for the improvement of public health, education, or

1 environmental awareness and conservation, and ~~are~~ is not limited to social  
2 activities;

3 ~~(ii)~~(II) has nonprofit status under Section 501(c)(3) or (10) of the  
4 United States Internal Revenue Code, as amended;

5 ~~(iii)~~(III) is registered as a nonprofit corporation with the office of  
6 the secretary of state; and

7 ~~(iv)~~(IV) except for a military veterans group, has at least 100  
8 ~~instate~~ in-state members in good standing. ~~“Service organization” also~~  
9 ~~includes congressionally chartered and noncongressionally chartered United~~  
10 ~~States military service veterans groups.~~

11 ~~(A) At the request of the leader~~ (B) The officer of a safety  
12 organization or service organization, ~~upon application and payment of a fee of~~  
13 ~~\$15.00 for each set of plates in addition to the annual fee for registration,~~ may  
14 apply to the commissioner to approve special plates indicating membership in  
15 one of the “safety organizations” or “service organizations” ~~may be issued to~~  
16 ~~registrants of vehicles registered at the pleasure car rate and of trucks~~  
17 ~~registered for less than 26,001 pounds and excluding vehicles registered under~~  
18 ~~the International Registration Plan, who are members of these organizations.~~  
19 ~~The applicant must provide a written statement from the appropriate official of~~  
20 ~~the organization, authorizing the issuance of the plates~~ a qualifying  
21 organization to be issued to organization members for a \$15.00 special fee for

1 each set of plates in addition to the annual fee for registration. The application  
2 shall include designation of an officer or member to serve as the principal  
3 contact with the department and a distinctive name or emblem or both for use  
4 on the proposed special plate. The name and emblem shall not be objectively  
5 obscene or confusing to the general public and shall not promote, advertise, or  
6 endorse a product, brand, or service provided for sale. The organization's  
7 name and emblem must not infringe on or violate a trademark, trade name,  
8 service mark, copyright, or other proprietary or property right, and the  
9 organization must have the right to use the name and emblem. After  
10 consulting with the principal contact, the commissioner shall determine the  
11 design of the special plate on the basis that the primary purpose of motor  
12 vehicle number plates is vehicle identification. An organization may have only  
13 one design, regardless of the number of individual organizational units, squads,  
14 or departments within the state that may conduct the same or substantially  
15 similar activities.

16 ~~(B) At the time that an organization requests the plates, it~~ (C) After  
17 the plate design is finalized and an officer or the principal contact provides the  
18 commissioner a written statement authorizing issuance of the plates, the  
19 organization shall deposit \$2,000.00 with the commissioner. Of this deposit,  
20 \$500.00 shall be retained by the department to recover costs of developing the  
21 organization plate. Notwithstanding 32 V.S.A. § 502, the commissioner may

1 charge the actual costs of production of the plates against the fees collected and  
2 the balance shall be deposited in the transportation fund. Upon application,  
3 special plates shall be issued to a registrant of a vehicle registered at the  
4 pleasure car rate or of a truck registered for less than 26,001 pounds (but  
5 excluding trucks registered under the International Registration Plan) who  
6 furnishes the commissioner satisfactory proof that he or she is a member of an  
7 organization that has satisfied the requirements of this subdivision (b)(2). For  
8 each of the first 100 applicants to whom sets of plates are issued, the \$15.00  
9 special plate fee shall not be collected and shall be subtracted from the balance  
10 of this the deposit shall be deemed to be the safety organization or service  
11 organization special plate fee for each authorized applicant. Of this deposit,  
12 \$500.00 shall be retained by the department to recover costs of developing the  
13 organization plate. When the initial deposit of \$1,500.00 balance of the  
14 deposit is depleted, applicants shall be required to pay the \$15.00 fee as  
15 provided for in subdivision (1)(2)(B) of this subsection. Notwithstanding 32  
16 V.S.A. § 502, the commissioner may charge the actual costs of production of  
17 the plates against the fees collected and shall remit the balance to the  
18 transportation fund. No organization shall charge its members any additional  
19 fee or premium charge for the authorization, right, or privilege to display these  
20 special number plates. ~~This provision shall not prevent, but~~ any organization

1 ~~from recovering~~ may recover up to \$1,500.00 from applicants for the special  
2 plates.

3 ~~(C) After consulting with representatives of the safety or service~~  
4 ~~organization, the commissioner shall determine the design of the special plates,~~  
5 ~~on the basis that the primary purpose of motor vehicle number plates is vehicle~~  
6 ~~identification. An organization applying for a special plate under this~~  
7 ~~subsection shall present the commissioner with a name and emblem that is not~~  
8 ~~obscene, offensive or confusing to the general public and does not promote,~~  
9 ~~advertise or endorse a product, brand, or service provided for sale, or promote~~  
10 ~~any specific religious belief or political party. The organization's name and~~  
11 ~~emblem must not infringe or violate trademarks, trade names, service marks,~~  
12 ~~copyrights, or other proprietary or property rights and the organization must~~  
13 ~~have the right to use the name and emblem. The organization shall designate~~  
14 ~~an officer or member to act as the principal contact and to submit a distinctive~~  
15 ~~emblem for use on a special number plate, if authorized. An organization may~~  
16 ~~have only one design, regardless of the number of individual organizational~~  
17 ~~units within the state that may provide the same or substantially similar~~  
18 ~~services. Nothing herein shall be construed as authorizing any individual~~  
19 ~~squad, department, or unit to request a unique or specially designed plate~~  
20 ~~different than the plate designed by the commissioner.~~



1           ~~(2) Combinations of letters or numbers that connote, in any language,~~  
2           ~~breast, genitalia, pubic area, or buttocks or relate to sexual or eliminatory~~  
3           ~~functions. Additionally, “69” formats are prohibited unless used in~~  
4           ~~combination with the vehicle make, for example, “69 CHEV.”;~~

5           ~~(3) Combinations of letters or numbers that connote, in any language:~~

6                   ~~(A) any illicit drug, narcotic, intoxicant, or related paraphernalia;~~

7                   ~~(B) the sale, the user, or the purveyor of such substance;~~

8                   ~~(C) the physiological state produced by such a substance.~~

9           ~~[Repealed].~~

10           ~~(4) Combinations of letters or numbers that refer, in any language, to a~~  
11           ~~race, religion, color, deity, ethnic heritage, gender, sexual orientation,~~  
12           ~~disability status, or political affiliation; provided, however, the commissioner~~  
13           ~~shall not refuse a combination of letters or numbers that is a generally accepted~~  
14           ~~reference to a race or ethnic heritage (for example, IRISH). [Repealed].~~

15           ~~(5) Combinations of letters or numbers that suggest, in any language, a~~  
16           ~~government or governmental agency;~~

17           ~~(6) Combinations of letters or numbers that suggest, in any language, a~~  
18           ~~privilege not given by law in this state; or~~

19           ~~(7) Combinations of letters or numbers that form, in any language, a~~  
20           ~~slang term, abbreviation, phonetic spelling, or mirror image of a word~~  
21           ~~described in subdivisions (1) through (6) of this subsection.~~

1 \* \* \*

2 (j) The commissioner of motor vehicles shall, upon proper application,  
3 issue special plates to Vermont veterans, as defined in 38 U.S.C. § 101(2), and  
4 to members of the United States Armed Forces, as defined in 38 U.S.C.  
5 § 101(10), for use ~~only~~ on vehicles registered at the pleasure car rate, on  
6 vehicles registered at the motorcycle rate, and on trucks registered for less than  
7 26,001 pounds and excluding vehicles registered under the International  
8 Registration Plan. The type and style of the ~~veterans'~~ plate shall be determined  
9 by the commissioner, except that an American flag, or a veteran- or  
10 military-related emblem selected by the commissioner and the Vermont office  
11 of veterans' affairs shall appear on one side of the plate. At a minimum,  
12 emblems shall be available to recognize recipients of the Purple Heart, Pearl  
13 Harbor survivors, former prisoners of war, and disabled veterans. An applicant  
14 shall apply on a form prescribed by the commissioner, and the applicant's  
15 ~~status both as a veteran and~~ eligibility as a member of one of the groups  
16 recognized will be certified by the office of veterans' affairs. The plates shall  
17 be reissued only to the original holder of the plates or the surviving spouse.  
18 The commissioner may adopt rules to implement the provisions of this  
19 subsection. Except for new or renewed registrations, applications for the  
20 issuance of ~~veterans'~~ plates under this subsection shall be processed in the  
21 order received by the department subject to normal workflow considerations.

1 The costs associated with developing new emblems shall be borne by the  
2 department of motor vehicles.

3 \* \* \*

4 Sec. 4. 23 V.S.A. § 514 is amended to read:

5 § 514. REPLACEMENT NUMBER PLATES

6 \* \* \*

7 (b) Any replacement number plate shall be issued at a fee of \$10.00.

8 However, if the commissioner, in his or her discretion, determines that a plate  
9 has become illegible as a result of deficiencies in the manufacturing process or  
10 by use of faulty materials, the replacement fee may be waived.

11 Sec. 5. 23 V.S.A. § 603 is amended to read:

12 § 603. APPLICATION FOR AND ISSUANCE OF LICENSE

13 \* \* \*

14 (d) In addition to any other requirement of law or rule, a citizen of a foreign  
15 country shall produce his or her passport and visa, alien registration receipt  
16 card (green card), or other proof of legal presence for inspection and copying  
17 as a part of the application process for an operator license, junior operator  
18 license, or learner permit. Notwithstanding any other law or rule to the  
19 contrary, an operator license, junior operator license, or learner permit issued  
20 to a citizen of a foreign country shall expire coincidentally with his or her

1 authorized duration of stay. ~~A license or permit issued under this section may~~  
2 ~~not be issued to be valid for a period of less than 180 days.~~

3 Sec. 6. 23 V.S.A. § 800 is amended to read:

4 § 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

5 (a) No owner of a motor vehicle required to be registered, or operator ~~of a~~  
6 ~~motor vehicle~~ required to be licensed or issued a learner's permit, shall operate  
7 or permit the operation of the vehicle upon the highways of the state without  
8 having in effect an automobile liability policy or bond in the amounts of at  
9 least \$25,000.00 for one person and \$50,000.00 for two or more persons killed  
10 or injured and \$10,000.00 for damages to property in any one accident. In lieu  
11 thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed  
12 with the commissioner of motor vehicles. ~~Such financial responsibility, and~~  
13 shall be maintained and evidenced in a form prescribed by the commissioner.  
14 The commissioner may require that evidence of financial responsibility be  
15 produced before motor vehicle inspections are performed pursuant to the  
16 requirements of section 1222 of this title.

17 (b) A person who violates this section shall be assessed a civil penalty of  
18 not ~~more~~ less than ~~\$100.00~~ \$250.00, and such violation shall be a traffic  
19 violation within the meaning of chapter 24 of this title.

1 Sec. 7. 23 V.S.A. § 801 is amended to read:

2 § 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

3 (a) The commissioner shall require proof of financial responsibility to  
4 satisfy any claim for damages, by reason of personal injury to or the death of  
5 any person, of at least \$25,000.00 for one person and \$50,000.00 for two or  
6 more persons killed or injured and \$10,000.00 for damages to property in any  
7 one accident, as follows:

8 \* \* \*

9 (3) From the operator of a motor vehicle involved in an accident which  
10 has resulted in bodily injury or death to any person or whereby the motor  
11 vehicle then under his or her control or any other property is damaged in an  
12 aggregate amount to the extent of ~~\$1,000.00~~ \$3,000.00 or more, excepting,  
13 however,;

14 (A) an operator furnishing the commissioner with satisfactory proof  
15 that a standard provisions automobile liability insurance policy, issued by an  
16 insurance company authorized to transact business in this state insuring the  
17 person against public liability and property damage, in the amounts required  
18 under this section with respect to proof of financial responsibility, was in effect  
19 at the time of the accident; or

20 (B) ~~if the operator was~~ a nonresident operator holding a valid license  
21 issued by the state of his or her residence at the time of the accident, who

1 furnishes satisfactory proof, in the form of a certificate issued by an insurance  
2 company authorized to transact business in the state of his or her residence,  
3 when accompanied by a power of attorney authorizing the commissioner to  
4 accept service on its behalf of notice or process in any action upon the policy  
5 arising out of the accident, certifying that insurance covering the legal liability  
6 of the operator to satisfy any claim or claims for damage to person or property,  
7 in an amount equal to the amounts required under this section with respect to  
8 proof of financial responsibility, was in effect at the time of the accident.

9 Sec. 8. 23 V.S.A. § 1205 is amended to read:

10 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

11 (a) Refusal; alcohol concentration of 0.08 or more; suspension periods. For  
12 a first suspension under this chapter:

13 \* \* \*

14 (2) Upon affidavit of a law enforcement officer that the officer had  
15 reasonable grounds to believe that the person was operating, attempting to  
16 operate, or in actual physical control of a vehicle in violation of section 1201  
17 of this title and that the person submitted to a test and the test results indicated  
18 that the person's alcohol concentration was 0.08 or more, or 0.02 or more if the  
19 person was operating a school bus as defined in subdivision 4(34) of this title,  
20 or 0.04 or more if the person was operating a commercial motor vehicle as  
21 defined in subdivision 4103(4) of this title, at the time of operating, attempting

1 to operate or being in actual physical control, the commissioner shall suspend  
2 the person's operating license, or nonresident operating privilege, or the  
3 privilege of an unlicensed operator to operate a vehicle for a period of 90 days  
4 and until the person complies with section 1209a of this title. However, a  
5 person may operate under the terms of an ignition interlock RDL issued  
6 pursuant to section 1213 of this title after 30 days of this 90-day period unless  
7 the alleged offense involved a collision resulting in serious bodily injury or  
8 death to another.

9 (b) Form of officer's affidavit. A law enforcement officer's affidavit in  
10 support of a suspension under this section shall be in a standardized form for  
11 use throughout the state and shall be sufficient if it contains the following  
12 statements:

13 \* \* \*

14 (5) The officer obtained an evidentiary test (noting the time and date the  
15 test was taken) and the test indicated that the person's alcohol concentration  
16 was 0.08 or more, or 0.02 or more if the person was operating a school bus as  
17 defined in subdivision 4(34) of this title, or 0.04 or more if the person was  
18 operating a commercial motor vehicle as defined in subdivision 4103(4) of this  
19 title, or the person refused to submit to an evidentiary test.

20 \* \* \*

1 (c) Notice of suspension. On behalf of the commissioner of motor  
2 vehicles, a law enforcement officer requesting or directing the administration  
3 of an evidentiary test shall serve notice of intention to suspend and of  
4 suspension on a person who refuses to submit to an evidentiary test or on a  
5 person who submits to a test the results of which indicate that the person's  
6 alcohol concentration was 0.08 or more, or 0.02 or more if the person was  
7 operating a school bus as defined in subdivision 4(34) of this title, or 0.04 or  
8 more if the person was operating a commercial motor vehicle as defined in  
9 subdivision 4103(4) of this title, at the time of operating, attempting to operate  
10 or being in actual physical control of a vehicle in violation of section 1201 of  
11 this title. The notice shall be signed by the law enforcement officer requesting  
12 the test. ~~The notice shall also serve as a temporary operator's license and shall~~  
13 ~~be valid until the effective date of suspension indicated on the notice. At the~~  
14 ~~time the notice is given to the person, the person shall surrender, and the law~~  
15 ~~enforcement officer shall take possession and custody of, the person's license~~  
16 ~~or permit and forward it to the commissioner.~~ A copy of the notice shall be  
17 sent to the commissioner of motor vehicles and a copy shall be mailed or given  
18 to the defendant within three business days of the date the officer receives the  
19 results of the test. If mailed, the notice is deemed received three days after  
20 mailing to the address provided by the defendant to the law enforcement  
21 officer. A copy of the affidavit of the law enforcement officer shall also be

1 mailed first class mail or given to the defendant within seven days of the date  
2 of notice.

3 \* \* \*

4 (h) Final hearing.

5 (1) If the defendant requests a hearing on the merits, the court shall  
6 schedule a final hearing on the merits to be held within 21 days of the date of  
7 the preliminary hearing. In no event may a final hearing occur more than 42  
8 days after the date of the alleged offense without the consent of the defendant  
9 or for good cause shown. The final hearing may only be continued by the  
10 consent of the defendant or for good cause shown. The issues at the final  
11 hearing shall be limited to the following:

12 \* \* \*

13 (D) whether the test was taken and the test results indicated that the  
14 person's alcohol concentration was 0.08 or more, or 0.02 or more if the person  
15 was operating a school bus as defined in subdivision 4(34) of this title, or 0.04  
16 or more if the person was operating a commercial motor vehicle as defined in  
17 subdivision 4103(4) of this title, at the time of operating, attempting to operate  
18 or being in actual physical control of a vehicle in violation of section 1201 of  
19 this title, whether the testing methods used were valid and reliable and whether  
20 the test results were accurate and accurately evaluated. Evidence that the test  
21 was taken and evaluated in compliance with rules adopted by the department

1 of health shall be prima facie evidence that the testing methods used were valid  
2 and reliable and that the test results are accurate and were accurately evaluated;

3 \* \* \*

4 (i) Finding by the court. The court shall electronically forward a report of  
5 the hearing to the commissioner. Upon a finding by the court that the law  
6 enforcement officer had reasonable grounds to believe that the person was  
7 operating, attempting to operate, or in actual physical control of a vehicle in  
8 violation of section 1201 of this title and that the person refused to submit to a  
9 test, or upon a finding by the court that the law enforcement officer had  
10 reasonable grounds to believe that the person was operating, attempting to  
11 operate, or in actual physical control of a vehicle in violation of section 1201  
12 of this title and that the person submitted to a test and the test results indicated  
13 that the person's alcohol concentration was 0.08 or more, or 0.02 or more if the  
14 person was operating a school bus as defined in subdivision 4(34) of this title,  
15 or 0.04 or more if the person was operating a commercial motor vehicle as  
16 defined in subdivision 4103(4) of this title, at the time the person was  
17 operating, attempting to operate or in actual physical control, the person's  
18 operating license, or nonresident operating privilege, or the privilege of an  
19 unlicensed operator to operate a vehicle shall be suspended or shall remain  
20 suspended for the required term and until the person complies with section  
21 1209a of this title. Upon a finding in favor of the person, the commissioner

1 shall cause the suspension to be canceled and removed from the record,  
2 without payment of any fee.

3 \* \* \*

4 (n) Presumption. In a proceeding under this section, if ~~there was~~ at any  
5 time within two hours of operating, attempting to operate, or being in actual  
6 physical control of a vehicle a person had an alcohol concentration of 0.08 or  
7 more, or 0.02 or more if the person was operating a school bus as defined in  
8 subdivision 4(34) of this title, or 0.04 or more if the person was operating a  
9 commercial motor vehicle as defined in subdivision 4103(4) of this title, it  
10 shall be a rebuttable presumption that the person's alcohol concentration was  
11 0.08 or more, or 0.02 or more if the person was operating a school bus as  
12 defined in subdivision 4(34) of this title, or 0.04 or more if the person was  
13 operating a commercial motor vehicle as defined in subdivision 4103(4) of this  
14 title, respectively, at the time of operating, attempting to operate, or being in  
15 actual physical control.

16 \* \* \*

17 (p) Suspensions to run concurrently. Suspensions imposed under this  
18 section or any comparable statute of any other jurisdiction and sections 1206  
19 ~~and~~ 1208, and 1216 of this title or any comparable statutes of any other  
20 jurisdiction, or any suspension resulting from a conviction for a violation of  
21 section 1091 of this title from the same incident, shall run concurrently and a

1 person shall receive credit for any elapsed period of a suspension served in  
2 Vermont against a later suspension imposed in this state. In order for  
3 suspension credit to be available against a later suspension, the suspension  
4 issued under this section must appear and remain on the individual's motor  
5 vehicle record.

6 \* \* \*

7 ~~(s) A person who has received a notice of suspension under this section~~  
8 ~~shall not apply for or receive a duplicate operator's license while the matter is~~  
9 ~~pending. A person who violates this subsection shall be fined not more than~~  
10 ~~\$500.00. [Repealed.]~~

11 \* \* \*

12 Sec. 9. 23 V.S.A. § 1216 is amended to read:

13 § 1216. PERSONS UNDER 21; ALCOHOL CONCENTRATION OF 0.02  
14 OR MORE

15 \* \* \*

16 (i) Suspensions imposed under this section or any comparable statute of  
17 any other jurisdiction shall run concurrently with suspensions imposed under  
18 sections 1205, 1206, and 1208 of this title or any comparable statutes of any  
19 other jurisdiction or with any suspension resulting from a conviction for a  
20 violation of section 1091 of this title from the same incident, and a person shall  
21 receive credit for any elapsed period of a suspension served in Vermont against

1 a later suspension imposed in this state. In order for suspension credit to be  
2 available against a later suspension, the suspension issued under this section  
3 must appear and remain on the individual's motor vehicle record.

4 Sec. 10. 23 V.S.A. § 1223 is amended to read:

5 § 1223. PROHIBITIONS

6 A person shall not affix or cause to be affixed to a motor vehicle, trailer, or  
7 semi-trailer a certification of inspection that was not assigned by an official  
8 inspection station to such motor vehicle, trailer, or semi-trailer. No person  
9 shall reaffix or cause to be reaffixed an official sticker once removed; instead,  
10 replacement stickers shall be affixed as prescribed by the rules for replacement  
11 sticker agents. A person shall not knowingly operate a motor vehicle, trailer,  
12 or semi-trailer to which a certification of inspection is affixed if the  
13 certification of inspection was not assigned by an official station to that  
14 vehicle, trailer, or semi-trailer.

15 Sec. 11. 23 V.S.A. § 2012 is amended to read:

16 § 2012. EXEMPTED VEHICLES

17 No certificate of title need be obtained for:

18 \* \* \*

19 (6) A motorcycle which has less than 300 cubic centimeters of engine  
20 displacement or a motorcycle powered by electricity with less than 20  
21 kilowatts of engine power;

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

\* \* \*

Sec. 12. 23 V.S.A. § 2023 is amended to read:

§ 2023. TRANSFER OF INTEREST IN VEHICLE

(a) If an owner transfers his or her interest in a vehicle, other than by the creation of a security interest, he or she shall, at the time of delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the commissioner prescribes, and of the odometer reading or hubometer reading or clock meter reading of the vehicle at the time of delivery in the space provided therefor on the certificate, and cause the certificate and assignment to be mailed or delivered to the transferee or to the commissioner. Where title to a vehicle is in the name of more than one person, the nature of the ownership must be indicated by one of the following on the certificate of title:

- (1) TEN ENT (tenants by the entirety);
- (2) JTEN (joint tenants);
- (3) TEN COM (tenants in common);
- (4) PTNRS (partners); or
- (5) TOD (transfer on death).

(b) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his or her security agreement, either deliver the certificate to the transferee for delivery to

1 the commissioner or, upon receipt of notice from the transferee of the owner's  
2 assignment, the transferee's application for a new certificate, and the required  
3 fee, mail or deliver ~~them~~ the certificate, application, and fee to the  
4 commissioner. The delivery of the certificate does not affect the rights of the  
5 lienholder under his or her security agreement. If a dealer accepts a vehicle  
6 with a preexisting lien as part of the consideration for a sale or trade from the  
7 dealer, the dealer shall mail or otherwise tender payment to satisfy the lien  
8 within five days of the sale or trade.

9 \* \* \*

10 (e) Notwithstanding other provisions of the law, whenever the estate of an  
11 individual who dies intestate consists principally of an automobile, the  
12 surviving spouse shall be deemed to be the owner of the motor vehicle and title  
13 to the same shall automatically and by virtue hereof pass to said surviving  
14 spouse. Registration and titling of the vehicle in the name of the surviving  
15 spouse shall be effected by payment of a transfer fee of \$7.00. This transaction  
16 is exempt from the provisions of the purchase and use tax on motor vehicles.

17 (1) Notwithstanding other provisions of the law, and except as provided  
18 in subdivision (2) of this subsection, whenever the estate of an individual  
19 consists in whole or in part of a motor vehicle, and the person's will or other  
20 testamentary document does not specifically address disposition of motor  
21 vehicles, the surviving spouse shall be deemed to be the owner of the motor

1 vehicle and title to the motor vehicle shall automatically pass to the surviving  
2 spouse. Registration and ~~title~~ titling of the motor vehicle in the name of the  
3 surviving spouse shall be effected by payment of a transfer fee of \$7.00. This  
4 transaction is exempt from the provisions of the purchase and use tax on motor  
5 vehicles.

6 (2) This subsection shall apply to no more than two motor vehicles, and  
7 shall not apply if the motor vehicle is titled in the name of one or more persons  
8 other than the decedent and the surviving spouse.

9 \* \* \*

10 Sec. 13. 23 V.S.A. § 2083 is amended to read:

11 § 2083. OTHER OFFENSES

12 (a) A person who:

13 (1) ~~With fraudulent intent, permits another, who~~ Knowing that another  
14 person is not entitled, to use or have possession of possess a certificate of title,  
15 knowingly permits that person to use or possess the certificate, shall be subject  
16 to the penalties prescribed in subdivision (5) of this subsection;

17 (2) ~~Willfully~~ Knowingly fails to mail or deliver a certificate of title or  
18 application for a certificate of title to the commissioner within 20 days after the  
19 transfer or creation or satisfaction of a security interest shall be subject to the  
20 penalties prescribed in subdivision (5) of this subsection;

1           (3) ~~Willfully~~ Knowingly fails to deliver to his or her transferee a  
2 certificate of title within 20 days after the transfer shall be subject to the  
3 penalties prescribed in subdivision (5) of this subsection;

4           (4) ~~Willfully~~ Knowingly and without authority signs a name other than  
5 his or her own on any title, or ~~inaccurately states or~~ knowingly alters or  
6 inaccurately states the chain of ownership or other information required on any  
7 title, or knowingly fails to return a certificate of title that has been fraudulently  
8 made, or knowingly has unauthorized possession of blank certificates of title or  
9 manufacturer's certificates of origin, shall be subject to the penalties prescribed  
10 in subdivision (5) of this subsection;

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

15           (6) ~~Willfully~~ Knowingly represents as his or her own, or sells or  
16 transfers a motor vehicle or vessel ~~on~~ to which he or she does not hold legal  
17 title ~~to~~ or is not authorized to sell or transfer the vehicle or vessel by the  
18 titleholder to sell or transfer shall be fined not more than \$5,000.00, or  
19 imprisoned for not more than five years, or both, for each offense.

20           (b) ~~A~~ Absent a showing of a knowing failure to deliver as provided in  
21 subdivision (a)(3) of this section, a person shall not willfully fail who fails to

1 deliver to his or her transferee a certificate of title within 10 days after the  
2 transfer. ~~A person who violates this subsection~~ commits a traffic violation and  
3 shall be assessed a civil penalty of not more than \$1,000.00.

4 Sec. 14. 32 V.S.A. § 8902 is amended to read:

5 § 8902. DEFINITIONS

6 Unless otherwise expressly provided, the words and phrases used in this  
7 chapter shall be construed to mean:

8 \* \* \*

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

15 \* \* \*

16 (B) the amount received from the sale of a motor vehicle last  
17 registered in his or her name, the amount not to exceed the average book value  
18 of the same make, type, model, and year of manufacture as designated by the  
19 manufacturer and as shown in the Official Used Car Guide, National  
20 Automobile Dealers Association (New England edition), or any comparable  
21 publication, provided such sale occurs within three months of the taxable

1 purchase. However, this three-month period shall be extended day-for-day for  
2 any time that a member of a guard unit or of the United States Armed Forces,  
3 as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or  
4 deployment, and an additional 60 days following the person's return from  
5 activation or deployment. Such amount shall be reported on forms supplied by  
6 the commissioner of motor vehicles;

7 \* \* \*

8 Sec. 15. REPEAL

9 23 V.S.A. § 412a (zone registration) is repealed.

10 Sec. 16. EFFECTIVE DATES

11 (a) This section and Sec. 14 (taxable cost definition) of this act shall take  
12 effect on passage. Sec. 14 shall apply retroactively to October 1, 2009.

13 (b) Secs. 1-4, 6-7, 10-13, and 15 shall take effect on July 1, 2011.

14 (c) Sec. 5 (foreign citizen licenses) shall take effect on January 1, 2012.

15 (d) Secs. 8 and 9 shall take effect on July 2, 2011.