

1 H.876

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; capital program; positions; rail; railroad trespassing;

5 official business directional signs; State aid for town highways;

6 highways; alterations; quasi-judicial process

7 Statement of purpose of bill as introduced: This bill proposes to adopt the

8 State's annual transportation capital program and make miscellaneous changes

9 to laws related to transportation.

10 An act relating to the transportation capital program and miscellaneous
11 changes to transportation-related law

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

13 ~~*** Adoption of Proposed Transportation Program as Amended;~~

14 Definitions ***

15 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

16 (a) The Agency of Transportation's proposed fiscal year 2017

17 Transportation Program appended to the Agency of Transportation's proposed

18 fiscal year 2017 budget, as amended by this act, is adopted to the extent

19 federal, State, and local funds are available.

20 (b) As used in this act, unless otherwise indicated:

1 ~~(1) "Agency" means the Agency of Transportation.~~

2 ~~(2) "Secretary" means the Secretary of Transportation.~~

3 ~~(3) "TIB funds" means monies deposited in the Transportation~~
4 ~~Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.~~

5 ~~*** Program Development Program; Funding Sources ***~~

6 Sec. 1a. PROGRAM DEVELOPMENT PROGRAM; FUNDING SOURCES

7 Spending authority in the Program Development Program within the fiscal
8 year 2017 Transportation Program is modified in accordance with this section.

9 Among projects selected in the Secretary's discretion, the Secretary shall:

10 (1) reduce project spending authority by \$12,086.00 in TIB funds; and

11 (2) increase project spending authority by \$12,086.00 in transportation
12 funds.

13 ~~*** Roadway Program***~~

14 Sec. 2. ROADWAY PROGRAM; PROJECT CANCELLATION

15 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
16 projects), the General Assembly approves cancellation of the following project
17 from the candidate list within the Roadway Program within the fiscal year
18 2017 Transportation Program: Colchester STP 0207().

1 ~~(b) Seven (7) of the twenty one (21) limited service positions authorized in~~
2 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and
3 Resolves No. 95, Sec. 64, hereby are converted to permanent classified
4 positions.

5 (c) Nine (9) of the seventeen (17) limited service positions authorized in
6 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
7 Resolves No. 95, Sec. 65, hereby are converted to permanent classified
8 positions.

9 (d) One (1) limited service position, number 861864 (Civil Engineer VII),
10 created on May 6, 2012 and due to expire on December 31, 2016, hereby is
11 converted to a permanent classified position.

12 (e) Three (3) of the seventeen (17) limited service positions authorized in
13 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
14 Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency
15 may use these three positions for activities that are not related to the response
16 to Tropical Storm Irene and the spring 2011 flooding.

17 (f) The following two (2) limited service positions hereby are extended
18 through June 30, 2019: number 861837 (Administrative Services Coordinator
19 I), created on March 11, 2012 and due to expire on June 30, 2016, and number
20 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on
21 December 31, 2016.

~~*** Rail Trespassing ***~~

Sec. 7. 5 V.S.A. § 3734 is amended to read:

§ 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY

~~A person who, without right, loiters or remains in a depot, or upon the platform, approaches, or grounds adjacent thereto, after being requested to leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman, shall be fined not more than \$20.00 nor less than \$2.00.~~

(a) Definitions. As used in this section:

(1) "Passenger" means a person traveling by train with lawful authority and who does not participate in the train's operation. The term "passenger" does not include a stowaway.

(2) "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. "Railroad" does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) "Railroad carrier" means a person providing railroad transportation.

(4)(A) "Railroad property" means all tangible property owned, leased, or operated by a railroad carrier, including a right-of-way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operations

1 ~~of any railroad carrier, including a train, locomotive, engine, railroad car, work~~
2 ~~equipment, rolling stock, or safety device.~~

(B) "Railroad property" does not include a railroad carrier's
administrative building or offices, office equipment, or intangible property
such as computer software or other information. *"Railroad property" also*
does not include any real property owned or leased by a railroad carrier that
is a roadbed, or that is located on either side of a roadbed, from which tracks
are currently removed.

3 (5) "Right-of-way" means the track and roadbed owned, leased, or
4 operated by a railroad carrier and property located on either side of the tracks
5 that is readily recognizable to a reasonable person as being railroad property or
6 is reasonably identified as such by fencing or appropriate signs.

7 (6) "Yard" means a system of parallel tracks, crossovers, and switches
8 where railroad cars are switched and made up into trains, and where railroad
9 cars, locomotives, and other rolling stock are kept when not in use or when
10 awaiting repairs.

11 (b) Trespassing on railroad property prohibited. Except for the purpose of
12 crossing railroad property at a public highway or other authorized crossing, a
13 person shall not, without lawful authority or the railroad carrier's consent,
14 knowingly enter or remain upon railroad property by an act including:

1 ~~(1) standing, sitting, resting, walking, jogging, or running, or operating a~~
2 recreational or nonrecreational vehicle, including a bicycle, motorcycle,
3 snowmobile, car, or truck; or

4 (2) engaging in recreational activity, including bicycling, hiking,
5 camping, or cross-country skiing.

6 (c) Stowaways prohibited. A person shall not, without lawful authority or
7 the railroad carrier's consent, ride on the outside of a train or inside a
8 passenger car, locomotive, or freight car, including a box car, flatbed, or
9 container.

10 (d) Persons with lawful authority to be on specified railroad property. The
11 following is a nonexhaustive list of persons who for the purposes of this
12 section have lawful authority to be on railroad property and are not subject to
13 the prohibitions of subsections (b) and (c) of this section:

14 (1) passengers on trains, or employees of a railroad carrier while
15 engaged in the performance of their official duties;

16 (2) police officers, firefighters, peace officers, and emergency response
17 personnel, while engaged in the performance of their official duties;

18 (3) a person going upon railroad property in an emergency to rescue a
19 person or animal such as livestock, pets, or wildlife from harm, or to remove
20 an object that the person reasonably believes to pose an imminent hazard;

1 ~~(4) a person on the station grounds or in the depot of the railroad carrier~~
2 ~~as a passenger, or for the purpose of transacting lawful business;~~

3 ~~(5) a person, or the person's family or invitee, or the person's employee~~
4 ~~or independent contractor going upon a railroad's right-of-way for the purpose~~
5 ~~of crossing at a farm or private crossing site approved by the railroad carrier or~~
6 ~~other crossing authorized by law in order to obtain access to land that the~~
7 ~~person owns, leases, or operates;~~

8 ~~(6) a person having written permission from the railroad carrier to go~~
9 ~~upon the railroad property in question;~~

10 ~~(7) representatives of the Transportation Board or Agency of~~
11 ~~Transportation while engaged in the performance of their official duties;~~

12 ~~(8) representatives of the Federal Railroad Administration while~~
13 ~~engaged in the performance of their official duties; or~~

14 ~~(9) representatives of the National Transportation Safety Board while~~
15 ~~engaged in the performance of their official duties.~~

16 ~~(e) Exemptions. The following persons are not subject to the prohibition of~~
17 ~~subsection (b) of this section:~~

18 ~~(1) A person who has permission from the owner, lessee, or operator of~~
19 ~~land that is served by a private crossing authorized by law or approved by the~~
20 ~~railroad carrier to use the crossing for recreational purposes, and who enters~~
21 ~~upon the crossing for such purposes.~~

1 ~~(2) A person who enters or remains upon railroad property, other than a~~
2 ~~rail yard or rail bridge, while lawfully engaged in hunting, fishing, or trapping.~~
3 ~~However, the person shall not qualify as exempt under this subdivision (e)(2) if~~
4 ~~he or she enters within an area extending four feet outward from either side of~~
5 ~~the rail and within the rail, unless he or she crosses and leaves this area~~
6 ~~quickly, safely, and at an angle of approximately 90 degrees to the direction of~~
7 ~~the rail.~~

8 (f) Nothing in this section is intended to modify the rights, duties,
9 liabilities, or defenses available to any person under any other law or under a
10 license or agreement.

11 (g) Penalty. A violation of this section is a traffic violation as defined
12 in 23 V.S.A. chapter 24 and an action under this section shall be brought in
13 accordance with 4 V.S.A. chapter 29. A person who violates this section shall
14 be subject to a civil penalty of not more than \$200.00.

15 Sec. 8. 5 V.S.A. § 3735 is amended to read:

16 § 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~
17 ~~PROPERTY; PENALTY~~

18 ~~A person boarding or riding without permission on a train, car, or~~
19 ~~locomotive, other than a passenger train, or a person boarding or riding on a~~
20 ~~passenger train without paying fare, or a person loitering in or about a railroad~~

1 ~~yard, station or car without permission, shall be imprisoned not more than~~
2 ~~90 days, or fined not more than \$25.00, or both. [Repealed.]~~

3 Sec. 9. 23 V.S.A. § 2302(a) is amended to read:

4 (a) As used in this chapter, "traffic violation" means:

5 * * *

6 (7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain
7 State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on
8 railroad property;

9 * * *

10 * * * Official Business Directional Signs; Refunds * * *

11 Sec. 10. 10 V.S.A. § 501 is amended to read:

12 § 501. FEES

13 (a) Subject to the provisions of subsection 486(c) of this title, an applicant
14 for an official business directional sign or an information plaza plaque shall
15 pay to the ~~travel information council~~ Travel Information Council an initial
16 license fee and an annual renewal fee as established by this section.

17 (1) Initial license fees shall be as follows:

18 (A) for full-sized or half-sized business directional signs, \$175.00
19 per sign;

1 ~~(D) for information plaza plaques, \$25.00 per plaque; however, if~~
2 more than one plaque is requested by a business at the same time, a ten percent
3 discount shall be given on the second and subsequent plaques.

4 (2) Annual renewal fees shall be as follows:

5 (A) For full and half-sized official business directional signs, \$100.00
6 per sign;

7 (B) information plaza plaques, \$25.00 per plaque.

8 (b) If the Agency of Transportation or a municipality removes an official
9 business directional sign or an information plaza plaque for construction or
10 maintenance of the highway or the sign or plaque is otherwise out of service
11 for more than 30 days, the Agency upon request shall issue a refund to the
12 business for the percentage of the initial license or annual renewal fee paid that
13 the out-of-service period bears to the entire year.

14 * * * Transportation Capital Program; Prioritization System * * *

15 Sec. 11. 19 V.S.A. § 10g(1) is amended to read:

16 (l) The Agency shall develop a numerical grading system to assign a
17 priority rating to all Program Development Paving, Program Development
18 Roadway, Program Development Safety and Traffic Operations, Program
19 Development State and Interstate Bridge, Town Highway Bridge, and Bridge
20 Maintenance projects. The rating system shall consist of two separate, additive
21 components as follows:

1 ~~(1) One component shall be limited to asset management based~~

2 management- and performance-based factors which are objective and

3 quantifiable and shall consider, without limitation, the following:

4 (A) the existing safety conditions in the project area and the impact
5 of the project on improving safety conditions;

6 (B) the average, seasonal, peak, and nonpeak volume of traffic in the
7 project area, including the proportion of traffic volume relative to total volume
8 in the region, and the impact of the project on congestion and mobility
9 conditions in the region;

10 (C) the availability, accessibility, and usability of alternative routes;

11 (D) the impact of the project on future maintenance and
12 reconstruction costs; ~~and~~

13 (E) the relative priority assigned to the project by the relevant
14 regional planning commission ~~or the Chittenden County Metropolitan Planning~~
15 ~~Organization;~~

16 (F) the resilience of the transportation infrastructure to floods and
17 other extreme weather events.

18 (2) The second component of the priority rating system shall consider,
19 without limitation, the following factors:

20 (A) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
21 infrastructure as a ~~link~~ factor in the local, regional, or State economy; and

1 ~~(D) the functional importance of the highway or bridge transportation~~
2 infrastructure in the health, social, and cultural life of the surrounding
3 communities.

4 (3) The priority rating system for Program Development Roadway
5 projects shall award as bonus points an amount equal to 10 percent of the total
6 base possible rating points to projects within a designated downtown
7 development district established pursuant to 24 V.S.A. § 2793.

8 * * * Adjustments to Existing Projects * * *

9 Sec. 12. 19 V.S.A. § 10h is amended to read:

10 § 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF~~
11 ~~OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~

12 (a) ~~The agency shall report to the transportation board each project for~~
13 ~~which the current construction cost estimate exceeds the last approved~~
14 ~~construction cost estimate by a substantial level, as substantial level is defined~~
15 ~~by the transportation board. The transportation board shall review such a~~
16 ~~project, and may grant approval to proceed. If not approved by the~~
17 ~~transportation board, the project shall not proceed to contract award until~~
18 ~~approved by the general assembly. [Repealed.]~~

19 (b) In connection with any authorized construction project in the ~~state~~ State
20 of Vermont which extends into or affects an adjoining state, the ~~agency~~
21 Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative

1 ~~agreement with the adjoining state or any political subdivision of an adjoining~~
2 state which apportions duties and responsibilities for planning preliminary
3 engineering, including environmental studies, right-of-way acquisition,
4 construction, and maintenance.

5 Sec. 13. 19 V.S.A. § 10g(h) is amended to read:

6 (h) Should capital projects in the Transportation Program be delayed
7 because of unanticipated problems with permitting, right-of-way acquisition,
8 construction, local concern, or availability of federal or State funds, the
9 Secretary is authorized to advance projects in the approved Transportation
10 Program. The Secretary is further authorized to undertake projects to resolve
11 emergency or safety issues. Upon authorizing a project to resolve an
12 emergency or safety issue, the Secretary shall give prompt notice of the
13 decision and action taken to the Joint Fiscal Office and to the House and
14 Senate Committees on Transportation when the General Assembly is in
15 session, and when the General Assembly is not in session, to the Joint
16 Transportation Oversight Committee. Should an approved project in the
17 current Transportation Program require additional funding to maintain the
18 approved schedule, the Agency is authorized to allocate the necessary
19 resources. However, the Secretary shall not delay or suspend work on
20 approved projects to reallocate funding for other projects except when other
21 funding options are not available. In such case, the Secretary shall notify the

1 ~~members of the Joint Transportation Oversight Committee and the Joint Fiscal~~
2 Office. With respect to projects in the approved Transportation Program, the
3 Secretary shall notify, in the district affected, the regional planning
4 commission, the municipality, Legislators, members of the Senate and House
5 Committees on Transportation, and the Joint Fiscal Office of ~~any significant~~
6 ~~change in design, change in construction cost estimates requiring referral to the~~
7 ~~Transportation Board under section 10h of this title, or any change which~~
8 likely will affect the fiscal year in which the project is planned to go to
9 construction. No project shall be cancelled without the approval of the General
10 Assembly.

11 * * * Reporting Required in Proposed Transportation Program * * *

12 Sec. 14. 19 V.S.A. § 10g(g) is amended to read:

13 (g) The Agency's annual proposed Transportation Program shall include a
14 separate ~~report~~ reports referencing this section ~~describing and listing the~~
15 following:

16 (1) all proposed projects in the Program ~~which~~ that would be new to the
17 State Transportation Program if adopted;

18 (2) all projects for which total estimated costs have increased by more
19 than \$8,000,000.00 or by more than 100 percent from the estimate in the prior
20 fiscal year's approved Transportation Program;

1 ~~(3) all projects funded for construction in the prior fiscal year's~~
2 approved Transportation Program that are no longer funded in the proposed
3 Transportation Program submitted to the General Assembly, the projected
4 costs for such projects in the prior fiscal year's approved Transportation
5 Program, and the total costs incurred over the life of each such project.

6 * * * Joint Transportation Oversight Committee * * *

7 Sec. 15. 19 V.S.A. § 12b is amended to read:

8 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

9 (a) There is created a Joint Transportation Oversight Committee composed
10 of the Chairs of the House and Senate Committees on Appropriations, the
11 House and Senate Committees on Transportation, the House Committee on
12 Ways and Means, and the Senate Committee on Finance. The Committee shall
13 be chaired alternately by the Chairs of the House and Senate Committees on
14 Transportation, and the two-year term shall run concurrently with the biennial
15 session of the Legislature. The Chair of the Senate Committee on
16 Transportation shall chair the Committee during the 2009–2010 legislative
17 session.

18 (b) The Committee shall meet during adjournment for official duties.
19 Meetings shall be convened by the Chair and when practicable shall be
20 coordinated with the regular meetings of the Joint Fiscal Committee. Members
21 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.

1 ~~§ 406. The Committee shall have the assistance of the staff of the Office of~~
2 ~~Legislative Council and the Joint Fiscal Office.~~

3 (c) ~~The Committee shall provide legislative ~~overview~~ oversight of the~~
4 ~~Transportation Fund revenues collection and the operation and administration~~
5 ~~of the Agency of Transportation construction, paving, and rehabilitation~~
6 ~~programs. The Secretary of Transportation shall report to the Oversight~~
7 ~~Committee upon request.~~

8 (d)(1) ~~In coordination with the regular meetings of the Joint Fiscal~~
9 ~~Committee in mid-November, the Secretary shall prepare a report on the status~~
10 ~~of the State's transportation finances and transportation programs. If a meeting~~
11 ~~of the Committee is not convened on the scheduled dates of the Joint Fiscal~~
12 ~~Committee meetings, the Secretary in advance shall transmit the report~~
13 ~~electronically to the Joint Fiscal Office for distribution to Committee members.~~
14 ~~The report shall list contract bid awards versus project estimates and all known~~
15 ~~or projected cost overruns, project savings, and funding availability from~~
16 ~~delayed projects with respect to:~~

17 (A) ~~all paving projects other than statewide maintenance~~
18 ~~programs; and~~

19 (B) ~~all projects in the Roadway, State Bridge, Interstate Bridge, or~~
20 ~~Town Bridge programs with authorized spending in the fiscal year of~~
21 ~~\$500,000.00 or more with a cost overrun equal to 20 percent or more of the~~

1 ~~authorized spending or generating project savings or delayed project available~~
2 ~~funding equal to 20 percent or more of the authorized spending.~~

3 ~~(2) The report required under subdivision (1) of this subsection also~~
4 ~~shall describe the Agency's actions taken or planned to cover the cost overruns~~
5 ~~and to reallocate the project savings and delayed project funds, and shall~~
6 ~~discuss the Agency's plans to adjust spending to any changes in the consensus~~
7 ~~forecast for Transportation Fund revenues.~~

8 ~~(3) If and when applicable, the Secretary shall submit electronically to~~
9 ~~the Joint Fiscal Office for distribution to members of the Joint Transportation~~
10 ~~Oversight Committee a report summarizing any plans or actions taken to delay~~
11 ~~project schedules as a result of:~~

12 ~~(A)(1) a generalized increase in bids relative to project estimates;~~

13 ~~(B)(2) changes in the consensus revenue forecast of the Transportation~~
14 ~~Fund or Transportation Infrastructure Bond Fund; or~~

15 ~~(C)(3) changes in the availability of federal funds.~~

16 * * * Appropriation; State Aid for Town Highways * * *

17 Sec. 16. 19 V.S.A. § 306 is amended to read:

18 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

19 * * *

20 (d) State aid for nonfederal disasters. There shall be an annual
21 appropriation for emergency aid in repairing, building, ~~or rebuilding or~~

1 ~~reconstructing class 1, 2, or 3 town highways and bridges and for repairing or~~
2 ~~replacing drainage structures including bridges on class 1, 2, 3, and 4 town~~
3 ~~highways damaged by natural or man-made disasters. Eligibility for use of~~
4 ~~emergency aid under this appropriation shall be subject to the following~~
5 ~~criteria:~~

6 (1) The Secretary of Transportation shall determine that the disaster is of
7 such magnitude that State aid is both reasonable and necessary to preserve the
8 public good. If total cumulative damages to town highways and drainage
9 structures are less than the value of 10 percent of the town's overall total
10 highway budget excluding the town's winter maintenance budget, the disaster
11 shall not qualify for assistance under this subsection.

12 (2) The disaster shall not qualify for major disaster assistance from the
13 Federal Emergency Management Agency (FEMA) under the Robert T.
14 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121
15 et seq., or from the Federal Highway Administration (FHWA) under the
16 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

17 (3) Towns shall be eligible for reimbursement for repair or replacement
18 costs of either up to 90 percent of the eligible repair or replacement costs or the
19 eligible repair or replacement costs, minus an amount equal to 10 percent of
20 the overall total highway budget, minus the town's winter maintenance budget,
21 whichever is greater.

1 ~~(4) For towns that have adopted road and bridge standards, eligibility for~~
2 reimbursement for repair or replacement of infrastructure shall be to those
3 standards. For towns that have not adopted these standards, eligibility for
4 reimbursement for repair or replacement of infrastructure shall be limited to
5 the specifications of the infrastructure that preexisted the emergency event;
6 however, the repair or replacement shall be to standards approved by the
7 Agency of Transportation.

8 (5) For a drainage structure on a class 4 town highway to be eligible for
9 repair or replacement under this subsection, the town must document that it
10 maintained the structure prior to the nonfederal disaster.

11 (6) Such additional criteria as may be adopted by the Agency of
12 Transportation through rulemaking under 3 V.S.A. chapter 25.

13 * * *

14 * * * Highways; Alterations; Quasi-Judicial Process * * *

15 Sec. 17. 19 V.S.A. § 923 is amended to read:

16 § 923. QUASI-JUDICIAL PROCESS

17 In order to protect the rights of ~~property owners~~ an interested person and the
18 public, the process described in this section shall be used whenever so
19 provided by other provisions of this title. As used in this section, “interested
20 person” means a person who has a legal interest of record in the property that
21 would be affected by the proposed action.

1 ~~(1) Notice—Written notice by certified mail shall be given. Notice. The~~
2 selectboard shall give written notice by certified mail or by one of the methods
3 allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of
4 original process to the property owner or any interested person describing the
5 proposed activity affecting the property. The notice shall include a date and
6 time when the selectboard shall inspect the premises. The notice shall precede
7 the inspection by 30 days or more except in the case of an emergency.

8 (2) Inspection of premises—~~The selectmen~~ selectboard shall view the
9 area and receive any testimony pertinent to the problem including suggested
10 awards for damages, if any.

11 (3) Necessity—~~The selectmen~~ selectboard shall decide on the
12 necessity for the activity or work proposed and establish any conditions for
13 accomplishing it. This includes the award of damages, if applicable. The
14 selectboard shall announce the decision and the reason for it shall be
15 ~~announced~~ within 10 days of the inspection unless the selectboard formally
16 ~~delayed by the selectboard~~ delays the proceeding in order to receive more
17 testimony.

18 (4) Notifying parties—~~The selectmen~~ selectboard shall notify the
19 ~~property owner~~ interested persons and other interested parties of their decision.
20 They shall file a copy of their decision with the town clerk within 10 days of
21 its announcement.

1 ~~(5) Appeal. If an owner interested person is dissatisfied with the~~
2 award for damages, he or she may appeal using any of the procedures listed in
3 chapter 5 of this title. Notice or petition for appeal shall not delay the
4 proposed work or activity.

5 (6) Payment into escrow. For purposes of this section, if an interested
6 person has not provided the town with identification information necessary to
7 process payment, or if an owner refuses an offer of payment, payment shall be
8 deemed to be tendered when the town makes payment into an escrow account
9 that is accessible by the owner upon his or her providing any necessary
10 identification information.

11 * * * Water Quality * * *

12 Sec. 18. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER
13 CREDIT

14 For the purposes of this section and Secs. 19-25 of this act (Agency of
15 Transportation stormwater credit), the General Assembly finds and declares
16 that:

17 (1) the federal Clean Water Act, State water quality requirements under
18 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit
19 for transportation infrastructure, require the treatment and control of
20 stormwater from State highway rights-of-way and other property owned,
21 controlled, or managed by the Agency; and

1 ~~(2) because of the traditional and continuing expenditures of the Agency~~
2 for the construction, operation, and maintenance of stormwater control
3 infrastructure designed to control stormwater runoff from State highway
4 rights-of-way and developed lands owned, controlled, or managed by the
5 Agency, it is fair and equitable to provide the Agency with a uniform credit
6 against fees assessed by municipalities for the management of stormwater.

7 Sec. 19. 24 V.S.A. § 3501(7) is amended to read:

8 (7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or~~
9 ~~continuously following therefrom~~ shall have the same meaning as “stormwater
10 runoff” under 10 V.S.A. § 1264.

11 Sec. 20. 24 V.S.A. § 3615 is amended to read:

12 § 3615. RENTS; RATES

13 (a) Such municipal corporation, through its board of sewage disposal
14 commissioners, may establish charges to be called “sewage disposal charges,”
15 to be paid at such times and in such manner as the commissioners may
16 prescribe. The commissioners may establish annual charges separately for
17 bond repayment, fixed operations and maintenance costs (not dependent on
18 actual use), and variable operations and maintenance cost dependent on flow.

19 Such charges may be based upon:

20 (1) the metered consumption of water on premises connected with the
21 sewer system, however, the commissioners may determine no user will be

1 ~~billed for fixed operations and maintenance costs and bond payment less than~~

2 the average single family charge;

3 (2) the number of equivalent units connected with or served by the
4 sewage system based upon their estimated flows compared to the estimated
5 flows from a single family dwelling however, the commissioners may
6 determine no user will be billed less than the minimum charge determined for
7 the single family dwelling charge for fixed operations and maintenance costs
8 and bond payment;

9 (3) the strength and flow where wastes stronger than household wastes
10 are involved;

11 (4) the appraised value of premises, in the event that the commissioners
12 shall determine the sewage disposal plant to be of general benefit to the
13 municipality regardless of actual connection with the same;

14 (5) the commissioners' determination developed using any other
15 equitable basis such as the number and kind of plumbing fixtures, the number
16 of persons residing on or frequenting the premises served by those sewers, the
17 topography, size, type of use, or impervious area of any premises; or

18 (6) any combination of these bases, so long as the combination is
19 equitable.

20 (b) The basis for establishing sewer disposal charges shall be reviewed
21 annually by sewage disposal commissioners. No premises otherwise exempt

1 ~~from taxation, including premises owned by the state State of Vermont, shall,~~
2 by virtue of any such exemption, be exempt from charges established
3 hereunder. The commissioners may change the rates of such charges from
4 time to time as may be reasonably required. Where one of the bases of such
5 charge is the appraised value and the premises to be appraised are tax exempt,
6 the commissioners may cause the listers to appraise such property, including
7 ~~state~~ State property, for the purpose of determining the sewage disposal
8 charges. The right of appeal from such appraisal shall be the same as provided
9 in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
10 ~~management~~ Commissioner of Finance and Management is authorized to issue
11 his or her warrants for sewage disposal charges against state property and
12 transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in
13 payment thereof. No charge so established and no tax levied under the
14 provisions of section 3613 of this title shall be considered to be a part of any
15 tax authorized to be assessed by the legislative body of any municipality for
16 general purposes, but shall be in addition to any such tax so authorized to be
17 assessed. Sewage disposal charges established in accord with this section may
18 be assessed by the board of sewage disposal commissioners as provided in
19 section 3614 of this title to derive the revenue required to pay pollution charges
20 assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of
21 Title 10.

1 ~~(c) When a sewage disposal charge established under this section for the~~
2 ~~management of stormwater is applied to property owned, controlled, or~~
3 ~~managed by the Agency of Transportation, the charge shall not exceed the~~
4 ~~highest rate category applicable to other properties in the municipality, and the~~
5 ~~Agency of Transportation shall receive a 40 percent credit on the charge. The~~
6 ~~Agency of Transportation shall receive no other credit on the charge from the~~
7 ~~municipal corporation.~~

8 Sec. 21. 24 V.S.A. § 3507 is amended to read:

9 § 3507. DUTIES

10 (a) Such sewage system commissioners shall have the supervision of such
11 municipal sewage system and shall make and establish all needed rates for
12 rent, with rules and regulations for its control and operation. Such
13 commissioners may appoint or remove a superintendent at their pleasure. The
14 rents and receipts for the use of such sewage system shall be used and applied
15 to pay the interest and principal of the sewage system bonds of such municipal
16 corporation, the expense of maintenance and operation of the sewage system,
17 as well as dedicated fund payments provided for in section 3616 of this title.

18 (b) When a rate established under this section for the management of
19 stormwater is applied to property owned, controlled, or managed by the
20 Agency of Transportation, the rate shall not exceed the highest rate category
21 applicable to other properties in the municipality, and the Agency of

1 ~~Transportation shall receive a 40 percent credit on the rate. The Agency of~~
2 Transportation shall receive no other credit on the rate from the municipal
3 corporation.

4 Sec. 22. 24 V.S.A. § 3679(c) is added to read:

5 (c) When a rate established under this section for the management of
6 stormwater is applied to property owned, controlled, or managed by the
7 Agency of Transportation, the rate shall not exceed the highest rate category
8 applicable to other properties in the municipality, and the Agency of
9 Transportation shall receive a 40 percent credit on the rate. The Agency of
10 Transportation shall receive no other credit on the rate from the consolidated
11 sewer district.

12 Sec. 23. 10 V.S.A. § 1251(18) is added to read:

13 (18) "Stormwater utility" means a system adopted by a municipality or
14 group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the
15 management of stormwater runoff.

16 Sec. 24. 10 V.S.A. § 1389(e) is amended to read:

17 (e) Priorities.

18 (1) In making recommendations under subsection (d) of this section
19 regarding the appropriate allocation of funds from the Clean Water Fund, the
20 Board shall prioritize:

21 * * *

1 ~~(II) Funding to municipalities for the establishment and operation of~~
2 ~~stormwater utilities.~~

3 (2) In developing its recommendations under subsection (d) of this
4 section regarding the appropriate allocation of funds from the Clean Water
5 Fund, the Clean Water Fund Board shall, during the first three years of its
6 existence and within the priorities established under subdivision (1) of this
7 subsection (e), prioritize awards or assistance to municipalities for municipal
8 compliance with water quality requirements, and to municipalities for the
9 establishment and operation of stormwater utilities.

10 * * *

11 Sec. 25. 19 V.S.A. § 42 is amended to read:

12 § 42. REPORTS ~~PRESERVED~~ CONTINUED; CONSOLIDATED
13 TRANSPORTATION REPORT; STORMWATER UTILITY REPORT

14 (a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements
15 of this section and sections 7(k), 10b(d), 10g, 11f(i), 12a, and 12b(d) of this
16 title shall ~~be preserved~~ continue to be required absent specific action by the
17 General Assembly repealing the reports or reporting requirements.

18 * * *

19 (c) On or before January 15, 2017, and annually thereafter, the Agency
20 shall report to the House and Senate Committees on Transportation, the House
21 Committee on Fish, Wildlife, and Water Resources, and the Senate Committee

1 ~~on Natural Resources and Energy regarding the status of municipal~~
2 establishment and implementation of stormwater utilities in the State. The
3 report shall include:

4 (1) the number of municipal stormwater utilities in existence at the time
5 of each report, as indicated by the number of unique municipal rate structures
6 for stormwater mitigation under which the Agency was invoiced in the
7 calendar year preceding a report submitted under this section;

8 (2) the number of new municipal stormwater utilities established in the
9 State in the calendar year preceding a report submitted under this section;

10 (3) the amount of fees paid by the Agency to stormwater utilities in the
11 calendar year preceding a report submitted under this section; and

12 (4) a list of the stormwater projects or programs implemented by the
13 Agency in municipalities with stormwater utilities in the calendar year
14 preceding a report submitted under this section.

15 * * * Restricting the Use of Town Highways * * *

16 Sec. 26. 23 V.S.A. § 1042 is amended to read:

17 § 1042. RESTRICTING THE USE OF TOWN HIGHWAYS

18 (a) The legislative body of a municipality may, with the approval of the
19 Secretary of Transportation, designate highways and bridges under their
20 control, except for class 1 town highways, for use by specified types of motor
21 vehicles based on volume and type of traffic and character of the

1 ~~neighborhood. However, when the legislative body of a municipality requests~~
2 in writing, the Secretary of Transportation may set the weight limit on a class 1
3 town highway at less than the State highway limit under section 1392 of this
4 title, if a reasonable alternative route is available for those vehicles traveling at
5 the State highway limit. When a highway or bridge has been so restricted,
6 signs shall be placed in accordance with the provisions of section 1397 of this
7 title.

8 * * *

9 (e) The legislative body of a municipality may adopt regulations to exclude
10 motor vehicles with a gross vehicle weight rating of 10,001 pounds or more
11 from operation on class 3 or class 4 town highways that start and end entirely
12 within the municipality. However, the regulations shall not preclude such
13 vehicles if their operation would otherwise be lawful from delivering or
14 picking up property or passengers or furnishing services along the highways
15 from which the vehicles would otherwise be excluded.

16 * * * Vulnerable Users * * *

17 Sec. 27. 23 V.S.A. § 1033 is amended to read:

18 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

19 (a) Passing motor vehicles. Motor vehicles proceeding in the same
20 direction may be overtaken and passed only as follows:

1 ~~(1) The driver of a motor vehicle overtaking another motor vehicle~~
2 proceeding in the same direction may pass to its left at a safe distance, and
3 when so doing shall exercise due care, shall not pass to the left of the center of
4 the highway ~~unless the way ahead is clear of approaching traffic~~ except as
5 authorized in section 1035 of this title, and shall not again drive to the right
6 side of the roadway until safely clear of the overtaken vehicle.

7 (2) Except when overtaking and passing on the right is permitted, the
8 driver of an overtaken motor vehicle shall give way to the right in favor of the
9 overtaking motor vehicle ~~on audible signal~~ and shall not increase the speed of
10 his or her vehicle until completely passed by the overtaking vehicle.

11 (b) Passing vulnerable users. The operator of a motor vehicle approaching
12 or passing a vulnerable user as defined in subdivision 4(81) of this title shall
13 exercise due care, which includes increasing clearance to at least four feet, to
14 pass the vulnerable user safely, and shall cross the center of the highway only
15 as provided in ~~subdivision (a)(1) of this section~~ 1035 of this title. A person
16 who violates this subsection shall be subject to a civil penalty of not less than
17 \$200.00.

18 Sec. 28. 23 V.S.A. § 1035 is amended to read:

19 § 1035. LIMITATIONS

20 (a) ~~No~~ A vehicle shall not be driven to the left side of the center of the
21 roadway in overtaking and passing another vehicle or a vulnerable user

1 ~~proceeding in the same direction unless authorized by the provisions of this~~
2 chapter and unless the left side is clearly visible and free of oncoming traffic
3 and vulnerable users for a sufficient distance ahead to permit overtaking and
4 passing to be completed without interfering with the operation of any vehicle
5 or with any vulnerable user approaching from the opposite direction or with
6 the operation of any vehicle or with any vulnerable user overtaken. In every
7 event, the overtaking vehicle shall return to an authorized lane of travel as soon
8 as practicable and, if the passing movement involves the use of a lane
9 authorized for vehicles approaching from the opposite direction, before coming
10 within 200 feet of any approaching vehicle or a vulnerable user.

11 (b) A vehicle shall not pass another from the rear under any of the
12 following conditions:

13 (1) when approaching or upon the crest of a grade or upon a curve in the
14 highway where the driver's view is in any way obstructed;

15 (2) when approaching within 100 feet of, or traversing, any intersection
16 or railroad grade crossing unless otherwise indicated by official traffic control
17 devices; or

18 (3) when the view is obstructed upon approaching within 100 feet of any
19 bridge, viaduct, or tunnel.

1 ~~(c) The foregoing limitations do not apply upon a one way roadway, or~~
2 when subdivision 1031(a)(2) of this title applies, or where a vehicle is turning
3 left into an alley, private road, or driveway.

4 Sec. 29. 23 V.S.A. § 1049 is amended to read:

5 § 1049. VEHICLE ENTERING FROM PRIVATE ROAD

6 The driver of a vehicle about to enter or cross a highway from an alley,
7 building, private road, or driveway shall yield the right of way to all vehicles
8 and vulnerable users approaching on the highway.

9 Sec. 30. 23 V.S.A. § 1049a is added to read:

10 § 1049a. OBLIGATIONS TO VULNERABLE USERS WHEN

11 TURNING

12 Notwithstanding any provision of this title to the contrary, a person
13 operating a vehicle shall not turn right or left unless the turn can be made at a
14 safe distance from a vulnerable user. A person who violates this section shall
15 be subject to a civil penalty of not less than \$200.00.

16 Sec. 31. 23 V.S.A. § 1064 is amended to read:

17 § 1064. SIGNALS REQUIRED; GENERAL OBLIGATION TO TURN AND

18 MOVE SAFELY

19 (a) Before changing direction or materially slackening speed, a driver shall
20 give warning of his or her intention with the hand signals as provided in
21 section 1065 of this title, or with a mechanical or lighting device approved by

1 ~~the Commissioner of Motor Vehicles. A bicyclist shall give such hand signals~~
2 unless he or she cannot do so safely.

3 (b) ~~No person may~~ A person shall not turn a vehicle at an intersection
4 unless the vehicle is in proper position upon the roadway as required in section
5 1061 of this title, or turn a vehicle to enter an alley, private road, or driveway,
6 or otherwise turn a vehicle from a direct course or move right or left upon a
7 roadway unless such movement can be made with reasonable safety.

8 (c) No person shall stop or suddenly decrease the speed of a vehicle
9 without first giving an appropriate signal in the manner provided herein to the
10 driver of any vehicle immediately to the rear when there is opportunity to give
11 such signal.

12 (d) A signal of intention to turn right or left when required shall be given
13 continuously during not less than the last 100 feet traveled by the vehicle
14 before turning. A bicyclist shall comply with this subsection unless he or she
15 cannot do so safely.

16 (e) The signals provided for in section 1065 of this title shall be used to
17 indicate an intention to turn, change lanes, or start from a parked position and
18 may not be flashed on one side only on a parked or disabled vehicle, or flashed
19 as a courtesy or "do pass" signal to operators of other vehicles approaching
20 from the rear.

1 ~~Sec. 32. 23 V.S.A. chapter 13, subchapter 12 is amended to read:~~

2 Subchapter 12. Operation of Bicycles, Electric Personal Assistive Mobility
3 Devices, and Play Vehicles

4 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

5 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

6 (a) The parent of any child and the guardian of any ward may not authorize
7 or knowingly permit any such child or ward to violate any of the provisions of
8 this subchapter.

9 (b) This subchapter applies whenever a bicycle is operated upon any
10 highway or upon any path set aside for the exclusive use of bicycles subject to
11 those exceptions stated herein.

12 (c) Every person riding a bicycle is granted all of the rights and is subject
13 to all of the duties applicable to operators of vehicles, except as to those
14 provisions ~~which~~ that:

15 (1) are inconsistent with provisions that specifically address the rights
16 and duties of vulnerable users generally or bicyclists specifically; or

17 (2) by their very nature can have no application.

18 (d) Except as otherwise may be required under subdivision 1139(a)(1) of
19 this chapter, and notwithstanding any provision of this title to the contrary, a
20 bicyclist riding consistent with the obligations of subsection 1139(a) of this
21 chapter may keep to the right when passing a motor vehicle, regardless of

1 ~~whether the passing movement results from the motor vehicle's slowing down,~~
2 the bicyclist's continuing forward, or other circumstances that result in the
3 passing.

4 * * *

5 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

6 (a) A person operating a bicycle upon a roadway shall exercise due care
7 when passing a standing vehicle or one proceeding in the same direction ~~and.~~
8 Bicyclists generally shall ride as near to the right side of the roadway as
9 practicable, but shall ride to the left or in a left lane improved area of the
10 highway right-of-way as is safe, except that a bicyclist:

11 (1) Shall ride to the left or in a left lane when:

12 ~~(1)(A)~~ preparing for a left turn at an intersection or into a private
13 roadway or driveway;

14 ~~(2)(B)~~ approaching an intersection with a right-turn lane if not turning
15 right at the intersection; or

16 ~~(3)(C)~~ overtaking another highway vulnerable user; or.

17 ~~(4)(2)~~ May ride to the left or in a left lane when taking reasonably
18 necessary precautions to avoid hazards or road conditions. Examples include
19 objects on the road, parked or moving vehicles, pedestrians, animals, surface
20 conditions that may impair the bicyclist's stability, or safety hazards caused by

1 ~~a narrow road or steep embankment, road geometry, or unfavorable~~
2 atmospheric conditions.

3 * * *

4 * * * Statewide Property Parcel Mapping Program * * *

5 Sec. 33. LEGISLATIVE FINDINGS

6 (a) The General Assembly finds that the State has an interest in creating a
7 statewide property parcel data layer. The data layer will include all property
8 parcels in each Vermont town, city, incorporated village, gore, and grant in a
9 standard format and integrate all municipal property parcel maps into one
10 property parcel map for the State.

11 (b) The General Assembly further finds that a statewide property parcel
12 data layer will be useful to the Agency for the following applications:

13 (1) mapping highway centerlines that end at property boundaries;

14 (2) enabling the Agency to evaluate properties for alternative energy and
15 other possible uses;

16 (3) providing right-of-way data to analyze Transportation Separate
17 Storm Sewer System (TS4) assessments;

18 (4) streamlining title searches during the project development phase of
19 transportation projects;

20 (5) providing linkages between grand list and property parcel data in
21 order to enable the identification of all public land;

- 1 ~~(6) locating encroachments on highways and providing notice to~~
2 ~~adjoining landowners;~~
3 ~~(7) mapping the locations of surplus and excess property;~~
4 ~~(8) assisting in the appraisal of land and acquisition of rights for~~
5 ~~transportation projects;~~
6 ~~(9) improving emergency response capabilities;~~
7 ~~(10) identifying encroachments on State-owned railroads and providing~~
8 ~~notice to adjoining landowners;~~
9 ~~(11) evaluating applications for highway access under 19 V.S.A. § 1111,~~
10 ~~including utility installations and driveways; and~~
11 ~~(12) improving the State's ability to identify its assets by accurately~~
12 ~~cataloguing the location and extent of State-owned rights-of-way.~~

13 Sec. 34. 19 V.S.A. § 10 is amended to read:

14 § 10. DUTIES

15 The Agency shall, except where otherwise specifically provided by law:

16 * * *

17 (17) Administer the Statewide Property Parcel Mapping Program.

18 Sec. 35. 19 V.S.A. § 44 is added to read:

19 § 44. STATEWIDE PROPERTY PARCEL MAPPING PROGRAM

20 (a) Purpose. The purpose of the Statewide Property Parcel Mapping

21 Program is to:

1 ~~(1) develop a statewide property parcel data layer;~~

2 ~~(2) ensure regular maintenance, including updates, of the data layer; and~~

3 ~~(3) make property parcel data available to State agencies and~~

4 ~~departments, regional planning commissions, municipalities, and the public.~~

5 ~~(b) Property Parcel Data Advisory Board. A Property Parcel Data~~

6 ~~Advisory Board (Board) is created for the purpose of monitoring the Statewide~~

7 ~~Property Parcel Mapping Program and making recommendations to the~~

8 ~~Agency of how the Program can be improved to enhance the usefulness of~~

9 ~~statewide property parcel data for State agencies and departments, regional~~

10 ~~planning commissions, municipalities, and the public. The Board shall~~

11 ~~comprise:~~

12 ~~(1) the Secretary of Transportation or designee, who shall serve as chair;~~

13 ~~(2) the Secretary of Natural Resources or designee;~~

14 ~~(3) the Secretary of Commerce and Community Development~~

15 ~~or designee;~~

16 ~~(4) the Commissioner of Taxes or designee;~~

17 ~~(5) a representative of the Vermont Association of Planning and~~

18 ~~Development Agencies; and~~

19 ~~(6) a representative of the Vermont League of Cities and Towns~~

~~(5) a representative of the Vermont Association of Planning and
Development Agencies;~~

~~(6) a representative of the Vermont League of Cities and Towns; and~~

~~(7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by
the Vermont Society of Land Surveyors.~~

1 (c) Meetings of Board. The Board shall meet at the call of the Chair or at
2 the request of a majority of its members. The Agency shall provide
3 administrative assistance to the Board and such other assistance as the Board
4 may require to carry out its duties.

5 (d) Standards. The Agency shall update the statewide property parcel data
6 layer in accordance with the standards of the Vermont Geographic Information
7 System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of
8 Vermont Center for Geographic Information).

9 * * * Quechee Gorge Bridge Safety Issues * * *

10 Sec. 36. QUECHEE GORGE BRIDGE SAFETY ISSUES

11 (a) On or before July 1, 2016, or as soon as practicable thereafter if a longer
12 period is required to obtain necessary permits or satisfy federal requirements,
13 the Agency shall complete a project on or proximate to Bridge 61 on
14 US Route 4 in the town of Hartford (Quechee Gorge Bridge) to install a
15 structure providing information and resources, signs, or communication
16 devices, or some combination of these, aimed at preventing suicides at the
17 Quechee Gorge Bridge.

1 ~~(b) In consultation with the Agency of Commerce and Community~~
2 ~~Development, the Department of Health, the Department of Public Safety,~~
3 ~~local officials, local emergency personnel, the Hartford Area Chamber of~~
4 ~~Commerce, mental health practitioners, local business owners, and other~~
5 ~~interested stakeholders, the Agency of Transportation shall thoroughly review~~
6 ~~suicide prevention as well as pedestrian, first responder, and other safety~~
7 ~~measures that could be taken, and the merits of taking such measures, at the~~
8 ~~Quechee Gorge Bridge. In conducting this review, the Agency shall identify:~~
9 ~~(1) short- and long-term suicide prevention as well as pedestrian, first~~
10 ~~responder, and other safety measures for all users that could be taken at the~~
11 ~~Quechee Gorge Bridge in addition to the measures taken pursuant to~~
12 ~~subsection (a) of this section, including:~~
13 ~~(A) providing information and resources, including emergency~~
14 ~~contact information and means of emergency communication; and~~
15 ~~(B) physical improvements to the bridge structure and the~~
16 ~~surrounding area;~~
17 ~~(2) estimated costs and benefits and an expected timeline associated~~
18 ~~with implementing the measures identified in subdivision (1) of this~~
19 ~~subsection; and~~
20 ~~(3) economic, community, and tourism concerns associated with~~
21 ~~implementing the measures identified in subdivision (1) of this subsection.~~

1 ~~(c) On or before January 10, 2017, the Agency shall report the results of the~~
2 ~~review required under subsection (b) of this section to the House and Senate~~
3 ~~Committees on Transportation.~~

4 *** Effective Dates ***

5 Sec. 37. EFFECTIVE DATES

6 (a) ~~This section, Secs. 4 (rail), 6 (positions), 18–24 (stormwater utilities;~~
7 ~~rates; incentives), and 36 (Quechee Gorge Bridge safety issues) shall take~~
8 ~~effect on passage.~~

9 ~~(b) All other sections shall take effect on July 1, 2016.~~

**** Adoption of Proposed Transportation Program as Amended;*

*Definitions ****

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2017
Transportation Program appended to the Agency of Transportation's proposed
fiscal year 2017 budget, as amended by this act, is adopted to the extent
federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation
Program referenced in subsection (a) of this section; the table heading "As

~~*“Amended” means the amendments as made by this act; the table heading
“Change” means the difference obtained by subtracting the “As Proposed”
figure from the “As Amended” figure; and the term “change” or “changes” in
the text refers to the project- and program-specific amendments, the aggregate
sum of which equals the net “Change” in the applicable table heading.*~~

~~*(4) “TIB funds” or “TIB” refers to monies deposited in the
Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.*~~

~~**** Appropriation of Transportation Funds ****~~

~~*Sec. 2. 19 V.S.A. § 11a is amended to read:*~~

~~*§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE
DEPARTMENT OF PUBLIC SAFETY*~~

~~*(a) No transportation funds shall be appropriated for the support of
government other than for the Agency, the Board, Transportation Pay Act
Funds, construction of transportation capital facilities, transportation debt
service, the operation of information centers by the Department of Buildings
and General Services, and the Department of Public Safety. The amount of
transportation funds appropriated to the Department of Public Safety shall not
exceed:*~~

~~*(1) \$25,250,000.00 in fiscal year 2014;*~~

~~*(2) \$22,750,000.00 in fiscal years 2015 and 2016; and*~~

~~(3) \$20,250,000.00 \$21,550,000.00 in fiscal year 2017; and in succeeding fiscal years~~

~~(4) \$20,250,000.00 in fiscal year 2018 and in succeeding fiscal years.~~

~~(b) In fiscal year 2017 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.~~

~~*** Program Development Program ***~~

~~Sec. 2a. PROGRAM DEVELOPMENT; SPENDING AUTHORITY~~

~~(a) Reduction in spending authority. Spending authority in the Program Development Program within the fiscal year 2017 Transportation Program hereby is reduced by:~~

~~(1) \$461,136.00 in transportation funds;~~

~~(2) \$86,204.00 in TIB funds;~~

~~(3) \$2,189,360.00 in federal funds.~~

~~(b) Selection of projects; notification of delays. In his or her discretion, the Secretary shall select the projects for which spending will be reduced under subsection (a) of this section. In exercising his or her discretion, the Secretary shall not delay a project that otherwise would proceed in fiscal year 2017, unless the full amount of the reduction cannot be achieved from cost savings or the delay of projects due to unforeseen circumstances. If a project that otherwise would have proceeded in fiscal year 2017 is delayed, the Secretary shall promptly notify:~~

~~(1) the House and Senate Committees on Transportation when the General Assembly is in session; or~~

~~(2) the Joint Transportation Oversight Committee and the Joint Fiscal Office when the General Assembly is not in session.~~

~~(c) Contingent restoration of spending authority.~~

~~(1) As used in this subsection:~~

~~(A) "Transportation Fund balance" means a positive balance of unreserved monies remaining in the Transportation Fund at the end of fiscal year 2016.~~

~~(B) "TIB Fund balance" means a positive balance of unreserved monies remaining in the Transportation Infrastructure Bond Fund at the end of fiscal year 2016.~~

~~(2) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if a Transportation Fund balance, TIB Fund balance, or balance in both funds exists at the end of fiscal year 2016, spending authority reduced in subsection (a) of this section in the fiscal year 2017 Program Development Program shall be restored to the extent of the balance or balances, up to a total of \$547,340.00 in transportation funds or TIB funds, and by up to \$2,189,360.00 in matching federal funds.~~

*Sec. 2b. PROGRAM DEVELOPMENT; ALLOCATION FOR
EDUCATION INITIATIVES*

~~Within authorized spending in the Program Development Program, the Secretary shall allocate up to \$100,000.00 in federal National Highway Transportation Safety Administration grant funds to the Share the Road Program and to other highway safety educational initiatives. These monies shall be used to educate the users of the State's transportation system on how to improve the safety of all users, including bicyclists and operators of motor vehicles.~~

~~**** Roadway Program ****~~

~~Sec. 3. ROADWAY PROGRAM; PROJECT CANCELLATION~~

~~Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project from the candidate list within the Roadway Program within the fiscal year 2017 Transportation Program: Colchester STP 0207().~~

~~*** Traffic and Safety Program ***~~

~~Sec. 4. TRAFFIC AND SAFETY PROGRAM; PROJECTS ADDED~~

~~The following projects are added to the candidate list of the Traffic and Safety Program within the fiscal year 2017 Transportation Program:~~

~~(1) Derby – US 5/I-91 Exit 28 – intersection improvements.~~

~~(2) Derby – US 5/VT 105 – intersection improvements.~~

~~(3) St. Albans – VT 104/I-89 Exit 19 – intersection improvements.~~

~~*** Bike and Pedestrian Program; Lamoille Valley Rail Trail ***~~

~~Sec. 5. BIKE AND PEDESTRIAN FACILITIES PROGRAM; LAMOILLE
VALLEY RAIL TRAIL~~

~~(a)(1) The Bike and Pedestrian Facilities Program within the fiscal year
2017 Transportation Program is amended to add a project for the
rehabilitation or replacement of structures, permitting activities, engineering
services, and trail construction related to development of the State-owned
Lamoille Valley Rail Trail (LVRT). The project shall be funded with:~~

~~(A) monies raised by the Vermont Association of Snow Travelers
(VAST) before January 1, 2017; plus~~

~~(B) up to \$400,000.00 of State transportation funds or eligible
federal funds, or both, to match each dollar raised by VAST.~~

~~(2) Any matching funds shall be identified by the Secretary from some
combination of:~~

~~(A) the unanticipated delay of projects approved in the fiscal year
2017 Bike and Pedestrian Facilities Program;~~

~~(B) cost savings on projects approved in the fiscal year 2017 Bike
and Pedestrian Facilities Program;~~

~~(C) Statewide New Awards—Federal Aid Construction Projects
grant money authorized in the fiscal year 2017 Bike and Pedestrian Facilities
Program.~~

~~(b) In its fiscal year 2018 Transportation Program proposal, the Agency shall include a project within the Bike and Pedestrian Facilities Program for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to development of the LVRT. The project shall be funded with:~~

~~(1) monies raised by the Vermont Association of Snow Travelers (VAST) from January 1, 2017 to January 1, 2018; plus~~

~~(2) up to \$1,000,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.~~

~~*** Municipal Mitigation Grant Program ***~~

~~Sec. 6. MUNICIPAL MITIGATION GRANT PROGRAM~~

~~Notwithstanding 2015 Acts and Resolves No. 40, Sec. 21a, funding sources for the fiscal year 2017 Municipal Mitigation Grant Program are amended as follows:~~

	<u>FY17 As Proposed</u>	<u>As Amended</u>	<u>Change</u>	
State	1,440,000	1,240,000	-200,000	
Federal	0	200,000	200,000	
Clean Water Fund	1,465,000		1,465,000	0
Total	2,905,000	2,905,000	0	

**** Central Garage ****

Sec. 7. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2017, the amount of \$1,283,215.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

**** Positions ****

Sec. 8. POSITIONS

(a) The Agency is authorized to establish two (2) new permanent classified positions related to water quality improvements.

(b) Seven (7) of the twenty-one (21) limited service positions authorized in 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and Resolves No. 95, Sec. 64, hereby are converted to permanent classified positions.

(c) Nine (9) of the seventeen (17) limited service positions authorized in 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and Resolves No. 95, Sec. 65, hereby are converted to permanent classified positions.

(d) One (1) limited service position, number 861864 (Civil Engineer VII), created on May 6, 2012 and due to expire on December 31, 2016, hereby is converted to a permanent classified position.

~~(e) Three (3) of the seventeen (17) limited service positions authorized in 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency may use these three positions for activities that are not related to the response to Tropical Storm Irene and the spring 2011 flooding.~~

~~(f) The following two (2) limited service positions hereby are extended through June 30, 2019: number 861837 (Administrative Services Coordinator I), created on March 11, 2012 and due to expire on June 30, 2016, and number 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on December 31, 2016.~~

~~*** Rail Program ***~~

~~Sec. 9. FISCAL YEAR 2016 RAIL PROGRAM; PROJECT ADDED~~

~~The following project is added to the candidate list of the Rail Program within the fiscal year 2016 Transportation Program: Rutland – Burlington – TIGERVII () (Western VT Freight–Passenger Rail).~~

~~*** Sale of State-Owned Railroad Property ***~~

~~Sec. 10. APPROVAL OF SALE OF STATE-OWNED RAILROAD~~

~~PROPERTY~~

~~Upon receiving satisfactory evidence of release of the leasehold interest of Vermont Railway, Inc., the Secretary as agent for the State is authorized to convey to the Town of Bennington, in consideration of the sum of \$1.00, a~~

~~parcel of land of approximately 2.5 acres (the "property") in the Town of Bennington located south of River Street and west of the 150 Depot Street parcel now or formerly owned by Station Realty, LLC. The conveyance must require that the Town's interest automatically will terminate in the event the property ceases to be used for public purposes, in which event the property will revert to the State. However, the Secretary and the Town may enter into a boundary adjustment agreement with the owner of the 150 Depot Street parcel in order to cure any title defect that may exist, and the Secretary as agent for the State may disclaim any reversionary interest in the boundary adjustment area.~~

~~*** Rail Trespassing ***~~

~~Sec. 11. 5 V.S.A. § 3734 is amended to read:~~

~~§ 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY~~

~~A person who, without right, loiters or remains in a depot, or upon the platform, approaches, or grounds adjacent thereto, after being requested to leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman, shall be fined not more than \$20.00 nor less than \$2.00.~~

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

~~(1) "Passenger" means a person traveling by train with lawful authority and who does not participate in the train's operation. The term "passenger" does not include a stowaway.~~

~~(2) "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. "Railroad" does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.~~

~~(3) "Railroad carrier" means a person providing railroad transportation.~~

~~(4)(A) "Railroad property" means the following property owned, leased, or operated by a railroad carrier or used in its rail operations:~~

~~(i) a right-of-way, track, yard, station, shed, or depot;~~

~~(ii) a train, locomotive, engine, car, work equipment, rolling stock, or safety device; and~~

~~(iii) a "railroad structure," which means a bridge, tunnel, viaduct, trestle, culvert, abutment, communication tower, or signal equipment.~~

~~(B) "Railroad property" does not include inactive railroad property of the Twin State Railroad.~~

~~(5) "Right-of-way" means the track and roadbed owned, leased, or operated by a railroad carrier and property located on either side of the tracks that is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.~~

~~(6) "Yard" means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad~~

~~cars, locomotives, and other rolling stock are kept when not in use or when awaiting repairs.~~

~~(b) *Trespassing on railroad property prohibited. Except for the purpose of crossing railroad property at a public highway or other authorized crossing, a person shall not, without lawful authority or the railroad carrier's written permission, knowingly enter or remain upon railroad property by an act including:*~~

~~(1) *standing, sitting, resting, walking, jogging, or running, or operating a recreational or nonrecreational vehicle, including a bicycle, motorcycle, snowmobile, car, or truck; or*~~

~~(2) *engaging in recreational activity, including bicycling, hiking, camping, or cross-country skiing.*~~

~~(c) *Stowaways prohibited. A person shall not, without lawful authority or the railroad carrier's written permission, ride on the outside of a train or inside a passenger car, locomotive, or freight car, including a box car, flatbed, or container.*~~

~~(d) *Persons not subject to ticketing. The following is a nonexhaustive list of persons who, for the purposes of this section, are not subject to ticketing for trespass under subsections (b) and (c) of this section:*~~

~~(1) *passengers on trains, or employees of a railroad carrier while engaged in the performance of their official duties;*~~

~~(2) police officers, firefighters, peace officers, and emergency response personnel, while engaged in the performance of their official duties;~~

~~(3) a person going upon railroad property in an emergency to rescue from harm a person or animal such as livestock, pets, or wildlife, or to remove an object that the person reasonably believes to pose an imminent hazard;~~

~~(4) a person on the station grounds or in the depot of the railroad carrier as a passenger or for the purpose of transacting lawful business;~~

~~(5) a person, or the person's family or invitee, or the person's employee or independent contractor going upon a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier or authorized by law in order to obtain access to land that the person owns, leases, or operates;~~

~~(6) a person who has permission from the owner, lessee, or operator of land served by a private crossing site approved by the railroad carrier or authorized by law, to use the crossing for recreational purposes and who enters upon the crossing for such purposes;~~

~~(7) a person having written permission from the railroad carrier to go upon the railroad property in question;~~

~~(8) representatives of the Transportation Board or Agency of Transportation while engaged in the performance of their official duties;~~

~~(9) representatives of the Federal Railroad Administration while engaged in the performance of their official duties;~~

~~(10) representatives of the National Transportation Safety Board while engaged in the performance of their official duties; or~~

~~(11) a person who enters or remains in a railroad right-of-way, but not within a rail yard or on a railroad structure, while lawfully engaged in hunting, fishing, or trapping; however, a person shall not be exempt from ticketing under this subdivision if he or she enters within an area extending eight feet outward from either side of the rail and within the rail unless he or she crosses and leaves this area quickly, safely, and at an angle of approximately 90 degrees to the direction of the rail.~~

~~(e) Nothing in this section is intended to modify the rights, duties, liabilities, or defenses available to any person under any other law or under a license or agreement.~~

~~(f) Penalty. A violation of this section is a traffic violation as defined in 23 V.S.A. chapter 24 and an action under this section shall be brought in accordance with 4 V.S.A. chapter 29. A person who violates this section shall be subject to a civil penalty of not more than \$200.00.~~

~~Sec. 12. 5 V.S.A. § 3735 is amended to read:~~

~~§ 3735. BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~

~~PROPERTY; PENALTY~~

~~A person boarding or riding without permission on a train, car, or locomotive, other than a passenger train, or a person boarding or riding on a passenger train without paying fare, or a person loitering in or about a railroad yard, station or car without permission, shall be imprisoned not more than 90 days, or fined not more than \$25.00, or both. [Repealed.]~~

~~Sec. 13. 23 V.S.A. § 2302(a) is amended to read:~~

~~(a) As used in this chapter, "traffic violation" means:~~

~~***~~

~~(7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on railroad property;~~

~~***~~

~~*** Transportation Capital Program; Prioritization System ***~~

~~Sec. 14. 19 V.S.A. § 10g(l) is amended to read:~~

~~(l) The Agency shall develop a numerical grading system to assign a priority rating to all Program Development Paving, Program Development Roadway, Program Development Safety and Traffic Operations, Program Development State and Interstate Bridge, Town Highway Bridge, and Bridge~~

~~Maintenance projects. The rating system shall consist of two separate, additive components as follows:~~

~~(1) One component shall be limited to asset management-based management- and performance-based factors which are objective and quantifiable and shall consider, without limitation, the following:~~

~~(A) the existing safety conditions in the project area and the impact of the project on improving safety conditions;~~

~~(B) the average, seasonal, peak, and nonpeak volume of traffic in the project area, including the proportion of traffic volume relative to total volume in the region, and the impact of the project on congestion and mobility conditions in the region;~~

~~(C) the availability, accessibility, and usability of alternative routes;~~

~~(D) the impact of the project on future maintenance and reconstruction costs; ~~and~~~~

~~(E) the relative priority assigned to the project by the relevant regional planning commission ~~or the Chittenden County Metropolitan Planning Organization;~~~~

~~(F) the resilience of the transportation infrastructure to floods and other extreme weather events.~~

~~(2) The second component of the priority rating system shall consider, without limitation, the following factors:~~

~~(A) the functional importance of the highway or bridge transportation infrastructure as a link factor in the local, regional, or State economy; and~~

~~(B) the functional importance of the highway or bridge transportation infrastructure in the health, social, and cultural life of the surrounding communities.~~

~~(3) The priority rating system for Program Development Roadway projects shall award as bonus points an amount equal to 10 percent of the total base possible rating points to projects within a designated downtown development district established pursuant to 24 V.S.A. § 2793.~~

~~*** Adjustments to Existing Projects ***~~

~~Sec. 15. 19 V.S.A. § 10h is amended to read:~~

~~§ 10h. **ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF
OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT**~~

~~(a) The agency shall report to the transportation board each project for which the current construction cost estimate exceeds the last approved construction cost estimate by a substantial level, as substantial level is defined by the transportation board. The transportation board shall review such a project, and may grant approval to proceed. If not approved by the transportation board, the project shall not proceed to contract award until approved by the general assembly. [Repealed.]~~

~~(b) In connection with any authorized construction project in the ~~state~~ State of Vermont which extends into or affects an adjoining state, the ~~agency~~ Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative agreement with the adjoining state or any political subdivision of an adjoining state which apportions duties and responsibilities for planning preliminary engineering, including environmental studies, right-of-way acquisition, construction, and maintenance.~~

~~Sec. 16. 19 V.S.A. § 10g(h) is amended to read:~~

~~(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition,~~

~~construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify the members of the Joint Transportation Oversight Committee and the Joint Fiscal Office. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the regional planning commission, the municipality, Legislators, members of the Senate and House Committees on Transportation, and the Joint Fiscal Office of any significant change in design, change in construction cost estimates requiring referral to the Transportation Board under section 10h of this title, or any change which~~

~~likely will affect the fiscal year in which the project is planned to go to construction. No project shall be cancelled without the approval of the General Assembly.~~

~~***Reporting Required in Proposed Transportation Program***~~

~~Sec. 17. 19 V.S.A. § 10g(g) is amended to read:~~

~~(g) The Agency's annual proposed Transportation Program shall include a ~~separate report~~ project updates referencing this section ~~describing and listing~~ the following:~~

~~(1) all proposed projects in the Program ~~which~~ that would be new to the State Transportation Program if adopted;~~

~~(2) all projects for which total estimated costs have increased by more than \$8,000,000.00 or by more than 100 percent from the estimate in the prior fiscal year's approved Transportation Program;~~

~~(3) all projects funded for construction in the prior fiscal year's approved Transportation Program that are no longer funded in the proposed Transportation Program submitted to the General Assembly, the projected costs for such projects in the prior fiscal year's approved Transportation Program, and the total costs incurred over the life of each such project.~~

~~*** Joint Transportation Oversight Committee ***~~

~~Sec. 18. 19 V.S.A. § 12b is amended to read:~~

~~§ 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE~~

~~(a) There is created a Joint Transportation Oversight Committee composed of the Chairs of the House and Senate Committees on Appropriations, the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance. The Committee shall be chaired alternately by the Chairs of the House and Senate Committees on Transportation, and the two-year term shall run concurrently with the biennial session of the Legislature. The Chair of the Senate Committee on Transportation shall chair the Committee during the 2009–2010 legislative session.~~

~~(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and when practicable shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 406. The Committee shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.~~

~~(c) The Committee shall provide legislative ~~overview~~ oversight of the Transportation Fund revenues collection and the operation and administration of the Agency of Transportation construction, paving, and rehabilitation~~

~~programs. The Secretary of Transportation shall report to the Oversight Committee upon request.~~

~~(d)(1) In coordination with the regular meetings of the Joint Fiscal Committee in mid-November, the Secretary shall prepare a report on the status of the State's transportation finances and transportation programs. If a meeting of the Committee is not convened on the scheduled dates of the Joint Fiscal Committee meetings, the Secretary in advance shall transmit the report electronically to the Joint Fiscal Office for distribution to Committee members. The report shall list contract bid awards versus project estimates and all known or projected cost overruns, project savings, and funding availability from delayed projects with respect to:~~

~~(A) all paving projects other than statewide maintenance programs; and~~

~~(B) all projects in the Roadway, State Bridge, Interstate Bridge, or Town Bridge programs with authorized spending in the fiscal year of \$500,000.00 or more with a cost overrun equal to 20 percent or more of the authorized spending or generating project savings or delayed project available funding equal to 20 percent or more of the authorized spending.~~

~~(2) The report required under subdivision (1) of this subsection also shall describe the Agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds, and shall~~

~~discuss the Agency's plans to adjust spending to any changes in the consensus forecast for Transportation Fund revenues.~~

~~(3) If and when applicable, the Secretary shall submit electronically to the Joint Fiscal Office for distribution to members of the Joint Transportation Oversight Committee a report summarizing any plans or actions taken to delay project schedules as a result of:~~

~~(A)(1) a generalized increase in bids relative to project estimates;~~

~~(B)(2) changes in the consensus revenue forecast of the Transportation Fund or Transportation Infrastructure Bond Fund; or~~

~~(C)(3) changes in the availability of federal funds.~~

~~*** Appropriation; State Aid for Town Highways ***~~

~~Sec. 19. 19 V.S.A. § 306 is amended to read:~~

~~§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS~~

~~***~~

~~(d) State aid for nonfederal disasters. There shall be an annual appropriation for emergency aid in repairing, building, ~~or rebuilding or reconstructing~~ class 1, 2, or 3 town highways ~~and bridges and for repairing or replacing drainage structures including bridges on class 1, 2, 3, and 4 town highways~~ damaged by natural or man-made disasters. Eligibility for use of emergency aid under this appropriation shall be subject to the following criteria:~~

~~(1) The Secretary of Transportation shall determine that the disaster is of such magnitude that State aid is both reasonable and necessary to preserve the public good. If total cumulative damages to town highways and drainage structures are less than the value of 10 percent of the town's overall total highway budget excluding the town's winter maintenance budget, the disaster shall not qualify for assistance under this subsection.~~

~~(2) The disaster shall not qualify for major disaster assistance from the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq., or from the Federal Highway Administration (FHWA) under the 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.~~

~~(3) Towns shall be eligible for reimbursement for repair or replacement costs of either up to 90 percent of the eligible repair or replacement costs or the eligible repair or replacement costs, minus an amount equal to 10 percent of the overall total highway budget, minus the town's winter maintenance budget, whichever is greater.~~

~~(4) For towns that have adopted road and bridge standards, eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted these standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that preexisted the emergency event;~~

~~however, the repair or replacement shall be to standards approved by the Agency of Transportation.~~

~~(5) For a drainage structure on a class 4 town highway to be eligible for repair or replacement under this subsection, the town must document that it maintained the structure prior to the nonfederal disaster.~~

~~(6) Such additional criteria as may be adopted by the Agency of Transportation through rulemaking under 3 V.S.A. chapter 25.~~

~~***~~

~~*** Highways; Alterations; Quasi-Judicial Process ***~~

~~Sec. 20. 19 V.S.A. § 923 is amended to read:~~

~~§ 923. QUASI-JUDICIAL PROCESS~~

~~In order to protect the rights of ~~property owners~~ interested persons and the public, the process described in this section shall be used whenever so provided by other provisions of this title. As used in this section, “interested person” means a person who has a legal interest of record in the property that would be affected by the proposed action.~~

~~(1) ~~Notice~~ ~~Written notice by certified mail shall be given~~ Notice. The selectboard shall give written notice by certified mail or by one of the methods allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of original process to the property owner or any interested person describing the proposed activity affecting the property. The notice shall include a date and~~

~~time when the selectboard shall inspect the premises. The notice shall precede the inspection by 30 days or more except in the case of an emergency.~~

~~(2) Inspection of premises—The selectmen selectboard shall view the area and receive any testimony pertinent to the problem including suggested awards for damages, if any.~~

~~(3) Necessity—The selectmen selectboard shall decide on the necessity for the activity or work proposed and establish any conditions for accomplishing it. This includes the award of damages, if applicable. The selectboard shall announce the decision and the reason for it shall be announced within 10 days of the inspection unless the selectboard formally delayed by the selectboard delays the proceeding in order to receive more testimony.~~

~~(4) Notifying parties—The selectmen selectboard shall notify the property owner interested persons and other interested parties of their decision. They shall file a copy of their decision with the town clerk within 10 days of its announcement.~~

~~(5) Appeal—If an owner interested person is dissatisfied with the award for damages, he or she may appeal using any of the procedures listed in chapter 5 of this title. Notice or petition for appeal shall not delay the proposed work or activity.~~

~~Sec. 21. 19 V.S.A. § 518 is amended to read:~~

~~§ 518. MINOR ALTERATIONS TO EXISTING FACILITIES~~

~~(a) For purposes of As used in this section, the term “minor alterations to existing facilities” means any of the following activities involving existing facilities, provided the activity does not require a permit under 10 V.S.A. chapter 151 (Act 250):~~

~~(1) Activities which qualify as “categorical exclusions” under 23 C.F.R. § 771.117 and the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321–4347.~~

~~(2) Activities involving emergency repairs to or emergency replacement of an existing bridge, culvert, highway, or State-owned railroad, even if the need for repairs or replacement does not arise from damage caused by a natural disaster or catastrophic failure from an external cause. Any temporary rights under this subdivision shall be limited to 10 years from the date of taking.~~

~~(b) In cases involving minor alterations to existing facilities, the Agency, following the procedures of section 923 of this title, may exercise the powers of a selectboard. However, if an interested person has not provided the Agency with identification information necessary to process payment, or if an owner refuses an offer of payment, payment shall be deemed to be tendered when the Agency makes payment into an escrow account that is accessible by the owner~~

~~upon his or her providing any necessary identification information. If Further,
if an appeal is taken under subdivision 923(5) of this title, the person taking
the appeal shall follow the procedure specified in section 513 of this title.~~

~~*** Water Quality ***~~

~~Sec. 22. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER
CREDIT~~

~~For the purposes of this section and Secs. 23–29 of this act (Agency of
Transportation stormwater credit), the General Assembly finds and declares
that:~~

~~(1) the federal Clean Water Act, State water quality requirements under
10 V.S.A. chapter 47, and the municipal separate storm sewer system permit
for transportation infrastructure, require the treatment and control of
stormwater from State highway rights-of-way and other property owned,
controlled, or managed by the Agency; and~~

~~(2) because of the traditional and continuing expenditures of the Agency
for the construction, operation, and maintenance of stormwater control
infrastructure designed to control stormwater runoff from State highway
rights-of-way and developed lands owned, controlled, or managed by the
Agency, it is fair and equitable to provide the Agency with a uniform credit
against fees assessed by municipalities for the management of stormwater.~~

~~Sec. 23. 24 V.S.A. § 3501(7) is amended to read:~~

~~(7) "Storm water" or "storm sewage" is the excess water from rainfall or continuously following therefrom shall have the same meaning as "stormwater runoff" under 10 V.S.A. § 1264.~~

~~Sec. 24. 24 V.S.A. § 3615 is amended to read:~~

~~§ 3615. RENTS; RATES~~

~~(a) Such municipal corporation, through its board of sewage disposal commissioners, may establish charges to be called "sewage disposal charges," to be paid at such times and in such manner as the commissioners may prescribe. The commissioners may establish annual charges separately for bond repayment, fixed operations and maintenance costs (not dependent on actual use), and variable operations and maintenance ~~cost~~ costs dependent on flow. Such charges may be based upon:~~

~~(1) the metered consumption of water on premises connected with the sewer system, however, the commissioners may determine no user will be billed for fixed operations and maintenance costs and bond payment less than the average single family charge;~~

~~(2) the number of equivalent units connected with or served by the sewage system based upon their estimated flows compared to the estimated flows from a single family dwelling however, the commissioners may determine no user will be billed less than the minimum charge determined for~~

~~the single family dwelling charge for fixed operations and maintenance costs and bond payment;~~

~~(3) the strength and flow where wastes stronger than household wastes are involved;~~

~~(4) the appraised value of premises, in the event that the commissioners shall determine the sewage disposal plant to be of general benefit to the municipality regardless of actual connection with the same;~~

~~(5) the commissioners' determination developed using any other equitable basis such as the number and kind of plumbing fixtures, the number of persons residing on or frequenting the premises served by those sewers, the topography, size, type of use, or impervious area of any premises; or~~

~~(6) any combination of these bases, so long as the combination is equitable.~~

~~(b) The basis for establishing sewer disposal charges shall be reviewed annually by sewage disposal commissioners. No premises otherwise exempt from taxation, including premises owned by the ~~state~~ State of Vermont, shall, by virtue of any such exemption, be exempt from charges established hereunder. The commissioners may change the rates of such charges from time to time as may be reasonably required. Where one of the bases of such charge is the appraised value and the premises to be appraised are tax exempt, the commissioners may cause the listers to appraise such property, including~~

~~state State property, for the purpose of determining the sewage disposal charges. The right of appeal from such appraisal shall be the same as provided in 32 V.S.A. chapter 131 of Title 32. The ~~commissioner of finance and management~~ Commissioner of Finance and Management is authorized to issue his or her warrants for sewage disposal charges against ~~state~~ State property and transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in payment thereof. No charge so established and no tax levied under the provisions of section 3613 of this title shall be considered to be a part of any tax authorized to be assessed by the legislative body of any municipality for general purposes, but shall be in addition to any such tax so authorized to be assessed. Sewage disposal charges established in accord with this section may be assessed by the board of sewage disposal commissioners as provided in section 3614 of this title to derive the revenue required to pay pollution charges assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of Title 10.~~

~~(c) When a sewage disposal charge established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the charge shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a 35 percent credit on the charge.~~

~~The Agency of Transportation shall receive no other credit on the charge from the municipal corporation.~~

Sec. 25. 24 V.S.A. § 3507 is amended to read:

§ 3507. DUTIES

(a) Such sewage system commissioners shall have the supervision of such municipal sewage system and shall make and establish all needed rates for rent, with rules and regulations for its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure. The rents and receipts for the use of such sewage system shall be used and applied to pay the interest and principal of the sewage system bonds of such municipal corporation, the expense of maintenance and operation of the sewage system, as well as dedicated fund payments provided for in section 3616 of this title.

(b) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the municipal corporation.

~~Sec. 26. 24 V.S.A. § 3679(e) is added to read:~~

~~(c) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the consolidated sewer district.~~

~~Sec. 27. 10 V.S.A. § 1251(18) is added to read:~~

~~(18) “Stormwater utility” means a system adopted by a municipality or group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the management of stormwater runoff.~~

~~Sec. 28. 10 V.S.A. § 1389(e) is amended to read:~~

~~(e) Priorities.~~

~~(1) In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize:~~

~~***~~

~~(H) Funding to municipalities for the establishment and operation of stormwater utilities.~~

~~(2) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Clean Water Fund Board shall, during the first three years of its existence and within the priorities established under subdivision (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal compliance with water quality requirements, and to municipalities for the establishment and operation of stormwater utilities.~~

~~***~~

~~Sec. 29. STORMWATER UTILITY REPORT~~

~~On or before January 15, 2017, and annually thereafter until January 15, 2021, the Agency shall report to the House and Senate Committees on Transportation, the House Committee on Fish, Wildlife and Water Resources, and the Senate Committee on Natural Resources and Energy regarding the status of municipal establishment and implementation of stormwater utilities in the State. The report shall include:~~

~~(1) the number of municipal stormwater utilities in existence at the time of each report, as indicated by the number of unique municipal rate structures for stormwater mitigation under which the Agency was invoiced in the calendar year preceding a report submitted under this section;~~

~~(2) the number of new municipal stormwater utilities established in the State in the calendar year preceding a report submitted under this section;~~

~~(3) the amount of fees paid by the Agency to stormwater utilities in the calendar year preceding a report submitted under this section; and~~

~~(4) a list of the stormwater projects or programs implemented by the Agency in municipalities with stormwater utilities in the calendar year preceding a report submitted under this section.~~

~~*** Statewide Property Parcel Mapping Program ***~~

~~Sec. 30. DEVELOPMENT OF STATEWIDE PROPERTY PARCEL~~

~~DATA LAYER~~

~~(a) The General Assembly finds that the State has an interest in creating a statewide property parcel data layer. The data layer will include all property parcels in each Vermont town, city, incorporated village, gore, and grant in a standard format and integrate all municipal property parcel maps into one property parcel map for the State.~~

~~(b) The General Assembly further finds that a statewide property parcel data layer will be useful to the Agency for the following applications:~~

~~(1) mapping highway centerlines that end at property boundaries;~~

~~(2) enabling the Agency to evaluate properties for alternative energy and other possible uses;~~

~~(3) providing right-of-way data to analyze Transportation Separate Storm Sewer System (TS4) assessments;~~

~~(1) streamlining title searches during the project development phase of transportation projects;~~

~~(5) providing linkages between grand list and property parcel data in order to enable the identification of all public land;~~

~~(6) locating encroachments on highways and providing notice to adjoining landowners;~~

~~(7) mapping the locations of surplus and excess property;~~

~~(8) assisting in the appraisal of land and acquisition of rights for transportation projects;~~

~~(9) improving emergency response capabilities;~~

~~(10) identifying encroachments on State-owned railroads and providing notice to adjoining landowners;~~

~~(11) evaluating applications for highway access under 19 V.S.A. § 1111, including utility installations and driveways; and~~

~~(12) improving the State's ability to identify its assets by accurately cataloguing the location and extent of State-owned rights-of-way.~~

~~(c)(1) Consistent with Secs. 31–32 of this act, starting in fiscal year 2017, the Agency shall commence development of the statewide digital parcel data layer as part of the Statewide Property Parcel Mapping Program.~~

~~(2) According to the Agency:~~

~~(A) development of the data layer is expected to take three years;~~

~~(B) 80 percent of development costs and future operating costs are expected to be funded with Federal Highway Administration funds and 20 percent with State matching funds; and~~

~~(C) transportation funds will cover the 20 percent State match in fiscal year 2017.~~

~~(3) The Agency shall continue to work with State agencies and external partners benefited by the data layer, including private funding partners, to develop a memorandum of understanding to address funding sources other than the Transportation Fund for the 20 percent State match for fiscal year 2018 and in succeeding fiscal years.~~

Sec. 31. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The Agency shall, except where otherwise specifically provided by law:

* * *

~~(17) Administer the Statewide Property Parcel Mapping Program.~~

Sec. 32. 19 V.S.A. § 44 is added to read:

~~§ 44. STATEWIDE PROPERTY PARCEL MAPPING PROGRAM~~

~~(a) Purpose. The purpose of the Statewide Property Parcel Mapping Program is to:~~

~~(1) develop a statewide property parcel data layer;~~

~~(2) ensure regular maintenance, including updates, of the data layer;~~

~~and~~

~~(3) make property parcel data available to State agencies and departments, regional planning commissions, municipalities, and the public.~~

~~(b) Property Parcel Data Advisory Board. A Property Parcel Data Advisory Board (Board) is created for the purpose of monitoring the Statewide Property Parcel Mapping Program and making recommendations to the Agency of how the Program can be improved to enhance the usefulness of statewide property parcel data for State agencies and departments, regional planning commissions, municipalities, and the public. The Board shall comprise:~~

~~(1) the Secretary of Transportation or designee, who shall serve as chair;~~

~~(2) the Secretary of Natural Resources or designee;~~

~~(3) the Secretary of Commerce and Community Development or designee;~~

~~(4) the Commissioner of Taxes or designee;~~

~~(5) a representative of the Vermont Association of Planning and Development Agencies;~~

~~(6) a representative of the Vermont League of Cities and Towns; and~~

~~(7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by the Vermont Society of Land Surveyors.~~

~~(c) Meetings of Board. The Board shall meet at the call of the Chair or at the request of a majority of its members. The Agency shall provide administrative assistance to the Board and such other assistance as the Board may require to carry out its duties.~~

~~(d) Standards. The Agency shall update the statewide property parcel data layer in accordance with the standards of the Vermont Geographic Information System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of Vermont Center for Geographic Information).~~

~~(e) Funding sources. Federal transportation funds shall be used for the development and operation of the Program. In fiscal year 2018 and in succeeding fiscal years, the Agency shall make every effort to ensure that all State matching funds are provided by other State agencies or external partners or both that benefit from the Program.~~

~~*** Quechee Gorge Bridge Safety Issues ***~~

~~Sec. 33. QUECHEE GORGE BRIDGE SAFETY ISSUES~~

~~(a) On or before September 1, 2016, or as soon as practicable thereafter if a longer period is required to obtain necessary permits or satisfy federal requirements, the Agency shall complete a project on or proximate to Bridge 61 on US Route 4 in the town of Hartford (Quechee Gorge Bridge) to~~

~~install a structure providing information and resources, signs, or communication devices, or some combination of these, aimed at preventing suicides at the Quechee Gorge Bridge.~~

~~(b) In consultation with the Agency of Commerce and Community Development, the Department of Health, the Department of Mental Health, the Department of Public Safety, local officials, local emergency personnel, the Hartford Area Chamber of Commerce, mental health practitioners, local business owners, and other interested stakeholders, the Agency of Transportation shall thoroughly review suicide prevention as well as pedestrian, first responder, and other safety measures that could be taken, and the merits of taking such measures, at the Quechee Gorge Bridge. In conducting this review, the Agency shall identify:~~

~~(1) short- and long-term suicide prevention as well as pedestrian, first responder, and other safety measures for all users that could be taken at the Quechee Gorge Bridge in addition to the measures taken pursuant to subsection (a) of this section, including:~~

~~(A) providing information and resources, including emergency contact information and means of emergency communication; and~~

~~(B) physical improvements to the bridge structure and the surrounding area;~~

~~(2) estimated costs and benefits and an expected timeline associated with implementing the measures identified in subdivision (1) of this subsection;~~

~~and~~

~~(3) economic, community, and tourism concerns associated with implementing the measures identified in subdivision (1) of this subsection.~~

~~(c) On or before January 10, 2017, the Agency shall report the results of the review required under subsection (b) of this section to the House and Senate Committees on Transportation.~~

~~*** Ignition Interlock Devices ***~~

~~Sec. 34. 23 V.S.A. § 1200 is amended to read:~~

~~§ 1200. DEFINITIONS~~

~~As used in this subchapter:~~

~~***~~

~~(9)(A) “Ignition interlock restricted driver’s license” or “ignition interlock RDL” or “RDL” means a restricted license or privilege to operate a motor vehicle issued by the Commissioner allowing a ~~person~~ resident whose license or privilege to operate has been suspended or revoked for operating under the influence of intoxicating liquor or in excess of legal limits of alcohol concentration, or for refusing an enforcement officer’s reasonable request for an evidentiary test, to operate a motor vehicle, other than a commercial motor~~

~~vehicle as defined in section 4103 of this title, installed with an approved ignition interlock device.~~

~~(B) “Ignition interlock certificate” means a restricted privilege to operate a motor vehicle issued by the Commissioner allowing a nonresident whose privilege to operate a motor vehicle in Vermont has been suspended or revoked for operating under the influence of intoxicating liquor or in excess of legal limits of alcohol concentration, or for refusing an enforcement officer’s reasonable request for an evidentiary test, to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, installed with an approved ignition interlock device.~~

~~***~~

~~Sec. 35. 23 V.S.A. § 1209a is amended to read:~~

~~§ 1209a. *CONDITIONS OF REINSTATEMENT; ALCOHOL AND*~~

~~*DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS*~~

~~(a) *Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows:*~~

~~(1) *In the case of a first suspension, a license or privilege to operate shall be reinstated only:*~~

~~(A) after the person has successfully completed an Alcohol and Driving Education Program, at the person's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the person's own expense, to determine whether reinstatement should be further conditioned on satisfactory completion of a therapy program agreed to by the person and the Drinking Driver Rehabilitation Program Director;~~

~~(B) if the screening indicates that therapy is needed, after the person has satisfactorily completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;~~

~~(C) if the person elects to operate under an ignition interlock RDL or ignition interlock certificate, after:~~

~~(i) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of six months (the person operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; and~~

~~(D) if the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

~~(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until:~~

~~(A) the person has successfully completed an alcohol and driving rehabilitation program;~~

~~(B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;~~

~~(C) if the person elects to operate after the person operates under an ignition interlock RDL, after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (or ignition interlock certificate for 18 months or, in the case of a person subject to the one year hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of this the relevant period arising from a violation of section 1213 of this title) in all other cases, except if otherwise provided in subdivision (a)(4) of this section; and~~

~~(D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

~~(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:~~

~~(A) the person has successfully completed an alcohol and driving rehabilitation program;~~

~~(B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;~~

~~(C) the person has satisfied the requirements of subsection (b) of this section; and~~

~~(D) if the person elects to operate under an ignition interlock RDL, after:~~

~~(i) a period of four years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of three years (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; and~~

~~(E) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

~~(1) The Commissioner shall waive a requirement under subdivision (2) of this subsection or subsection (b) of this section that a person operate under an ignition interlock RDL or certificate prior to eligibility for reinstatement if:~~

~~(A) the person furnishes sufficient proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years; or~~

~~(B) the underlying offenses arose solely from being under the influence of a drug other than alcohol.~~

(b) Abstinence.

(1) Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a

~~urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.~~

~~(2) If the Commissioner, or a medical review board convened by the Commissioner, is satisfied by a preponderance of the evidence that the applicant has abstained for the required number of years immediately preceding the application and hearing, has successfully completed a therapy program as required under this section, has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the person appreciates that he or she cannot drink any amount of alcohol and drive safely, the person's license or privilege to operate shall be reinstated immediately, subject to the condition that the person's suspension or revocation will be put back in effect in the event any further investigation reveals a return to the consumption of alcohol or drugs and to such additional conditions as the Commissioner may impose and, if the person has not previously operated for three years under an ignition interlock RDL, subject to the additional condition that the person shall operate under an ignition interlock restricted driver's license for a period of at least one year following reinstatement under this subsection. However, the~~

~~Commissioner may waive this one year requirement to operate under an ignition interlock restricted driver's license if the person furnishes proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for one year. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the person is exempt under subdivision (a)(4) of this section.~~

~~(3) If after notice and hearing the Commissioner later finds that the person was violating the conditions of the person's reinstatement under this subsection, the person's operating license or privilege to operate shall be immediately suspended or revoked for the period of the original suspension life.~~

~~(4) If the Commissioner finds that a person reinstated under this subsection was suspended pursuant to section 1205 of this title, or was convicted of a violation of section 1201 of this title, the person shall be conclusively presumed to be in violation of the conditions of his or her reinstatement.~~

~~(5) A person shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.~~

~~(6)(A) If an applicant for reinstatement under this subsection resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct~~

~~an investigation. If the Commissioner elects not to conduct an investigation, he or she shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is ~~authorized~~ required to operate only vehicles equipped with an ignition interlock device for at least a three-year period, unless exempt under subdivision (a)(4) of this section, and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.~~

~~(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.~~

~~***~~

~~Sec. 36. 23 V.S.A. § 1213 is amended to read:~~

~~§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES~~

~~(a)(1) First offense. A person whose license or privilege to operate is suspended for a first offense or revoked under this subchapter ~~shall be permitted to~~ may operate a motor vehicle, other than a commercial motor~~

~~vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. The Upon application, the Commissioner shall issue an ignition interlock RDL to a person eligible under section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title upon receipt of or ignition interlock certificate to a person otherwise licensed or eligible to be licensed to operate a motor vehicle if:~~

~~(A) the person submits a \$125.00 application fee, and upon receipt of:~~

~~(B) the person submits satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated, and of financial responsibility as provided in section 801 of this title, and enrollment in an Alcohol and Driving Education Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title;~~

~~(C) at least one year has passed since the suspension or revocation was imposed if the offense involved death or serious bodily injury to a person other than the operator; and~~

~~(D) the applicable period set forth below has passed since the suspension or revocation was imposed if the offense involved refusal of an enforcement officer's reasonable request for an evidentiary test:~~

~~(i) 30 days for a first offense;~~

~~(ii) 90 days for a second offense;~~

~~(iii) one year for a third or subsequent offense.~~

~~(2) A new ignition interlock RDL or ignition interlock certificate shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL or certificate at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00.~~

~~(b) Second offense. A person whose license or privilege to operate is suspended for a second offense under this subchapter shall be permitted to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL to a person eligible under section 1205(m), 1208(a), or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon receipt of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated, financial responsibility as provided in section 801 of this title, and enrollment in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(m), 1208(a), or 1216(a)(2) of this title. A new ignition interlock RDL~~

~~shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00. [Repealed.]~~

~~(c) *Third or subsequent offense.* A person whose license or privilege to operate is suspended or revoked for a third or subsequent offense under this subchapter shall be permitted to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL to a person eligible under section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon receipt of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated, financial responsibility as provided in section 801 of this title, and enrollment in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title. A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one year terms. The Commissioner shall~~

~~send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00. [Repealed.]~~

~~(d) If a fine is to be imposed for a conviction of a violation of section 1201 of this title, upon receipt of proof of installation of an approved ignition interlock device, the Court may order that the fine of an indigent person conditionally be reduced by one-half to defray the costs of the ignition interlock device, subject to the person's ongoing operation under, and compliance with the terms of, a valid ignition interlock RDL or ignition interlock certificate as set forth in this section. In considering whether a person's fine should be reduced under this subsection, the Court shall take into account any discount already provided by the device manufacturer or provider.~~

~~(e) The Except as provided in subsection (m) of this section, the holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.~~

~~(f)(1) Prior to the issuance of an ignition interlock RDL or ignition interlock certificate under this section, the Commissioner shall notify the~~

~~applicant of the applicable that the period prior to eligibility for reinstatement under section 1209a or 1216 of this title, and that the reinstatement period may be extended under this subsection (f) or subsections (g)–(h) of this section.~~

~~(2)(A) Prior to any such extension of the reinstatement period, the ignition interlock RDL or certificate holder shall be given notice and opportunity for a hearing. Service of the notice shall be sent by first class mail to the last known address of the person. The notice shall include a factual description of the grounds for an extension, a reference to the particular law allegedly violated, and a warning that the right to a hearing will be deemed waived, and an extension of the reinstatement period will be imposed, if a written request for a hearing is not received at the Department of Motor Vehicles within 15 days after the date of the notice.~~

~~* * *~~

~~(3)(A) A holder of an ignition interlock RDL or certificate who, prior to eligibility for reinstatement under section 1209a or 1216 of this title, is prevented from starting a motor vehicle because the ignition interlock device records a blood alcohol concentration of 0.04 or above, shall be subject to a three-month extension of the applicable reinstatement period in the event of three such recorded events, and to consecutive three-month extensions for every additional three recorded events thereafter. The Commissioner shall disregard a recording of 0.04 or above for the purposes of this subdivision if~~

~~the Commissioner in his or her discretion finds, based on a pattern of tests or other reliable information, that the recording does not indicate the consumption of intoxicating liquor by the holder. The Commissioner shall notify the holder in writing after every recording of 0.04 or above that indicates the consumption of intoxicating liquor by the holder and, prior to any extension under this subdivision, the holder shall have the opportunity to be heard pursuant to subdivision (2) of this subsection (f).~~

~~(B) A holder of an ignition interlock RDL or certificate who, prior to eligibility for reinstatement under section 1209a or 1216 of this title, fails a random retest because the ignition interlock device records a blood alcohol concentration of 0.04 or above and below 0.08, shall be subject to consecutive three-month extensions of the applicable reinstatement period for every such recorded event. A holder who fails a random retest because of a recording of 0.08 or above shall be subject to consecutive six-month extensions of the applicable reinstatement period for every such recorded event. The Commissioner shall disregard a recording of 0.04 or above for the purposes of this subdivision if the Commissioner in his or her discretion finds, based on a pattern of tests or other reliable information, that the recording does not indicate the consumption of intoxicating liquor by the holder. The Commissioner shall notify the holder in writing after every recording of 0.04 or above that is indicative of the consumption of intoxicating liquor by the~~

~~holder and, prior to any extension under this subdivision, the holder shall have the opportunity to be heard pursuant to subdivision (2) of this subsection (f).~~

~~(g) The holder of an ignition interlock RDL or certificate shall operate only motor vehicles equipped with an ignition interlock device, shall not attempt or take any action to tamper with or otherwise circumvent an ignition interlock device, and, after failing a random retest, shall pull over and shut off the vehicle's engine as soon as practicable. A person who violates any provision of this section commits a criminal offense, shall be subject to the sanctions and procedures provided for in subsections 674(b)–(i) of this title, and, upon conviction, the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title shall be extended by six months.~~

~~(h) A person who violates a rule adopted by the Commissioner pursuant to subsection (l) of this section shall, after notice and an opportunity to be heard is provided pursuant to subdivision (f)(2) of this section, be subject to an extension of the period prior to eligibility for reinstatement under section 1209a or 1216 of this title in accordance with rules adopted by the Commissioner.~~

~~(i) Upon receipt of notice that the holder of an ignition interlock RDL or certificate has been ~~adjudicated~~ convicted of an offense under this title that would result in suspension, revocation, or recall of a license or privilege to operate, the Commissioner shall suspend, revoke, or recall the person's~~

~~ignition interlock RDL or certificate for the same period that the license or privilege to operate would have been suspended, revoked, or recalled. The Commissioner may impose a reinstatement fee in accordance with section 675 of this title and require, prior to reinstatement, satisfactory proof of installation of an approved ignition interlock device; and of financial responsibility as provided in section 801 of this title, and enrollment in or completion of an alcohol and driving education or rehabilitation program.~~

~~***~~

~~(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.~~

~~(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic signaling by the vehicle if the operator fails such a retest. The Commissioner~~

~~shall certify devices that meet these standards, specify any periodic calibration that may be required to ensure accuracy of the devices, and specify the means and frequency of the retrieval and sharing of data collected by ignition interlock devices. Persons who elect to obtain an ignition interlock RDL or certificate following a conviction under this subchapter when the person's blood alcohol concentration is proven to be 0.16 or more shall be required to install an ignition interlock device with a Global Positioning System feature. The rules also shall establish a schedule of extensions of the period prior to eligibility for reinstatement as authorized under subsection (h) of this section.~~

~~(m)(1) There is created an Ignition Interlock Device Special Fund which shall be a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5.~~

~~(2) The Ignition Interlock Device Special Fund shall consist of funds appropriated by the General Assembly and of monies transferred to the Fund or from gifts, grants, and donations. Interest earned on monies in the Fund shall be retained in the Fund for use in accordance with the purposes of the Fund.~~

~~(3) Upon application by an eligible person, available monies in the Ignition Interlock Device Special Fund shall be used by the Department of Motor Vehicles to pay the balance of costs of installing, leasing, and~~

~~deinstalling an ignition interlock device after a manufacturer's discount has been applied, on behalf of a person who:~~

~~(A) is qualified to obtain an ignition interlock RDL under this section;~~

~~(B) is required to operate under an ignition interlock RDL as a condition of reinstatement of his or her regular operator's license or privilege to operate a motor vehicle in Vermont; and~~

~~(C) furnishes proof to the Commissioner of Motor Vehicles of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits from the State of Vermont.~~

~~Sec. 36a. FY16 MAINTENANCE PROGRAM SPENDING AUTHORITY;~~

~~TRANSFER TO SPECIAL FUND; FY17 DMV SPENDING~~

~~AUTHORITY~~

~~(a) Spending authority in the Maintenance Program within the fiscal year 2016 Transportation Program hereby is reduced by \$25,000.00 in transportation funds.~~

~~(b) The sum of \$25,000.00 hereby is transferred from the Transportation Fund to the Ignition Interlock Device Special Fund for use in fiscal year 2017 for the purpose specified in 23 V.S.A. § 1213(m).~~

~~(c) Spending authority for the Department of Motor Vehicles within the fiscal year 2017 Transportation Program hereby is increased by \$25,000.00 in~~

~~transportation funds for use in fiscal year 2017 for the purpose specified in 23~~

~~V.S.A. § 1213(m).~~

~~Sec. 37. 23 V.S.A. § 1205 is amended to read:~~

~~§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE~~

~~(a) Refusal; alcohol concentration above legal limits; suspension periods.~~

~~(1) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test, the Commissioner shall suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of six months and until the person complies with section 1209a of this title. However, ~~a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 30 days of this six-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~

~~(2) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated~~

~~that the person's alcohol concentration was above a limit specified in subsection 1201(a) of this title, at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license; or nonresident operating privilege; or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the person complies with section 1209a of this title. However, during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 30 days of this 90-day period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~

~~(3) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of subdivision 1201(d)(2) of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license; or nonresident operating privilege; or the privilege of an unlicensed operator to operate a vehicle for life. However, during the suspension, an eligible person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of this lifetime suspension~~

~~unless the alleged offense involved a collision resulting in serious bodily injury or death to another operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.~~

~~***~~

~~(d) Form of notice. The notice of intention to suspend and of suspension shall be in a form prescribed by the Supreme Court. The notice shall include an explanation of rights, a form to be used to request a hearing, and, if a hearing is requested, the date, time, and location of the Criminal Division of the Superior Court where the person must appear for a preliminary hearing. The notice shall also contain, in boldface print, the following:~~

~~(1) You have the right to ask for a hearing to contest the suspension of your operator's license.~~

~~(2) This notice shall serve as a temporary operator's license and is valid until 12:01 a.m. of the date of suspension. If this is your first violation of section 1201 of this title and if you do not request a hearing, your license will be suspended as provided in this notice. If this is your second or subsequent violation of section 1201 of this title, your license will be suspended on the 11th day after you receive this notice. It is a crime to drive while your license is suspended unless you have been issued an ignition interlock restricted driver's license or ignition interlock certificate.~~

~~***~~

~~(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall be 18 months and until the person complies with section 1209a of this title. However, α during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 90 days of this 18-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another. For a third or subsequent suspension under this subchapter, the period of suspension shall be life. However, α person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.~~

~~***~~

~~Sec. 38. 23 V.S.A. § 1206 is amended to read:~~

~~§ 1206. **SUSPENSION OF LICENSE FOR DRIVING WHILE UNDER
INFLUENCE; FIRST CONVICTIONS**~~

~~(a) First conviction—generally. Except as otherwise provided, upon conviction of a person for violating a provision of section 1201 of this title, or upon final determination of an appeal, the Court shall forward the conviction~~

~~report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the defendant complies with section 1209a of this title. However, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after 30 days of this 90-day period unless the offense involved a collision resulting in serious bodily injury or death to another.~~

~~(b) Extended suspension—fatality or serious bodily injury. In cases resulting in a fatality or serious bodily injury to a person other than the defendant, the period of suspension shall be one year and until the defendant complies with section 1209a of this title.~~

~~(c) Extended suspension—refusal; serious bodily injury. Upon conviction of a person for violating a provision of subsection 1201(c) of this title involving a collision in which serious bodily injury resulted, or upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of six months, and until the defendant complies with section 1209a of this title. During a suspension under this section, an eligible person may operate a~~

~~motor vehicle under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.~~

~~Sec. 39. 23 V.S.A. § 1208 is amended to read:~~

~~§ 1208. SUSPENSIONS FOR SUBSEQUENT CONVICTIONS~~

~~(a) Second conviction. Upon a second conviction of a person violating a provision of section 1201 of this title and upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license, or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for 18 months and until the defendant complies with section 1209a of this title. However, during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title ~~after 90 days of the 18-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~~~

~~(b) Third conviction. Upon a third or subsequent conviction of a person violating a provision of section 1201 of this title and upon final determination of any appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately revoke the person's operating license, or nonresident operating privilege or the~~

~~privilege of an unlicensed operator to operate a motor vehicle for life. However, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another revocation, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.~~

Sec. 40. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

CONCENTRATION OF 0.02 OR MORE

(a) A person under ~~the age of 21~~ years of age who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's alcohol concentration is 0.02 or more, commits a civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:

(1) For a first violation, the person's license or privilege to operate shall be suspended for six months and until the person complies with subdivision 1209a(a)(1) of this title. ~~However, a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 30 days of this six month period unless the offense involved a collision

~~resulting in serious bodily injury or death to another. A person who elects to operate under an RDL or certificate shall not be eligible for reinstatement unless he or she operates under the RDL or certificate for six months plus any extension of this period arising from a violation of section 1213 of this title.~~

~~(2) For a second or subsequent violation, the person's license or privilege to operate shall be suspended until the person reaches ~~the age of 21 years of age~~ or for one year, whichever is longer, and complies with subdivision 1209a(a)(2)(A), (B), and (D) of this title. However, ~~a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 90 days of the applicable suspension period unless the offense involved a collision resulting in serious bodily injury or death to another. A person who elects to operate under an RDL or certificate shall not be eligible for reinstatement unless he or she operates under the RDL or certificate for one year or until the person reaches 21 years of age, whichever is longer, plus any extension of this period arising from a violation of section 1213 of this title.~~

~~(b) A person's license or privilege to operate that has been suspended under this section shall not be reinstated until:~~

~~(1) the Commissioner has received satisfactory evidence that the person has complied with section 1209a of this title and the provider of the therapy program has been paid in full;~~

~~(2) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter; and~~

~~(3)(A) for persons operating under an ignition interlock RDL for a first offense, after:~~

~~(i) a period of one year (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; or~~

~~(B) for persons operating under an ignition interlock RDL for a second or subsequent offense, after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21, whichever is longer, if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21, whichever is longer, in all other cases. [Repealed.]~~

~~***~~

~~*** Signs for Census-designated Places Within Towns ***~~

~~Sec. 41. Sec. 1. 10 V.S.A. § 494 is amended to read:~~

~~§ 494. EXEMPT SIGNS~~

~~The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:~~

~~***~~

~~(4) Signs erected and maintained by or with the approval of a town outside the highway right-of-way, each of which does not exceed 64 square feet in area, excluding panel and frame, which may show the place and time of services or meetings of churches and civic organizations in the town, and which may include a panel which identifies the name of the town, the charter date, the date the town was founded, or any other significant date in the history of the town, and which the town wishes to identify. The panel may bear the wording "welcome to" the particular town. Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. The signs shall meet the criteria of the Agency of Transportation and the Travel Information Council. A sign that otherwise~~

~~meets the requirements of this subdivision may refer to a census designated place within a town rather than the town itself. As used in this subdivision, "census-designated place" means a statistical entity consisting of a settled concentration of population that is identifiable by name, is not legally incorporated under the laws of the State, and is delineated as such a place by the U.S. Census Bureau according to its guidelines.~~

~~***~~

~~*** Dealers ***~~

~~Sec. 42. 23 V.S.A. § 4(8)(A)(ii)(III) is amended to read:~~

~~(III) For a dealer in trailers, semi-trailers, or trailer coaches, "engaged in the business" means having sold or exchanged at least one trailer, semi-trailer, or trailer coach in the immediately preceding year or a combination of two such vehicles in the two immediately preceding years. However, the sale or exchange of a trailer with a gross vehicle weight rating of 3,500 pounds or less shall be excluded under this subdivision (8)(A)(ii)(III).~~

~~Sec. 43. DEALER REGULATION REVIEW~~

~~(a) The Commissioner of Motor Vehicles shall review Vermont statutes, rules, and procedures regulating motor vehicle, snowmobile, motorboat, and all-terrain vehicle dealers, and review the regulation of such dealers by other states, to determine whether and how Vermont's regulation of dealers and associated motor vehicle laws should be amended to:~~

~~(1) enable vehicle and motorboat sales to thrive while protecting consumers from fraud or other illegal activities in the market for vehicles and motorboats; and~~

~~(2) protect the State's interest in collecting taxes, enforcing the law, and ensuring an orderly marketplace.~~

~~(b) In conducting his or her review, the Commissioner shall consult with new and used vehicle dealers or representatives of such dealers, or both, and other interested persons.~~

~~(c) The Commissioner shall review:~~

~~(1) required minimum hours and days of operation of dealers;~~

~~(2) physical location requirements of dealers;~~

~~(3) the required number of sales to qualify as a dealer and the types of sales and relationships among sellers that should count toward the sales threshold;~~

~~(4) the permitted uses of dealer plates;~~

~~(5) whether residents of other states should be allowed to register vehicles in Vermont;~~

~~(6) the effect any proposed change will have on fees and taxes that dealers collect and consumers pay;~~

~~(7) the effect any proposed changes will have on the ability of Vermont consumers and law enforcement to obtain information from a dealer selling vehicles or motorboats in Vermont; and~~

~~(8) other issues as may be necessary to accomplish the purpose of the review as described in subsection (a) of this section.~~

~~(d) On or before January 15, 2017, the Commissioner shall report his or her findings and recommendations to the Senate and House Committees on Transportation and submit proposed legislation as may be required to implement the recommendations.~~

~~*** Nondriver Identifications Cards; Data Elements ***~~

~~Sec. 44. 23 V.S.A. § 115 is amended to read:~~

~~§ 115. NONDRIVER IDENTIFICATION CARDS~~

~~***~~

~~(b) Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a \$20.00 \$24.00 fee. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification.~~

~~***~~

~~(i) An identification card issued under this subsection to an individual under the age of 30 shall include a magnetic strip that includes only the name, date of birth, height, and weight of the individual identified on the card initial or renewal applicant shall include data elements as prescribed in 6 C.F.R. § 37.19.~~

~~***~~

~~*** Refund When Registration Plates Not Used ***~~

~~Sec. 45. 23 V.S.A. § 327 is amended to read:~~

~~§ 327. REFUND WHEN PLATES NOT USED~~

~~Subject to the conditions set forth in subdivisions (1), (2), and (3) of this section, the Commissioner may cancel the registration of a motor vehicle, snowmobile, or motor boat when the owner returns the number plates, if any, the validation sticker, if issued for that year, and the registration certificate to the Commissioner. Upon cancellation of the registration, the Commissioner shall notify the Commissioner of Finance and Management, who shall issue a refund as follows:~~

~~(1) For registrations which are cancelled prior to the beginning of the registration period, the refund is the full amount of the fee paid, less a fee of \$5.00. The validation stickers may be affixed to the plates.~~

~~(2) For registrations which are cancelled within 30 days of the date of issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The owner of a motor vehicle must prove to the Commissioner's satisfaction that the number plates have not been used or attached to a motor vehicle, or that the current validation sticker has not been affixed to the plate or to the snowmobile or motorboat.~~

~~(3) For registrations which are cancelled prior to the beginning of the second year of a two-year registration period, the refund is one-half of the full amount of the two-year fee paid, less a charge of \$5.00. The validation stickers may be affixed to the plates.~~

~~*** Provisions Common to Registrations and Operator's Licenses ***~~

~~Sec. 46. 23 V.S.A. § 208 is added to read:~~

~~§ 208. RECIPROCAL RECOGNITION OF NONRESIDENT~~

~~REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN
VISITORS~~

~~As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits.~~

~~However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period of not more than 30 days for vacation purposes even if the country does not grant like privileges to residents of this State.~~

Sec. 47. 23 V.S.A. § 411 is amended to read:

~~§ 411. RECIPROCAL PROVISIONS~~

~~As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country~~

~~not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. [Repealed.]~~

~~*** Operator's Licenses ***~~

~~Sec. 48. 23 V.S.A. § 601 is amended to read:~~

~~§ 601. LICENSE REQUIRED~~

~~(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section ~~411~~ 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.~~

~~(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:~~

~~(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; ~~or~~~~

~~(B) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or~~

~~(C) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:~~

~~(i) is 18 or more years of age, is lawfully present in the United States, and has been in the United States for less than one year;~~

~~(ii) the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and~~

~~(iii) he or she possesses an international driving permit.~~

~~***~~

~~(c) At least 30 days before a license is scheduled to expire, the Commissioner shall mail first class to the licensee or send the licensee electronically an application for renewal of the license; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. A person shall not operate a motor vehicle unless properly licensed.~~

~~***~~

~~Sec. 49. CONFORMING CHANGES~~

~~In 23 V.S.A. §§ 614 and 615, "section 411" is hereby replaced with "section 208."~~

~~*** Special Examinations; Conforming Changes ***~~

~~Sec. 50. 23 V.S.A. § 637 is amended to read:~~

~~§ 637. EXAMINERS OF PHYSICAL AND MENTAL CONDITIONS~~

~~The Commissioner may designate physicians, certified physician assistants, licensed advance practice registered nurses, ophthalmologists, oculists, and optometrists properly registered and authorized to practice in this State or in an adjoining state as examiners of operators. The Commissioner may refer any matter relative to the issuing, suspending, or reinstating of licenses ~~which concern~~ that concerns the physical or mental condition or eyesight of any applicant for or holder of a license or any petitioner for reinstatement to, and require the applicant or other person to be examined by, such examiner in the vicinity of the person's residence as he or she determines to be qualified to examine and report. Such examiner shall report to the Commissioner the true and actual result of examinations made by him or her together with his or her decision as to whether the person examined should be granted or allowed to retain an operator's license or permitted to operate a motor vehicle.~~

~~Sec. 51. 23 V.S.A. § 638 is amended to read:~~

~~§ 638. DISSATISFACTION WITH PHYSICAL AND MENTAL
EXAMINATION~~

~~If any person is dissatisfied with the result of an examination given by any one examiner, as provided in section 637 of this title, he or she may apply to~~

~~the Commissioner for and shall be granted an examination by two physicians, ophthalmologists, oculists, or optometrists selected from a list of examiners approved by the Commissioner, and their decision shall be final. The Commissioner may designate the area of specialization from which the examiners are to be selected in each case, but in no event shall he or she limit the choice of an examiner to any one individual within the profession from which he or she is to be chosen. [Repealed.]~~

Sec. 52. 23 V.S.A. § 639 is amended to read:

§ 639. FEES FOR PHYSICAL AND MENTAL EXAMINATIONS

The compensation of the examiners provided in sections ~~sections~~ section 637 and 638 of this title shall be paid by the person examined.

* * * State Highway Restrictions and Chain Up Requirements * * *

Sec. 53. 23 V.S.A. § 1006b is amended to read:

§ 1006b. ~~SMUGGLERS~~ SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT ROUTE 108; COMMERCIAL VEHICLE OPERATION PROHIBITED

~~(a) The Agency of Transportation may close the Smugglers Smugglers' Notch segment of Vermont Route 108 during periods of winter weather. To enforce the winter closure, the Agency shall erect signs conforming to the standards established by section 1025 of this title.~~

~~(b)(1) As used in this subsection, "commercial vehicle" means truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

~~(2) Commercial vehicles are prohibited from operating on the Smugglers' Notch segment of Vermont Route 108.~~

~~(3) Either the operator of a commercial vehicle who violates this subsection, or the operator's employer, shall be subject to a civil penalty of \$1,000.00. If the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be \$2,000.00. For a second or subsequent conviction within a three-year period, the penalty shall be doubled.~~

~~(c) The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.~~

Sec. 54. 23 V.S.A. § 1006c is amended to read:

§ 1006c. ~~TRUCKS AND BUSES; CHAINS AND TIRE CHAIN~~

~~REQUIREMENTS FOR VEHICLES WITH WEIGHT RATINGS~~

~~OF MORE THAN 26,000 POUNDS~~

~~(a) As used in this section, "chains" means link chains, cable chains, or another device that attaches to a vehicle's tire or wheel or to the vehicle itself and is designed to augment the traction of the vehicle under conditions of snow or ice.~~

~~(b) The Traffic Committee Secretary of Transportation, the Commissioner of Motor Vehicles, or the Commissioner of Public Safety, or their designees, may require the use of tire chains or winter tires on specified portions of State highways during periods of winter weather for motor coaches, truck-tractor-semitrailer combinations, and truck-tractor-trailer combinations vehicles with a gross vehicle weight rating (GVWR) of more than 26,000 pounds or gross combination weight rating (GCWR) of more than 26,000 pounds.~~

~~(b)(c) When tire chains or winter tires are required, advance notice shall be given to the traveling public through signage and, whenever possible, through public service announcements. In areas where tire chains or winter tires are required, there shall be an adequate area for vehicles to pull off the traveled way to affix any chains that might be required.~~

~~(e)(d) Under 3 V.S.A. chapter 25, the Traffic Committee may adopt such rules as are necessary to administer this section and may delegate this authority to the Secretary.~~

~~(e) When signs are posted and chains required in accordance with this section, chains shall be affixed as follows on vehicles with a GVWR or a GCWR of more than 26,000 pounds:~~

~~(1) Solo vehicles. A vehicle not towing another vehicle:~~

~~(A) that has a single-drive axle shall have chains on one tire on each side of the drive axle; or~~

~~(B) that has a tandem drive axle shall have chains on:~~

~~(i) two tires on each side of the primary drive axle; or~~

~~(ii) if both axles are powered by the drive line, on one tire on each side of each drive axle.~~

~~(2) Vehicles with semitrailers or trailers. A vehicle towing one or more semitrailers or trailers:~~

~~(A) that has a single-drive axle towing a trailer shall have chains on two tires on each side of the drive axle and one tire on the front axle and one tire on one of the rear axles of the trailer;~~

~~(B) that has a single drive axle towing a semitrailer shall have chains on two tires on each side of the drive axle and two tires, one on each side, of any axle of the semitrailer;~~

~~(C) that has a tandem-drive axle towing a trailer shall have:~~

~~(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle; and~~

~~(ii) chains on one tire of the front axle and one tire on one of the rear axles of the trailer;~~

~~(D) that has a tandem drive axle towing a semitrailer shall have:~~

~~(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle; and~~

~~(ii) chains on two tires, one on each side, of any axle of the semitrailer.~~

~~(f) Either the operator of a vehicle required to be chained under this section who fails to affix chains as required herein, or the operator's employer, shall be subject to a civil penalty of \$1,000.00. If the violation results in substantially impeding the flow of traffic on a highway, the penalty shall be \$2,000.00. For a second or subsequent conviction within a three-year period, the penalty shall be doubled.~~

~~Sec. 55. 23 V.S.A. § 2302 is amended to read:~~

~~§ 2302. TRAFFIC VIOLATION DEFINED~~

~~(a) As used in this chapter, "traffic violation" means:~~

~~* * *~~

~~(11) a violation of subsection 1006b(b), section 1006c, or subsections 4120(a) and (b) of this title; or~~

~~* * *~~

~~*** School Bus Operators ***~~

~~Sec. 56. 23 V.S.A. § 1282(d) is amended to read:~~

~~(d)(1) A No less often than every two years, and before the start of a school year, a person licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall annually before the commencement of the school year furnish his or her the employer, where he or she is employed who employs him or her as a school bus driver, the following:~~

~~(A) a certificate signed by a licensed physician, ~~or~~ a certified physician assistant, or a nurse practitioner in accordance with written protocols, certifying that ~~he or she~~ the licensee is, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform his or her duties, and that he or she meets or exceeds the minimum hearing standards, based on voice testing, as prescribed by the Commissioner; and~~

~~(B) a certificate signed by a properly registered and authorized medical doctor, ophthalmologist, optometrist, or nurse practitioner certifying that he or she meets or exceeds the minimum vision standards as prescribed by the Commissioner.~~

~~(2) Upon receipt of a certificate required by this subsection which indicates that the school bus driver is not mentally or physically competent or~~

~~does not meet the minimum hearing or vision standards, the employer shall immediately notify the Commissioner.~~

~~(3) The certificates required under this subsection may be valid for up to two years from the examination.~~

~~*** Overweight and Overdimension Vehicles ***~~

~~Sec. 57. 23 V.S.A. § 1391a(d) is amended to read:~~

~~(d) Fines imposed for violations of this section shall be deposited in the Transportation Fund, unless the fines are the result of enforcement actions on a town highway by an enforcement officer employed by or under contract with the municipality, in which case the fine shall be paid to the municipality, except for ~~a~~ ~~\$6.00~~ an administrative charge for each case in the amount specified in 13 V.S.A. § 7251, which shall be retained by the State.~~

~~Sec. 58. 23 V.S.A. § 1400(d) is amended to read:~~

~~(d) The Commissioner may enter into contracts with an electronic permitting service that will allow the service to issue single trip permits to a commercial motor vehicle operator, on behalf of the Department of Motor Vehicles. The permitting service shall be authorized to issue single trip permits for travel to and from a Vermont facility by commercial motor vehicles which are not greater than 72 feet in length on routes that have been approved by the Agency of Transportation. The permitting service may assess, collect,~~

~~and retain an additional administrative fee which shall be paid by the commercial motor vehicle carrier. [Repealed.]~~

~~*** Motor Vehicle Titles ***~~

~~Sec. 59. 23 V.S.A. § 2001 is amended to read:~~

~~§ 2001. DEFINITIONS~~

~~Except when the context otherwise requires, as used in this chapter:~~

~~***~~

~~(13) "Salvaged motor vehicle" means a motor vehicle which has been purchased or otherwise acquired as salvage; scrapped, dismantled, or destroyed; or declared a total loss by an insurance company.~~

~~***~~

~~(17) "Salvage certificate of title" means a title that is stamped or otherwise branded to indicate that the vehicle described thereon is a salvaged motor vehicle or has been scrapped, dismantled, destroyed, or declared a total loss by an insurance company, or both.~~

~~***~~

~~Sec. 60. 23 V.S.A. § 2019 is amended to read:~~

~~§ 2019. MAILING OR DELIVERING CERTIFICATE~~

~~The certificate of title shall be mailed or personally delivered, upon proper identification of the individual, to the first lienholder named in it or, if none, to~~

~~the owner. However, a person is entitled to a personal delivery of only one title in a single day and of no more than three titles in a calendar month.~~

~~Sec. 61. 23 V.S.A. § 2091 is amended to read:~~

~~§ 2091. DISMANTLING OR DESTRUCTION OF VEHICLE~~

~~SALVAGE CERTIFICATES OF TITLE; FORWARDING OF~~

~~PLATES AND TITLES OF CRUSHED VEHICLES~~

~~(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title and for vehicles which are more than 15 years old, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss, shall make application apply to the Commissioner for a salvage certificate of title within 15 days of the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.~~

~~(b) The Except as provided in subsection (c) of this section, the application shall be accompanied by:~~

~~(1) any certificate of title; and~~

~~(2) any other information or documents that the Commissioner may reasonably require to establish ownership of the vehicle and the existence or nonexistence of any security interest in the vehicle.~~

~~(c)(1) An insurer required to obtain a salvage certificate of title under this section for a vehicle declared a total loss, or a representative of the insurer, may obtain the title without satisfying the requirements of subsection (b) of this section if the application for the salvage certificate of title is accompanied by:~~

~~(A) the required fee;~~

~~(B) evidence that the insurer has made payment for the total loss of the vehicle, and evidence that the payment was made to any lienholder identified in the records of certificates of title of the Department and to the vehicle owner, if applicable; and~~

~~(C) a copy of the insurer's written request for the certificate of title sent at least 30 days prior to the application to the vehicle owner and to any lienholder identified in the records of certificates of title of the Department, proof that the request was sent by certified mail or was delivered by a courier service that provides proof of delivery, and copies of any responses from the vehicle owner or lienholder.~~

~~(2) If the Commissioner issues a salvage certificate of title to an eligible person under this subsection, the title shall be issued free and clear of all liens.~~

~~(b)(d) When Except for vehicles for which no certificate of title is required under this chapter, when a vehicle is destroyed by crushing for scrap, the person causing the destruction shall immediately mail or deliver to the Commissioner the certificate of title, ~~if any,~~ endorsed "crushed" and signed by the person, accompanied by the original plate showing the original vehicle identification number. The plate shall not be removed until such time as the vehicle is crushed.~~

~~(e)(e) This section shall not apply to, and salvage certificates of title shall not be required for, unrecovered stolen vehicles or vehicles stolen and recovered in an undamaged condition, provided that the original vehicle identification number plate has not been removed, altered, or destroyed and the number thereon is identical with that on the original title certificate.~~

~~*** Abandoned Motor Vehicles ***~~

~~Sec. 62. 23 V.S.A. chapter 21, subchapter 7 is amended to read:~~

~~Subchapter 7. Abandoned Motor Vehicles~~

~~§ 2151. ABANDONED MOTOR VEHICLES; DEFINED DEFINITIONS~~

~~(a)(1) For the purposes of As used in this subchapter, an "abandoned motor vehicle" means:~~

~~(1)(A) "Abandoned motor vehicle" means:~~

~~(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent~~

~~of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or~~

~~(B)(ii) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.~~

~~(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner which does not interfere with the normal movement of traffic.~~

~~(2) “Landowner” means a person who owns or leases or otherwise has authority to control use of real property.~~

~~(3) For purposes of this subsection, “public “Public vehicle identification number” means the public vehicle identification number which is usually visible through the windshield and attached to the driver’s side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver’s side of the vehicle.~~

~~(b) Construction equipment. A vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public~~

~~utility facilities, which is left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be an abandoned motor vehicle.~~

~~§ 2152. AUTHORIZED REMOVAL OF ABANDONED MOTOR
VEHICLES~~

~~(a) Public property. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contact a towing service for its removal ~~of such motor vehicle~~, based upon personal observation by the officer that the vehicle is an abandoned motor vehicle.~~

~~(b) Private property.~~

~~(1) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a towing service for its removal ~~from private property of such vehicle~~, based upon ~~complaint of the owner or agent of the property~~ the request of the landowner on ~~which~~ whose property the vehicle is located ~~that the~~ and information indicating that the vehicle is an abandoned motor vehicle.~~

~~(2) ~~An owner or agent of an owner~~ A landowner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property or to any other place on any property of the landowner, and may contact a towing service for its removal ~~from that property of an abandoned~~~~

~~vehicle. If an owner or agent of an owner A landowner who removes or causes removal of an abandoned motor vehicle, ~~the owner or agent~~ shall immediately notify the police agency in the jurisdiction from which the vehicle is removed. ~~Notification shall include identification of~~ and provide the registration plate number, the public vehicle identification number, if available, and the make, model, and color of the vehicle. ~~The owner or agent of an owner of property upon which a motor vehicle is abandoned~~ landowner may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service under the provisions of this subsection, without incurring any civil liability to the owner of the abandoned vehicle.~~

§ 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

~~(a) Within 30 days of removal of the vehicle, a towing service which has removed an abandoned motor vehicle A landowner on whose property an abandoned motor vehicle is located shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department of Motor Vehicles within 30 days of the date the vehicle was discovered on or brought to the property unless the vehicle has been removed from the property. An abandoned motor vehicle certification form shall indicate the date of removal, that the abandoned motor vehicle was discovered or brought to the property; the make, color, model, and location found, and of the vehicle, the~~

~~name, address, and phone telephone number of the towing service, landowner,
and a certification of the public vehicle identification number, if any, to be
recorded by a law enforcement officer. This subsection shall not be construed
as creating a private right of action against the landowner.~~

~~(b) Upon receipt of an abandoned motor vehicle certification form, the
Commissioner ~~of Motor Vehicles~~ shall attempt to identify and notify the owner
of the vehicle as required by section 2154 of this title. If no owner can be
determined by the Commissioner within the time period allowed by section
2154 of this title, the Commissioner shall issue a certificate of abandoned
motor vehicle with appropriate title or salvage title, or both, and the vehicle
may be disposed of in the manner set forth in section 2156 of this title.~~

~~§ 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED
MOTOR VEHICLES~~

~~(a) The Department ~~of Motor Vehicles~~ shall make a reasonable attempt to
locate an owner of an abandoned motor vehicle.~~

~~(1) If the abandoned motor vehicle is not identifiable by its registration
plates or public vehicle identification number, and if no owner can be
determined within 21 days of the date of receipt of the abandoned motor
vehicle certification form, the Commissioner ~~of Motor Vehicles~~ shall issue a
certificate of abandoned motor vehicle with an appropriate title or salvage
title.~~

~~(2) If the abandoned motor vehicle is identifiable by its registration plates or public vehicle identification number, the Department of ~~Motor Vehicles~~ shall, within three business days of receipt of the form for certification of abandoned motor vehicle, send notice to the last known registered owner and lienholder of the vehicle. The notice shall be sent by certified mail, return receipt requested, and shall advise the last known registered owner of the motor vehicle's location and a telephone number where additional information about the motor vehicle may be obtained. If the receipt is not returned to the Department within seven business days, the Commissioner shall, by first class mail, send a second notice. Within 21 days of sending the second notice, the last known registered owner or lienholder may reclaim and retrieve the motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or arranging to pay any fees or charges authorized by section 2155 of this title. If the last known registered owner or lienholder fails or refuses to reclaim the motor vehicle within 21 days of the second mailing, the Commissioner of ~~Motor Vehicles~~ shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title.~~

~~(b) An owner or lienholder may reclaim an abandoned motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or reimbursing, or making arrangements to pay or~~

~~reimburse, the towing agency, the Department of Motor Vehicles, or the owner or agent of private property landowner, as the case may be, any towing fee or storage charges permitted under section 2155 of this title.~~

~~§ 2155. FEES AND CHARGES~~

~~(a) Towing fees. For towing an abandoned motor vehicle from private property, a towing service may charge a reasonable fee to be paid by the vehicle owner or agent of the owner landowner of the private property.~~

~~(b) Storage charges. In addition to any towing fee, an owner or lienholder reclaiming an abandoned motor vehicle may be charged and shall pay a fee for the costs of storage of the vehicle, except that no fee may be charged for storage for any period preceding the date upon which the form for abandoned motor vehicle certification is sent ~~by the towing service~~ to the Department of ~~Motor Vehicles~~.~~

~~* * *~~

~~* * * Repeals and Conforming Changes * * *~~

~~Sec. 63. REPEALS~~

~~The following sections are repealed:~~

~~(1) 23 V.S.A. § 366 (log-haulers; registration).~~

~~(2) 23 V.S.A. § 423 (negotiating and entering into an interstate compact regarding truck license fees).~~

~~(3) 23 V.S.A. § 605 (unsatisfied judgment; suspension).~~

~~Sec. 64. 23 V.S.A. § 369 is amended to read:~~

~~§ 369. TRACTORS OTHER THAN FARM TRACTORS~~

~~The annual fee for registration of a tractor, except ~~log haulers on snow roads and~~ farm tractors as otherwise provided in this chapter, shall be based on the actual weight of such tractor at the same rate as that provided for trucks of like weight under the provisions of this chapter. The minimum fee for registering any tractor shall be \$20.00.~~

~~Sec. 65. 23 V.S.A. § 603(a)(2) is amended to read:~~

~~(2) The Commissioner may, however, in his or her discretion, refuse to issue a license to any person whenever he or she is satisfied from information given him or her by credible persons, and upon investigation, that the person is mentally or physically unfit, or because of his or her habits, or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. A person refused a license; under the provisions of this subsection ~~or~~ ~~section 605 of this title,~~ shall be entitled to hearing as provided in sections 105–107 of this title.~~

~~*** Chemicals of High Concern to Children; Vehicle Exemptions ***~~

~~Sec. 66. 18 V.S.A. § 1772 is amended to read:~~

~~§ 1772. DEFINITIONS~~

~~As used in this chapter:~~

~~***~~

~~(8) "Consumer product" means any product that is regularly used or purchased to be used for personal, family, or household purposes. "Consumer product" shall not mean:~~

~~***~~

~~(G) an aircraft, motor vehicle, wheelchair, or vessel;~~

~~***~~

~~(13) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways and shall include snowmobiles, all-terrain vehicles, and farm tractors and other machinery used in the production, harvesting, and care of farm products all vehicles propelled or drawn by power other than muscular power, including snowmobiles, motorcycles, all-terrain vehicles, farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, or tracked vehicles or electric personal assistive mobility devices.~~

~~***~~

~~*** Study of DUI Drug Offense Enforcement Challenges ***~~

~~Sec. 67. STUDY OF DUI DRUG OFFENSE ENFORCEMENT~~

~~CHALLENGES~~

~~The Executive Director of the Department of State's Attorneys and Sheriffs or designee, in consultation with the Commissioner of Public Safety or designee, the Impaired Driving Project Manager of the Governor's Highway~~

~~Safety Program, and attorneys representing DUI defendants, shall study challenges in the enforcement of DUI drug offenses, including the lack of a rapid roadside screening tool to detect drugs other than alcohol, and identify recommended improvements in the processes used to detect, arrest, and process drug-impaired drivers and to the laws that govern these processes. On or before November 1, 2016, the Executive Director shall report his or her findings and recommendations to the Joint Legislative Justice Oversight Committee, the House and Senate Committees on Judiciary, and the House and Senate Committees on Transportation.~~

~~*** Effective Dates and Applicability ***~~

~~Sec. 68. EFFECTIVE DATES; APPLICABILITY TO DUI MATTERS~~

~~(a) This section, Secs. 8 (positions), 9 (Rail Program), 10 (sale of State-owned rail property), 22–28 (stormwater utilities; rates; incentives), 30 (statewide property parcel data layer), 33 (Quechee Gorge Bridge safety issues), in Sec. 36, 23 V.S.A. § 1213(m) (Ignition Interlock Device Special Fund), Sec. 36a (spending authority and transfer to the Ignition Interlock Device Special Fund), Sec. 66 (chemicals of high concern to children; exempt vehicles), and Sec. 67 (study of DUI drug offense enforcement challenges) shall take effect on passage.~~

~~(b) All other sections shall take effect on July 1, 2016.~~

~~(c) The requirement for a second or subsequent DUI offender to operate under an ignition interlock RDL or certificate as a condition of eligibility for reinstatement of the offender's regular operator's license or privilege to operate, created under Sec. 35, amending 23 V.S.A. § 1209a, shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.~~

** * * Adoption of Proposed Transportation Program as Amended;*

*Definitions * * **

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2017 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2017 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in

the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

**** Program Development Program ****

Sec. 2. PROGRAM DEVELOPMENT; SPENDING AUTHORITY

~~(a) Reduction in spending authority. Spending authority in the Program Development Program within the fiscal year 2017 Transportation Program hereby is reduced by:~~

~~(1) \$1,461,136.00 in transportation funds;~~

~~(2) \$86,204.00 in TIB funds;~~

~~(3) \$6,189,360.00 in federal funds.~~

(a) Reduction in spending authority. Spending authority in the Program Development Program within the fiscal year 2017 Transportation Program hereby is reduced by:

(1) \$1,108,369.00 in transportation funds;

(2) \$86,204.00 in TIB funds;

(3) \$4,778,292.00 in federal funds.

(b) Selection of projects; notification of delays. In his or her discretion, the Secretary shall select the projects for which spending will be reduced under subsection (a) of this section. In exercising his or her discretion, the Secretary

shall not delay a project that otherwise would proceed in fiscal year 2017, unless the full amount of the reduction cannot be achieved from cost savings or the delay of projects due to unforeseen circumstances. If a project that otherwise would have proceeded in fiscal year 2017 is delayed, the Secretary shall promptly notify:

(1) the House and Senate Committees on Transportation when the General Assembly is in session; or

(2) the Joint Transportation Oversight Committee and the Joint Fiscal Office when the General Assembly is not in session.

(c) Contingent restoration of spending authority.

(1) As used in this subsection:

(A) "Transportation Fund balance" means a positive balance of unreserved monies remaining in the Transportation Fund at the end of fiscal year 2016.

(B) "TIB Fund balance" means a positive balance of unreserved monies remaining in the Transportation Infrastructure Bond Fund at the end of fiscal year 2016.

~~(2) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if a Transportation~~

~~Fund balance, TIB Fund balance, or balance in both funds exists at the end of fiscal year 2016, spending authority reduced in subsection (a) of this section in the fiscal year 2017 Program Development Program shall be restored to the extent of the balance or balances, up to a total of \$1,547,340.00 in Transportation Funds or TIB funds, and by up to \$6,189,360 in matching federal funds.~~

(2) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c(c) (Transportation Fund balance reserve), if a Transportation Fund balance, TIB Fund balance, or balance in both funds exists at the end of fiscal year 2016, spending authority reduced in subsection (a) of this section in the fiscal year 2017 Program Development Program shall be restored to the extent of the balance or balances, up to a total of \$1,194,573.00 in transportation funds or TIB funds, or both, and by up to \$4,778,292.00 in matching federal funds.

~~*** FY17 Town Highway Aid Program ***~~

~~Sec. 3. TOWN HIGHWAY AID PROGRAM~~

~~Spending authority for the fiscal year 2017 Town Highway Aid Program is amended as follows:~~

~~FY17 As Proposed As Amended Change~~

Grants	25,982,744	26,982,744	1,000,000
Total	25,982,744	26,982,744	1,000,000

Sources of funds

State	25,982,744	26,982,744	1,000,000
Federal	0	0	0
Total	25,982,744	26,982,744	1,000,000

~~*** Appropriation of Transportation Funds ***~~

~~Sec. 4. 19 V.S.A. § 11a is amended to read:~~

~~§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE~~

~~DEPARTMENT OF PUBLIC SAFETY~~

~~(a) No transportation funds shall be appropriated for the support of government other than for the Agency, the Board, Transportation Pay Act Funds, construction of transportation capital facilities, transportation debt service, the operation of information centers by the Department of Buildings and General Services, and the Department of Public Safety. The amount of transportation funds appropriated to the Department of Public Safety shall not exceed:~~

~~(1) \$25,250,000.00 in fiscal year 2014;~~

~~(2) \$22,750,000.00 in fiscal years 2015 and 2016; and~~

~~(3) ~~\$20,250,000.00~~ \$21,550,000.00 in fiscal year 2017; and in succeeding fiscal years~~

~~(1) \$20,000,000.00 in fiscal year 2018 and in succeeding fiscal years.~~

~~(b) In fiscal year 2017 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.~~

~~*** Future TH Aid Program Appropriations ***~~

~~Sec. 5. PERMANENT INCREASE TO TOWN HIGHWAY AID~~

~~PROGRAM; LEGISLATIVE INTENT~~

~~The General Assembly intends that at least \$1,000,000.00 of the \$1,550,000.00 reduction in the amount of transportation funds appropriated to the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a in fiscal year 2018 be allocated to fund a permanent increase of at least \$1,000,000.00 in transportation funds appropriated to the Town Highway Aid Program. This allocation shall be in addition to the \$25,982,744.00 in transportation funds allocated to the Town Highway Aid Program between fiscal years 2013 and 2016.~~

~~Sec. 6. 19 V.S.A. § 306 is amended to read:~~

~~§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS~~

~~(a) General State aid to town highways. An annual appropriation to class 1, 2, and 3 town highways shall be made. This appropriation shall ~~increase or decrease over the previous year's appropriation by the same percentage as any increase or decrease in the Transportation Agency's total appropriations funded by Transportation Fund revenues, excluding the town highway appropriations for that year~~ not be less than \$26,982,744.00. The funds appropriated shall be distributed to towns as follows:~~

~~(1) Six percent of the State's annual town highway appropriation shall be apportioned to class 1 town highways. The apportionment for each town shall be that town's percentage of class 1 town highways of the total class 1 town highway mileage in the State.~~

~~(2) Forty-four percent of the State's annual town highway appropriation shall be apportioned to class 2 town highways. The apportionment for each town shall be that town's percentage of class 2 town highways of the total class 2 town highway mileage in the State.~~

~~(3) Fifty percent of the State's annual town highway appropriation shall be apportioned to class 3 town highways. The apportionment for each town shall be that town's percentage of class 3 town highways of the total class 3 town highway mileage in the State.~~

~~(4) Monies apportioned under subdivisions (1), (2), and (3) of this subsection shall be distributed to each town in quarterly payments beginning July 15 in each year.~~

~~(5) Each town shall use the monies apportioned to it solely for town highway construction, improvement, and maintenance purposes or as the nonfederal share for public transit assistance. These funds may also be used for the establishment and maintenance of bicycle routes. The members of the selectboard shall be personally liable to the State, in a civil action brought by the Attorney General, for making any unauthorized expenditures from money apportioned to the town under this section.~~

~~***~~

~~*** FY17 Town Highway Class 2 Roadway Program ***~~

~~Sec. 3. TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM~~

~~Spending authority for the fiscal year 2017 Town Highway Class 2~~

~~Roadway Program is amended as follows:~~

<u>FY17</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	7,248,750	7,648,750	400,000
Total	7,248,750	7,648,750	400,000
<u>Sources of funds</u>			
State	7,248,750	7,648,750	400,000
Federal	0	0	0

<i>Total</i>	<i>7,248,750</i>	<i>7,648,750</i>	<i>400,000</i>
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** * * Appropriation of Transportation Funds * * **

Sec. 4. 19 V.S.A. § 11a is amended to read:

*§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE
DEPARTMENT OF PUBLIC SAFETY*

(a) No transportation funds shall be appropriated for the support of government other than for the Agency, the Board, Transportation Pay Act Funds, construction of transportation capital facilities, transportation debt service, the operation of information centers by the Department of Buildings and General Services, and the Department of Public Safety. The amount of transportation funds appropriated to the Department of Public Safety shall not exceed:

(1) \$25,250,000.00 in fiscal year 2014;

(2) \$22,750,000.00 in fiscal years 2015 and 2016; and

(3) ~~\$20,250,000.00~~ \$21,150,000.00 in fiscal year 2017; and ~~in succeeding fiscal years~~

(4) \$20,250,000.00 in fiscal year 2018 and in succeeding fiscal years.

(b) In fiscal year 2017 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any

unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

** * * Future Appropriations; Legislative Intent * * **

*Sec. 5. FUTURE APPROPRIATIONS TO TOWN HIGHWAY CLASS 2
ROADWAY PROGRAM AND TO DEPARTMENT OF PUBLIC
SAFETY; LEGISLATIVE INTENT*

The General Assembly intends that:

(1) At least \$400,000.00 of the \$900,000.00 reduction in the amount of transportation funds appropriated to the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a(a)(4) in fiscal year 2018 be used to fund a permanent increase of at least \$400,000.00 in transportation funds appropriated to the Town Highway Class 2 Roadway Program, above the \$7,248,750.00 in transportation funds appropriated to the Town Highway Class 2 Roadway Program in prior fiscal years.

(2) The Agency shall propose a fiscal year 2018 Transportation Program that assumes \$400,000.00 of transportation funds will be appropriated to the Department of Public Safety for costs related to State Police vehicles, in addition to transportation funds appropriated to the

Department of Public Safety in fiscal year 2018 pursuant to 19 V.S.A. §
11a(a)(4).

Sec. 6. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

* * *

(h) Class 2 Town Highway Roadway Program. There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of ~~\$7,248,750.00~~ \$7,648,750.00 at a minimum as new grants. The Agency's proposed appropriation for the Program shall take into account the estimated amount of qualifying invoices submitted to the Agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the Town Highway Class 2 Roadway Program exceed the amount appropriated, the Agency shall advise the Governor of the need to request a supplemental appropriation from the General Assembly to fund the additional project cost, provided that the Agency has previously committed to completing those projects. Funds received as grants for State aid under the Class 2 Town Highway Roadway Program may

be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

* * *

*Sec. 7. PROGRAM DEVELOPMENT; ALLOCATION FOR
EDUCATION INITIATIVES*

Within authorized spending in the Program Development Program, the Secretary shall allocate up to \$100,000.00 in federal National Highway Transportation Safety Administration grant funds to the Share the Road Program and to other highway safety educational initiatives. These monies shall be used to educate the users of the State's transportation system on how to improve the safety of all users, including bicyclists and operators of motor vehicles.

* * * *Roadway Program* * * *

Sec. 8. ROADWAY PROGRAM; PROJECT CANCELLATION

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project from the candidate list within the Roadway Program within the fiscal year 2017 Transportation Program: Colchester STP 0207().

**** Traffic and Safety Program ****

Sec. 9. TRAFFIC AND SAFETY PROGRAM; PROJECTS ADDED

The following projects are added to the candidate list of the Traffic and Safety Program within the fiscal year 2017 Transportation Program:

(1) Derby – US 5/I-91 Exit 28 – intersection improvements.

(2) Derby – US 5/VT 105 – intersection improvements.

(3) St. Albans – VT 104/I-89 Exit 19 – intersection improvements.

**** Bike and Pedestrian Program; Lamoille Valley Rail Trail ****

Sec. 9a. BIKE AND PEDESTRIAN FACILITIES PROGRAM; LAMOILLE

VALLEY RAIL TRAIL

(a)(1) The Bike and Pedestrian Facilities Program within the fiscal year 2017 Transportation Program is amended to add a project for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to development of the State-owned Lamoille Valley Rail Trail (LVRT). The project shall be funded with:

(A) monies raised by the Vermont Association of Snow Travelers (VAST) before January 1, 2017; plus

(B) up to \$400,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.

(2) Any matching funds shall be identified by the Secretary from some combination of:

(A) the unanticipated delay of projects approved in the fiscal year 2017 Bike and Pedestrian Facilities Program;

(B) cost savings on projects approved in the fiscal year 2017 Bike and Pedestrian Facilities Program;

(C) Statewide New Awards—Federal Aid Construction Projects grant money authorized in the fiscal year 2017 Bike and Pedestrian Facilities Program.

(b) In its fiscal year 2018 Transportation Program proposal, the Agency shall include a project within the Bike and Pedestrian Facilities Program for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to the development of the LVRT. The project shall be funded with:

(1) monies raised by the Vermont Association of Snow Travelers (VAST) from January 1, 2017 to January 1, 2018; plus

(2) up to \$1,000,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.

**** Municipal Mitigation Grant Program ****

Sec. 10. MUNICIPAL MITIGATION GRANT PROGRAM

Notwithstanding 2015 Acts and Resolves No. 40, Sec. 21a, funding sources for the fiscal year 2017 Municipal Mitigation Grant Program are amended as follows:

<u><i>FY17</i></u>	<u><i>As Proposed</i></u>	<u><i>As Amended</i></u>	<u><i>Change</i></u>
<i>State</i>	<i>1,440,000</i>	<i>1,240,000</i>	<i>-200,000</i>
<i>Federal</i>	<i>0</i>	<i>200,000</i>	<i>200,000</i>
<i>Clean Water Fund</i>	<i>1,465,000</i>	<i>1,465,000</i>	<i>0</i>
<i>Total</i>	<i>2,905,000</i>	<i>2,905,000</i>	<i>0</i>

**** Central Garage ****

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2017, the amount of \$1,283,215.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

**** Positions ****

Sec. 12. POSITIONS

(a) The Agency is authorized to establish two (2) new permanent classified positions related to water quality improvements.

(b) Seven (7) of the twenty-one (21) limited service positions authorized in 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and

Resolves No. 95, Sec. 64, hereby are converted to permanent classified positions.

(c) Nine (9) of the seventeen (17) limited service positions authorized in 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and Resolves No. 95, Sec. 65, hereby are converted to permanent classified positions.

(d) One (1) limited service position, number 861864 (Civil Engineer VII), created on May 6, 2012 and due to expire on December 31, 2016, hereby is converted to a permanent classified position.

(e) Three (3) of the seventeen (17) limited service positions authorized in 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency may use these three positions for activities that are not related to the response to Tropical Storm Irene and the spring 2011 flooding.

(f) The following two (2) limited service positions hereby are extended through June 30, 2019: number 861837 (Administrative Services Coordinator I), created on March 11, 2012 and due to expire on June 30, 2016, and number 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on December 31, 2016.

** * * Rail Program * * **

Sec. 13. FISCAL YEAR 2016 RAIL PROGRAM; PROJECT ADDED

The following project is added to the candidate list of the Rail Program within the fiscal year 2016 Transportation Program: Rutland – Burlington – TIGERVII () (Western VT Freight–Passenger Rail).

** * * Sale of State-Owned Railroad Property * * **

Sec. 14. APPROVAL OF SALE OF STATE-OWNED RAILROAD

PROPERTY

Upon receiving satisfactory evidence of release of the leasehold interest of Vermont Railway, Inc., the Secretary as agent for the State is authorized to convey to the Town of Bennington, in consideration of the sum of \$1.00, a parcel of land of approximately 2.5 acres (the “property”) in the Town of Bennington located south of River Street and west of the 150 Depot Street parcel now or formerly owned by Station Realty, LLC. The conveyance must require that the Town’s interest automatically will terminate in the event the property ceases to be used for public purposes, in which event the property will revert to the State. However, the Secretary and the Town may enter into a boundary adjustment agreement with the owner of the 150 Depot Street parcel in order to cure any title defect that may exist, and the Secretary as agent for the State may disclaim any reversionary interest in the boundary adjustment area.

** * * Rail Trespassing * * **

Sec. 15. 5 V.S.A. § 3734 is amended to read:

§ 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY

~~*A person who, without right, loiters or remains in a depot, or upon the platform, approaches, or grounds adjacent thereto, after being requested to leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman, shall be fined not more than \$20.00 nor less than \$2.00.*~~

(a) Definitions. As used in this section:

(1) "Passenger" means a person traveling by train with lawful authority and who does not participate in the train's operation. The term "passenger" does not include a stowaway.

(2) "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. "Railroad" does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) "Railroad carrier" means a person providing railroad transportation.

(4)(A) "Railroad property" means the following property owned, leased, or operated by a railroad carrier or used in its rail operations:

(i) a right-of-way, track, yard, station, shed, or depot;

(ii) a train, locomotive, engine, car, work equipment, rolling stock, or safety device; and

(iii) a “railroad structure,” which means a bridge, tunnel, viaduct, trestle, culvert, abutment, communication tower, or signal equipment.

(B) “Railroad property” does not include inactive railroad property of the Twin State Railroad.

(5) “Right-of-way” means the track and roadbed owned, leased, or operated by a railroad carrier and property located on either side of the tracks that is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.

(6) “Yard” means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock are kept when not in use or when awaiting repairs.

(b) Trespassing on railroad property prohibited. Except for the purpose of crossing railroad property at a public highway or other authorized crossing, a person shall not, without lawful authority or the railroad carrier’s written permission, knowingly enter or remain upon railroad property by an act including:

(1) standing, sitting, resting, walking, jogging, or running, or operating a recreational or nonrecreational vehicle, including a bicycle, motorcycle, snowmobile, car, or truck; or

(2) engaging in recreational activity, including bicycling, hiking, camping, or cross-country skiing.

(c) Stowaways prohibited. A person shall not, without lawful authority or the railroad carrier's written permission, ride on the outside of a train or inside a passenger car, locomotive, or freight car, including a box car, flatbed, or container.

(d) Persons not subject to ticketing. The following is a nonexhaustive list of persons who, for the purposes of this section, are not subject to ticketing for trespass under subsections (b) and (c) of this section:

(1) passengers on trains, or employees of a railroad carrier while engaged in the performance of their official duties;

(2) police officers, firefighters, peace officers, and emergency response personnel, while engaged in the performance of their official duties;

(3) a person going upon railroad property in an emergency to rescue from harm a person or animal such as livestock, pets, or wildlife, or to remove an object that the person reasonably believes to pose an imminent hazard;

(4) a person on the station grounds or in the depot of the railroad carrier as a passenger or for the purpose of transacting lawful business;

(5) a person, or the person's family or invitee, or the person's employee or independent contractor going upon a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier or authorized by law in order to obtain access to land that the person owns, leases, or operates;

(6) a person who has permission from the owner, lessee, or operator of land served by a private crossing site approved by the railroad carrier or authorized by law, to use the crossing for recreational purposes and who enters upon the crossing for such purposes;

(7) a person having written permission from the railroad carrier to go upon the railroad property in question;

(8) representatives of the Transportation Board or Agency of Transportation while engaged in the performance of their official duties;

(9) representatives of the Federal Railroad Administration while engaged in the performance of their official duties;

(10) representatives of the National Transportation Safety Board while engaged in the performance of their official duties; or

(11) a person who enters or remains in a railroad right-of-way, but not within a rail yard or on a railroad structure, while lawfully engaged in hunting, fishing, or trapping; however, a person shall not be exempt from ticketing under this subdivision if he or she enters within an area extending

eight feet outward from either side of the rail and within the rail unless he or she crosses and leaves this area quickly, safely, and at an angle of approximately 90 degrees to the direction of the rail.

(e) Nothing in this section is intended to modify the rights, duties, liabilities, or defenses available to any person under any other law or under a license or agreement.

(f) Penalty. A violation of this section is a traffic violation as defined in 23 V.S.A. chapter 24 and an action under this section shall be brought in accordance with 4 V.S.A. chapter 29. A person who violates this section shall be subject to a civil penalty of not more than \$200.00.

Sec. 16. 5 V.S.A. § 3735 is amended to read:

§ 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~

~~PROPERTY; PENALTY~~

~~A person boarding or riding without permission on a train, car, or locomotive, other than a passenger train, or a person boarding or riding on a passenger train without paying fare, or a person loitering in or about a railroad yard, station or car without permission, shall be imprisoned not more than 90 days, or fined not more than \$25.00, or both. [Repealed.]~~

Sec. 17. 23 V.S.A. § 2302(a) is amended to read:

(a) As used in this chapter, "traffic violation" means:

* * *

(7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on railroad property;

** * **

** * * Transportation Capital Program; Prioritization System * * **

Sec. 18. 19 V.S.A. § 10g(1) is amended to read:

(1) The Agency shall develop a numerical grading system to assign a priority rating to all Program Development Paving, Program Development Roadway, Program Development Safety and Traffic Operations, Program Development State and Interstate Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating system shall consist of two separate, additive components as follows:

(1) One component shall be limited to asset ~~management-based~~ management- and performance-based factors which are objective and quantifiable and shall consider, without limitation, the following:

(A) the existing safety conditions in the project area and the impact of the project on improving safety conditions;

(B) the average, seasonal, peak, and nonpeak volume of traffic in the project area, including the proportion of traffic volume relative to total volume in the region, and the impact of the project on congestion and mobility conditions in the region;

(C) the availability, accessibility, and usability of alternative routes;

(D) the impact of the project on future maintenance and reconstruction costs; ~~and~~

(E) the relative priority assigned to the project by the relevant regional planning commission ~~or the Chittenden County Metropolitan Planning Organization;~~

(F) the resilience of the transportation infrastructure to floods and other extreme weather events.

(2) The second component of the priority rating system shall consider, without limitation, the following factors:

(A) the ~~functional~~ importance of the ~~highway or bridge transportation infrastructure~~ as a ~~link~~ factor in the local, regional, or State economy; and

(B) the ~~functional~~ importance of the ~~highway or bridge transportation infrastructure~~ in the health, social, and cultural life of the surrounding communities.

(3) The priority rating system for Program Development Roadway projects shall award as bonus points an amount equal to 10 percent of the total base possible rating points to projects within a designated downtown development district established pursuant to 24 V.S.A. § 2793.

** * * Adjustments to Existing Projects * * **

Sec. 19. 19 V.S.A. § 10h is amended to read:

*§ 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF
OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~*

(a) ~~The agency shall report to the transportation board each project for which the current construction cost estimate exceeds the last approved construction cost estimate by a substantial level, as substantial level is defined by the transportation board. The transportation board shall review such a project, and may grant approval to proceed. If not approved by the transportation board, the project shall not proceed to contract award until approved by the general assembly. [Repealed.]~~

(b) In connection with any authorized construction project in the ~~state~~ State of Vermont which extends into or affects an adjoining state, the ~~agency~~ Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative agreement with the adjoining state or any political subdivision of an adjoining state which apportions duties and responsibilities for planning preliminary engineering, including environmental studies, right-of-way acquisition, construction, and maintenance.

Sec. 20. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition,

construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify the members of the Joint Transportation Oversight Committee and the Joint Fiscal Office. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the regional planning commission, the municipality, Legislators, members of the Senate and House Committees on Transportation, and the Joint Fiscal Office of ~~any significant change in design, change in construction cost estimates requiring referral to the Transportation Board under section 10h of this title, or any change which~~

likely will affect the fiscal year in which the project is planned to go to construction. No project shall be cancelled without the approval of the General Assembly.

** * * Reporting Required in Proposed Transportation Program * * **

Sec. 21. 19 V.S.A. § 10g(g) is amended to read:

(g) The Agency's annual proposed Transportation Program shall include ~~a separate report~~ project updates referencing this section ~~describing~~ and listing the following:

(1) all proposed projects in the Program ~~which~~ that would be new to the State Transportation Program if adopted;

(2) all projects for which total estimated costs have increased by more than \$8,000,000.00 or by more than 100 percent from the estimate in the prior fiscal year's approved Transportation Program;

(3) all projects funded for construction in the prior fiscal year's approved Transportation Program that are no longer funded in the proposed Transportation Program submitted to the General Assembly, the projected costs for such projects in the prior fiscal year's approved Transportation Program, and the total costs incurred over the life of each such project.

** * * Joint Transportation Oversight Committee * * **

Sec. 22. 19 V.S.A. § 12b is amended to read:

§ 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

(a) There is created a Joint Transportation Oversight Committee composed of the Chairs of the House and Senate Committees on Appropriations, the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance. The Committee shall be chaired alternately by the Chairs of the House and Senate Committees on Transportation, and the two-year term shall run concurrently with the biennial session of the Legislature. The Chair of the Senate Committee on Transportation shall chair the Committee during the 2009–2010 legislative session.

(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and when practicable shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 406. The Committee shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(c) The Committee shall provide legislative ~~overview~~ oversight of the Transportation Fund revenues collection and the operation and administration of the Agency of Transportation construction, paving, and rehabilitation

programs. The Secretary of Transportation shall report to the Oversight Committee upon request.

~~*(d)(1) In coordination with the regular meetings of the Joint Fiscal Committee in mid-November, the Secretary shall prepare a report on the status of the State's transportation finances and transportation programs. If a meeting of the Committee is not convened on the scheduled dates of the Joint Fiscal Committee meetings, the Secretary in advance shall transmit the report electronically to the Joint Fiscal Office for distribution to Committee members. The report shall list contract bid awards versus project estimates and all known or projected cost overruns, project savings, and funding availability from delayed projects with respect to:*~~

~~*(A) all paving projects other than statewide maintenance programs; and*~~

~~*(B) all projects in the Roadway, State Bridge, Interstate Bridge, or Town Bridge programs with authorized spending in the fiscal year of \$500,000.00 or more with a cost overrun equal to 20 percent or more of the authorized spending or generating project savings or delayed project available funding equal to 20 percent or more of the authorized spending.*~~

~~*(2) The report required under subdivision (1) of this subsection also shall describe the Agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds, and shall*~~

~~discuss the Agency's plans to adjust spending to any changes in the consensus forecast for Transportation Fund revenues.~~

~~(3) If and when applicable, the Secretary shall submit electronically to the Joint Fiscal Office for distribution to members of the Joint Transportation Oversight Committee a report summarizing any plans or actions taken to delay project schedules as a result of:~~

~~(A)(1) a generalized increase in bids relative to project estimates;~~

~~(B)(2) changes in the consensus revenue forecast of the Transportation Fund or Transportation Infrastructure Bond Fund; or~~

~~(C)(3) changes in the availability of federal funds.~~

~~*** Appropriation; State Aid for Town Highways ***~~

~~Sec. 23. 19 V.S.A. § 306 is amended to read:~~

~~§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS~~

~~***~~

~~(d) State aid for nonfederal disasters. There shall be an annual appropriation for emergency aid in repairing, building, ~~or rebuilding~~ or reconstructing class 1, 2, or 3 town highways ~~and bridges~~ and for repairing or replacing drainage structures including bridges on class 1, 2, 3, and 4 town highways damaged by natural or man-made disasters. Eligibility for use of emergency aid under this appropriation shall be subject to the following criteria:~~

(1) The Secretary of Transportation shall determine that the disaster is of such magnitude that State aid is both reasonable and necessary to preserve the public good. If total cumulative damages to town highways and drainage structures are less than the value of 10 percent of the town's overall total highway budget excluding the town's winter maintenance budget, the disaster shall not qualify for assistance under this subsection.

(2) The disaster shall not qualify for major disaster assistance from the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq., or from the Federal Highway Administration (FHWA) under the 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

(3) Towns shall be eligible for reimbursement for repair or replacement costs of either up to 90 percent of the eligible repair or replacement costs or the eligible repair or replacement costs, minus an amount equal to 10 percent of the overall total highway budget, minus the town's winter maintenance budget, whichever is greater.

(4) For towns that have adopted road and bridge standards, eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted these standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that preexisted the emergency event;

however, the repair or replacement shall be to standards approved by the Agency of Transportation.

(5) For a drainage structure on a class 4 town highway to be eligible for repair or replacement under this subsection, the town must document that it maintained the structure prior to the nonfederal disaster.

(6) Such additional criteria as may be adopted by the Agency of Transportation through rulemaking under 3 V.S.A. chapter 25.

** * **

** * * Highways; Alterations; Quasi-Judicial Process * * **

Sec. 24. 19 V.S.A. § 923 is amended to read:

§ 923. QUASI-JUDICIAL PROCESS

In order to protect the rights of ~~property owners~~ interested persons and the public, the process described in this section shall be used whenever so provided by other provisions of this title. As used in this section, “interested person” means a person who has a legal interest of record in the property that would be affected by the proposed action.

(1) ~~Notice~~ Written notice by certified mail shall be given Notice. The selectboard shall give written notice by certified mail or by one of the methods allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of original process to the property owner or any interested person describing the proposed activity affecting the property. The notice shall include a date and

time when the selectboard shall inspect the premises. The notice shall precede the inspection by 30 days or more except in the case of an emergency.

(2) Inspection of premises—~~The selectmen~~ selectboard shall view the area and receive any testimony pertinent to the problem including suggested awards for damages, if any.

(3) Necessity—~~The selectmen~~ selectboard shall decide on the necessity for the activity or work proposed and establish any conditions for accomplishing it. This includes the award of damages, if applicable. The selectboard shall announce the decision and the reason for it ~~shall be announced~~ within 10 days of the inspection unless the selectboard formally ~~delayed by the selectboard~~ delays the proceeding in order to receive more testimony.

(4) Notifying parties—~~The selectmen~~ selectboard shall notify the ~~property owner~~ interested persons and other interested parties of their decision. They shall file a copy of their decision with the town clerk within 10 days of its announcement.

(5) Appeal—~~If an owner~~ interested person is dissatisfied with the award for damages, he or she may appeal using any of the procedures listed in chapter 5 of this title. Notice or petition for appeal shall not delay the proposed work or activity.

Sec. 25. 19 V.S.A. § 518 is amended to read:

§ 518. MINOR ALTERATIONS TO EXISTING FACILITIES

(a) ~~For purposes of~~ As used in this section, the term “minor alterations to existing facilities” means any of the following activities involving existing facilities, provided the activity does not require a permit under 10 V.S.A. chapter 151 (Act 250):

(1) Activities which qualify as “categorical exclusions” under 23 C.F.R. § 771.117 and the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321–4347.

(2) Activities involving emergency repairs to or emergency replacement of an existing bridge, culvert, highway, or State-owned railroad, even if the need for repairs or replacement does not arise from damage caused by a natural disaster or catastrophic failure from an external cause. Any temporary rights under this subdivision shall be limited to 10 years from the date of taking.

(b) In cases involving minor alterations to existing facilities, the Agency, following the procedures of section 923 of this title, may exercise the powers of a selectboard. However, if an interested person has not provided the Agency with identification information necessary to process payment, or if an owner refuses an offer of payment, payment shall be deemed to be tendered when the Agency makes payment into an escrow account that is accessible by the owner

upon his or her providing any necessary identification information. ~~If~~ Further, if an appeal is taken under subdivision 923(5) of this title, the person taking the appeal shall follow the procedure specified in section 513 of this title.

Sec. 26. [Reserved.]

* * * *Water Quality* * * *

Sec. 27. *FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER*

CREDIT

For the purposes of this section and Secs. 28–33 of this act (Agency of Transportation stormwater credit), the General Assembly finds and declares that:

(1) the federal Clean Water Act, State water quality requirements under 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit for transportation infrastructure, require the treatment and control of stormwater from State highway rights-of-way and other property owned, controlled, or managed by the Agency; and

(2) because of the traditional and continuing expenditures of the Agency for the construction, operation, and maintenance of stormwater control infrastructure designed to control stormwater runoff from State highway rights-of-way and developed lands owned, controlled, or managed by the Agency, it is fair and equitable to provide the Agency with a uniform credit against fees assessed by municipalities for the management of stormwater.

Sec. 28. 24 V.S.A. § 3501(7) is amended to read:

(7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or continuously following therefrom~~ shall have the same meaning as “stormwater runoff” under 10 V.S.A. § 1264.

Sec. 29. 24 V.S.A. § 3615 is amended to read:

§ 3615. RENTS; RATES

(a) Such municipal corporation, through its board of sewage disposal commissioners, may establish charges to be called “sewage disposal charges,” to be paid at such times and in such manner as the commissioners may prescribe. The commissioners may establish annual charges separately for bond repayment, fixed operations and maintenance costs (not dependent on actual use), and variable operations and maintenance ~~cost~~ costs dependent on flow. Such charges may be based upon:

(1) the metered consumption of water on premises connected with the sewer system, however, the commissioners may determine no user will be billed for fixed operations and maintenance costs and bond payment less than the average single family charge;

(2) the number of equivalent units connected with or served by the sewage system based upon their estimated flows compared to the estimated flows from a single family dwelling however, the commissioners may determine no user will be billed less than the minimum charge determined for

the single family dwelling charge for fixed operations and maintenance costs and bond payment;

(3) the strength and flow where wastes stronger than household wastes are involved;

(4) the appraised value of premises, in the event that the commissioners shall determine the sewage disposal plant to be of general benefit to the municipality regardless of actual connection with the same;

(5) the commissioners' determination developed using any other equitable basis such as the number and kind of plumbing fixtures, the number of persons residing on or frequenting the premises served by those sewers, the topography, size, type of use, or impervious area of any premises; or

(6) any combination of these bases, so long as the combination is equitable.

(b) The basis for establishing sewer disposal charges shall be reviewed annually by sewage disposal commissioners. No premises otherwise exempt from taxation, including premises owned by the ~~state~~ State of Vermont, shall, by virtue of any such exemption, be exempt from charges established hereunder. The commissioners may change the rates of such charges from time to time as may be reasonably required. Where one of the bases of such charge is the appraised value and the premises to be appraised are tax exempt, the commissioners may cause the listers to appraise such property, including

~~state~~ State property, for the purpose of determining the sewage disposal charges. The right of appeal from such appraisal shall be the same as provided in 32 V.S.A. chapter 131 of Title 32. ~~The commissioner of finance and management~~ Commissioner of Finance and Management is authorized to issue his or her warrants for sewage disposal charges against ~~state~~ State property and transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in payment thereof. No charge so established and no tax levied under the provisions of section 3613 of this title shall be considered to be a part of any tax authorized to be assessed by the legislative body of any municipality for general purposes, but shall be in addition to any such tax so authorized to be assessed. Sewage disposal charges established in accord with this section may be assessed by the board of sewage disposal commissioners as provided in section 3614 of this title to derive the revenue required to pay pollution charges assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of Title 10.

(c) When a sewage disposal charge established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the charge shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~30 percent~~ 35 percent credit on

the charge. The Agency of Transportation shall receive no other credit on the charge from the municipal corporation.

Sec. 29a. 24 V.S.A. § 3615(c) is amended to read:

(c) When a sewage disposal charge established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the charge shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~30~~ 35 percent credit on the charge. The Agency of Transportation shall receive no other credit on the charge from the municipal corporation.

Sec. 29b. 24 V.S.A. § 3615(c) is amended to read:

(c) When a sewage disposal charge established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the charge shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~35~~ 40 percent credit on the charge. The Agency of Transportation shall receive no other credit on the charge from the municipal corporation

Sec. 30. 24 V.S.A. § 3507 is amended to read:

§ 3507. DUTIES

(a) Such sewage system commissioners shall have the supervision of such municipal sewage system and shall make and establish all needed rates for rent, with rules and regulations for its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure. The rents and receipts for the use of such sewage system shall be used and applied to pay the interest and principal of the sewage system bonds of such municipal corporation, the expense of maintenance and operation of the sewage system, as well as dedicated fund payments provided for in section 3616 of this title.

(b) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a 30 percent 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the municipal corporation.

Sec. 30a. 24 V.S.A. § 3507(b) is amended to read:

(b) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category

~~applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~30~~ 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the municipal corporation.~~

~~Sec. 30b. 24 V.S.A. § 3507(b) is amended to read:~~

~~(b) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~35~~ 40 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the municipal corporation.~~

~~Sec. 31. 24 V.S.A. § 3679(c) is added to read:~~

~~(c) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~30 percent~~ 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the consolidated sewer district.~~

~~Sec. 31a. 24 V.S.A. § 3679(c) is added to read:~~

~~(c) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~30~~ 35 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the consolidated sewer district.~~

~~Sec. 31b. 24 V.S.A. § 3679(c) is added to read:~~

~~(c) When a rate established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the rate shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a ~~35~~ 40 percent credit on the rate. The Agency of Transportation shall receive no other credit on the rate from the consolidated sewer district.~~

Sec. 32. 10 V.S.A. § 1251(18) is added to read:

(18) "Stormwater utility" means a system adopted by a municipality or group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the management of stormwater runoff.

Sec. 33. 10 V.S.A. § 1389(e) is amended to read:

(e) Priorities.

(1) In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize:

** * **

(H) Funding to municipalities for the establishment and operation of stormwater utilities.

(2) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Clean Water Fund Board shall, during the first three years of its existence and within the priorities established under subdivision (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal compliance with water quality requirements, and to municipalities for the establishment and operation of stormwater utilities.

** * **

Sec. 34. STORMWATER UTILITY REPORT

On or before January 15, 2017, and annually thereafter until January 15, 2021, the Agency shall report to the House and Senate Committees on Transportation, the House Committee on Fish, Wildlife and Water Resources, and the Senate Committee on Natural Resources and Energy regarding the

status of municipal establishment and implementation of stormwater utilities in the State. The report shall include:

(1) the number of municipal stormwater utilities in existence at the time of each report, as indicated by the number of unique municipal rate structures for stormwater mitigation under which the Agency was invoiced in the calendar year preceding a report submitted under this section;

(2) the number of new municipal stormwater utilities established in the State in the calendar year preceding a report submitted under this section;

(3) the amount of fees paid by the Agency to stormwater utilities in the calendar year preceding a report submitted under this section; and

(4) a list of the stormwater projects or programs implemented by the Agency in municipalities with stormwater utilities in the calendar year preceding a report submitted under this section.

** * * Statewide Property Parcel Mapping Program * * **

Sec. 35. DEVELOPMENT OF STATEWIDE PROPERTY PARCEL

DATA LAYER

(a) The General Assembly finds that the State has an interest in creating a statewide property parcel data layer. The data layer will include all property parcels in each Vermont town, city, incorporated village, gore, and grant in a standard format and integrate all municipal property parcel maps into one property parcel map for the State.

(b) The General Assembly further finds that a statewide property parcel data layer will be useful to the Agency for the following applications:

(1) mapping highway centerlines that end at property boundaries;

(2) enabling the Agency to evaluate properties for alternative energy and other possible uses;

(3) providing right-of-way data to analyze Transportation Separate Storm Sewer System (TS4) assessments;

(4) streamlining title searches during the project development phase of transportation projects;

(5) providing linkages between grand list and property parcel data in order to enable the identification of all public land;

(6) locating encroachments on highways and providing notice to adjoining landowners;

(7) mapping the locations of surplus and excess property;

(8) assisting in the appraisal of land and acquisition of rights for transportation projects;

(9) improving emergency response capabilities;

(10) identifying encroachments on State-owned railroads and providing notice to adjoining landowners;

(11) evaluating applications for highway access under 19 V.S.A. § 1111, including utility installations and driveways; and

(12) improving the State's ability to identify its assets by accurately cataloguing the location and extent of State-owned rights-of-way.

(c)(1) Consistent with Secs. 36–37 of this act, starting in fiscal year 2017, the Agency shall commence development of the statewide digital parcel data layer as part of the Statewide Property Parcel Mapping Program.

(2) According to the Agency:

(A) development of the data layer is expected to take three years;

(B) 80 percent of development costs and future operating costs are expected to be funded with Federal Highway Administration funds and 20 percent with State matching funds; and

(C) transportation funds will cover the 20 percent State match in fiscal year 2017.

(3) The Agency shall continue to work with State agencies and external partners benefited by the data layer, including private funding partners, to develop a memorandum of understanding to address funding sources other than the Transportation Fund for the 20 percent State match for fiscal year 2018 and in succeeding fiscal years.

Sec. 36. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The Agency shall, except where otherwise specifically provided by law:

* * *

(17) Administer the Statewide Property Parcel Mapping Program.

Sec. 37. 19 V.S.A. § 44 is added to read:

§ 44. STATEWIDE PROPERTY PARCEL MAPPING PROGRAM

(a) Purpose. The purpose of the Statewide Property Parcel Mapping Program is to:

(1) develop a statewide property parcel data layer;

(2) ensure regular maintenance, including updates, of the data layer;

and

(3) make property parcel data available to State agencies and departments, regional planning commissions, municipalities, and the public.

(b) Property Parcel Data Advisory Board. A Property Parcel Data Advisory Board (Board) is created for the purpose of monitoring the Statewide Property Parcel Mapping Program and making recommendations to the Agency of how the Program can be improved to enhance the usefulness of statewide property parcel data for State agencies and departments, regional planning commissions, municipalities, and the public. The Board shall comprise:

(1) the Secretary of Transportation or designee, who shall serve as chair;

(2) the Secretary of Natural Resources or designee;

(3) the Secretary of Commerce and Community Development or designee;

(4) the Commissioner of Taxes or designee;

(5) a representative of the Vermont Association of Planning and Development Agencies;

(6) a representative of the Vermont League of Cities and Towns; and

(7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by the Vermont Society of Land Surveyors.

(c) Meetings of Board. The Board shall meet at the call of the Chair or at the request of a majority of its members. The Agency shall provide administrative assistance to the Board and such other assistance as the Board may require to carry out its duties.

(d) Standards. The Agency shall update the statewide property parcel data layer in accordance with the standards of the Vermont Geographic Information System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of Vermont Center for Geographic Information).

(e) Funding sources. Federal transportation funds shall be used for the development and operation of the Program. In fiscal year 2018 and in succeeding fiscal years, the Agency shall make every effort to ensure that all State matching funds are provided by other State agencies or external partners or both that benefit from the Program.

** * * Quechee Gorge Bridge Safety Issues * * **

Sec. 38. QUECHEE GORGE BRIDGE SAFETY ISSUES

(a) On or before July 1, 2016, or as soon as practicable thereafter if a longer period is required to obtain necessary permits or satisfy federal requirements, the Agency shall complete a project on or proximate to Bridge 61 on US Route 4 in the town of Hartford (Quechee Gorge Bridge) to install a structure providing information and resources, signs, or communication devices, or some combination of these, aimed at preventing suicides at the Quechee Gorge Bridge.

(b) In consultation with the Agency of Commerce and Community Development, the Department of Health, the Department of Mental Health, the Department of Public Safety, local officials, local emergency personnel, the Hartford Area Chamber of Commerce, mental health practitioners, local business owners, and other interested stakeholders, the Agency of Transportation shall thoroughly review suicide prevention as well as pedestrian, first responder, and other safety measures that could be taken, and the merits of taking such measures, at the Quechee Gorge Bridge. In conducting this review, the Agency shall identify:

(1) short- and long-term suicide prevention as well as pedestrian, first responder, and other safety measures for all users that could be taken at the

Quechee Gorge Bridge in addition to the measures taken pursuant to subsection (a) of this section, including:

(A) providing information and resources, including emergency contact information and means of emergency communication; and

(B) physical improvements to the bridge structure and the surrounding area;

(2) estimated costs and benefits and an expected timeline associated with implementing the measures identified in subdivision (1) of this subsection; and

(3) economic, community, and tourism concerns associated with implementing the measures identified in subdivision (1) of this subsection.

(c) On or before January 10, 2017, the Agency shall report the results of the review required under subsection (b) of this section to the House and Senate Committees on Transportation.

**** Vulnerable Users ****

Sec. 39. 23 V.S.A. § 1033 is amended to read:

§ 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

(a) Passing motor vehicles. Motor vehicles proceeding in the same direction may be overtaken and passed only as follows:

(1) The driver of a motor vehicle overtaking another motor vehicle proceeding in the same direction may pass to its left at a safe distance, and

when so doing shall exercise due care, shall not pass to the left of the center of the highway ~~unless the way ahead is clear of approaching traffic~~ except as authorized in section 1035 of this title, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken motor vehicle shall give way to the right in favor of the overtaking motor vehicle ~~on audible signal~~ and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(b) Passing vulnerable users. The operator of a motor vehicle approaching or passing a vulnerable user as defined in subdivision 4(81) of this title shall exercise due care, which includes increasing clearance ~~to at least four feet to a recommended distance of at least four feet~~, to pass the vulnerable user safely, and shall cross the center of the highway only as provided in ~~subdivision (a)(1) of this section 1035 of this title~~. A person who violates this subsection shall be subject to a civil penalty of not less than \$200.00.

Sec. 40. 23 V.S.A. § 1035 is amended to read:

§ 1035. LIMITATIONS

(a) ~~No~~ A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle or a vulnerable user proceeding in the same direction unless authorized by the provisions of this chapter and unless the left side is clearly visible and free of oncoming traffic

and vulnerable users for a sufficient distance ahead to permit overtaking and passing to be completed without interfering with the operation of any vehicle or with any vulnerable user approaching from the opposite direction or with the operation of any vehicle or with any vulnerable user overtaken. In every event, the overtaking vehicle shall return to an authorized lane of travel as soon as practicable and, if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle or a vulnerable user.

(b) A vehicle shall not pass another from the rear under any of the following conditions:

(1) when approaching or upon the crest of a grade or upon a curve in the highway where the driver's view is in any way obstructed;

(2) when approaching within 100 feet of, or traversing, any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices; or

(3) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(c) The foregoing limitations do not apply upon a one-way roadway, or when subdivision 1031(a)(2) of this title applies, or where a vehicle is turning left into an alley, private road, or driveway.

Sec. 41. 23 V.S.A. § 1049 is amended to read:

§ 1049. VEHICLE ENTERING FROM PRIVATE ROAD

The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right of way to all vehicles and vulnerable users approaching on the highway.

~~*Sec. 42. 23 V.S.A. § 1049a is added to read:*~~

~~*§ 1049a. OBLIGATIONS TO VULNERABLE USERS WHEN*~~
~~*TURNING*~~

~~*Notwithstanding any provision of this title to the contrary, a person operating a vehicle shall not turn right or left unless the turn can be made at a safe distance from a vulnerable user. A person who violates this section shall be subject to a civil penalty of not less than \$200.00.*~~

Sec. 42. 23 V.S.A. § 1047 is amended to read:

§ 1047. VEHICLE TURNING LEFT

(a) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is either within the intersection or so close as to constitute an immediate hazard.

(b) A person operating a vehicle shall not turn left unless the turn can be made at a safe distance from a vulnerable user. A person who violates this section shall be subject to a civil penalty of not less than \$200.00.

Sec. 43. 23 V.S.A. § 1064 is amended to read:

§ 1064. SIGNALS REQUIRED; GENERAL OBLIGATION TO TURN AND MOVE SAFELY

(a) Before changing direction or materially slackening speed, a driver shall give warning of his or her intention with the hand signals as provided in section 1065 of this title, or with a mechanical or lighting device approved by the Commissioner of Motor Vehicles. A bicyclist shall give such hand signals unless he or she cannot do so safely.

(b) ~~No person may~~ A person shall not turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 1061 of this title, or turn a vehicle to enter an alley, private road, or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless such movement can be made with reasonable safety.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. A bicyclist shall comply with this subsection unless he or she cannot do so safely.

(e) The signals provided for in section 1065 of this title shall be used to indicate an intention to turn, change lanes, or start from a parked position and may not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.

Sec. 44. 23 V.S.A. chapter 13, subchapter 12 is amended to read:

*Subchapter 12. Operation of Bicycles, Electric Personal Assistive Mobility
Devices, and Play Vehicles*

§ 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

(a) The parent of any child and the guardian of any ward may not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(b) This subchapter applies whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(c) Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles, except as to those provisions ~~which~~ that:

(1) are inconsistent with provisions that specifically address the rights and duties of vulnerable users generally or bicyclists specifically; or

(2) by their very nature can have no application.

~~(d) Except as otherwise may be required under subdivision 1139(a)(1) of this chapter, and notwithstanding any provision of this title to the contrary, a bicyclist riding consistent with the obligations of subsection 1139(a) of this chapter may keep to the right when passing a motor vehicle, regardless of whether the passing movement results from the motor vehicle's slowing down, the bicyclist's continuing forward, or other circumstances that result in the passing~~

* * *

§ 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

(a) A person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction ~~and~~. Bicyclists generally shall ride as near to the right side of the roadway as practicable, but shall ride to the left or in a left lane improved area of the highway right-of-way as is safe, except that a bicyclist:

(1) Shall ride to the left or in a left lane when:

~~(1)(A)~~ preparing for a left turn at an intersection or into a private roadway or driveway;

~~(2)(B)~~ approaching an intersection with a right-turn lane if not turning right at the intersection; or

~~(3)(C)~~ overtaking another ~~highway~~ vulnerable user; ~~or~~.

(4)(2) May ride to the left or in a left lane when taking reasonably necessary precautions to avoid hazards or road conditions. Examples include objects on the road, parked or moving vehicles, pedestrians, animals, surface conditions that may impair the bicyclist's stability, or safety hazards caused by a narrow road or steep embankment, road geometry, or unfavorable atmospheric conditions.

* * *

§ 1142. PENALTIES

A person who violates any provision of sections 1136 through 1141 and ~~section~~ subsection 1141a(a) of this title shall be fined not more than \$25.00 for each offense, except that a person who violates subsection 1139(b) of this title shall be fined not more than \$100.00.

* * *

* * * Ignition Interlock Devices * * *

Sec. 45. 23 V.S.A. § 1200 is amended to read:

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(9)(A) "Ignition interlock restricted driver's license" or "ignition interlock RDL" or "RDL" means a restricted license or privilege to operate a motor vehicle issued by the Commissioner allowing a ~~person~~ resident whose

license or privilege to operate has been suspended or revoked for operating under the influence of intoxicating liquor or in excess of legal limits of alcohol concentration, or for refusing an enforcement officer's reasonable request for an evidentiary test, to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, installed with an approved ignition interlock device.

(B) "Ignition interlock certificate" means a restricted privilege to operate a motor vehicle issued by the Commissioner allowing a nonresident whose privilege to operate a motor vehicle in Vermont has been suspended or revoked for operating under the influence of intoxicating liquor or in excess of legal limits of alcohol concentration, or for refusing an enforcement officer's reasonable request for an evidentiary test, to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, installed with an approved ignition interlock device.

* * *

Sec. 46. 23 V.S.A. § 1209a is amended to read:

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND

DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to

operate suspended under section 1216 of this title, shall be reinstated except as follows:

(1) In the case of a first suspension, a license or privilege to operate shall be reinstated only:

(A) after the person has successfully completed an Alcohol and Driving Education Program, at the person's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the person's own expense, to determine whether reinstatement should be further conditioned on satisfactory completion of a therapy program agreed to by the person and the Drinking Driver Rehabilitation Program Director;

(B) if the screening indicates that therapy is needed, after the person has satisfactorily completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;

(C) if the person elects to operate under an ignition interlock RDL or ignition interlock certificate, after:

~~(i) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of six months (the person operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; and~~

(D) if the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until:

(A) the person has successfully completed an alcohol and driving rehabilitation program;

(B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;

(C) ~~if the person elects to operate after the person operates under an ignition interlock RDL, after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (or ignition interlock certificate for 18 months or, in the case of a person subject to the one year hard suspension~~

~~prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of this the relevant period arising from a violation of section 1213 of this title) in all other cases, except if otherwise provided in subdivision (a)(4) of this section; and~~

~~(D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

~~(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:~~

~~(A) the person has successfully completed an alcohol and driving rehabilitation program;~~

~~(B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director;~~

~~(C) the person has satisfied the requirements of subsection (b) of this section; and~~

~~(D) if the person elects to operate under an ignition interlock RDL, after:~~

~~(i) a period of four years (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of three years (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; and~~

~~(E) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.~~

~~(4) The Commissioner shall waive a requirement under subdivision (2) of this subsection or subsection (b) of this section that a person operate under an ignition interlock RDL or certificate prior to eligibility for reinstatement if:~~

~~(A) the person furnishes sufficient proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years; or~~

~~(B) the underlying offenses arose solely from being under the influence of a drug other than alcohol.~~

~~(b) Abstinence.~~

~~(1) Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence~~

shall be no sooner than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

(2) If the Commissioner, or a medical review board convened by the Commissioner, is satisfied by a preponderance of the evidence that the applicant has abstained for the required number of years immediately preceding the application and hearing, has successfully completed a therapy program as required under this section, has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the person appreciates that he or she cannot drink any amount of alcohol and drive safely, the person's license or privilege to operate shall be reinstated immediately, subject to the condition that the person's suspension or revocation will be put back in effect in the event any further investigation reveals a return to the consumption of alcohol or drugs and to such additional conditions as the Commissioner may impose

~~and, if the person has not previously operated for three years under an ignition interlock RDL, subject to the additional condition that the person shall operate under an ignition interlock restricted driver's license for a period of at least one year following reinstatement under this subsection. However, the Commissioner may waive this one year requirement to operate under an ignition interlock restricted driver's license if the person furnishes proof as prescribed by the Commissioner that he or she is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for one year. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the person is exempt under subdivision (a)(4) of this section.~~

~~(3) If after notice and hearing the Commissioner later finds that the person was violating the conditions of the person's reinstatement under this subsection, the person's operating license or privilege to operate shall be immediately suspended or revoked for the period of the original suspension life.~~

~~(4) If the Commissioner finds that a person reinstated under this subsection was suspended pursuant to section 1205 of this title, or was convicted of a violation of section 1201 of this title, the person shall be conclusively presumed to be in violation of the conditions of his or her reinstatement.~~

(5) A person shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

(6)(A) If an applicant for reinstatement under this subsection resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, he or she shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is ~~authorized~~ required to operate only vehicles equipped with an ignition interlock device for at least a three-year period, unless exempt under subdivision (a)(4) of this section, and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.

* * *

Sec. 47. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
CERTIFICATE; PENALTIES

~~(a)(1) First offense.~~ A person whose license or privilege to operate is suspended ~~for a first offense~~ or revoked under this subchapter ~~shall be permitted to~~ may operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. ~~The~~ Upon application, the Commissioner shall issue an ignition interlock RDL ~~to a person eligible under section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title upon receipt of~~ or ignition interlock certificate to a person otherwise licensed or eligible to be licensed to operate a motor vehicle if:

(A) the person submits a \$125.00 application fee, ~~and upon receipt of:~~

(B) the person submits satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated, and of financial responsibility as provided in section 801 of this title, ~~and enrollment in an Alcohol and Driving Education Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title;~~

(C) at least one year has passed since the suspension or revocation was imposed if the offense involved death or serious bodily injury to a person other than the operator; and

(D) the applicable period set forth below has passed since the suspension or revocation was imposed if the offense involved refusal of an enforcement officer's reasonable request for an evidentiary test:

(i) 30 days for a first offense;

(ii) 90 days for a second offense;

(iii) one year for a third or subsequent offense.

(2) A new ignition interlock RDL or ignition interlock certificate shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL or certificate at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00.

~~(b) Second offense.—A person whose license or privilege to operate is suspended for a second offense under this subchapter shall be permitted to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL to a person eligible under~~

~~section 1205(m), 1208(a), or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon receipt of satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated, financial responsibility as provided in section 801 of this title, and enrollment in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(m), 1208(a), or 1216(a)(2) of this title. A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00. [Repealed.]~~

~~(c) Third or subsequent offense.—A person whose license or privilege to operate is suspended or revoked for a third or subsequent offense under this subchapter shall be permitted to operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL. The Commissioner shall issue an ignition interlock RDL to a person eligible under section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon receipt of satisfactory proof of installation of an approved ignition interlock~~

~~device in any motor vehicle to be operated, financial responsibility as provided in section 801 of this title, and enrollment in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid after expiration of the applicable shortened period specified in section 1205(a)(3), 1205(m), 1208(b), or 1216(a)(2) of this title. A new ignition interlock RDL shall expire at midnight on the eve of the second birthday of the applicant following the date of issue, and may be renewed for one-year terms. The Commissioner shall send by first class mail an application for renewal of the RDL at least 30 days prior to the day renewal is required and shall impose the same conditions for renewal as are required for initial issuance of an ignition interlock RDL. The renewal fee shall be \$125.00. [Repealed.]~~

~~(d) If a fine is to be imposed for a conviction of a violation of section 1201 of this title, upon receipt of proof of installation of an approved ignition interlock device, the Court may order that the fine of an indigent person conditionally be reduced by one-half to defray the costs of the ignition interlock device, subject to the person's ongoing operation under, and compliance with the terms of, a valid ignition interlock RDL or ignition interlock certificate as set forth in this section. In considering whether a person's fine should be reduced under this subsection, the Court shall take into account any discount already provided by the device manufacturer or provider.~~

(e) ~~The~~ Except as provided in subsection (m) of this section, the holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.

(f)(1) Prior to the issuance of an ignition interlock RDL or ignition interlock certificate under this section, the Commissioner shall notify the applicant ~~of the applicable~~ that the period prior to eligibility for reinstatement under ~~section 1209a or 1216 of this title, and that the reinstatement period~~ may be extended under this subsection (f) or subsections (g)–(h) of this section.

(2)(A) Prior to any such extension of the reinstatement period, the ignition interlock RDL or certificate holder shall be given notice and opportunity for a hearing. Service of the notice shall be sent by first class mail to the last known address of the person. The notice shall include a factual description of the grounds for an extension, a reference to the particular law allegedly violated, and a warning that the right to a hearing will be deemed waived, and an extension of the reinstatement period will be imposed, if a written request for a hearing is not received at the Department of Motor Vehicles within 15 days after the date of the notice.

* * *

(3)(A) A holder of an ignition interlock RDL or certificate who, prior to eligibility for reinstatement under section 1209a or 1216 of this title, is prevented from starting a motor vehicle because the ignition interlock device records a blood alcohol concentration of 0.04 or above, shall be subject to a three-month extension of the applicable reinstatement period in the event of three such recorded events, and to consecutive three-month extensions for every additional three recorded events thereafter. The Commissioner shall disregard a recording of 0.04 or above for the purposes of this subdivision if the Commissioner in his or her discretion finds, based on a pattern of tests or other reliable information, that the recording does not indicate the consumption of intoxicating liquor by the holder. The Commissioner shall notify the holder in writing after every recording of 0.04 or above that indicates the consumption of intoxicating liquor by the holder and, prior to any extension under this subdivision, the holder shall have the opportunity to be heard pursuant to subdivision (2) of this subsection (f).

(B) A holder of an ignition interlock RDL or certificate who, prior to eligibility for reinstatement under section 1209a or 1216 of this title, fails a random retest because the ignition interlock device records a blood alcohol concentration of 0.04 or above and below 0.08, shall be subject to consecutive three-month extensions of the applicable reinstatement period for every such recorded event. A holder who fails a random retest because of a recording of

0.08 or above shall be subject to consecutive six-month extensions of the applicable reinstatement period for every such recorded event. The Commissioner shall disregard a recording of 0.04 or above for the purposes of this subdivision if the Commissioner in his or her discretion finds, based on a pattern of tests or other reliable information, that the recording does not indicate the consumption of intoxicating liquor by the holder. The Commissioner shall notify the holder in writing after every recording of 0.04 or above that is indicative of the consumption of intoxicating liquor by the holder and, prior to any extension under this subdivision, the holder shall have the opportunity to be heard pursuant to subdivision (2) of this subsection (f).

(g) The holder of an ignition interlock RDL or certificate shall operate only motor vehicles equipped with an ignition interlock device, shall not attempt or take any action to tamper with or otherwise circumvent an ignition interlock device, and, after failing a random retest, shall pull over and shut off the vehicle's engine as soon as practicable. A person who violates any provision of this section commits a criminal offense, shall be subject to the sanctions and procedures provided for in subsections 674(b)–(i) of this title, and, upon conviction, the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title shall be extended by six months.

(h) A person who violates a rule adopted by the Commissioner pursuant to subsection (l) of this section shall, after notice and an opportunity to be heard

is provided pursuant to subdivision (f)(2) of this section, be subject to an extension of the period prior to eligibility for reinstatement under section 1209a or 1216 of this title in accordance with rules adopted by the Commissioner.

(i) Upon receipt of notice that the holder of an ignition interlock RDL or certificate has been ~~adjudicated~~ convicted of an offense under this title that would result in suspension, revocation, or recall of a license or privilege to operate, the Commissioner shall suspend, revoke, or recall the person's ignition interlock RDL or certificate for the same period that the license or privilege to operate would have been suspended, revoked, or recalled. The Commissioner may impose a reinstatement fee in accordance with section 675 of this title and require, prior to reinstatement, satisfactory proof of installation of an approved ignition interlock device, and of financial responsibility as provided in section 801 of this title, ~~and enrollment in or completion of an alcohol and driving education or rehabilitation program.~~

* * *

(l)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing,

leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) *The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic signaling by the vehicle if the operator fails such a retest. The Commissioner shall certify devices that meet these standards, specify any periodic calibration that may be required to ensure accuracy of the devices, and specify the means and frequency of the retrieval and sharing of data collected by ignition interlock devices. Persons who elect to obtain an ignition interlock RDL or certificate following a conviction under this subchapter when the person's blood alcohol concentration is proven to be 0.16 or more shall be required to install an ignition interlock device with a Global Positioning System feature. The rules also shall establish a schedule of extensions of the period prior to eligibility for reinstatement as authorized under subsection (h) of this section.*

Sec. 48. [Reserved.]

Sec. 49. 23 V.S.A. § 1205 is amended to read:

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

(a) Refusal; alcohol concentration above legal limits; suspension periods.

(1) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test, the Commissioner shall suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of six months and until the person complies with section 1209a of this title. However, ~~α~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 30 days of this six-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.

(2) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was above a limit specified in

subsection 1201(a) of this title, at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the person complies with section 1209a of this title. However, α during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title ~~after 30 days of this 90 day period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~

(3) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of subdivision 1201(d)(2) of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for life. However, α during the suspension, an eligible person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury

~~or death to another~~ operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.

* * *

(d) *Form of notice. The notice of intention to suspend and of suspension shall be in a form prescribed by the Supreme Court. The notice shall include an explanation of rights, a form to be used to request a hearing, and, if a hearing is requested, the date, time, and location of the Criminal Division of the Superior Court where the person must appear for a preliminary hearing. The notice shall also contain, in boldface print, the following:*

(1) *You have the right to ask for a hearing to contest the suspension of your operator's license.*

(2) *This notice shall serve as a temporary operator's license and is valid until 12:01 a.m. of the date of suspension. If this is your first violation of section 1201 of this title and if you do not request a hearing, your license will be suspended as provided in this notice. If this is your second or subsequent violation of section 1201 of this title, your license will be suspended on the 11th day after you receive this notice. It is a crime to drive while your license is suspended unless you have been issued an ignition interlock restricted driver's license or ignition interlock certificate.*

* * *

(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall be 18 months and until the person complies with section 1209a of this title. However, ~~a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 90 days of this 18 month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another. For a third or subsequent suspension under this subchapter, the period of suspension shall be life. However, ~~a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of~~ during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.

* * *

Sec. 50. 23 V.S.A. § 1206 is amended to read:

*§ 1206. SUSPENSION OF LICENSE FOR DRIVING WHILE UNDER
INFLUENCE; FIRST CONVICTIONS*

(a) First conviction—generally. Except as otherwise provided, upon conviction of a person for violating a provision of section 1201 of this title, or upon final determination of an appeal, the Court shall forward the conviction

~~report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the defendant complies with section 1209a of this title. However, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after 30 days of this 90-day period unless the offense involved a collision resulting in serious bodily injury or death to another.~~

~~(b) Extended suspension—fatality or serious bodily injury. In cases resulting in a fatality or serious bodily injury to a person other than the defendant, the period of suspension shall be one year and until the defendant complies with section 1209a of this title.~~

~~(c) Extended suspension—refusal; serious bodily injury. Upon conviction of a person for violating a provision of subsection 1201(c) of this title involving a collision in which serious bodily injury resulted, or upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of six months, and until the defendant complies with section 1209a of this title. During a suspension under this section, an eligible person may operate a~~

motor vehicle under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.

Sec. 51. 23 V.S.A. § 1208 is amended to read:

§ 1208. *SUSPENSIONS FOR SUBSEQUENT CONVICTIONS*

(a) *Second conviction. Upon a second conviction of a person violating a provision of section 1201 of this title and upon final determination of an appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license, or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for 18 months and until the defendant complies with section 1209a of this title. However, ~~and~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 90 days of this 18-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.*

(b) *Third conviction. Upon a third or subsequent conviction of a person violating a provision of section 1201 of this title and upon final determination of any appeal, the Court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately revoke the person's operating license, or nonresident operating privilege or the*

~~privilege of an unlicensed operator to operate a motor vehicle for life. However, a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of during this lifetime suspension unless the alleged offense involved a collision resulting in serious bodily injury or death to another revocation, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.~~

Sec. 52. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

CONCENTRATION OF 0.02 OR MORE

(a) A person under ~~the age of~~ 21 years of age who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's alcohol concentration is 0.02 or more, commits a civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:

(1) For a first violation, the person's license or privilege to operate shall be suspended for six months and until the person complies with subdivision 1209a(a)(1) of this title. ~~However, a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 30 days of this six month period unless the offense involved a collision

~~resulting in serious bodily injury or death to another. A person who elects to operate under an RDL or certificate shall not be eligible for reinstatement unless he or she operates under the RDL or certificate for six months plus any extension of this period arising from a violation of section 1213 of this title.~~

(2) ~~For a second or subsequent violation, the person's license or privilege to operate shall be suspended until the person reaches ~~the age of 21 years of age~~ or for one year, whichever is longer, and complies with subdivision 1209a(a)(2)(A), (B), and (D) of this title. However, ~~a~~ during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title after 90 days of the applicable suspension period unless the offense involved a collision resulting in serious bodily injury or death to another. A person who elects to operate under an RDL or certificate shall not be eligible for reinstatement unless he or she operates under the RDL or certificate for one year or until the person reaches 21 years of age, whichever is longer, plus any extension of this period arising from a violation of section 1213 of this title.~~

(b) ~~A person's license or privilege to operate that has been suspended under this section shall not be reinstated until:~~

~~(1) the Commissioner has received satisfactory evidence that the person has complied with section 1209a of this title and the provider of the therapy program has been paid in full;~~

~~(2) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter; and~~

~~(3)(A) for persons operating under an ignition interlock RDL for a first offense, after:~~

~~(i) a period of one year (plus any extension of this period arising from a violation of section 1213 of this title) if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of nine months (plus any extension of this period arising from a violation of section 1213 of this title) in all other cases; or~~

~~(B) for persons operating under an ignition interlock RDL for a second or subsequent offense, after:~~

~~(i) a period of two years (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21, whichever is longer, if the person's license or privilege to operate is suspended after a refusal to consent to a law enforcement officer's reasonable request for an evidentiary test; or~~

~~(ii) a period of 18 months (plus any extension of this period arising from a violation of section 1213 of this title) or until the person is 21, whichever is longer, in all other cases. [Repealed.]~~

* * *

* * * *Signs for Census-designated Places Within Towns* * * *

Sec. 53. 10 V.S.A. § 494 is amended to read:

§ 494. EXEMPT SIGNS

The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:

* * *

(4) Signs erected and maintained by or with the approval of a town outside the highway right-of-way, each of which does not exceed 64 square feet in area, excluding panel and frame, which may show the place and time of services or meetings of churches and civic organizations in the town, and which may include a panel which identifies the name of the town, the charter date, the date the town was founded, or any other significant date in the history of the town, and which the town wishes to identify. The panel may bear the wording "welcome to" the particular town. Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. The signs shall meet the criteria of the Agency of Transportation and the Travel Information Council. A sign that otherwise

meets the requirements of this subdivision may refer to a census-designated place within a town rather than the town itself. As used in this subdivision, “census-designated place” means a statistical entity consisting of a settled concentration of population that is identifiable by name, is not legally incorporated under the laws of the State, and is delineated as such a place by the U.S. Census Bureau according to its guidelines.

* * *

* * * Dealers * * *

Sec. 54. 23 V.S.A. § 4(8)(A)(ii)(III) is amended to read:

(III) For a dealer in trailers, semi-trailers, or trailer coaches, “engaged in the business” means having sold or exchanged at least one trailer, semi-trailer, or trailer coach in the immediately preceding year or a combination of two such vehicles in the two immediately preceding years. However, the sale or exchange of a trailer with a gross vehicle weight rating of 3,500 pounds or less shall be excluded under this subdivision (8)(A)(ii)(III).

Sec. 55. DEALER REGULATION REVIEW

(a) The Commissioner of Motor Vehicles shall review Vermont statutes, rules, and procedures regulating motor vehicle, snowmobile, motorboat, and all-terrain vehicle dealers, and review the regulation of such dealers by other states, to determine whether and how Vermont’s regulation of dealers and associated motor vehicle laws should be amended to:

(1) enable vehicle and motorboat sales to thrive while protecting consumers from fraud or other illegal activities in the market for vehicles and motorboats; and

(2) protect the State's interest in collecting taxes, enforcing the law, and ensuring an orderly marketplace.

(b) In conducting his or her review, the Commissioner shall consult with new and used vehicle dealers or representatives of such dealers, or both, and other interested persons.

(c) The Commissioner shall review:

(1) required minimum hours and days of operation of dealers;

(2) physical location requirements of dealers;

(3) the required number of sales to qualify as a dealer and the types of sales and relationships among sellers that should count toward the sales threshold;

(4) the permitted uses of dealer plates;

(5) whether residents of other states should be allowed to register vehicles in Vermont;

(6) the effect any proposed change will have on fees and taxes that dealers collect and consumers pay;

(7) the effect any proposed changes will have on the ability of Vermont consumers and law enforcement to obtain information from a dealer selling vehicles or motorboats in Vermont; and

(8) other issues as may be necessary to accomplish the purpose of the review as described in subsection (a) of this section.

(d) On or before January 15, 2017, the Commissioner shall report his or her findings and recommendations to the Senate and House Committees on Transportation and submit proposed legislation as may be required to implement the recommendations.

** * * Motor-Assisted Bicycles * * **

Sec. 56. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

** * **

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle,

unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~As~~ Neither an electric personal assistive mobility device nor a motor-assisted bicycle is ~~not~~ a motor-driven cycle.

(B)(i) "Motor-assisted bicycle" means any bicycle or tricycle with fully operable pedals and equipped with a motor that:

(I) has a power output of not more than 1,000 watts or 1.3 horsepower; and

(II) in itself is capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds.

(ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

* * *

Sec. 57. 23 V.S.A. § 1136(d) is added to read:

(d)(1) Except as provided in this subsection, motor-assisted bicycles shall be governed as bicycles under Vermont law, and operators of motor-assisted bicycles shall be subject to all of the rights and duties applicable to bicyclists

under Vermont law. Motor-assisted bicycles and their operators shall be exempt from motor vehicle registration and inspection and operator's license requirements. A person shall not operate a motor-assisted bicycle on a sidewalk in Vermont.

(2) A person under 16 years of age shall not operate a motor-assisted bicycle on a highway in Vermont.

(3) Nothing in this subsection shall interfere with the right of municipalities to regulate the operation and use of motor-assisted bicycles pursuant to 24 V.S.A. § 2291(1) and (4), as long as the regulations do not conflict with this subsection.

* * * Nondriver Identifications Cards; Data Elements * * *

Sec. 58. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

* * *

(b) Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a ~~\$20.00~~ \$24.00 fee. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the

renewal notice by mail unless the cardholder opts in to receive electronic notification.

* * *

(i) ~~An identification card issued under this subsection to an individual under the age of 30 shall include a magnetic strip that includes only the name, date of birth, height, and weight of the individual identified on the card initial or renewal applicant shall include data elements as prescribed in 6 C.F.R. § 37.19.~~

* * *

* * * *Refund When Registration Plates Not Used* * * *

Sec. 59. 23 V.S.A. § 327 is amended to read:

§ 327. REFUND WHEN PLATES NOT USED

Subject to the conditions set forth in subdivisions (1), (2), and (3) of this section, the Commissioner may cancel the registration of a motor vehicle, snowmobile, or motor boat when the owner returns the number plates, if any, ~~the validation sticker, if issued for that year,~~ and the registration certificate to the Commissioner. Upon cancellation of the registration, the Commissioner shall notify the Commissioner of Finance and Management, who shall issue a refund as follows:

(1) For registrations ~~which are~~ cancelled prior to the beginning of the registration period, the refund is the full amount of the fee paid, less a fee of \$5.00. ~~The validation stickers may be affixed to the plates.~~

(2) For registrations ~~which are~~ cancelled within 30 days of the date of issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The owner of a motor vehicle must prove to the Commissioner's satisfaction that the number plates have not been used or attached to a motor vehicle, ~~or that the current validation sticker has not been affixed to the plate or to the snowmobile or motorboat.~~

(3) For registrations ~~which are~~ cancelled prior to the beginning of the second year of a two-year registration period, the refund is one-half of the full amount of the two-year fee paid, less a charge of \$5.00. ~~The validation stickers may be affixed to the plates.~~

** * * Exhibition Vehicles; Year of Manufacture Plates * * **

Sec. 60. 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle which is maintained solely for use in exhibitions, club activities, parades, and other functions of public interest and which is not used for the transportation of passengers or property on any highway, except to attend such functions, shall be ~~\$15.00~~ \$21.00, in lieu of fees otherwise provided by law.

(b) Pursuant to the provisions of section 304 of this title, one registration plate shall be issued to those vehicles registered under subsection (a) of this section.

(c) ~~The Vermont registration plates of any motor vehicle~~ issued prior to ~~1939~~ 1968 may be displayed on a motor vehicle registered under this section instead of the ~~plates~~ plate issued under this section, if the ~~current plates are~~ issued plate is maintained within the vehicle and produced upon request of any enforcement officer as defined in subdivision 4(11) of this title.

** * * Provisions Common to Registrations and Operator's Licenses * * **

Sec. 61. 23 V.S.A. § 208 is added to read:

§ 208. RECIPROCAL RECOGNITION OF NONRESIDENT

REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN VISITORS

As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly

registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period of not more than 30 days for vacation purposes even if the country does not grant like privileges to residents of this State.

Sec. 62. 23 V.S.A. § 411 is amended to read:

§ 411. *RECIPROCAL PROVISIONS*

~~As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. [Repealed.]~~

** * * Operator's Licenses * * **

Sec. 63. 23 V.S.A. § 601 is amended to read:

§ 601. LICENSE REQUIRED

(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section ~~44~~ 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:

(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; ~~or~~

(B) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or

(C) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:

(i) is 18 or more years of age, is lawfully present in the United States, and has been in the United States for less than one year;

(ii) the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and

(iii) he or she possesses an international driving permit.

* * *

(c) At least 30 days before a license is scheduled to expire, the Commissioner shall mail first class to the licensee or send the licensee electronically an application for renewal of the license; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. A person shall not operate a motor vehicle unless properly licensed.

* * *

Sec. 64. CONFORMING CHANGES

In 23 V.S.A. §§ 614 and 615, “section 411” is hereby replaced with “section 208.”

** * * Special Examinations; Conforming Changes * * **

Sec. 65. 23 V.S.A. § 637 is amended to read:

§ 637. EXAMINERS OF PHYSICAL AND MENTAL CONDITIONS

The Commissioner may designate physicians, certified physician assistants, licensed advance practice registered nurses, ophthalmologists, oculists, and optometrists properly registered and authorized to practice in this State or in an adjoining state as examiners of operators. The Commissioner may refer any matter relative to the issuing, suspending, or reinstating of licenses ~~which concern~~ that concerns the physical or mental condition or eyesight of any applicant for or holder of a license or any petitioner for reinstatement to, and require the applicant or other person to be examined by, such examiner in the vicinity of the person's residence as he or she determines to be qualified to examine and report. Such examiner shall report to the Commissioner the true and actual result of examinations made by him or her together with his or her decision as to whether the person examined should be granted or allowed to retain an operator's license or permitted to operate a motor vehicle.

Sec. 66. 23 V.S.A. § 638 is amended to read:

*§ 638. ~~DISSATISFACTION WITH PHYSICAL AND MENTAL~~
~~EXAMINATION~~*

If any person is dissatisfied with the result of an examination given by any ~~one examiner, as provided in section 637 of this title, he or she may apply to~~

~~the Commissioner for and shall be granted an examination by two physicians, ophthalmologists, oculists, or optometrists selected from a list of examiners approved by the Commissioner, and their decision shall be final. The Commissioner may designate the area of specialization from which the examiners are to be selected in each case, but in no event shall he or she limit the choice of an examiner to any one individual within the profession from which he or she is to be chosen. [Repealed.]~~

Sec. 67. 23 V.S.A. § 639 is amended to read:

§ 639. FEES FOR PHYSICAL AND MENTAL EXAMINATIONS

~~The compensation of the examiners provided in sections section 637 and 638 of this title shall be paid by the person examined.~~

* * * State Highway Restrictions and Chain Up Requirements * * *

Sec. 68. 23 V.S.A. § 1006b is amended to read:

§ 1006b. ~~SMUGGLERS~~ SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT ROUTE 108; COMMERCIAL VEHICLE OPERATION PROHIBITED

~~(a) The Agency of Transportation may close the Smugglers Smugglers' Notch segment of Vermont Route 108 during periods of winter weather. To enforce the winter closure, the Agency shall erect signs conforming to the standards established by section 1025 of this title.~~

(b)(1) As used in this subsection, “commercial vehicle” means truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.

(2) Commercial vehicles are prohibited from operating on the Smugglers’ Notch segment of Vermont Route 108.

(3) Either the operator of a commercial vehicle who violates this subsection, or the operator’s employer, shall be subject to a civil penalty of \$1,000.00. If the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be \$2,000.00. For a second or subsequent conviction within a three-year period, the penalty shall be doubled.

(c) The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.

Sec. 69. 23 V.S.A. § 1006c is amended to read:

§ 1006c. ~~TRUCKS AND BUSES; CHAINS AND TIRE CHAIN~~

REQUIREMENTS FOR VEHICLES WITH WEIGHT RATINGS

OF MORE THAN 26,000 POUNDS

(a) As used in this section, “chains” means link chains, cable chains, or another device that attaches to a vehicle’s tire or wheel or to the vehicle itself and is designed to augment the traction of the vehicle under conditions of snow or ice.

(b) The Traffic Committee Secretary of Transportation, the Commissioner of Motor Vehicles, or the Commissioner of Public Safety, or their designees, may require the use of tire chains ~~or winter tires~~ on specified portions of State highways during periods of winter weather for ~~motor coaches, truck-tractor-semitrailer combinations, and truck-tractor-trailer combinations~~ vehicles with a gross vehicle weight rating (GVWR) of more than 26,000 pounds or gross combination weight rating (GCWR) of more than 26,000 pounds.

(b)(c) When tire chains ~~or winter tires~~ are required, advance notice shall be given to the traveling public through signage and, whenever possible, through public service announcements. In areas where tire chains ~~or winter tires~~ are required, there shall be an adequate area for vehicles to pull off the traveled way to affix any chains that might be required.

(e)(d) Under 3 V.S.A. chapter 25, the Traffic Committee may adopt such rules as are necessary to administer this section and may delegate this authority to the Secretary.

(e) When signs are posted and chains required in accordance with this section, chains shall be affixed as follows on vehicles with a GVWR or a GCWR of more than 26,000 pounds:

(1) Solo vehicles. A vehicle not towing another vehicle:

(A) that has a single-drive axle shall have chains on one tire on each side of the drive axle; or

(B) that has a tandem-drive axle shall have chains on:

(i) two tires on each side of the primary drive axle; or

(ii) if both axles are powered by the drive line, on one tire on each side of each drive axle.

(2) Vehicles with semitrailers or trailers. A vehicle towing one or more semitrailers or trailers:

(A) that has a single-drive axle towing a trailer shall have chains on two tires on each side of the drive axle and one tire on the front axle and one tire on one of the rear axles of the trailer;

(B) that has a single-drive axle towing a semitrailer shall have chains on two tires on each side of the drive axle and two tires, one on each side, of any axle of the semitrailer;

(C) that has a tandem-drive axle towing a trailer shall have:

(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle; and

(ii) chains on one tire of the front axle and one tire on one of the rear axles of the trailer;

(D) that has a tandem-drive axle towing a semitrailer shall have:

(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle; and

(ii) chains on two tires, one on each side, of any axle of the semitrailer.

(f) Either the operator of a vehicle required to be chained under this section who fails to affix chains as required herein, or the operator's employer, shall be subject to a civil penalty of \$1,000.00. If the violation results in substantially impeding the flow of traffic on a highway, the penalty shall be \$2,000.00. For a second or subsequent conviction within a three-year period, the penalty shall be doubled.

Sec. 70. 23 V.S.A. § 2302 is amended to read:

§ 2302. TRAFFIC VIOLATION DEFINED

(a) As used in this chapter, "traffic violation" means:

* * *

(11) a violation of subsection 1006b(b), section 1006c, or subsections 4120(a) and (b) of this title; or

* * *

** * * School Bus Operators * * **

Sec. 71. 23 V.S.A. § 1282(d) is amended to read:

(d)(1) A No less often than every two years, and before the start of a school year, a person licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall annually before the commencement of the school year furnish his or her the employer, where he or she is employed who employs him or her as a school bus driver, the following:

(A) a certificate signed by a licensed physician, ~~or~~ a certified physician assistant, or a nurse practitioner in accordance with written protocols, certifying that ~~he or she~~ the licensee is, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform his or her duties, and that he or she meets or exceeds the minimum hearing standards, based on voice testing, as prescribed by the Commissioner; and

(B) a certificate signed by a properly registered and authorized medical doctor, ophthalmologist, optometrist, or nurse practitioner certifying that he or she meets or exceeds the minimum vision standards as prescribed by the Commissioner.

(2) Upon receipt of a certificate required by this subsection which indicates that the school bus driver is not mentally or physically competent or

does not meet the minimum hearing or vision standards, the employer shall immediately notify the Commissioner.

(3) The certificates required under this subsection may be valid for up to two years from the examination.

** * * Overweight and Overdimension Vehicles * * **

Sec. 72. 23 V.S.A. § 1391a(d) is amended to read:

(d) Fines imposed for violations of this section shall be deposited in the Transportation Fund, unless the fines are the result of enforcement actions on a town highway by an enforcement officer employed by or under contract with the municipality, in which case the fine shall be paid to the municipality, except for ~~a \$6.00~~ an administrative charge for each case in the amount specified in 13 V.S.A. § 7251, which shall be retained by the State.

Sec. 73. 23 V.S.A. § 1400(d) is amended to read:

~~The Commissioner may enter into contracts with an electronic permitting service that will allow the service to issue single trip permits to a commercial motor vehicle operator, on behalf of the Department of Motor Vehicles. The permitting service shall be authorized to issue single trip permits for travel to and from a Vermont facility by commercial motor vehicles which are not greater than 72 feet in length on routes that have been approved by the Agency of Transportation. The permitting service may assess, collect,~~

~~and retain an additional administrative fee which shall be paid by the commercial motor vehicle carrier. [Repealed.]~~

* * * Motor Vehicle Titles * * *

Sec. 74. 23 V.S.A. § 2001 is amended to read:

§ 2001. DEFINITIONS

Except when the context otherwise requires, as used in this chapter:

* * *

(13) “Salvaged motor vehicle” means a motor vehicle which has been purchased or otherwise acquired as salvage; scrapped, dismantled, or destroyed; or declared a total loss by an insurance company.

* * *

(17) “Salvage certificate of title” means a title that is stamped or otherwise branded to indicate that the vehicle described thereon is a salvaged motor vehicle ~~or has been scrapped, dismantled, destroyed, or declared a total loss by an insurance company, or both.~~

* * *

Sec. 75. 23 V.S.A. § 2019 is amended to read:

§ 2019. MAILING OR DELIVERING CERTIFICATE

The certificate of title shall be mailed or personally delivered, upon proper identification of the individual, to the first lienholder named in it or, if none, to

the owner. However, a person is entitled to a personal delivery of only one title in a single day and of no more than three titles in a calendar month.

Sec. 76. 23 V.S.A. § 2091 is amended to read:

§ 2091. ~~DISMANTLING OR DESTRUCTION OF VEHICLE~~
SALVAGE CERTIFICATES OF TITLE; FORWARDING OF
PLATES AND TITLES OF CRUSHED VEHICLES

(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title and for vehicles which are more than 15 years old, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss, shall ~~make application~~ apply to the Commissioner for a salvage certificate of title within 15 days of the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.

(b) ~~The~~ Except as provided in subsection (c) of this section, the application shall be accompanied by:

- (1) any certificate of title; and*

(2) any other information or documents that the Commissioner may reasonably require to establish ownership of the vehicle and the existence or nonexistence of any security interest in the vehicle.

(c)(1) An insurer required to obtain a salvage certificate of title under this section for a vehicle declared a total loss, or a representative of the insurer, may obtain the title without satisfying the requirements of subsection (b) of this section if the application for the salvage certificate of title is accompanied by:

(A) the required fee;

(B) evidence that the insurer has made payment for the total loss of the vehicle, and evidence that the payment was made to any lienholder identified in the records of certificates of title of the Department and to the vehicle owner, if applicable; and

(C) a copy of the insurer's written request for the certificate of title sent at least 30 days prior to the application to the vehicle owner and to any lienholder identified in the records of certificates of title of the Department, proof that the request was sent by certified mail or was delivered by a courier service that provides proof of delivery, and copies of any responses from the vehicle owner or lienholder.

(2) If the Commissioner issues a salvage certificate of title to an eligible person under this subsection, the title shall be issued free and clear of all liens.

~~(b)(d)~~ ~~When~~ Except for vehicles for which no certificate of title is required under this chapter, when a vehicle is destroyed by crushing for scrap, the person causing the destruction shall immediately mail or deliver to the Commissioner the certificate of title, if any, endorsed "crushed" and signed by the person, accompanied by the original plate showing the original vehicle identification number. The plate shall not be removed until such time as the vehicle is crushed.

~~(e)(e)~~ This section shall not apply to, and salvage certificates of title shall not be required for, unrecovered stolen vehicles or vehicles stolen and recovered in an undamaged condition, provided that the original vehicle identification number plate has not been removed, altered, or destroyed and the number thereon is identical with that on the original title certificate.

** * * Abandoned Motor Vehicles * * **

Sec. 77. 23 V.S.A. chapter 21, subchapter 7 is amended to read:

Subchapter 7. Abandoned Motor Vehicles

~~§ 2151. ABANDONED MOTOR VEHICLES; DEFINED DEFINITIONS~~

~~(a)(1) For the purposes of As used in this subchapter, an "abandoned motor vehicle" means:~~

~~(1)(A) "Abandoned motor vehicle" means:~~

~~(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent~~

of the owner or person in control of the property ~~for more than 48 hours~~, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or

~~(B)(ii)~~ a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.

(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner which does not interfere with the normal movement of traffic.

(2) “Landowner” means a person who owns or leases or otherwise has authority to control use of real property.

(3) ~~For purposes of this subsection, “public~~ “Public vehicle identification number” means the public vehicle identification number which is usually visible through the windshield and attached to the driver’s side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver’s side of the vehicle.

~~(b) Construction equipment. A vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public~~

~~utility facilities, which is left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be an abandoned motor vehicle.~~

§ 2152. AUTHORIZED REMOVAL OF ABANDONED MOTOR
VEHICLES

(a) *Public property.* A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contact a towing service for its removal ~~of such motor vehicle~~, based upon personal observation by the officer that the vehicle is an abandoned motor vehicle.

(b) *Private property.*

(1) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a towing service for its removal ~~from private property of such vehicle~~, based upon ~~complaint of the owner or agent of the property~~ the request of the landowner on which whose property the vehicle is located that the and information indicating that the vehicle is an abandoned motor vehicle.

(2) ~~An owner or agent of an owner~~ A landowner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property or to any other place on any property of the landowner, and may contact a towing service for its removal ~~from that property of an abandoned~~

~~vehicle. If an owner or agent of an owner~~ A landowner who removes or causes removal of an abandoned motor vehicle, ~~the owner or agent~~ shall immediately notify the police agency in the jurisdiction from which the vehicle is removed. ~~Notification shall include identification of~~ and provide the registration plate number, the public vehicle identification number, if available, and the make, model, and color of the vehicle. ~~The owner or agent of an owner of property upon which a motor vehicle is abandoned~~ landowner may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service under the provisions of this subsection, without incurring any civil liability to the owner of the abandoned vehicle.

§ 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

(a) ~~Within 30 days of removal of the vehicle, a towing service which has removed an abandoned motor vehicle~~ A landowner on whose property an abandoned motor vehicle is located shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department ~~of Motor Vehicles~~ within 30 days of the date the vehicle was discovered on or brought to the property unless the vehicle has been removed from the property. An abandoned motor vehicle certification form shall indicate the date ~~of removal, that the abandoned motor vehicle was discovered or brought to the property; the~~ make, color, model, and location found, and of the vehicle; the

name, address, and ~~phone~~ telephone number of the ~~towing service~~, landowner; and a certification of the public vehicle identification number, if any, to be recorded by a law enforcement officer. This subsection shall not be construed as creating a private right of action against the landowner.

(b) Upon receipt of an abandoned motor vehicle certification form, the Commissioner ~~of Motor Vehicles~~ shall attempt to identify and notify the owner of the vehicle as required by section 2154 of this title. If no owner can be determined by the Commissioner within the time period allowed by section 2154 of this title, the Commissioner shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title, or both, and the vehicle may be disposed of in the manner set forth in section 2156 of this title.

**§ 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED
MOTOR VEHICLES**

(a) The Department ~~of Motor Vehicles~~ shall make a reasonable attempt to locate an owner of an abandoned motor vehicle.

(1) If the abandoned motor vehicle is not identifiable by its registration plates or public vehicle identification number, and if no owner can be determined within 21 days of the date of receipt of the abandoned motor vehicle certification form, the Commissioner ~~of Motor Vehicles~~ shall issue a certificate of abandoned motor vehicle with an appropriate title or salvage title.

(2) If the abandoned motor vehicle is identifiable by its registration plates or public vehicle identification number, the Department of ~~Motor Vehicles~~ shall, within three business days of receipt of the form for certification of abandoned motor vehicle, send notice to the last known registered owner and lienholder of the vehicle. The notice shall be sent by certified mail, return receipt requested, and shall advise the last known registered owner of the motor vehicle's location and a telephone number where additional information about the motor vehicle may be obtained. If the receipt is not returned to the Department within seven business days, the Commissioner shall, by first class mail, send a second notice. Within 21 days of sending the second notice, the last known registered owner or lienholder may reclaim and retrieve the motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or arranging to pay any fees or charges authorized by section 2155 of this title. If the last known registered owner or lienholder fails or refuses to reclaim the motor vehicle within 21 days of the second mailing, the Commissioner of ~~Motor Vehicles~~ shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title.

(b) An owner or lienholder may reclaim an abandoned motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or reimbursing, or making arrangements to pay or

*reimburse, the towing agency, the Department of ~~Motor Vehicles~~, or the ~~owner~~
~~or agent of private property~~ landowner, as the case may be, any towing fee or
storage charges permitted under section 2155 of this title.*

§ 2155. FEES AND CHARGES

*(a) Towing fees. For towing an abandoned motor vehicle from private
property, a towing service may charge a reasonable fee to be paid by the
vehicle owner or ~~agent of the owner~~ the landowner of the private property.*

*(b) Storage charges. In addition to any towing fee, an owner or lienholder
reclaiming an abandoned motor vehicle may be charged and shall pay a fee
for the costs of storage of the vehicle, except that no fee may be charged for
storage for any period preceding the date upon which the form for abandoned
motor vehicle certification is sent ~~by the towing service~~ to the Department of
~~Motor Vehicles~~.*

* * *

* * * *Repeals and Conforming Change* * * *

Sec. 78. REPEALS

The following sections are repealed:

(1) 23 V.S.A. § 366 (log-haulers; registration).

*(2) 23 V.S.A. § 423 (negotiating and entering into an interstate compact
regarding truck license fees).*

(3) 23 V.S.A. § 605 (unsatisfied judgment; suspension).

Sec. 79. 23 V.S.A. § 369 is amended to read:

§ 369. TRACTORS OTHER THAN FARM TRACTORS

The annual fee for registration of a tractor, except ~~log haulers on snow roads and~~ farm tractors as otherwise provided in this chapter, shall be based on the actual weight of such tractor at the same rate as that provided for trucks of like weight under the provisions of this chapter. The minimum fee for registering any tractor shall be \$20.00.

Sec. 80. 23 V.S.A. § 603(a)(2) is amended to read:

(2) The Commissioner may, however, in his or her discretion, refuse to issue a license to any person whenever he or she is satisfied from information given him or her by credible persons, and upon investigation, that the person is mentally or physically unfit, or because of his or her habits, or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. A person refused a license; under the provisions of this subsection ~~or section 605 of this title,~~ shall be entitled to hearing as provided in sections 105–107 of this title.

** * * Chemicals of High Concern to Children; Vehicle Exemptions * * **

Sec. 81. 18 V.S.A. § 1772 is amended to read:

§ 1772. DEFINITIONS

As used in this chapter:

** * **

(8) “Consumer product” means any product that is regularly used or purchased to be used for personal, family, or household purposes. “Consumer product” shall not mean:

* * *

(G) an aircraft, motor vehicle, wheelchair, or vessel;

* * *

(13) “Motor vehicle” means ~~every vehicle intended primarily for use and operation on the public highways and shall include snowmobiles, all-terrain vehicles, and farm tractors and other machinery used in the production, harvesting, and care of farm products~~ all vehicles propelled or drawn by power other than muscular power, including snowmobiles, motorcycles, all-terrain vehicles, farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, or tracked vehicles or electric personal assistive mobility devices.

* * *

* * * Signage on State Property Regarding Unlawful Idling * * *

Sec. 82. INSTALLATION OF SIGNAGE REGARDING UNLAWFUL

IDLING OF MOTOR VEHICLE ENGINES

Before July 1, 2017, the Department of Buildings and General Services (Department), in consultation with the Agency of Transportation, shall oversee completion of a project to install signs on property owned or controlled by the

State where parking is permitted indicating that idling of motor vehicle engines in violation of 23 V.S.A. § 1110 is prohibited. At a minimum, the Department shall install at least one such sign at each rest area, information center, park and ride facility, parking structure, and building owned or controlled by the State with a parking capacity of 25 pleasure cars or more. In its discretion, the Department may install additional signs at each such facility or at other State-owned or -controlled facilities where parking is permitted.

~~(b) On or before January 15, 2017, the Commissioner of Buildings and General Services, after consulting with the Secretary of Transportation, shall submit an interim written report to the House and Senate Committees on Transportation on the Department's activities and plans to complete the project required under subsection (a) of this section.~~

~~*** Driving Under the Influence; Saliva Testing ***~~

~~Sec. 83. 23 V.S.A. § 1200 is amended to read:~~

~~§ 1200. DEFINITIONS~~

~~As used in this subchapter:~~

~~***~~

~~(3) "Evidentiary test" means a breath, saliva, or blood test which indicates the person's alcohol concentration or the presence of other drug and which is intended to be introduced as evidence.~~

~~***~~

~~Sec. 84. 23 V.S.A. § 1201 is amended to read:~~

~~§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF~~

~~INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL
REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE~~

~~(a) A person shall not operate, attempt to operate, or be in actual physical
control of any vehicle on a highway:~~

~~(1) when the person's alcohol concentration is:~~

~~(A) 0.08 or more; or~~

~~(B) 0.02 or more if the person is operating a school bus as defined in
subdivision 4(34) of this title; or~~

~~(C) 0.04 or more if the person is operating a commercial motor
vehicle as defined in subdivision 4103(4) of this title; or~~

~~(D) 0.05 or more and the person has 1.5 nanograms per milliliter of
delta-9 tetrahydrocannabinol in the person's blood; or~~

~~(2) when the person is under the influence of intoxicating liquor; or~~

~~(3) when the person is under the influence of any other drug or under
the combined influence of alcohol and any other drug; or~~

~~(4) when the person's alcohol concentration is 0.04 or more if the
person is operating a commercial motor vehicle as defined in subdivision
4103(4) of this title.~~

~~(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section.~~

~~(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in the system.~~

~~***~~

~~Sec. 85. 23 V.S.A. § 1202 is amended to read:~~

~~§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR DRUG IMPAIRMENT~~

~~(a)(1) Implied consent.~~

~~(1) Breath test. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of~~

~~other drug in the blood. The test shall be administered at the direction of a law enforcement officer.~~

~~(2)(A) Blood test. If A person is deemed to have given consent to the taking of an evidentiary sample of blood if:~~

~~(i) breath testing equipment is not reasonably available; or if~~

~~(ii) the law enforcement officer has ~~reason~~ reasonable grounds to believe that the person:~~

~~(I) is unable to give a sufficient sample of breath for testing; or if the law enforcement officer has reasonable grounds to believe that the person~~

~~(II) is under the influence of a drug other than alcohol; or~~

~~(III) the person is deemed to have given consent to the taking of an evidentiary sample of blood is under the influence of alcohol and a drug.~~

~~(B) If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken.~~

~~(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of saliva. Any saliva test administered under this section shall be used only for~~

~~the limited purpose of detecting the presence of a drug in the person's body,
and shall not be used to extract DNA information.~~

~~(3)(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.~~

~~(4)(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.~~

~~* * *~~

~~Sec. 86. 23 V.S.A. § 1203 is amended to read:~~

~~§ 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND~~

~~VIDEOTAPE~~

~~(a) A breath test shall be administered only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.~~

~~(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, or laboratory assistant acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or other drug. This limitation does not apply to the taking of a breath or saliva sample.~~

~~(c) When a breath test which is intended to be introduced in evidence is taken with a crimper device, or when blood is withdrawn at an officer's request, a sufficient amount of breath, or blood, as the case may be, shall be taken to enable the person to have made an independent analysis of the sample, and shall be held for at least 45 days from the date the sample was taken. At any time during that period, the person may direct that the sample be sent to an independent laboratory of the person's choosing for an independent analysis. The Department of Public Safety shall adopt rules providing for the security of the sample. At no time shall the defendant or any agent of the defendant have access to the sample. A preserved sample of breath shall not be required when an infrared breath-testing instrument is used. A person tested with an infrared breath-testing instrument shall have the option of having a second infrared test administered immediately after receiving the results of the first test.~~

~~(d) In the case of a breath test administered using an infrared breath testing breath-testing instrument, the test shall be analyzed in compliance with~~

~~rules adopted by the Department of Public Safety. The analyses shall be retained by the State. A sample is adequate if the infrared ~~breath testing~~ breath testing instrument analyzes the sample and does not indicate the sample is deficient. Analysis of the person's breath, saliva, or blood which is available to that person for independent analysis shall be considered valid when performed according to methods approved by the Department of Public Safety. The analysis performed by the State shall be considered valid when performed according to a method or methods selected by the Department of Public Safety. The Department of Public Safety shall use ~~rule-making~~ rulemaking procedures to select its method or methods. Failure of a person to provide an adequate breath or saliva sample constitutes a refusal.~~

~~(e) [Repealed.]~~

~~(f) When a law enforcement officer has reason to believe that a person may be violating or has violated section 1201 of this title, the officer may request the person to provide a sample of breath or saliva for a preliminary screening test using a device approved by the Commissioner of Public Safety for this purpose. The person shall not have the right to consult an attorney prior to submitting to this preliminary ~~breath alcohol~~ screening ~~test~~. The results of this preliminary screening ~~test~~ may be used for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test and shall not be used in any court proceeding except on those issues. Following the~~

~~screening test, additional tests may be required of the operator pursuant to the provisions of section 1202 of this title.~~

~~(g) The Office of the Chief Medical Examiner shall report in writing to the Department of Motor Vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of ~~such~~ the accident within five days of ~~such~~ the death.~~

~~(h) A Vermont law enforcement officer shall have a right to request a breath, saliva, or blood sample in an adjoining state or country under this section unless prohibited by the law of the other state or country. If the law in an adjoining state or country does not prohibit an officer acting under this section from taking a breath, saliva, or blood sample in its jurisdiction, evidence of such sample shall not be excluded in the courts of this State solely on the basis that the test was taken outside the State.~~

~~(i) The Commissioner of Public Safety shall adopt emergency rules relating to the operation, maintenance, and use of preliminary drug or alcohol screening devices for use by law enforcement officers in enforcing the provisions of this title. The ~~commissioner~~ Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any preliminary alcohol screening device authorized for use under this title shall be on the qualified products list of the National Highway Traffic Safety Administration.~~

* * *

Sec. 87. 23 V.S.A. § 1203a is amended to read:

§ 1203a. INDEPENDENT CHEMICAL TEST; BLOOD TESTS

(a) A person tested has the right at the person's own expense to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of the law enforcement officer under section 1203 of this title. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of an enforcement officer unless the additional test was prevented or denied by the enforcement officer.

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary breath or saliva test, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

* * *

~~Sec. 88. 23 V.S.A. § 1204 is amended to read:~~

~~§ 1204. PERMISSIVE INFERENCES~~

~~(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, attempting to operate, or in actual physical control of a vehicle on a highway, the person's alcohol concentration or alcohol concentration and evidence of delta-9 tetrahydrocannabinol shall give rise to the following permissive inferences:~~

~~(1) If the person's alcohol concentration at that time was less than 0.08, such fact shall not give rise to any presumption or permissive inference that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.~~

~~(2) If the person's alcohol concentration at that time was 0.08 or more, it shall be a permissive inference that the person was under the influence of intoxicating liquor in violation of subdivision 1201(a)(2) or (3) of this title.~~

~~(3) If the person's alcohol concentration at that time was 0.05 or more and the person had 1.5 nanograms per milliliter of delta-9 tetrahydrocannabinol in the person's blood, it shall be a permissive inference that the person was under the combined influence of alcohol and any other drug in violation of subdivision 1201(a)(3) of this title.~~

~~(1) If the person's alcohol concentration at any time within two hours of the alleged offense was 0.10 or more, it shall be a permissive inference that the person was under the influence of intoxicating liquor in violation of subdivision 1201(a)(2) or (3) of this title.~~

~~(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor, nor shall they be construed as requiring that evidence of the amount of alcohol in the person's blood, breath, urine, or saliva must be presented.~~

~~*** Colored Lights on Fire Department and EMS Vehicles ***~~

~~Sec. 89. 23 V.S.A. § 1252 is amended to read:~~

~~§ 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
OR BOTH; USE OF AMBER LAMPS~~

~~(a) When satisfied as to the condition and use of the vehicle, the Commissioner shall issue and may revoke, for cause, permits for sirens or colored signal lamps in the following manner:~~

~~(1)(A) Sirens or blue or blue and white signal lamps, or a combination of these, may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Training Council. If the applicant is a constable, the application shall be accompanied by a certification by the town clerk that~~

~~the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. § 1936a.~~

~~(B) One blue signal lamp may be authorized for use on a vehicle owned or leased by a fire department or on an emergency medical service (EMS) vehicle, provided that the Commissioner shall require the lamp to be mounted so as to be visible primarily from the rear of the vehicle.~~

~~(2) Sirens and red or red and white signal lamps may be authorized for all ambulances and other EMS vehicles, fire apparatus department vehicles, vehicles used solely in rescue operations, or vehicles owned or leased by, or provided to, volunteer firefighters and voluntary rescue squad members, including a vehicle owned by a volunteer's employer when the volunteer has the written authorization of the employer to use the vehicle for emergency fire or rescue activities.~~

~~(3) No vehicle may be authorized a permit for more than one of the combinations described in subdivisions (1) and (2) of this subsection.~~
~~[Repealed.]~~

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

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

~~(6) Sirens and red or red and white signal lamps, or sirens and blue or blue and white signal lamps, may be authorized for restored emergency or enforcement vehicles used for exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated during an exhibition, such as a car show or parade.~~

~~***~~

~~Sec. 90. 23 V.S.A. § 1255 is amended to read:~~

~~§ 1255. EXCEPTIONS~~

~~(1)(a) The provisions of section 1251 of this title shall not apply to directional signal lamps of a type approved by the Commissioner of Motor Vehicles.~~

~~(2)(b) All persons with motor vehicles equipped as provided in subdivision subdivisions 1252(a)(1) and (2) of this title, shall use the sirens or colored signal lamps, or both, only in the direct performance of their official duties. When any person other than a law enforcement officer, firefighter, or emergency medical service (EMS) responder is operating a motor vehicle equipped as provided in subdivision 1252(a)(1) of this title, the colored signal lamp shall be either removed, covered, or hooded. When any person, other than an authorized ~~ambulance~~ EMS vehicle operator, firefighter, or authorized~~

~~operator of vehicles used in a rescue operation, is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the colored signal lamps shall be either removed, covered, or hooded unless the operator holds a senior operator license.~~

~~*** Effective Dates and Transition Provision ***~~

~~Sec. 91. EFFECTIVE DATES; CONTINGENT EFFECTIVE DATES;~~

~~APPLICABILITY TO DUI MATTERS~~

~~(a) This section and Secs. 12 (positions); 13 (Rail Program); 14 (sale of State-owned rail property); Secs. 26, 27, 28, 29, 30, 31, 32, and 33 (stormwater utilities; rates; incentives); 35 (statewide property parcel data layer; findings); 38 (Quechee Gorge Bridge safety issues); Sec. 81 (chemicals of high concern to children); and 82 (prohibited idling of motor vehicles; signs) shall take effect on passage.~~

~~(b) Secs. 29a, 30a, and 31a shall take effect if and when two stormwater utilities, as defined in 10 V.S.A. § 1251(18), are adopted by municipalities after the effective date of Secs. 29, 30, and 31 of this act.~~

~~(c) Sec. 29b, 30b, and 31b shall take effect if and when three stormwater utilities, as defined in 10 V.S.A. § 1251(18), are adopted by municipalities after the effective date of Secs. 29, 30, and 31 of this act.~~

~~(d) The requirement for a second or subsequent DUI offender to operate under an ignition interlock RDL or certificate as a condition of eligibility for~~

~~reinstatement of the offender's regular operator's license or privilege to operate, created under Sec. 46, amending 23 V.S.A. § 1209a, shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.~~

** * * Study of DUI Drug Offense Enforcement Challenges * * **

Sec. 83. STUDY OF DUI DRUG OFFENSE ENFORCEMENT

CHALLENGES

The Executive Director of the Department of State's Attorneys and Sheriffs or designee, in consultation with the Commissioner of Public Safety or designee, the Impaired Driving Project Manager of the Governor's Highway Safety Program, and attorneys representing DUI defendants, shall study challenges in the enforcement of DUI drug offenses, including the lack of a rapid roadside tool such as a preliminary screening test of saliva to detect drugs other than alcohol, and shall identify recommended improvements in the processes used to detect, arrest, and process drug-impaired drivers and to the laws that govern these processes. On or before November 1, 2016, the Executive Director shall report his or her findings and recommendations to the Joint Legislative Justice Oversight Committee, the House and Senate Committees on Judiciary, and the House and Senate Committees on Transportation.

** * * Effective Dates and Transition Provision * * **

Sec. 84. EFFECTIVE DATES; APPLICABILITY TO DUI MATTERS

(a) This section and Secs. 12 (positions); 13 (Rail Program); 14 (sale of State-owned rail property); 26, 27, 28, 29, 30, 31, 32, and 33 (stormwater utilities; rates; incentives); 35 (statewide property parcel data layer; findings); 38 (Quechee Gorge Bridge safety issues); 81 (chemicals of high concern to children); and 82 (prohibited idling of motor vehicles; signs) shall take effect on passage.

(b) The requirement for a second or subsequent DUI offender to operate under an ignition interlock RDL or certificate as a condition of eligibility for reinstatement of the offender's regular operator's license or privilege to operate, created under Sec. 46, amending 23 V.S.A. § 1209a, shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.