

Journal of the House

Friday, April 21, 2017

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Tom Stevens of Waterbury.

House Bill Introduced

H. 537

By Rep. Morris of Bennington,
House bill, entitled

An act relating to the professional regulation of massage therapists by the Office of Professional Regulation;

To the committee on Government Operations.

Bill Referred to Committee on Appropriations

H. 196

House bill, entitled

An act relating to paid family leave

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Recess

At nine o'clock and fifty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and fifty-eight minutes in the forenoon, the Speaker called the House to order.

Third Reading; Bill Passed

H. 526

House bill, entitled

An act relating to regulating notaries public

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 536**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Colchester

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 20**

Senate bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 72**

Senate bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered**H. 333**

Rep. Gonzalez of Winooski, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 18 V.S.A. chapter 40, in § 1792, Single-User Restrooms, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read:

(a) Any single-user toilet facility in a public building or place of public accommodation shall be made available for use by persons of any gender, and

designated for use by no more than one occupant at a time or for family or assisted use. A single-user toilet facility may be identified by a sign, provided that the sign marks the facility as a restroom and does not indicate any specific gender.

Second: In Sec. 2, Effective Date, by striking out “passage” and inserting in lieu thereof July 1, 2017

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Strong of Albany** moved to amend the bill as follows:

In Sec. 1, 18 V.S.A. chapter 40, in § 1792, Single-User Restrooms, in subsection (b), by inserting after 20 V.S.A. § 2730 “, except that “public building” shall not mean a house of worship”

Thereupon, **Rep. Strong of Albany** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time? **Rep. Head of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 123. Nays, 19.

Those who voted in the affirmative are:

- | | | |
|--|---------------------------|---------------------------|
| Ancel of Calais | Gardner of Richmond | Ode of Burlington |
| Bancroft of Westford | Giambatista of Essex | Olsen of Londonderry |
| Bartholomew of Hartland | Gonzalez of Winooski | O'Sullivan of Burlington |
| Baser of Bristol | Grad of Moretown | Parent of St. Albans Town |
| Beck of St. Johnsbury | Greshin of Warren | Partridge of Windham |
| Belaski of Windsor | Haas of Rochester | Pearce of Richford |
| Bissonnette of Winooski | Harrison of Chittenden | Poirier of Barre City |
| Bock of Chester | Head of South Burlington | Potter of Clarendon |
| Botzow of Pownal | Hill of Wolcott | Pugh of South Burlington |
| Brennan of Colchester | Hooper of Montpelier | Quimby of Concord |
| Briglin of Thetford | Hooper of Brookfield | Rachelson of Burlington * |
| Browning of Arlington | Houghton of Essex | Savage of Swanton |
| Brumsted of Shelburne | Howard of Rutland City | Scheu of Middlebury |
| Burke of Brattleboro | Jessup of Middlesex | Scheuermann of Stowe |
| Carr of Brandon | Jickling of Brookfield | Sharpe of Bristol |
| Chesnut-Tangerman of
Middletown Springs | Joseph of North Hero | Shaw of Pittsford |
| Christensen of Weathersfield | Juskiewicz of Cambridge | Sheldon of Middlebury |
| Christie of Hartford | Keefe of Manchester | Sibilia of Dover |
| Cina of Burlington | Keenan of St. Albans City | Smith of Derby |
| | Kimbell of Woodstock | Smith of New Haven |

Colburn of Burlington	Kitzmiller of Montpelier	Squirrell of Underhill
Condon of Colchester	Krowinski of Burlington *	Stevens of Waterbury
Conlon of Cornwall	LaClair of Barre Town	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lawrence of Lyndon	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lefebvre of Newark	Taylor of Colchester
Corcoran of Bennington	Lippert of Hinesburg	Till of Jericho
Cupoli of Rutland City	Long of Newfane	Toleno of Brattleboro
Dakin of Colchester	Lucke of Hartford	Toll of Danville
Deen of Westminster	Masland of Thetford	Townsend of South Burlington
Devereux of Mount Holly	McCormack of Burlington	Trieber of Rockingham
Dickinson of St. Albans Town	McCoy of Poultney	Troiano of Stannard
Donahue of Northfield	McCullough of Williston	Turner of Milton
Donovan of Burlington	McFaun of Barre Town	Walz of Barre City
Dunn of Essex	Miller of Shaftsbury	Weed of Enosburgh
Emmons of Springfield	Morris of Bennington	Wood of Waterbury
Fagan of Rutland City	Morrissey of Bennington	Wright of Burlington
Feltus of Lyndon	Mrowicki of Putney	Yacovone of Morristown
Fields of Bennington	Murphy of Fairfax	Yantachka of Charlotte
Forguites of Springfield	Myers of Essex	Young of Glover
Gannon of Wilmington	Nolan of Morristown	
	Norris of Shoreham	
	Noyes of Wolcott	

Those who voted in the negative are:

Batchelor of Derby	Hebert of Vernon	Rosenquist of Georgia
Beyor of Highgate	Helm of Fair Haven	Strong of Albany
Canfield of Fair Haven	Higley of Lowell	Terenzini of Rutland Town
Frenier of Chelsea *	Hubert of Milton	Van Wyck of Ferrisburgh
Gage of Rutland City	Lewis of Berlin	Viens of Newport City
Gamache of Swanton *	Marcotte of Coventry	
Graham of Williamstown	Martel of Waterford	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Lanpher of Vergennes	Willhoit of St. Johnsbury
Buckholz of Hartford	Macaig of Williston	
Burditt of West Rutland	Webb of Shelburne	

Rep Frenier of Chelsea explained his vote as follows:

“Madam Speaker:

Some people come to know their God best when they worship with members of their own gender. Their custom is to have separated restrooms. The smallest temples, mosques and churches have only single stall restrooms. We have stepped on their customs.”

Rep. Gamache of Swanton explained her vote as follows:

“Madam Speaker:

I voted no on H.333 because there is no accommodation for houses of worship. This is overreach by the Vermont State Government and violates the traditional practice of religious freedom guaranteed by the U.S. Constitution and 1st amendment.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I support this legislation because it sends the message that we value all Vermonters and strive for inclusiveness in all communities.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

H.333 will bring safety to people who get threatened by picking what others deem the “wrong bathroom.” I know many will experience less trauma, including children, in having a very basic need met.”

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 127

Rep. Brennan of Colchester, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following::

House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Special Plates and Placards for Persons With Disabilities * * *

Sec. 1. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
PEOPLE WITH DISABILITIES

(a) The following definitions shall apply to this section:

* * *

(6) “Eligible person” means:

(A) a person who is blind or has an ambulatory disability and has

been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

* * *

(e)(1) A person, other than an eligible person, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be ~~fin~~subject to a civil penalty of not less than \$200.00 for each violation and shall be liable for towing charges.

(2) A person, other than an eligible person, who displays a special registration plate or removable windshield placard not issued to him or her under this section and parks a vehicle in a space for persons with disabilities, shall be subject to a civil penalty of not less than \$400.00 for each violation and shall be liable for towing charges.

~~(3) He or she shall~~ A person who violates this section also shall be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed.

(4) The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section.

(5) A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

* * *

* * * Special License Plates * * *

Sec. 2. 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATIONMOTOR VEHICLE REGISTRATION PLATES

* * *

(b) Initial fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$12.00~~ 46 percent to the Transportation Fund.

(2) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit

into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(3) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(2) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(3) ~~\$4.00~~ 16 percent to the Transportation Fund.

(d) The Commissioner of Fish and Wildlife is authorized to deposit fees collected by the Department of Fish and Wildlife under subsections (b) and (c) of this section into the Conservation Camp Fund when the fees collected exceed the annual funding needs of the Nongame Wildlife Account and the Watershed Management Account.

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

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING
BRIGHT SPACES FOR BRIGHT FUTURES FUND

* * *

(b) Fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$7.00~~ 29 percent to the Transportation Fund.

(2) ~~\$17.00~~ 71 percent to the Department for Children and Families for deposit in the Bright Futures Fund created in 33 V.S.A. § 3531.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$19.00~~ 79 percent to the Department for Children and Families for deposit in the Bright Futures Fund in 33 V.S.A. § 3531.

(2) ~~\$5.00~~ 21 percent to the Transportation Fund.

(d) The Department of Motor Vehicles shall be charged by the Department of Corrections for the production of the Bright Futures Fund license plates.

* * * Annual Special Excess Weight Permits * * *

Sec. 4. 23 V.S.A. § 305 is amended to read:

§ 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, validation stickers, and number plates upon initial registration, and registration certificates and validation stickers for each succeeding renewal period of registration, upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the month of issue unless a longer initial registration period is authorized by law, or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue. ~~The fees for annual special excess weight permits issued to these vehicles pursuant to section 1392 of this title shall be prorated so as to coincide with registration expiration dates.~~

* * *

* * * Temporary Registration * * *

Sec. 5. 23 V.S.A. § 312 is amended to read:

§ 312. TEMPORARY REGISTRATION PENDING ISSUANCE OF CERTIFICATE OF TITLE

(a) In his or her discretion, the Commissioner may issue a temporary registration certificate to a person required to obtain a certificate of title in accordance with chapter 21 of this title upon payment of the registration fee provided in subchapter 2 of this chapter and of the title fee. The temporary registration certificate and the number plate shall be valid for 60 days and shall not be renewed. At the expiration of the temporary registration, a permanent registration certificate and a set of number plates shall be issued provided that all documents and information required by law are filed with the Commissioner.

(b) The registration fee paid in accordance with subsection (a) of this section shall not be refunded, except that the fee shall be deemed the fee for the permanent registration, if one is issued, or shall be deemed the fee for another an application for registration to register another vehicle, if the title requirements are met during that registration period. Likewise, the title fee shall be deemed the fee for the title, if one is issued, or shall be deemed the fee for an application to title another vehicle.

* * * Registration Transfers * * *

Sec. 6. 23 V.S.A. § 321 is amended to read:

§ 321. PROCEDURE UPON TRANSFER

Upon the transfer of ownership of any registered motor vehicle its registration shall expire. The person in whose name the transferred vehicle was registered shall immediately return direct to the Commissioner the

registration certificate assigned to the transferred vehicle, with the date of sale and the name and residence of the new owner endorsed on the back. However, the Commissioner may accept any other satisfactory evidence of the above required information. The transferor shall forthwith remove the registration number plates from the transferred vehicle and may attach the same to another unregistered motor vehicle owned by him or her. Upon the transfer of registration plates from a motor vehicle, the registration of which has expired as above provided, to another motor vehicle, owned by the ~~transferer~~ transferor, the owner or operator shall not, for a period of ~~30~~ 60 days, be subject to a fine for the operation of the latter motor vehicle without the proper registration certificate, provided he or she has, within 24 hours of the transfer, made application, as provided in section 323 of this title, for transfer of the registration number plates. If such application for transfer is not so received by the Commissioner, the number plates shall be returned to the Commissioner at the end of five days after the transfer of ownership.

* * * Registration Fees; Local Transit Buses * * *

Sec. 7. 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be \$62.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public transportation service is thereafter registered for general use during the same registration year, such fee shall be applied towards the fee for general registration.

(b) As used in this section, a motor bus used in public transportation service ~~bus~~ is a bus used by a nonprofit public transit system as defined in 24 V.S.A. § 5088(3), and a motor bus used in local transit ~~bus~~ is a motor bus used entirely within or not more than ~~40~~ 100 miles beyond the boundaries of a city or town.

* * * Exhibition Vehicles * * *

Sec. 8. 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 general daily~~ transportation of passengers or property on any highway, ~~except to attend such functions~~, shall be \$21.00, in lieu of fees otherwise provided by law.

Permitted use shall include:

- (1) use in exhibitions, club activities, parades, and other functions of public interest; and
- (2) occasional transportation of passengers or property not more than one day per week.

* * *

* * * Licenses and Permits to Operate; Refusals to Issue * * *

Sec. 9. 23 V.S.A. § 603(c) is amended to read:

(c) An operator operator's license, junior operator operator's license, or learner learner's permit shall not be issued to an applicant whose license or learner, learner's permit, or privilege to operate is suspended, revoked, or canceled in any jurisdiction.

Sec. 10. CONFORMING CHANGES

(a) In 23 V.S.A. § 601(b), the phrase "operator licenses" shall be replaced with "operator's licenses" wherever it appears.

(b) In 23 V.S.A. § 603(b) and (d), wherever they appear:

(1) The phrase "operator license" shall be replaced with "operator's license."

(2) The phrase "junior operator license" shall be replaced with "junior operator's license."

(3) The phrase "learner permit" shall be replaced with "learner's permit."

* * * Learner's Permits; Operation Under * * *

Sec. 11. 23 V.S.A. § 615 is amended to read:

§ 615. UNLICENSED OPERATORS

(a)(1)(A) An unlicensed person 15 years of age or older may operate a motor vehicle if he or she possesses a valid learner's permit issued to him or her by the Commissioner, or by another jurisdiction in accordance with section 208 of this title, and if one of the following persons who is not under the influence of alcohol or drugs rides beside him or her:

- (i) his or her licensed parent or guardian;
- (ii) a licensed or certified driver education instructor;
- (iii) a licensed examiner of the Department; or

(iv) a licensed person at least 25 years of age rides beside him or her.

(B) A person described under subdivisions (A)(i)-(iv) of this subdivision (1) who, while under the influence of alcohol or drugs, rides beside an individual whom the person knows to be unlicensed shall be subject to the same penalties as for a violation of subsection 1130(b) of this title. A holder of a learner's permit shall not be deemed to have violated this section if a person described under subdivisions (A)(i)-(iv) of this subdivision (1) rides beside him or her while the person is under the influence of alcohol or drugs.

(C) Nothing in this section shall be construed to permit a person against whom a revocation or suspension of license is in force, or a person younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

* * *

* * * Distracted Driving * * *

Sec. 12. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

* * *

(c) Penalties.

(1) A person who violates this section commits a traffic violation and shall be subject to a fine of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within a ~~properly designated work zone in which construction, maintenance, or utility personnel are present~~ the following areas shall have ~~two~~ four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

(A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or

(B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside ~~a work zone in which personnel are present~~ the areas designated in subdivision (2) of this subsection shall ~~not~~ have two points assessed against his or her driving record

for a first conviction and four points assessed for a second or subsequent conviction.

* * *

Sec. 13. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

- | | | |
|---------|-------------------------------|--|
| (LL)(i) | § 1095. | Entertainment picture visible to operator; |
| (ii) | § 1095b(c) (2) (3) | Use of portable electronic device in <u>outside</u> work <u>or</u> school zone - first offense; |

* * *

(3) Four points assessed for:

- | | | |
|-----|---------------|--|
| (A) | § 1012. | Failure to obey enforcement officer; |
| (B) | § 1013. | Authority of enforcement officers; |
| (C) | § 1051. | Failure to yield to pedestrian; |
| (D) | § 1057. | Failure to yield to persons who are
blind; |
| (E) | § 1095b(c)(2) | <u>Use of portable electronic device in work or school zone—first offense;</u> |
| (F) | § 1095b(c)(3) | <u>Use of portable electronic device outside work or school zone—second and subsequent offenses;</u> |

(4) Five points assessed for:

-
- (A) § 1050. Failure to yield to emergency vehicles;
 - (B) § 1075. Illegal passing of school bus;
 - (C) § 1099. Texting prohibited;
 - (D) § 1095b(c)(2) Use of portable electronic device in work or school zone—second and subsequent offenses;

* * *

* * * DUI-Related Provisions * * *

Sec. 14. 23 V.S.A. chapter 13, subchapter 13 is amended to read:

Subchapter 13. Drunken Driving

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(10) “Random retest” means a test of a vehicle operator’s blood alcohol concentration, other than a test required to start the vehicle, that is required at random intervals during operation of a vehicle equipped with an ignition interlock device.

* * *

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

* * *

(b) Abstinence.

(1)(A) 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 nonprescription regulated drugs, or both. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.

(B) 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.

* * *

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

* * *

(e) ~~Except as provided in subsection (m) of this section, the~~ 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.

* * *

(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. After an initial random retest to occur within 15 minutes of the vehicle starting, subsequent random retests shall occur on average not more often than once every 30 minutes. 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.~~

* * *

* * * Length of Vehicles * * *

Sec. 15. 23 V.S.A. § 1402(b)(2) is amended to read:

~~(2) Notwithstanding the provisions of this section, the Agency of Transportation may erect signs at those locations where it would be unsafe to operate vehicles in excess of 68 feet in length. [Repealed.]~~

Sec. 16. 23 V.S.A. § 1432 is amended to read:

§ 1432. LENGTH OF VEHICLES; ~~AUTHORIZED HIGHWAYS~~

* * *

~~(f) List of approved highways. The Commissioner shall prepare a list of each highway that has been approved for travel by vehicles referred to in subsection (a) of this section. The list shall be furnished, without charge, to each permitting service, electronic dispatching service, or other similar service authorized to do business in this State and, upon request, to any interested person. [Repealed.]~~

* * * Transfer of Title, Registration; Vessels, Snowmobiles, and ATVs * * *

Sec. 17. 23 V.S.A. § 3816 is amended to read:

§ 3816. TRANSFER OF INTEREST IN VESSEL, SNOWMOBILE, OR ALL-TERRAIN VEHICLE

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

* * *

(e)(1) Pursuant to the provisions of 14 V.S.A. § 313, whenever the estate of an individual who dies intestate consists principally of a vessel, snowmobile,

or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of the vessel, snowmobile, or all-terrain vehicle and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. ~~The surviving spouse may register~~ Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle ~~by paying a transfer fee not to exceed \$2.00~~ in the name of the surviving spouse, and no fee shall be assessed.

(2) Notwithstanding any contrary provision of law, and except as provided in subdivision (3) of this subsection, whenever the estate of an individual consists in whole or in part of a vessel, snowmobile, or all-terrain vehicle, and the person's will or other testamentary document does not specifically address disposition of the same, the surviving spouse shall be deemed to be the owner and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle in the name of the surviving spouse, and no fee shall be assessed.

(3) This subsection shall not apply if the vessel, snowmobile, or all-terrain vehicle is titled in the name of one or more persons other than the decedent and the surviving spouse.

* * * Enforcement of Snowmobile and Boating Violations * * *

Sec. 18. REPEAL

12 V.S.A. chapter 193 (snowmobile and boating violations) is repealed.

Sec. 19. 23 V.S.A. § 3208 is amended to read:

§ 3208. ADMINISTRATION AND ENFORCEMENT

* * *

(d) The provisions of this subchapter and the rules adopted pursuant thereto shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Testimony of a witness as to the existence of navigation or snowmobile control signs, signals, or markings, shall be prima facie evidence that such control, sign, signal, or marking existed pursuant to a lawful statute, regulation, or ordinance and that the defendant was lawfully required to obey a direction of such device.

(e) Law enforcement officers as defined in section 3302 of this title, ~~in accordance with the provisions of 12 V.S.A. chapter 193,~~ may conduct safety inspections on snowmobiles stopped for other snowmobile law violations on the Statewide Snowmobile Trail System. Safety inspections may also be conducted in a designated area by law enforcement officials. A designated

area shall be warned solely by blue lights either on a stationary snowmobile parked on a trail or on a cruiser parked at a roadside trail crossing.

Sec. 20. 23 V.S.A. § 3318 is amended to read:

§ 3318. ADMINISTRATION AND ENFORCEMENT

(a) The administration of the provisions of this chapter, as they pertain to the registration and numbering of vessels and the suspension of the privilege to operate vessels, shall be the responsibility of the Department of Motor Vehicles.

* * *

(c) The provisions of this subchapter and the rules adopted pursuant to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Law enforcement officers as defined in section 3302 of this title may also enforce the provisions of 10 V.S.A. § 1454 and the rules adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of 10 V.S.A. chapter 50.

* * * Motor Vehicle Purchase and Use Tax * * *

Sec. 21. 32 V.S.A. § 8902(5) is amended to read:

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

* * *

(B) the amount received from the sale of a motor vehicle last registered in his or her name, the amount not to exceed the ~~average-book clean trade-in~~ clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide, ~~National Automobile Dealers Association~~ (New England edition), or any comparable publication, provided such sale occurs within three months of the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment, and an additional 60 days following the person’s return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles;

* * *

Sec. 22. 32 V.S.A. § 8907 is amended to read:

§ 8907. COMMISSIONER, COMPUTATION OF TAXABLE COSTS

(a) The Commissioner may investigate the taxable cost of any motor vehicle transferred subject to the provisions of this chapter. If the motor vehicle is not acquired by purchase in Vermont or is received for an amount which does not represent actual value, or if no tax form is filed or it appears to the Commissioner that a tax form contains fraudulent or incorrect information, the Commissioner may, in his or her discretion, fix the taxable cost of the motor vehicle at the ~~average book~~ clean trade-in value of vehicles of the same make, type, model, and year of manufacture as designated by the manufacturer, as shown in the NADA Official Used Car Guide, National Automobile Dealers Association (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The Commissioner may compute and assess the tax due thereon, and notify the purchaser thereof forthwith by certified mail, and the purchaser shall remit the same within 15 days thereafter.

* * *

Sec. 23. MOTOR VEHICLE PURCHASE AND USE TAX; EXTENSION
OF THREE-MONTH PERIOD TO REDUCE TAXABLE COST

(a) Notwithstanding 32 V.S.A. § 8902(5)(B), the three-month limitation on the period in which to reduce the taxable cost of a motor vehicle by the sale of a previously owned vehicle shall not apply in the case of vehicles sold to the manufacturer pursuant to buyback agreement under a Volkswagen, Audi, or Porsche diesel engine defeat device settlement or judgment, if the vehicle is sold to the manufacturer:

(1) on or before November 10, 2017, in the case of 2.0 liter diesel engine Volkswagens and Audis; or

(2) on or before one year after buybacks commence under the 3.0 liter diesel engine class action settlement for Volkswagens, Audis, and Porsches.

(b) If a person paid a purchase and use tax in excess of the amount that would have been required if this section had been in effect at the time of the tax payment, the Commissioner of Motor Vehicles, upon application, shall issue the person a refund in accordance with this section.

* * * Vermont Strong License Plates * * *

Sec. 24. VERMONT STRONG MOTOR VEHICLE PLATES

(a) In 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, the General Assembly authorized the Department of Motor Vehicles to distribute “Vermont Strong” commemorative plates and authorized operators of certain Vermont-registered vehicles to display the commemorative plates over the regular front registration plates of such vehicles until June 30, 2014. In 2014 Acts and Resolves No. 189, Sec. 26, the authorized display period was extended to June 30, 2016.

(b) Through an executive order issued on June 2, 2016, No. 3–74, the Governor ordered and directed that the Commissioner of Motor Vehicles continue to permit Vermonters to display Vermont Strong plates on the front of eligible vehicles and that Vermont law enforcement officers refrain from ticketing or otherwise penalizing any Vermonter for displaying a Vermont Strong plate on eligible vehicles “until the General Assembly next has the opportunity to consider and clarify the duration of Vermont Strong Commemorative License Plates.”

(c) Under 23 V.S.A. § 511(a), “A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require.” The Commissioner has implemented this authority through a regulation, CVR 14-050-025, which states, “Two registration plates are issued to and must be displayed by all registered vehicles” with the exception of certain listed vehicles. The listed exceptions do not include pleasure cars or motor trucks, which therefore are required to display two registration plates unless otherwise provided by law.

(d) This subsection supersedes Executive Order 3–74. The display of Vermont Strong commemorative plates in place of front registration plates no longer is authorized. On and after September 1, 2017, the Commissioner of Motor Vehicles and law enforcement officers shall enforce the provisions of 23 V.S.A. § 511(a) and CVR 14-050-025 that require the display of two registration plates on pleasure cars and on motor trucks. Prior to September 1, 2017, the Commissioner shall take measures to raise public awareness that the display of Vermont Strong commemorative plates in place of front registration plates no longer is authorized.

* * * Incident Clearance; Duties; Limitation on Liability * * *

Sec. 25. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) ~~Any~~ Subject to subsection (c) of this section, any enforcement officer is authorized to:

(1) ~~move~~ cause the removal of a vehicle stopped, parked, or standing contrary to section 1101 of this title, or ~~to~~ require the driver or other person in

charge to move the vehicle to a safe position off the ~~paved~~ or main-traveled part of the highway;

(2) ~~remove~~ cause the removal of an unattended vehicle ~~which~~ or cargo that is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) ~~remove~~ cause the removal of any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances ~~which~~ that require his or her immediate removal from control of the vehicle.

(b) In the case of a crash involving a serious bodily injury or fatality, clearance of the crash scene may be delayed until the crash investigation is completed.

(c) A towing operator shall undertake removal of a vehicle or cargo under this section only if summoned to the scene by the vehicle owner or vehicle operator, or an enforcement officer, and is authorized to perform the removal as follows:

(1) The owner or operator of the vehicle or cargo being removed shall summon to the scene the towing operator of the owner's or operator's choice in consultation with the enforcement officer and designate the location to where the vehicle or cargo is to be removed.

(2) The provisions of subdivision (1) of this subsection shall not apply when the owner or operator is incapacitated or otherwise unable to summon a towing operator, does not make a timely choice of a towing operator, or defers to the enforcement officer's selection of the towing operator.

(3) The authority provided to the owner or operator under subdivision (1) of this subsection may be superseded by the enforcement officer if the towing operator of choice cannot respond to the scene in a timely fashion and the vehicle or cargo is a hazard, impedes the flow of traffic, or may not legally remain in its location in the opinion of the enforcement officer.

(d)(1) Except as provided in subdivision (2) of this subsection, the vehicle owner and the motor carrier, if any, shall be responsible to the law enforcement agency or towing operator for reasonable costs incurred solely in

the removal and subsequent disposition of the vehicle or cargo under this section.

(2) When applicable, the provisions of 10 V.S.A. § 6615 (liability for release of hazardous materials) shall apply in lieu of this subsection.

(e) Except for intentionally inflicted damage or gross negligence, an enforcement officer or a person acting at the direction of an enforcement officer who removes from a highway a motor vehicle or cargo that is obstructing traffic or maintenance activities or creating a hazard to traffic shall not be liable for damage to the vehicle or cargo incurred during the removal.

(f) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information which that might aid the Department in ascertaining the ownership of the vehicle and forward it the information to the Department. A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

(g)(1) Except as otherwise provided in subdivision (2) of this subsection, the operator of a vehicle involved in a crash who is required by law to stop the vehicle, or who elects to stop the vehicle, at the crash scene shall move and stop the vehicle at the nearest location where the vehicle will not impede traffic or jeopardize the safety of a person.

(2) The duty to move a vehicle under subdivision (1) of this subsection shall not apply when:

(A) the crash involved the death of or apparent injury to any person;

(B) the vehicle to be moved was transporting hazardous material;

(C) the vehicle cannot be operated under its own power without further damage to the vehicle or the highway; or

(D) the movement cannot be made without endangering other highway users.

(3) An operator required to move a vehicle under this subsection who fails to do so shall not be ticketed, assessed a civil penalty, or have points assessed against his or her driving record.

Sec. 26. 23 V.S.A. § 1128 is amended to read:

§ 1128. ACCIDENTS—DUTY TO STOP

(a) The operator of a motor vehicle who has caused or is involved in ~~an accident~~ a crash resulting in injury to any person other than the operator, or in damage to any property other than the vehicle then under his or her control, shall immediately stop and render any assistance reasonably necessary. Subsection 1102(g) of this title (stopping not to impede traffic or jeopardize safety; exceptions) governs the location where a person shall stop. The operator shall give his or her name, residence, license number, and the name of the owner of the motor vehicle to any person who is injured or whose property is damaged and to any enforcement officer. A person who violates this section shall be fined not more than \$2,000.00 or imprisoned for not more than two years, or both.

* * *

* * * Inspections; Mail Carrier Vehicles * * *

Sec. 27. 23 V.S.A. § 1222(e) is added to read:

(e) A vehicle used as a mail carrier under a contract with the U.S. Postal Service shall not fail inspection solely because, in converting the vehicle to be a right-hand drive vehicle, the right air bag in the front compartment has been disconnected or a nonfactory disconnect switch has been installed to disable the air bag.

* * * Motorboat Safety Equipment * * *

Sec. 28. 23 V.S.A. § 3306 is amended to read:

§ 3306. LIGHTS AND EQUIPMENT

(a) Every vessel shall carry and show the following lights when underway between sunset and sunrise:

* * *

(3) motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, ~~a white light in the forepart of the boat showing all around,~~ and a light in the forepart of the boat showing red to port and green to starboard, visible at least one mile;

* * *

(g) Motorboats operated on waters that the U.S. Coast Guard has determined to be navigable waters of the United States and therefore subject to the jurisdiction of the United States must have lights and other safety equipment as required by U.S. Coast Guard rules and regulations.

Sec. 29. 23 V.S.A. § 3317 is amended to read:

§ 3317. PENALTIES

(a) A person who violates any of the following sections of this title shall be subject to a ~~fine~~ penalty of not more than \$50.00 for each violation:

* * *

- § 3306(a)–(d) and (g) lights and equipment
- § 3307a documented boat validation sticker
- § 3308 boat rental records
- § 3309 muffling device
- § 3311(c) distance requirements
- § 3311(d) underwater historic preserve area
- § 3311(e) overloaded vessel
- § 3311(h)–(i) authority of law enforcement officer
- § 3312 rules between vessels
- § 3313(b) failing to file report
- § 3315(a) water ski observer
- § 3315(c) improper ski towing
- § 3316 boat races

* * *

* * * Injury Prevention; Educational Resource * * *

Sec. 30. PREVENTING INJURY ON PROPERTY USED FOR
RECREATION

(a) The Secretary of Transportation, in consultation with the Commissioners of Fish and Wildlife and of Forests, Parks and Recreation, shall:

(1) Develop an educational resource for property owners related to the prevention of injuries arising from recreational use of property. At a minimum, this resource shall:

(A) note that failure to mark appropriately a chain, wire, cable, or similar material strung across a known path of recreational users can result in severe injury or death; and

(B) recommend means and methods to mark appropriately such chains, wires, cables, or similar materials.

(2) Take appropriate steps to cause this resource to be disseminated to

owners of property in the State.

(b) Nothing in this section is intended to modify the rights, duties, liabilities, or defenses available to any person under any other law. Neither the existence of, nor the fact that a property owner received or may have received or been aware of, the educational resource required to be developed under this section shall be discoverable or used in any civil, criminal, or administrative proceeding.

* * * Effective Dates; Retroactivity; Sunset; Applicability * * *

Sec. 31. EFFECTIVE DATES; RETROACTIVITY; SUNSET;

APPLICABILITY

(a)(1) This section and Secs. 9 (licenses and permits to operate; refusals to issue), 15 (signs regarding length of vehicles), 16 (list of approved highways), 23 (motor vehicle purchase and use tax; extension of three-month period to reduce taxable cost), 24 (Vermont Strong license plates), 25–26 (incident clearance), 27 (inspections; mail carrier vehicles), 28–29 (motorboat safety equipment), and 30 (injury prevention; educational resource) shall take effect on passage.

(2) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall take effect on passage.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 23 shall apply retroactively to October 26, 2016.

(4) 23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020.

(b) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and elimination of GPS requirement) shall take effect 60 days after passage of this act.

(c) All other sections shall take effect on July 1, 2017.

(d) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and elimination of GPS requirement) shall apply to all persons with ignition interlock restricted driver's licenses as of the effective date of this provision and to persons whose underlying DUI offenses occurred prior to the effective date of this act, as well as to persons who obtain ignition interlock RDLs on or after the effective date of this provision.

(e) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall apply to persons whose periods of abstinence began prior to the effective date of this provision, as well as to persons who begin a period of abstinence on or after the effective date of this provision. In addition to

hardship fee waivers authorized under 23 V.S.A. § 1209a(b), if a person's application for reinstatement under the Program was denied prior to the effective date solely because of use of a drug in accordance with a valid prescription, and the person used the drug in a manner consistent with the prescription label, the Commissioner shall waive the fee for a subsequent application.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended that House propose to the Senate to amend the bill as recommended by the committee on Transportation

Pending the question, Shall the bill be read a third time? **Rep. Keefe of Manchester** moved to amend the report of the House Committee on Transportation as follows:

First: After Sec. 27, by inserting a new section and a reader assistance thereto to read as follows:

* * * Inspections; Emissions Repairs * * *

Sec. 27a. MOTOR VEHICLE INSPECTIONS; EMISSIONS REPAIRS

(a) As of March 20, 2017, the Department of Motor Vehicles has required all motor vehicle inspection stations to conduct inspections through an Automated Vehicle Inspection Program (AVIP). AVIP replaced a paper-based inspection program, and it requires inspection data to be collected and stored electronically.

(b) Notwithstanding 10 V.S.A. § 567 and C.V.R. 14-050-022 (inspection of motor vehicles), any vehicle inspected in Vermont prior to May 1, 2018 that fails the on board diagnostic (OBD) system portion of the inspection, if applicable, and passes the safety-related portion shall pass inspection and receive an inspection sticker, even if the vehicle has been subject to a prior inspection under AVIP and has previously failed the OBD system portion. In such cases, the inspection station shall provide the vehicle owner an inspection report indicating that the vehicle passed the safety portion of the inspection but failed the OBD portion, and that the owner has a 12-month period from the date of the inspection to make OBD system-related repairs.

Second: In Sec. 31 (effective dates), in subdivision (a)(1), after “27 (inspections; mail carrier vehicles),” by inserting the following: “27a (inspections; emissions repairs),”

Pending the question, Shall the recommendation of amendment by the Committee on Transportation be amended as offered by Rep. Keefe? **Rep. Sharpe of Bristol** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the

question, Shall the recommendation of amendment by the Committee on Transportation be amended as offered by Rep. Keefe? was decided in the affirmative. Yeas, 127. Nays, 11.

Those who voted in the affirmative are:

Ancel of Calais	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Gannon of Wilmington	Norris of Shoreham
Baser of Bristol	Gardner of Richmond	Noyes of Wolcott
Batchelor of Derby	Giambatista of Essex	Ode of Burlington
Beck of St. Johnsbury	Gonzalez of Winooski	Olsen of Londonderry
Belaski of Windsor	Grad of Moretown	O'Sullivan of Burlington
Beyor of Highgate	Greshin of Warren	Partridge of Windham
Bissonnette of Winooski	Haas of Rochester	Pearce of Richford
Bock of Chester	Harrison of Chittenden	Poirier of Barre City
Botzow of Pownal	Head of South Burlington	Potter of Clarendon
Brennan of Colchester	Hebert of Vernon	Pugh of South Burlington
Briglin of Thetford	Helm of Fair Haven	Quimby of Concord
Browning of Arlington	Higley of Lowell	Rachelson of Burlington
Brumsted of Shelburne	Hill of Wolcott	Savage of Swanton
Burke of Brattleboro	Hooper of Montpelier	Scheu of Middlebury
Canfield of Fair Haven	Hooper of Brookfield	Scheuermann of Stowe
Carr of Brandon	Houghton of Essex	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Sibilia of Dover
Christensen of Weathersfield	Hubert of Milton	Smith of Derby
Christie of Hartford	Jessup of Middlesex	Smith of New Haven
Cina of Burlington	Jickling of Brookfield	Squirrell of Underhill
Condon of Colchester	Juskiewicz of Cambridge	Stevens of Waterbury
Conlon of Cornwall	Keefe of Manchester	Strong of Albany
Connor of Fairfield	Keenan of St. Albans City	Stuart of Brattleboro *
Conquest of Newbury	Kimbell of Woodstock	Sullivan of Dorset
Copeland-Hanzas of Bradford	Krowinski of Burlington	Taylor of Colchester
Corcoran of Bennington	LaClair of Barre Town	Terenzini of Rutland Town
Cupoli of Rutland City	Lalonde of South Burlington	Toleno of Brattleboro
Dakin of Colchester	Lawrence of Lyndon	Toll of Danville
Devereux of Mount Holly	Lefebvre of Newark	Townsend of South Burlington
Dickinson of St. Albans Town	Lewis of Berlin	Trieber of Rockingham
Donahue of Northfield	Lippert of Hinesburg	Troiano of Stannard
Donovan of Burlington	Long of Newfane	Turner of Milton
Dunn of Essex	Lucke of Hartford	Van Wyck of Ferrisburgh
Emmons of Springfield	Marcotte of Coventry	Viens of Newport City
Fagan of Rutland City	Martel of Waterford	Walz of Barre City
Feltus of Lyndon	Masland of Thetford	Willhoit of St. Johnsbury
Fields of Bennington	McCoy of Poultney	Wood of Waterbury
Forguites of Springfield	McFaun of Barre Town	Wright of Burlington
Frenier of Chelsea	Morris of Bennington	Yacovone of Morristown
Gage of Rutland City	Morrissey of Bennington	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are:

Bartholomew of Hartland	Kitzmiller of Montpelier	Sheldon of Middlebury
Deen of Westminster	McCormack of Burlington	Sullivan of Burlington
Graham of Williamstown	McCullough of Williston	Weed of Enosburgh
Joseph of North Hero	Sharpe of Bristol	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Lanpher of Vergennes	Rosenquist of Georgia
Buckholz of Hartford	Macaig of Williston	Till of Jericho
Burditt of West Rutland	Miller of Shaftsbury	Webb of Shelburne
Colburn of Burlington	Parent of St. Albans Town	

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

We pass laws expecting people to obey. Now we’re passing laws to allow people to violate federal law. I just don’t get it.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I wholeheartedly commend the Transportation Committee for their excellent work on S.127 and for their ongoing commitment to improve our transportation system.

I also commend the ongoing work of my colleague Representative Mollie Burke of Brattleboro who has worked for years — in collaboration — with Transportation Committee veterans like chair Pat Brennan and Dave Potter to improve our transportation system and infrastructure while striving to safeguard the needs of poor Vermonters. Representative Burke, in particular, has worked tirelessly as a member of the Commerce Committee to implement and combat global climate change.

While I commend the intent of this amendment, I voted against it because I respect the committee process and believe it’s important to investigate fully how instituting higher inspection requirements would affect poor Vermonters.”

Thereupon, the bill having appeared on the Calendar one day for notice, was taken up, read the second time, the proposal of amendment of the committee on Transportation was agreed to and third reading ordered.

Joint Senate Resolution Amended; Third Reading Ordered

J.R.S. 25

Rep. Belaski of Windsor, for the committee on Corrections and Institutions, to which had been referred Joint Senate Resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Joint resolution authorizing the Commissioner of Forest, Parks, and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County, to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Lands, to authorize the Commissioner to amend the Department of Forests, Parks and Recreation's existing lease with the Smuggler's Notch Management Company Ltd. and to authorize the Department to enter into a land exchange with the Smuggler's Notch Management Company Ltd.

Whereas, in 1996, the Department of Forests, Parks and Recreation acquired from the John Hancock Mutual Life Insurance Company a conservation easement for certain lands (known as the Hancock Lands) in Warren's Gore, and separately in 2005, the Department acquired a second conservation easement for inholdings within the former Hancock Lands in the town of Averill, and

Whereas, these easements envisioned that the covered lands could be subdivided and would be dedicated primarily to conservation purposes but commercial forestry management, including maple sugaring and syrup activities, were permissible, and

Whereas, the Department has now determined that the language in both easements is ambiguous concerning the construction of forestry management-related structures such as a sugarhouse, and

Whereas, upon consultation with the U.S. Forest Service, whose Forest Legacy Program facilitated the Department's acquisition of the easements, the Department has determined the easements should be amended with clarifying language subject to the approval of the owners of the parcels that resulted from the subdivision, and

Whereas, the Department owns the Bertha Tract in Mendon and the adjacent Burch Tract in Killington, both of which contain Green Mountain Club-held easements for segments of the Long Trail, and

Whereas, the Department proposes to sell these tracts to the Trust for Public Land in anticipation of their eventual transfer to the U.S. Forest Service for inclusion in the Green Mountain National Forest at which time the Green Mountain Club's easements would terminate and the covered Long Trail

segments would be subject to federal protection, and

Whereas, in 1987, the Department entered into a lease with the Smuggler's Notch Management Company Ltd. (Smuggler's Notch), terminating in 2058 and renewable in ten-year increments, in which the Department leases 2,000 acres (the boundaries having last been amended in 2005) in the Mt. Mansfield State Forest to Smuggler's Notch for use as a ski resort, and

Whereas, under the terms of the lease, Smuggler's Notch's Madonna-Sterling base lodge (and all other buildings and structures on the leasehold property) have remained State property, and

Whereas, the 45-year-old lodge is in need of major improvements and the current lease makes it economically difficult for Smuggler's Notch to finance these improvements, and

Whereas, Smuggler's Notch proposes to assume ownership of the base lodge and two acres of surrounding land contained in the leasehold and in exchange Smuggler's Notch proposes: (i) to relinquish its leasehold interest in approximately 330 acres of land near the summit of Whiteface Mountain, and (ii) to convey a right-of-way to the State across a separate parcel of land that Smuggler's Notch owns in the Mt. Mansfield State Forest, and

Whereas, Smuggler's Notch would be responsible for property taxes for the base lodge and the two-acre parcel and would continue to make payments in lieu of base lodge rent, using the formula now in place, and

Whereas, Smuggler's Notch will work with the Department to update the lease, and

Whereas, pursuant to the authority granted in 10 V.S.A. § 2606(b), the Commissioner of Forests, Parks and Recreation believes that these land transactions are in the best interest of the State, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation:

First: To amend certain terms and conditions of the conservation easements that the Department acquired with federal Forest Legacy funding: (i) on approximately 31,000 acres (known as the Hancock Lands) from the John Hancock Mutual Life Insurance Company on December 17, 1996; and (ii) on 210 acres (known as the Averill Inholdings) from the Trust for Public Land on December 7, 2005 in order to clarify the allowed uses for forestry-management-related structures and facilities, including their associated infrastructure and utilities.

Second: To sell to the Trust for Public Land two tracts, with the goal that the Trust will subsequently convey these tracts to the U.S. Forest Service for inclusion in the Green Mountain National Forest: (i) an approximately 113-acre tract in the town of Mendon (known as the Bertha Tract), and (ii) a 58-acre tract in the town of Killington (known as the Burch Tract), both of which the Department acquired from the Green Mountain Club on March 31, 2003 and that the sale shall be pursuant to the terms of a mutually satisfactory purchase and sales agreement. The selling price shall be based on the tracts' fair market value that an appraisal shall determine. The sale of these tracts is contingent on support from the towns of Mendon and Killington. The proceeds of the sale shall be deposited in the Agency of Natural Resources Land Acquisition Fund to be used to acquire additional properties for Long Trail protection purposes.

Third: To amend the lease between the Department and Smuggler's Notch to:

(1) Revise the leasehold boundary to conform to the land exchange authorized in the fourth provision of this resolution.

(2) Include new lease provisions: (i) authorizing the Department to add new terms to reflect new laws, administrative rules, and policies should the leasehold be sold, including the sale of all or substantially all of the lessee's assets; and (ii) clarifying the various types of revenue generated within the ski leasehold area that must be incorporated into the ski lease fee payment but not changing the underlying formula.

(3) Update the indemnification and liability language to meet current State requirements.

(4) Clarify public access rights to the leasehold land, including Smuggler's Notch's right to restrict access for safety reasons.

Fourth: To enter into a land exchange with Smuggler's Notch that provides for:

(1) The Department to convey to Smuggler's Notch the base lodge and approximately two acres of surrounding land located within the Smuggler's Notch leasehold.

(2) Smuggler's Notch's relinquishing to the State 330 acres more or less of land within the leasehold located below the summit of Whiteface Mountain.

(3) Smuggler's Notch's conveying to the Department, for management purposes in the Mt. Mansfield State Forest, a right-of-way, for a route to be mutually agreed upon, through a separate parcel of land that Smuggler's Notch owns on the west side of Route 108.

(4) That the proposed exchanges listed in subdivisions (1)–(3) of this provision of the resolution are contingent on the approval of the Town of Cambridge and that Smuggler’s Notch’s leasehold interest in the 330 more or less acres to be removed from the lease be equal or greater than the appraised value of the base lodge and two acres of surrounding land.

(5) That Smuggler’s Notch, upon the conveyance of the base lodge and the surrounding approximately two acres to its ownership, shall continue to pay the Department 2.5 percent of all revenue generated at the base lodge for as long as the lease shall remain in effect, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

The resolution having appeared on the Calendar one day for notice, was taken up and read the second time, the report of the committee on Corrections and Institutions agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 265

The Senate proposed to the House to amend House bill, entitled

An act relating to the State Long-Term Care Ombudsman

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 3, effective date, and inserting in lieu thereof three new sections to be Secs. 3–5 to read as follows:

Sec. 3. 33 V.S.A. chapter 69, subchapter 3 is redesignated to read:

Subchapter ~~3~~ 4. Vermont Vulnerable Adult Fatality Review Team

Sec. 4. 33 V.S.A. chapter 69, subchapter 3 is added to read:

Subchapter 3. Protecting Against Financial Exploitation

§ 6951. DEFINITIONS

As used in this subchapter:

(1) “Agent” shall have the same meaning as in 14 V.S.A. § 3501.

(2) “Guardian” means a person appointed to serve as the guardian for a vulnerable adult pursuant to the process established in 14 V.S.A. chapter 111 or in 18 V.S.A. chapter 215.

(3) “Financial exploitation” means:

(A) using, withholding, transferring, or disposing of funds or property of a vulnerable adult, without or in excess of legal authority, for the

wrongful profit or advantage of another;

(B) acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud; or

(C) the act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or financial advantage of another.

(4) "Vulnerable adult" shall have the same meaning as in section 6902 of this chapter.

§ 6952. CIVIL ACTION FOR RELIEF FROM FINANCIAL EXPLOITATION

(a) Right of action. A vulnerable adult or his or her agent or guardian may bring an action in the Civil Division of the Superior Court pursuant to this section for relief against a natural person who, with reckless disregard or with knowledge, has engaged in the financial exploitation of the vulnerable adult. An action under this section shall be dismissed if the court determines the vulnerable adult is capable of expressing his or her wishes and that he or she does not wish to pursue the action.

(b)(1) Remedies. If the court finds that financial exploitation of a vulnerable adult has occurred, the court shall grant appropriate relief to the vulnerable adult, which may include money damages, injunctive relief, reasonable costs, attorney's fees, and equitable relief.

(2) If the financial exploitation was intentional, the court may grant exemplary damages not to exceed three times the value of economic damages.

(c) Effects on other parties. No relief granted or otherwise obtained pursuant to this section shall affect or limit in any way the right, title, or interest of a good faith purchaser, mortgagee, holder of a security interest, or other party who obtained an interest in property after its transfer from the vulnerable adult to the natural person who engaged in financial exploitation. No relief granted or otherwise obtained pursuant to this section shall affect any mortgage deed to the extent of the value provided by the mortgagee.

(d) Statute of limitations. The limitations period imposed by 12 V.S.A. § 511 shall apply to all actions brought pursuant to this subchapter.

§ 6953. OTHER RELIEF STILL AVAILABLE

Nothing in this subchapter shall be construed to limit the availability of other causes of action or relief at law or equity to which a vulnerable adult may be entitled under other State or federal laws or at common law.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 and 2 (State Long-Term Care Ombudsman) shall take effect on July 1, 2017.

(b) Secs. 3 and 4 (protecting against financial exploitation) and this section shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 213

Rep. Toll of Danville moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to establishing statewide access to drug and DUI treatment courts

And that the bill be committed to the committee on Judiciary, which was agreed to.

Message from the Senate No. 48

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 497. An act relating to health requirements for animals used in agriculture.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 123. House concurrent resolution designating Thursday, April 13, 2017 as Vermont Coalition of Runaway and Homeless Youth Programs and the Vermont Youth Development Program Awareness Day.

H.C.R. 124. House concurrent resolution congratulating Elizabeth Ainsworth of Bellows Falls on being chosen the 2017 Vermont Mother of the Year.

H.C.R. 125. House concurrent resolution congratulating the 2017 Norwich

University Cadets NCAA Division III championship men's ice hockey team.

H.C.R. 126. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's eighth consecutive Division I girls' cross-country championship.

H.C.R. 127. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's second-consecutive Division I boys' cross-country championship.

H.C.R. 128. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a fifth consecutive Division I girls' basketball championship.

H.C.R. 129. House concurrent resolution congratulating the 2017 Mount St. Joseph Academy Lady Mounties Division IV championship girls' basketball team.

H.C.R. 130. House concurrent resolution congratulating the 2016-17 Champlain Valley Union High School Redhawks Division I championship boys' Nordic skiing team.

H.C.R. 131. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks State championship boys' volleyball team.

H.C.R. 132. House concurrent resolution honoring Norwich University ice hockey coach extraordinaire Mike McShane.

H.C.R. 133. House concurrent resolution congratulating the 2017 Williamstown High School Blue Devils on winning the Division III boys' basketball championship.

H.C.R. 134. House concurrent resolution congratulating the U-32 High School Raiders on winning the school's fourth consecutive Division II boys' outdoor track and field championship.

H.C.R. 135. House concurrent resolution congratulating the 2016 U-32 High School Raiders on winning consecutive Division II girls' outdoor track and field championships.

H.C.R. 136. House concurrent resolution congratulating Peter Gould on winning the 2016 Ellen McCulloch-Lovell Award in Arts Education.

H.C.R. 137. House concurrent resolution honoring Gary Wheelock for his dedicated service on behalf of the New England dairy industry.

H.C.R. 138. House concurrent resolution congratulating Maureen Eddy on graduating from the Team IMPACT program and the Saint Michael's College

Purple Knights women's field hockey team for its devotion to this worthy endeavor.

H.C.R. 139. House concurrent resolution congratulating the 2017 North Country Union High School Falcons Division II championship boys' hockey team.

Adjournment

At one o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 25, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 31.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 123

House concurrent resolution designating Thursday, April 13, 2017 as Vermont Coalition of Runaway and Homeless Youth Programs and the Vermont Youth Development Program Awareness Day;

H.C.R. 124

House concurrent resolution congratulating Elizabeth Ainsworth of Bellows Falls on being chosen the 2017 Vermont Mother of the Year;

H.C.R. 125

House concurrent resolution congratulating the 2017 Norwich University Cadets NCAA Division III championship men's ice hockey team;

H.C.R. 126

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's eighth consecutive Division I girls' cross-country championship;

H.C.R. 127

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's second-consecutive Division I boys' cross-country championship;

H.C.R. 128

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a fifth consecutive Division I girls'

basketball championship;

H.C.R. 129

House concurrent resolution congratulating the 2017 Mount St. Joseph Academy Lady Mounties Division IV championship girls' basketball team;

H.C.R. 130

House concurrent resolution congratulating the 2016-17 Champlain Valley Union High School Redhawks Division I championship boys' Nordic skiing team;

H.C.R. 131

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks State championship boys' volleyball team;

H.C.R. 132

House concurrent resolution honoring Norwich University ice hockey coach extraordinaire Mike McShane;

H.C.R. 133

House concurrent resolution congratulating the 2017 Williamstown High School Blue Devils on winning the Division III boys' basketball championship;

H.C.R. 134

House concurrent resolution congratulating the U-32 High School Raiders on winning the school's fourth consecutive Division II boys' outdoor track and field championship;

H.C.R. 135

House concurrent resolution congratulating the 2016 U-32 High School Raiders on winning consecutive Division II girls' outdoor track and field championships;

H.C.R. 136

House concurrent resolution congratulating Peter Gould on winning the 2016 Ellen McCulloch-Lovell Award in Arts Education;

H.C.R. 137

House concurrent resolution honoring Gary Wheelock for his dedicated service on behalf of the New England dairy industry;

H.C.R. 138

House concurrent resolution congratulating Maureen Eddy on graduating from the Team IMPACT program and the Saint Michael's College Purple Knights women's field hockey team for its devotion to this worthy endeavor;

H.C.R. 139

House concurrent resolution congratulating the 2017 North Country Union High School Falcons Division II championship boys' hockey team;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2017, seventy-fourth Biennial session.]