

1 S.150

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Motor vehicles; enforcement officers; transporters; placards for
5 persons with disabilities; electronic registrations; trailer registration
6 fees; dealers; reciprocal recognition of license suspensions; recall of
7 junior operator's license or learner's permit; license certificates;
8 nondriver identification cards; driver training instructors; concurrent
9 suspensions; sirens and signal lamps; Motor Vehicle Arbitration
10 Board administration; complaints for traffic violations; default
11 judgments; texting while driving; registration, titling, and inspection
12 cost recovery fees

13 Statement of purpose of bill as introduced: This bill proposes to make
14 miscellaneous amendments to laws related to motor vehicles and to
15 enforcement of motor vehicle laws.

16 An act relating to miscellaneous amendments to laws related to motor
17 vehicles

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

2 * * * Definitions * * *

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

4 (11) “Enforcement officers” shall include:

5 (A) the following persons certified pursuant to 20 V.S.A. § 2358:
6 sheriffs, deputy sheriffs, constables whose authority has not been limited under
7 24 V.S.A. § 1936a, police officers, state’s attorneys, capitol police officers,
8 motor vehicle inspectors, state game wardens, and state police;~~and;~~

9 (B) for enforcement of offenses relating to parking of motor vehicles,
10 meter checkers; and other duly authorized employees of a municipality
11 employed to assist in the enforcement of parking regulations.—“Enforcement
12 officers” shall also include;

13 (C) for enforcement of nonmoving traffic violations enumerated in
14 subdivisions 2302(a)(1), (2), (3), and (4) of this title, duly authorized
15 employees of the department of motor vehicles for the purpose of issuing
16 Department of Motor Vehicles. Such employees may issue complaints related
17 to their administrative duties, pursuant to 4 V.S.A. § 1105, in accordance with
18 4 V.S.A. § 1105.

19 Sec. 2. 23 V.S.A. § 4(11) is amended to read:

20 (11) “Enforcement officers” shall include:

1 (A) the following persons certified pursuant to 20 V.S.A. § 2358:
2 sheriffs, deputy sheriffs, constables whose authority has not been limited under
3 24 V.S.A. § 1936a, police officers, state’s attorneys, capitol police officers,
4 motor vehicle inspectors, liquor investigators, state game wardens, and state
5 police,~~and;~~

6 (B) for enforcement of offenses relating to parking of motor vehicles,
7 meter checkers, and other duly authorized employees of a municipality
8 employed to assist in the enforcement of parking regulations.~~“Enforcement~~
9 ~~officers” shall also include;~~

10 (C) for enforcement of nonmoving traffic violations enumerated in
11 subdivisions 2302(a)(1), (2), (3), and (4) of this title, duly authorized
12 employees of the ~~department of motor vehicles for the purpose of issuing~~
13 Department of Motor Vehicles. Such employees may issue complaints related
14 ~~to their administrative duties, pursuant to 4 V.S.A. § 1105, in accordance with~~
15 4 V.S.A. § 1105.

16 Sec. 3. 23 V.S.A. § 4(42) is amended to read:

17 (42) “Transporter” shall mean a person engaged in the business of
18 delivering vehicles of a type required to be registered hereunder from a
19 manufacturing, assembling, or distributing plant to dealers or sales agents of a
20 manufacturer, and includes persons regularly engaged in the business of
21 towing trailer coaches, owned by them or temporarily in their custody, on their

1 own wheels over public highways; persons towing office trailers owned by
2 them or temporarily in their custody, on their own wheels over public
3 highways; persons regularly engaged and properly licensed for the short-term
4 rental of “storage trailers” owned by them and who move these storage trailers
5 on their own wheels over public highways, ~~and~~; persons regularly engaged in
6 the business of moving modular homes over public highways; and ~~shall also~~
7 ~~include~~ dealers and automobile repair shop owners when engaged in the
8 transportation of motor vehicles to and from their place of business for repair
9 purposes. “Transporter” shall also include ~~other~~ persons, ~~firms or~~
10 ~~corporations, provided the transportation and delivery of motor vehicles is a~~
11 ~~common and usual incident to the~~ towing overwidth trailers owned by them in
12 connection with their business, or whose business is the repossession of motor
13 ~~vehicles in connection with~~ provided that the transportation and delivery of
14 motor vehicles is a common and usual incident to their business. For purposes
15 of this subdivision, “short-term rental” shall mean a period of less than one
16 year. Before a person may become licensed as a transporter, he or she shall
17 present proof of compliance with section 800 of this title. He or she shall also
18 either own or lease a permanent place of business located in this ~~state~~ State
19 where business shall be conducted during regularly established business hours
20 and the required records stored and maintained.

* * * Trailer Registration Fees * * *

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2 Sec. 6. 23 V.S.A. § 371(a)(1) is amended to read:

3 (a)(1) The one-year and two-year fees for registration of a trailer or
4 semi-trailer, except a contractor's trailer or farm trailer, shall be as follows:

5 (A) \$25.00 and \$48.00, respectively, when such trailer or semi-trailer
6 has a gross weight of trailer and load of ~~less than~~ 1,500 pounds or less;

7 (B) \$49.00 and \$96.00, respectively, when such trailer or semi-trailer
8 has a gross weight of trailer and load of more than 1,500 pounds ~~or more~~, and
9 is drawn by a vehicle of the pleasure car type;

10 (C) \$49.00 and \$96.00, respectively, when such trailer or semi-trailer
11 is drawn by a motor truck or tractor, when such trailer or semi-trailer has a
12 gross weight of more than 1,500 pounds ~~or more~~, but ~~not in excess of~~ less than
13 3,000 pounds;

14 (D) \$49.00 and \$96.00, respectively, when such trailer or semi-trailer
15 is used in combination with a truck-tractor or motor truck registered at the fee
16 provided for combined vehicles under section 367 of this title. Excepting for
17 the fees, the provisions of this subdivision shall not apply to trailer coaches as
18 defined in section 4 of this title nor to modular homes being transported by
19 trailer or semi-trailer.

1 * * * Off-Site Display of Vehicles by Dealers * * *

2 Sec. 7. 23 V.S.A. § 451(b) is amended to read:

3 (b) With the prior approval of the ~~commissioner~~ Commissioner, a Vermont
4 dealer may display vehicles on a temporary basis, but in no instance for more
5 than ~~40~~ 14 days, at fairs, shows, exhibitions, and other off-site locations within
6 the manufacturer's stated area of responsibility in the franchise agreement. No
7 sales may be transacted at these ~~off-site~~ off-site locations. A dealer desiring to
8 display vehicles temporarily at an off-site location shall notify the
9 ~~commissioner~~ Commissioner in a manner prescribed by the ~~commissioner~~
10 Commissioner no less than two days prior to the first day for which approval is
11 requested.

12 * * * Reciprocal Recognition of License Suspensions * * *

13 Sec. 8. 23 V.S.A. § 603(c) is amended to read:

14 (c) ~~An~~ In addition to any other requirement of law, an operator license,
15 junior operator license, or learner permit shall not be renewed or issued to an
16 applicant whose license ~~or, junior operator license, learner permit, privilege to~~
17 operate, nonresident privilege to operate, or right to apply for a license is
18 suspended, revoked ~~or, canceled, or refused~~ in any jurisdiction.

1 * * * Penalties for Junior Operators, Holders of Learner Permits * * *

2 Sec. 9. 23 V.S.A. § 607a is amended to read:

3 § 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S

4 LICENSE

5 (a) A learner's permit or junior operator's license shall contain an
6 admonition that it is recallable and that the later procurement of an operator's
7 license is conditional on the establishment of a record which is satisfactory to
8 the ~~commissioner~~ Commissioner and showing compliance with the motor
9 vehicle laws of this and other states. The ~~commissioner~~ Commissioner may
10 recall any permit or license issued to a minor whenever he or she is satisfied,
11 from information provided by a credible person and upon investigation, that
12 the operator is mentally or physically unfit or, because of his or her habits or
13 record as to accidents or convictions, is unsafe to be trusted with the operation
14 of motor vehicles. On recommendation of a diversion or reparative board, the
15 ~~commissioner~~ Commissioner may recall the learner's permit or junior
16 operator's license of a person in a diversion or reparative program for up to
17 30 days. The ~~commissioner~~ Commissioner shall also recall any learner's
18 permit or junior operator's license for 30 days when an operator is adjudicated
19 of a single texting violation under section 1099 of this title, 90 days following
20 adjudication of a single speeding violation resulting in a three-point
21 assessment, 90 days when a total of six points has been accumulated, or

1 90 days when an operator is adjudicated of a violation of ~~section 678~~
2 subsections 614(c) or 615(a) of this title. When a learner's permit or junior
3 operator's license is so recalled, it shall be reinstated upon expiration of a
4 specific term, and, if required by the ~~commissioner~~ Commissioner, when the
5 person has passed a reexamination approved by the ~~commissioner~~
6 Commissioner.

7 (b) When a license or permit is recalled under the provisions of this section,
8 the person whose license or permit is so recalled shall have the same right of
9 hearing before the ~~commissioner~~ Commissioner as is provided in subsection
10 671(a) of this title.

11 (c) Except for a recall based solely upon the provisions of subsection (d) of
12 this section, any recall of a license or permit may extend past the operator's
13 18th birthday. While the recall is still in effect, that operator shall be ineligible
14 for any operator's license.

15 (d) The ~~commissioner~~ Commissioner shall recall a learner's permit or
16 junior operator's license upon written request of the individual's custodial
17 parent or guardian.

18 (e) Any recall period under this section shall run concurrently with any
19 suspension period imposed under chapter 13 of this title.

1 Sec. 10. 23 V.S.A. § 614 is amended to read:

2 § 614. RIGHTS UNDER LICENSE

3 (a) An operator's license shall entitle the holder to operate a registered
4 motor vehicle with the consent of the owner whether employed to do so or not.

5 (b) A junior operator's license shall entitle the holder to operate a
6 registered motor vehicle, with the consent of the owner, but shall not entitle
7 him or her to operate a motor vehicle in the course of his or her employment or
8 for direct or indirect compensation for one year following issuance of the
9 license, except that the holder may operate a farm tractor with or without
10 compensation upon a public highway in going to and from different parts of a
11 farm of the tractor's owner or to go to any repair shop for repair purposes. A
12 junior operator's license shall not entitle the holder to carry passengers for hire.

13 (c) During the first three months of operation, the holder of a junior
14 operator's license is restricted to driving alone or with a licensed parent or
15 guardian, licensed or certified driver education instructor, or licensed person at
16 least 25 years of age. During the following three months, a junior operator
17 may additionally transport family members. No person operating with a junior
18 operator's license shall transport more passengers than there are safety belts
19 unless he or she is operating a vehicle that has not been manufactured with a
20 federally approved safety belt system. A person convicted of operating a
21 motor vehicle in violation of this subsection shall be subject to a penalty of not

1 more than \$50.00, and his or her license shall be recalled for a period of
2 90 days. The provisions of this subsection may be enforced only if a law
3 enforcement officer has detained the operator for a suspected violation of
4 another traffic offense.

5 ~~(b) This section shall not prohibit a holder of a junior operator's license~~
6 ~~from operating a farm tractor with or without compensation upon a public~~
7 ~~highway in going to and from different parts of a farm of the owner of such~~
8 ~~tractor and for repair purposes to any repair shop.~~

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

10 § 615. UNLICENSED OPERATORS

11 (a)(1) An unlicensed person 15 years of age or older, may operate a motor
12 vehicle, if he or she ~~has in possession,~~ possesses a valid learner's permit issued
13 to him or her by the ~~commissioner~~ Commissioner and if ~~their~~ his or her
14 licensed parent or guardian, licensed or certified driver education instructor, or
15 a licensed person at least 25 years of age rides beside him or her. Nothing in
16 this section shall be construed to permit a person against whom a revocation or
17 suspension of license is in force, or a person less than 15 years of age, or a
18 person who has been refused a license by the ~~commissioner,~~ Commissioner to
19 operate a motor vehicle.

20 (2) A licensed person who does not possess a valid motorcycle
21 endorsement may operate a motorcycle, with no passengers, only during

1 daylight hours and then only if he or she has upon his or her person a valid
2 motorcycle learner's permit issued to him or her by the ~~commissioner~~
3 Commissioner.

4 (b) ~~The commissioner in his or her discretion, may recall a learner's permit~~
5 ~~in the same circumstances as he or she may recall a provisional license~~ A
6 person convicted of operating a motor vehicle in violation of this section shall
7 be subject to a penalty of not more than \$50.00, and his or her learner's permit
8 shall be recalled for a period of 90 days. No person may be issued traffic
9 complaints alleging a violation of this section and a violation of section 676 of
10 this title from the same incident. The provisions of this section may be
11 enforced only if a law enforcement officer has detained the operator for a
12 suspected violation of another traffic offense.

13 Sec. 12. REPEAL

14 23 V.S.A. § 678 (penalties for unauthorized operation) is repealed.

15 * * * Magnetic Strips on Licenses and Identification Cards;

16 Residence Address * * *

17 Sec. 13. 23 V.S.A. § 115(i) is amended to read:

18 (i) ~~An identification card issued under this subsection to an individual~~
19 ~~under the age of 30 shall include a magnetic strip that includes only the name,~~
20 ~~date of birth, height, and weight of the individual identified on the card.~~

21 [Repealed.]

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Sec. 14. 23 V.S.A. § 610 is amended to read:

§ 610. LICENSE CERTIFICATES

(a) The ~~commissioner~~ Commissioner shall assign a distinguishing number to each licensee and shall furnish the licensee with a license certificate, ~~showing that shows~~ the number, and the licensee's full name, date of birth, and residential address unless the listing of another address is authorized by law. The certificate also shall include a brief physical description, ~~and mailing address~~ and a space for the signature of the licensee. The license shall be void until signed by the licensee.

* * *

(c) Each license certificate issued to a first-time applicant and each subsequent renewal by that person shall be issued with the photograph or imaged likeness of the licensee included on the certificate. The ~~commissioner~~ Commissioner shall determine the locations where photographic licenses may be issued. ~~A photographic motor vehicle operator's license 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 licensee. A person issued a license under this subsection that contains an imaged likeness may renew his or her license by mail. Except that a renewal by a licensee required to have a photograph or imaged likeness under this subsection must~~

1 be made in person so that an updated imaged likeness of the person is obtained
2 no less often than once every eight years.

3 * * *

4 * * * Driver Training Instructor * * *

5 Sec. 15. 23 V.S.A. § 705 is amended to read:

6 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

7 In order to qualify for an instructor's license, each applicant shall:

8 (1) not have been convicted of:

9 (A) a felony nor incarcerated for a felony within the 10 years prior to
10 the date of application; ~~or~~

11 (B) a violation of section 1201 of this title; ~~or a conviction like~~
12 offense in another jurisdiction reported to the ~~commissioner~~ Commissioner
13 pursuant to subdivision 3905(a)(2) of this title within the three years prior to
14 the date of application; ~~or~~

15 (C) a subsequent ~~conviction for an~~ violation of an offense listed in
16 subdivision 2502(a)(5) of this title or of section 674 of this title;

17 (D) a sex offense that requires registration pursuant to 13 V.S.A.
18 chapter 167, subchapter 3.

19 * * *

1 ~~be available against a later suspension, the suspension issued under this section~~
2 ~~must appear and remain on the individual's motor vehicle record.~~

3 * * * Sirens and Lights on Exhibition Vehicles * * *

4 Sec. 18. 23 V.S.A. § 1252 is amended to read:

5 § 1252. ~~USES OF~~ ISSUANCE OF PERMITS FOR SIRENS OR COLORED
6 LAMPS OR BOTH; USE OF AMBER LAMPS

7 (a) When satisfied as to the condition and use of the vehicle, the
8 ~~commissioner~~ Commissioner shall issue and may revoke, for cause, permits for
9 sirens or colored signal lamps in the following manner:

10 (1) Sirens or blue or blue and white signal lamps, or a combination of
11 these, may be authorized for all law enforcement vehicles, owned or leased by
12 a law enforcement agency ~~or~~, a certified law enforcement officer ~~and if~~, or the
13 Vermont Criminal Justice Training Council. If the applicant is a constable, the
14 application shall be accompanied by a certification by the town clerk that the
15 applicant is the duly elected or appointed constable and attesting that the town
16 has not voted to limit the constable's authority to engage in enforcement
17 activities under 24 V.S.A. § 1936a.

18 (2) Sirens and red or red and white signal lamps may be authorized for
19 all ambulances, fire apparatus, vehicles used solely in rescue operations, or
20 vehicles owned or leased by, or provided to, volunteer ~~firemen~~ firefighters and
21 voluntary rescue squad members, including a vehicle owned by a volunteer's

1 employer when the volunteer has the written authorization of the employer to
2 use the vehicle for emergency fire or rescue activities ~~and motor vehicles used~~
3 ~~solely in rescue operations.~~

4 (3) No vehicle may be authorized a permit for more than one of the
5 combinations described in subdivisions (1) and (2) of this subsection.

6 (4) ~~Notwithstanding subdivisions (1) and (2) of this subsection, no~~ No
7 motor vehicle, other than one owned by the applicant, shall be issued a permit
8 until ~~such time as the commissioner can adequately record~~ Commissioner has
9 recorded the information regarding both the owner of the vehicle and the
10 applicant for the permit.

11 (5) Upon application to the ~~commissioner~~ Commissioner, the
12 ~~commissioner~~ Commissioner may issue a single permit for all the vehicles
13 owned or leased by the applicant.

14 (6) Sirens and red or red and white signal lamps, or sirens and blue or
15 blue and white signal lamps, may be authorized for restored emergency or
16 enforcement vehicles used for exhibition purposes. Sirens and lamps
17 authorized under this subdivision may only be activated during an exhibition,
18 such as a car show or parade.

19 * * *

1 penalty of perjury, setting forth facts showing that the defendant is not a person
2 in military service as defined at 50 App. U.S.C. § 511 (Servicemembers Civil
3 Relief Act definitions), except upon order of the hearing officer in accordance
4 with the Servicemembers Civil Relief Act, 50 App. U.S.C. Titles I–II. The
5 ~~bureau~~ Bureau shall mail a notice to the person that a default judgment has
6 been entered. A default judgment may be set aside by the hearing officer for
7 good cause shown.

8 * * *

9 * * * Texting While Driving * * *

10 Sec. 21. 23 V.S.A. § 1099 is amended to read:

11 § 1099. TEXTING PROHIBITED

12 * * *

13 (c) A person who violates this section commits a traffic violation as defined
14 in section 2302 of this title and shall be subject to a penalty of ~~\$100.00~~ not less
15 than \$200.00 upon adjudication of a first violation ~~and \$250.00, not less than~~
16 \$500.00 upon adjudication of a second or subsequent violation within any
17 two-year period, and a recall or suspension of his or her license or privilege to
18 operate as provided in section 607a or 2506 of this title.

1 Sec. 22. 23 V.S.A. § 2506 is amended to read:

2 § 2506. PROCEDURE

3 (a) When a sufficient number of points has been acquired, the
4 ~~commissioner~~ Commissioner shall suspend the license of an operator or the
5 privilege of an unlicensed person, or nonresident to operate a motor vehicle,
6 upon not less than 10 days' notice, and upon hearing, if requested for
7 verification of the conviction records.

8 (b) ~~The~~ Except as provided in subsection (c) of this section, a suspension
9 shall be for 10 days for an accumulation of 10 points, 30 days for 15 points,
10 90 days for 20 points and for a period increasing by 30 days for each additional
11 5 points; ~~except the,~~

12 (c) The suspension period for a conviction for a first offense violation of
13 sections 1091, 1094, 1128, and 1133 of this title shall be 30 days; for a second
14 conviction 90 days, and for a third or subsequent conviction six months, or the
15 suspension period under the point values, whichever is greater. The
16 suspension period for a conviction for a second violation of section 1099 of
17 this title shall be 60 days, for a third or subsequent conviction 120 days, or the
18 suspension period under the point values, whichever is greater.

19 (d) If a fatality occurs, the suspension shall be for a period of one year in
20 addition to the suspension under ~~the point values~~ subsections (b) and (c) of this
21 section.

1 (e) For purposes of this section, a month shall be considered as 30 days and
2 one year shall equal 365 days.

3 * * * Registration, Titling, and Inspection Cost Recovery Fees * * *

4 Sec. 23. 9 V.S.A. chapter 136 is added to read:

5 CHAPTER 136. VEHICLE RENTAL AGREEMENTS

6 § 4411. REGISTRATION, TITLING, AND INSPECTION COST

7 RECOVERY FEES

8 (a) As used in this section:

9 (1) “Registration, titling, and inspection cost recovery fee” means a
10 charge that may be separately stated and charged by a rental company in a
11 vehicle rental contract entered into in this State to recover registration, titling,
12 and inspection costs incurred in this State. “Registration, titling, and
13 inspection cost recovery fee” does not include a fee to recover any state or
14 local taxes.

15 (2) “Rental company” means a person offering for rent for periods of
16 less than one year a vehicle described in 32 V.S.A. § 8902(9).

17 (b) A rental company may include separately stated fees or charges in a
18 rental agreement, which may include a registration, titling, and inspection cost
19 recovery fee, airport access fee, airport concession fee, and any applicable tax.

20 (c) If a rental company includes a registration, titling, and inspection cost
21 recovery fee as a separately stated charge in a rental agreement, the amount of

1 the fee shall represent the rental company's good faith estimate of the daily
2 charge required to recover its actual total annual titling, registration, and
3 inspection costs.

4 (d)(1) If the total amount of the registration, titling, and inspection cost
5 recovery fee collected by a rental company under this section in any calendar
6 year exceeds the rental company's actual titling, registration, and inspection
7 costs for that calendar year, the rental company shall:

8 (A) retain the excess amount; and

9 (B) adjust the registration, titling, and inspection cost recovery fee for
10 the following calendar year by a corresponding amount needed to eliminate the
11 excess.

12 (2) Nothing in this section shall prevent a rental company from adjusting
13 the registration, titling, and inspection cost recovery fee during a calendar year.

14 * * * Effective Dates * * *

15 Sec. 24. EFFECTIVE DATES

16 (a) This section and Sec. 19 of this act shall take effect on passage.

17 (b)(1) Sec. 1 of this act shall take effect on July 1, 2013, if the deletion of
18 "liquor investigators" from the definition of "enforcement officers" provided
19 for in 2011 Acts and Resolves No. 17, Sec. 4 takes effect on or before
20 July 1, 2013.

- 1 (2) Sec. 2 of this act shall take effect on July 1, 2013, if the deletion of
2 “liquor investigators” from the definition of “enforcement officers” provided
3 for in 2011 Acts and Resolves No. 17, Sec. 4 does not take effect on or before
4 July 1, 2013.
- 5 (c) All other sections of this act shall take effect on July 1, 2013.