

S.150

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

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

* * * Definitions * * *

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

(11) "Enforcement officers" shall include:

(A) the following persons certified pursuant to 20 V.S.A. § 2358:

sheriffs, deputy sheriffs, constables whose authority has not been limited under 24 V.S.A. § 1936a, police officers, state's attorneys, capitol police officers, motor vehicle inspectors, state game wardens, and state police, ~~and;~~

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

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

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

(11) “Enforcement officers” shall include:

(A) the following persons certified pursuant to 20 V.S.A. § 2358:

sheriffs, deputy sheriffs, constables whose authority has not been limited under 24 V.S.A. § 1936a, police officers, state’s attorneys, capitol police officers, motor vehicle inspectors, liquor investigators, state game wardens, and state police, ~~and;~~

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

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

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

(42) “Transporter” shall mean a person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a

manufacturer, and includes persons regularly engaged in the business of towing trailer coaches, owned by them or temporarily in their custody, on their own wheels over public highways; persons towing office trailers owned by them or temporarily in their custody, on their own wheels over public highways; persons regularly engaged and properly licensed for the short-term rental of "storage trailers" owned by them and who move these storage trailers on their own wheels over public highways; ~~and~~; persons regularly engaged in the business of moving modular homes over public highways; and ~~shall also include~~ dealers and automobile repair shop owners when engaged in the transportation of motor vehicles to and from their place of business for repair purposes. "Transporter" shall also include ~~other persons, firms or corporations, provided the transportation and delivery of motor vehicles is a common and usual incident to the~~ towing overwidth trailers owned by them in connection with their business, or whose business is the repossession of motor vehicles in connection with provided that the transportation and delivery of motor vehicles is a common and usual incident to their business. For purposes of this subdivision, "short-term rental" shall mean a period of less than one year. Before a person may become licensed as a transporter, he or she shall present proof of compliance with section 800 of this title. He or she shall also either own or lease a permanent place of business located in this ~~state~~ State

where business shall be conducted during regularly established business hours and the required records stored and maintained.

* * * Placards for Persons with Disabilities * * *

Sec. 4. 23 V.S.A. § 304a(c) is amended to read:

(c) Vehicles with special registration plates or removable windshield placards from any state ~~or which have a handicapped parking card issued by the commissioner of motor vehicles~~ may use the special parking spaces when:

(1) ~~the card or placard is displayed in the lower right side of the windshield;~~

(A) by hanging it from the front windshield rearview mirror in such a manner that it may be viewed from the front and rear of the vehicle; or

(B) if the vehicle has no rearview mirror, on the dashboard;

(2) the plate is mounted as provided in section 511 of this title; or

(3) the plate is mounted or the placard displayed as provided by the law of the state jurisdiction where the vehicle is registered.

* * * Temporary Registrations * * *

Sec. 5. 23 V.S.A. § 305(d) is amended to read:

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available for printing. The receipt shall serve as a temporary registration. To be valid, the

temporary registration shall be in the possession of the operator at all times,
and it shall expire ten days after the date of the transaction.

* * * Trailer Registration Fees * * *

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

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

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

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

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

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

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

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

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

* * * Reciprocal Recognition of License Suspensions * * *

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

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

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

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

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

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

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

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

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

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

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

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

§ 614. RIGHTS UNDER LICENSE

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

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

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

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

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

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

§ 615. UNLICENSED OPERATORS

(a)(1) An unlicensed person 15 years of age or older, may operate a motor vehicle, if he or she ~~has in possession,~~ possesses a valid learner's permit issued to him or her by the ~~commissioner~~ Commissioner and if ~~their~~ his or her licensed parent or guardian, licensed or certified driver education instructor, or a licensed person at least 25 years of age rides beside him or her. 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 less than 15 years of age, or a person who has been refused a license by the ~~commissioner,~~ Commissioner to operate a motor vehicle.

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

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

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

Sec. 12. REPEAL

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

* * * Magnetic Strips on Licenses and Identification Cards;

Residence Address * * *

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

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

[Repealed.]

* * *

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~~

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

* * *

* * * Driver Training Instructor * * *

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

§ 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

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

(1) not have been convicted of:

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

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

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

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

* * *

* * * Concurrent DUI Suspensions * * *

Sec. 16. 23 V.S.A. § 1205(p) is amended to read:

(p) Suspensions to run concurrently. Suspensions imposed under this section or any comparable statute of any other jurisdiction and sections 1206, 1208, and 1216 of this title or any comparable statutes of any other jurisdiction, or any suspension resulting from a conviction for a violation of section 1091 of this title from the same incident, shall run concurrently and a person shall receive credit for any elapsed period of a suspension served in Vermont against a later suspension imposed in this ~~state~~ State. ~~In order for suspension credit to be available against a later suspension, the suspension issued under this section must appear and remain on the individual's motor vehicle record.~~

Sec. 17. 23 V.S.A. § 1216(i) is amended to read:

(i) Suspensions imposed under this section or any comparable statute of any other jurisdiction shall run concurrently with suspensions imposed under sections 1205, 1206, and 1208 of this title or any comparable statutes of any other jurisdiction or with any suspension resulting from a conviction for a violation of section 1091 of this title from the same incident, and a person shall receive credit for any elapsed period of a suspension served in Vermont against a later suspension imposed in this ~~state~~ State. ~~In order for suspension credit to~~

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

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

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

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

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

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

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

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

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

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

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

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

* * *

* * * Motor Vehicle Arbitration Board;

Administrative Support * * *

Sec. 19. 9 V.S.A. § 4174 is amended to read:

§ 4174. VERMONT MOTOR VEHICLE ARBITRATION BOARD

(a) There is created a Vermont ~~motor vehicle arbitration board~~ Motor Vehicle Arbitration Board consisting of five members and three alternate members to be appointed by the ~~governor~~ Governor for terms of three years. Board members may be appointed for two additional three-year terms. One member of the ~~board~~ Board and one alternate shall be new car dealers in Vermont, one member and one alternate shall be persons active as automobile technicians, and three members and one alternate shall be persons having no direct involvement in the design, manufacture, distribution, sales, or service of motor vehicles or their parts. Board members shall be compensated in accordance with the provisions of 32 V.S.A. § 1010. ~~The board shall be attached to the department of motor vehicles and shall receive administrative services from the department of motor vehicles~~ Administrative support for the Board shall be provided as determined by the Secretary of Transportation.

* * *

* * * Traffic Violation Procedures * * *

Sec. 20. 4 V.S.A. § 1105 is amended to read:

§ 1105. ANSWER TO COMPLAINT; DEFAULT

(a) A violation shall be charged upon a summons and complaint form approved and distributed by the ~~court administrator~~ Court Administrator. The complaint shall be signed by the issuing officer or by the state's attorney, and the signature may be electronic. The original shall be filed with the ~~judicial bureau~~ Judicial Bureau, and it may be filed electronically. An electronic or paper copy shall be retained by the issuing officer or state's attorney and two copies shall be given to the defendant. The complaint shall include a statement of rights, instructions, notice that a defendant may admit, not contest, or deny a violation, notice of the fee for failure to answer within 20 days, and other notices as the ~~court administrator~~ Court Administrator deems appropriate. The ~~court administrator~~ Court Administrator, in consultation with appropriate law enforcement agencies, may approve a single form for charging all violations, or may approve two or more forms as necessary to administer the operations of the ~~judicial bureau~~ Judicial Bureau.

* * *

(f) If a person fails to appear or answer a complaint the ~~bureau~~ Bureau shall enter a default judgment against the person. However, no default judgment shall be entered until the filing of a declaration by the hearing officer, under

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

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* * * Texting While Driving * * *

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

§ 1099. TEXTING PROHIBITED

* * *

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

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

§ 2506. PROCEDURE

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

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

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

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

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

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

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

CHAPTER 136. VEHICLE RENTAL AGREEMENTS

§ 4411. REGISTRATION, TITLING, AND INSPECTION COST

RECOVERY FEES

(a) As used in this section:

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

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

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

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

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

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

(A) retain the excess amount; and

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

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

* * * Vehicular Moving Violation * * *

Sec. 24. 23 V.S.A. § 1002 is amended to read:

§ 1002. ~~Repealed.~~ A person who violates any provision of this title while operating a motor vehicle on a public highway commits a traffic violation and shall be subject to a fine of not more than \$1,000.00. However, a person adjudicated of a violation of this section shall not be assessed points under chapter 25 of this title.

* * * Waiver of Assessment of Points* * *

Sec. 25. 23 V.S.A. § 2501 is amended to read:

§ 2501. MOTOR VEHICLE POINT SYSTEM

For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating 23 V.S.A. § 1002 or a provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a superior judge or Judicial Bureau hearing officer has waived the assessment of points. The conviction report from the court shall be prima facie evidence of the points assessed. ~~The department is~~ Department also is authorized to suspend the license of a driver when the driver's driving record identifies the driver as an habitual offender under section 673a of this title.

Sec. 26. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) ~~Any~~ Unless the assessment of points is waived by a superior court judge or a Judicial Bureau officer in the interests of justice, or unless a person is convicted of violating 23 V.S.A. § 1002, 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.)

* * *

Sec. 27. 23 V.S.A. § 2505 is amended to read:

§ 2505. SUSPENSION OR REVOCATION OF LICENSE

When a person receives ~~a number of convictions for moving violations sufficient to raise his or her point total to~~ at least 10 points in a two-year period, the ~~commissioner~~ Commissioner shall initiate suspension proceedings pursuant to section 2506 of this title.

* * * Effective Dates * * *

Sec. 28. EFFECTIVE DATES

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

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

(2) Sec. 2 of this act shall take effect on July 1, 2013, if the deletion of “liquor investigators” from the definition of “enforcement officers” provided

for in 2011 Acts and Resolves No. 17, Sec. 4 does not take effect on or before
July 1, 2013.

(c) All other sections of this act shall take effect on July 1, 2013.