

1 S.314

2 Introduced by Senator Mazza

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; nondriver identification cards; vanity plates;

6 registration validation stickers; proof of financial responsibility;

7 diesel and gasoline tax shrinkage allowance; diesel fuel user's license;

8 diesel fuel sales report; gasoline distributor bond requirement;

9 payment of Trails Maintenance Assessments; commercial driver

10 licenses; serious traffic violation; disqualifications; Vermont Strong

11 plates; out-of-state registrants

12 Statement of purpose of bill as introduced: This bill proposes to:

13 (1) require the Commissioner of Motor Vehicles to issue nondriver
14 identification cards at no charge to persons whose licenses are revoked or
15 suspended due to a physical or mental condition;

16 (2) authorize the display of vanity plates on any motor vehicle not
17 registered under the International Registration Plan;

18 (3) specify that registration validation stickers be unobstructed and
19 affixed to the lower righthand corner of rear license plates;

20 (4) specify that proof of financial responsibility may be provided in
21 electronic form on a portable electronic device;

1 (5) eliminate the one-percent shrinkage allowance on the payment of
2 diesel taxes;

3 (6) repeal a requirement that operators of motor trucks base registered
4 outside Vermont obtain a diesel fuel user's license;

5 (7) change the date for distributor or dealers to report diesel fuel sales to
6 the 25th of each month, rather than the last day of each month;

7 (8) increase the maximum amount of the bond that the Commissioner of
8 Motor Vehicles may require a gasoline distributor to maintain;

9 (9) authorize snowmobile Trails Maintenance Assessments to be paid
10 electronically and for receipts of electronic transactions to be used as proof of
11 payment for a 10-day period;

12 (10) amend the definition of "serious traffic violation" in the
13 commercial driver license chapter to include the use of a handheld mobile
14 telephone while driving;

15 (11) expand the authority of the State to disqualify a person from
16 driving a commercial motor vehicle concurrently with a disqualification issued
17 by the Federal Motor Carrier Safety Administration;

18 (12) authorize the Commissioner of Motor Vehicles to sell Vermont
19 Strong plates for \$5.00 on or after July 1, 2014; and

20 (13) repeal provisions related to out-of-state registrants.

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

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

4 * * * Nondriver Identification Card Fee Exemption * * *

5 Sec. 1. 23 V.S.A. § 115(a) is amended to read:

6 (a) Any Vermont resident may make application to the Commissioner and
7 be issued an identification card which is attested by the Commissioner as to
8 true name, correct age, residential address unless the listing of another address
9 is requested by the applicant or is otherwise authorized by law, and any other
10 identifying data as the Commissioner may require which shall include, in the
11 case of minor applicants, the written consent of the applicant's parent,
12 guardian, or other person standing in loco parentis. Every application for an
13 identification card shall be signed by the applicant and shall contain such
14 evidence of age and identity as the Commissioner may require, consistent with
15 subsection (1) of this section. New and renewal application forms shall include
16 a space for the applicant to request that a "veteran" designation be placed on
17 his or her identification card. If a veteran, as defined in 38 U.S.C. § 101(2),
18 requests a veteran designation and provides a Department of Defense Form
19 214 or other proof of veteran status specified by the Commissioner, and the
20 Office of Veterans Affairs confirms his or her status as an honorably
21 discharged veteran or a veteran discharged under honorable conditions, the
22 identification card shall include the term "veteran" on its face. The

1 Commissioner shall require payment of a fee of \$20.00 at the time application
2 for an identification card is made, except that an initial nondriver identification
3 card shall be issued at no charge to a person who surrenders his or her license
4 in connection with a suspension or revocation under subsection 636(b) of this
5 title due to a physical or mental condition.

6 * * * Vehicles Eligible to Display Vanity Plates * * *

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

8 (b) The authority to issue vanity motor vehicle number plates or special
9 number plates for safety organizations and service organizations shall reside
10 with the Commissioner. Determination of compliance with the criteria
11 contained in this section shall be within the discretion of the Commissioner.
12 Series of number plates for safety and service organizations which are
13 authorized by the Commissioner shall be issued in order of approval, subject to
14 the operating considerations in the Department as determined by the
15 Commissioner. The Commissioner shall issue vanity and special organization
16 number plates in the following manner:

17 (1) Vanity plates. Subject to the restrictions of this section, vanity plates
18 shall be issued at the request of the registrant of a motor vehicle ~~registered at~~
19 ~~the pleasure car rate or of a truck registered for less than 26,001 pounds (but~~
20 ~~excluding trucks~~ unless the vehicle is registered under the International
21 Registration Plan), upon application and upon payment of an annual fee of

1 \$45.00 in addition to the annual fee for registration. The Commissioner shall
2 not issue two sets of plates bearing the same initials or letters unless the plates
3 also contain a distinguishing number. Vanity plates are subject to
4 reassignment if not renewed within 60 days of expiration of the registration.

5 * * *

6 * * * Registration Validation Stickers * * *

7 Sec. 3. 23 V.S.A. § 305 is amended to read:

8 § 305. REGISTRATION PERIODS

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

1 (b) The Commissioner ~~of Motor Vehicles~~ shall issue a registration
2 certificate, validation sticker, and number plates for each motor vehicle owned
3 by the State, that shall be valid for a period of five years. Such motor vehicle
4 shall be considered as properly registered while the plates so issued are
5 attached thereto. The Commissioner may replace such number plates when in
6 his or her discretion their condition requires.

7 (c) ~~The Commissioner may issue number plates to be used for a period of~~
8 ~~two or more years. One validating sticker shall be issued by the Department of~~
9 ~~Motor Vehicles upon payment of the registration fee for the second and each~~
10 ~~succeeding year the plate is used.~~ Except as otherwise provided in subsection
11 (d) of this section, no plate is valid for ~~the second and~~ succeeding years unless
12 the sticker is affixed to the rear plate in the manner prescribed by the
13 Commissioner in section 511 of this title.

14 * * *

15 Sec. 4. 23 V.S.A. § 511 is amended to read:

16 § 511. MANNER OF DISPLAY

17 (a) A motor vehicle operated on any highway shall have displayed in a
18 conspicuous place either one or two number plates as the ~~commissioner of~~
19 ~~motor vehicles~~ Commissioner may require. Such number plates shall be
20 furnished by the ~~commissioner of motor vehicles, showing~~ Commissioner and
21 shall show the number assigned to such vehicle by the ~~commissioner~~

1 Commissioner. If only one number plate is furnished, the same shall be
2 securely attached to the rear of the vehicle. If two are furnished, one shall be
3 securely attached to the rear and one to the front of the vehicle. The number
4 plates shall be kept entirely unobscured, and the numerals and the letters
5 thereon shall be plainly legible at all times. They shall be kept horizontal, shall
6 be so fastened as not to swing, excepting however, there may be installed on a
7 motor truck or truck tractor a device which would, upon contact with a
8 substantial object, permit the rear number plate to swing toward the front of the
9 vehicle, provided such device automatically returns the number plate to its
10 original rigid position after contact is released, and the ground clearance of the
11 lower edges thereof shall be established by the ~~commissioner~~ Commissioner
12 pursuant to the provisions of 3 V.S.A. chapter 25 ~~of Title 3~~.

13 (b) Validation stickers shall be unobstructed and affixed in the lower right
14 corner of the rear number plate.

15 (c) A person shall not operate a motor vehicle unless number plates and a
16 validation sticker are displayed as provided in this section.

17 * * * Evidence of Financial Responsibility * * *

18 Sec. 5. 23 V.S.A. § 800 is amended to read:

19 § 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

20 (a) No owner of a motor vehicle required to be registered, or operator
21 required to be licensed or issued a learner's permit, shall operate or permit the

1 operation of the vehicle upon the highways of the State without having in
2 effect an automobile liability policy or bond in the amounts of at least
3 \$25,000.00 for one person and \$50,000.00 for two or more persons killed or
4 injured and \$10,000.00 for damages to property in any one ~~accident~~ crash. In
5 lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be
6 filed with the Commissioner of Motor Vehicles, and shall be maintained and
7 evidenced in a form prescribed by the Commissioner. The Commissioner may
8 require that evidence of financial responsibility be produced before motor
9 vehicle inspections are performed pursuant to the requirements of section 1222
10 of this title.

11 (b) A person who violates this section shall be assessed a civil penalty of
12 not more than \$500.00, and such violation shall be a traffic violation within the
13 meaning of chapter 24 of this title.

14 (c) If a certified inspection mechanic or enforcement officer requests proof
15 of financial responsibility, the owner or operator may either provide electronic
16 proof using a portable electronic device, or provide proof with a paper
17 certificate. Use of a portable electronic device to display proof of financial
18 responsibility does not in itself constitute consent for the mechanic or
19 enforcement officer to access other contents of the device.

1 * * * Diesel Tax Shrinkage Allowance; Repeal * * *

2 Sec. 6. 23 V.S.A. § 3003 is amended to read:

3 § 3003. IMPOSITION OF TAX; EXCEPTIONS

4 * * *

5 (e) ~~A distributor may use as the measure of the tax so levied and assessed~~
6 ~~the gross quantity of diesel fuel purchased, imported, produced, refined,~~
7 ~~manufactured, and compounded by the distributor, less one percent for~~
8 ~~shrinkage, loss by evaporation, or otherwise, instead of the quantity sold,~~
9 ~~distributed, or used. [Repealed.]~~

10 * * * Out-of-State Diesel Fuel User's License; Repeal * * *

11 Sec. 7. 23 V.S.A. § 3007 is amended to read:

12 § 3007. DIESEL FUEL USER'S LICENSE

13 (a) In addition to any other provision of law relating to registration of
14 motor vehicles, or fees paid therefore, a person owning or operating upon the
15 highways of the ~~state~~ State a motor truck, ~~which that~~ is registered in the ~~state,~~
16 ~~using~~ State and uses fuel as defined in section 3002 of this title, shall, for each
17 motor truck to be so operated, apply to the ~~commissioner~~ Commissioner for a
18 diesel fuel user license, which shall be renewed at the time of renewal of the
19 truck's registration. Application shall be made upon a form prescribed by ~~such~~
20 ~~commissioner~~ the Commissioner and shall set forth such information as the
21 ~~commissioner~~ Commissioner may require. Applications filed at the time of the

1 initial registration or renewal of a registration shall be accompanied by a \$6.50
2 annual license fee for each motor truck listed in the application, except that no
3 fee shall be required for motor trucks with a gross weight of less than 26,001
4 pounds.

5 (b) ~~In addition to any other provisions of law relating to registration of~~
6 ~~motor vehicles, or fees paid for registration, a person owning or operating upon~~
7 ~~the highways of the state a motor truck which is not base registered in this~~
8 ~~state, using fuel as defined in section 3002 of this title shall for each such~~
9 ~~motor truck apply to the commissioner for a diesel fuel user license.~~
10 ~~Application shall be made upon a form prescribed by the commissioner and~~
11 ~~shall set forth such information as the commissioner may require. Except for~~
12 ~~motor trucks with a gross weight of less than 26,001 pounds, and vehicles~~
13 ~~licensed under section 415 of this title, the application for issuance of initial~~
14 ~~and renewal licenses shall be accompanied by a \$6.50 license fee for each~~
15 ~~motor truck listed in the application, the fee being for the cost of the license,~~
16 ~~cab card and tag, plate or sticker. The commissioner shall issue a license, cab~~
17 ~~card and an identification tag, plate or sticker for each motor truck which tag,~~
18 ~~plate or sticker shall be of the size and design and contain such information as~~
19 ~~the commissioner shall prescribe. Except as otherwise provided any license,~~
20 ~~cab card and tag, plate or sticker shall become void on each January 1~~
21 ~~thereafter or, when determined by the commissioner, 12 months from the first~~

1 ~~day of the month of issue. Licenses and cab cards shall be carried in the motor~~
2 ~~vehicle and the tag, plate or sticker shall be affixed to the motor vehicle and at~~
3 ~~all times be visible and legible. [Repealed.]~~

4 (c) This section shall not apply to users' vehicles exempt from reporting
5 requirements under section 3014 of this title or to users' vehicles exempt from
6 taxation under ~~subdivisions~~ subdivision 3003(d)(3) and (5)(1)(C) of this title,
7 or to users' vehicles that are being operated under the provisions of ~~sections~~
8 section 463 or 516 of this title.

9 * * * Diesel Fuel Sales Reporting * * *

10 Sec. 8. 23 V.S.A. § 3014(a) is amended to read:

11 (a) Every distributor or dealer, on or before the ~~last~~ 25th day of each
12 month, shall file with the ~~commissioner~~ Commissioner on forms prescribed by
13 him or her a report for the preceding month which shall include the number of
14 gallons of fuel sold or delivered. A distributor's report shall also include the
15 identity of the person to whom the fuel was sold or delivered, the amount of
16 the tax collected and by whom, and the monthly total of fuel sold or delivered.
17 The report shall be filed even though no fuel was sold or delivered.

* * * Gasoline Distributor Bond Requirement * * *

1
2 Sec. 9. 23 V.S.A. § 3102 is amended to read:

3 § 3102. LICENSING AND BONDING OF DISTRIBUTORS

4 (a) Before commencing business, on application, a distributor shall first
5 procure a license from the ~~commissioner of motor vehicles~~ Commissioner
6 permitting him or her to continue or to engage in business as a distributor.
7 Before the ~~commissioner~~ Commissioner issues a license, the distributor shall
8 file with the ~~commissioner~~ Commissioner a surety bond in a sum and form and
9 with sureties as the ~~commissioner~~ Commissioner may require in a sum not to
10 exceed ~~\$400,000.00~~ \$1,000,000.00 conditioned upon the issuance of the report,
11 and the payment of the tax and, penalties, and fines provided in this
12 subchapter. Upon approval of the application and bond, the ~~commissioner~~
13 Commissioner shall issue to the distributor a nonassignable license which shall
14 continue in force until surrendered or revoked.

15 (b) The amount of the surety bonds required shall be reviewed annually in
16 September. The minimum amount required shall be the sum of the highest two
17 months' payment during the preceding year or \$1,000.00, whichever is greater,
18 but in no case shall it exceed ~~\$400,000.00~~ \$1,000,000.00. For new licenses,
19 the bond amount shall be based on an estimate of the tax liability for a
20 two-month period.

1 (c) The amount of the bonds as established in accordance with subsection
2 (b) of this section shall be increased whenever the ~~commissioner~~
3 Commissioner deems it necessary to protect the revenues of the ~~state~~ State. In
4 addition, if payments and reports are delinquent for more than 10 days for
5 more than one reporting period in a calendar year, the bond amount shall be
6 increased to be the sum of the tax liability for the highest four months of the
7 year.

8 * * *

9 * * * Trails Maintenance Assessments; Electronic Payments * * *

10 Sec. 10. 23 V.S.A. § 3202 is amended to read:

11 § 3202. REGISTRATION AND TMA DECAL REQUIRED; EXCEPTIONS

12 (a) Registration and decal required. A person shall not operate a
13 snowmobile in this State unless it is registered and numbered by the State of
14 Vermont or another state or province and displays a valid Vermont ~~trails~~
15 ~~maintenance assessment~~ (“TMA”) Trails Maintenance Assessment (TMA)
16 decal adjacent to the registration decal on the left side of the snowmobile in
17 accordance with this chapter, except when operated:

18 (1) on the property of the owner of the snowmobile; or

19 (2) off the highway, in a ski area while being used for the purpose of
20 packing snow, or in rescue operations; or

1 (3) for official use by a federal, state, or municipal agency and only if
2 the snowmobile is identified with the name or seal of the agency in a manner
3 approved by the Commissioner; or

4 (4) solely on privately owned land when the operator has the written
5 consent of the owner, or his or her agent, of the property; or

6 (5) on frozen bodies of water as designated by the Agency of Natural
7 Resources under the provisions of 10 V.S.A. § 2607. For purposes of this
8 subdivision, a snowmobile shall not be required to display a ~~trails maintenance~~
9 ~~assessment~~ TMA decal if not operating on a portion of the Statewide
10 Snowmobile Trail System. Liability insurance as provided for in subdivision
11 3206(b)(19) of this title and a valid registration decal are required; or

12 (6) for emergency use by fire service personnel; or

13 (7) by a person who pays a TMA electronically and shows a receipt of
14 the payment, for up to 10 days after the electronic transaction. The person may
15 show the receipt using a portable electronic device or provide a paper receipt.
16 Use of a portable electronic device to display a receipt does not in itself
17 constitute consent for an enforcement officer to access other contents of the
18 device.

19 * * *

1 * * * Commercial Motor Vehicles; Serious Traffic Violations * * *

2 Sec. 11. 23 V.S.A. § 4103(16) is amended to read:

3 (16) “Serious traffic violation” means a conviction, when operating a
4 commercial motor vehicle, or when operating a noncommercial motor vehicle
5 when the conviction results in the revocation, cancellation, or suspension of the
6 operator’s license or operating privilege, of:

7 * * *

8 (J) using a handheld mobile telephone while driving in violation of
9 section 4125 of this chapter.

10 * * * Commercial Motor Vehicles; Disqualifications * * *

11 Sec. 12. 23 V.S.A. § 4116(k) is amended to read:

12 (k) A person shall be disqualified for a term concurrent with any
13 disqualification or suspension issued by the administrator of the Federal Motor
14 Carrier Safety Administration pursuant to ~~49 C.F.R. § 383.52.~~

15 * * * Vermont Strong Plates; Price * * *

16 Sec. 13. 2012 Acts and Resolves No. 71, Sec. 1 is amended to read:

17 Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

18 * * *

19 (d) Price and allocation of revenue. The retail price of the plate shall be
20 \$25.00, except that on or after July 1, 2014, plates may be sold by the
21 Commissioner for \$5.00. Funds received from the sale of plates for \$5.00 shall

1 be allocated to the Department; funds received from the sale of the plates for
2 \$25.00 shall be allocated as follows:

- 3 (1) \$5.00 to the ~~department~~ Department;
- 4 (2) \$18.00 to the Vermont Disaster Relief Fund; and
- 5 (3) \$2.00 to the Vermont Foodbank.

6 * * *

7 * * * Nonresident Registration; Repeals * * *

8 Sec. 14. REPEAL

9 The following sections of Title 23 are repealed:

- 10 (1) § 417 (motor truck trip permits);
- 11 (2) § 418 (collection of tax; regulations);
- 12 (3) § 419 (reciprocal agreements for waiver of motor truck permit fees);
- 13 (4) § 422 (motor bus identification marker);
- 14 (5) § 3107 (alternative basis for calculating gasoline tax).

15 Sec. 15. 23 V.S.A. § 421 is amended to read:

16 § 421. PENALTIES

17 (a) It shall be unlawful for any person:

- 18 (1) to operate a motor truck subject to the provisions of this chapter
19 upon any public highway in the ~~state~~ State without first obtaining the license,
20 emergency telegram, or single trip license and tag, plate, or marker required
21 under section 415 of this title or to so operate without carrying the license,

1 emergency telegram, or single trip license and displaying the tag, plate, or
2 marker if issued;

3 (2) ~~to violate any regulation issued by the commissioner pursuant to the~~
4 ~~authority granted hereunder; [Repealed.]~~

5 (3) to fail to file any return or report required by ~~said commissioner~~ the
6 Commissioner; or

7 (4) to make a false return or fail to keep records of operations as may be
8 required by the ~~commissioner~~; or

9 (5) ~~to operate a motor bus subject to the provisions of this chapter upon~~
10 ~~any public highway in the state without first obtaining the marker or single trip~~
11 ~~permit required under section 422 of this title or to so operate without~~
12 ~~displaying said marker or without the single trip permit with the vehicle.~~

13 (b) ~~Any person who violates any provision of subsection (a) of this section,~~
14 ~~upon first conviction shall be punishable by a fine of not less than \$100.00 or~~
15 ~~more than \$250.00; and upon a second or subsequent conviction of a violation~~
16 ~~occurring within one year after a previous conviction of any provision of~~
17 ~~subsection (a) by a fine of not less than \$250.00 or more than \$500.00, or by~~
18 ~~imprisonment for not more than 30 days, or both~~ Commissioner.

19 * * * Effective Date * * *

20 Sec. 16. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.