

House Calendar

Tuesday, April 08, 2014

92nd DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Third Reading

H. 757

An act relating to exemptions to the Public Records Act

H. 888

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

J.R.S. 47

Joint resolution relating to the approval of State land transactions

Favorable with Amendment

H. 552

An act relating to raising the Vermont minimum wage

Rep. O'Sullivan of Burlington, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$10.10, and, beginning January 1, 2007,~~ \$10.10, and, beginning January 1, 2016 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal

customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. MINIMUM WAGE STUDY

On or before January 15, 2016, the Joint Fiscal Office shall submit a report to the General Assembly detailing the impact that raising the minimum wage to the livable wage would have on:

- (1) low-wage working Vermonters;
- (2) Vermont businesses and jobs;
- (3) State and federal benefits; and
- (4) Vermont's economy as a whole.

Sec. 3. EFFECTIVE DATES

- (a) This section and Sec. 2 shall take effect on passage.
- (b) Sec. 1 shall take effect on January 1, 2015.

(Committee Vote: 6-2-0)

Rep. Keenan of St. Albans City, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **General, Housing and Military Affairs**.

(Committee Vote: 7-4-0)

Amendment to be offered by Rep. Wright of Burlington to H. 552

By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.19. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.64. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.10, and; beginning January 1, 2007, 2018~~ Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.64. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.10, and; beginning January 1, 2007, 2018 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is

smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Amendment to be offered by Rep. Donahue of Northfield to H. 552

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The value of a day’s work should merit enough pay to live above the poverty line, and investing to achieve such wages is superior to providing State subsidy programs for those who do not.

(2) The Joint Fiscal Office estimates that the cost in wages to achieve a minimum wage rate of \$10.10 in January 2015 is \$30,000,000.00, and that there can be negative consequences if a minimum wage is substantially higher than in surrounding states.

(3) Vermont currently has the third highest minimum wage in the country, and the highest in New England, with a rate that is at least \$0.75 higher than all but one of the other New England states.

(4) In January 2015, Connecticut and New York will increase their minimum wage rates to \$9.00 and \$8.75, respectively. In January 2016, New York will raise its minimum wage to \$9.00.

(5) Vermont should remain in the forefront of working toward a minimum wage above the poverty line that protects business sustainability, but that continues at a significant margin ahead of other New England states.

Sec. 2. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, and, beginning \$9.25. Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.75. Beginning on January 1, 2007, 2017~~ and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. If the federal minimum wage adjusts to at least \$10.10 on or before January 1, 2017, then beginning on January 1, 2017, the minimum wage rate shall adjust to \$10.50. If, on or before January 1, 2017, the federal minimum wage rate adjusts to a rate less than \$10.10, then beginning on January 1, 2017, the minimum wage rate shall adjust to the federal minimum wage rate plus \$0.75, but shall not be a rate greater than \$10.50 or \$9.75 plus the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is higher. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate one-half the minimum wage.~~ As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the United States U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the United States U.S. government.

* * *

Sec. 3. MINIMUM WAGE STUDY

On or before January 15, 2016, the Joint Fiscal Office shall submit a report to the General Assembly detailing the impact that raising the minimum wage to the livable wage would have on:

- (1) low-wage working Vermonters;
- (2) Vermont businesses and jobs;
- (3) State and federal benefits; and
- (4) Vermont’s economy as a whole.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 1 and 3 shall take effect on passage.

(b) Sec. 2 shall take effect on January 1, 2015.

S. 314

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

Rep. Brennan of Colchester, for the Committee on **Transportation**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Nondriver Identification Cards * * *

Sec. 1. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card which is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require which shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on his or her identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms his or her status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of \$20.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to a person who surrenders his or her license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

~~(b) Except as provided in subsection (1) of this section, every~~ Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a \$20.00 fee. At least 30 days before an

identification card will expire, the Commissioner shall mail first class to the cardholder an application to renew the identification card.

* * *

(1)(1) The Commissioner shall issue identification cards to Vermont residents who are not U.S. citizens but are able to establish lawful presence in the United States if an applicant follows the procedures and furnishes documents as required under subsection 603(d) of this title and any policies or rules adopted thereunder, and otherwise satisfies the requirements of this section. The identification cards shall expire consistent with subsection 603(d) of this title.

* * *

(4) A non-REAL ID compliant identification card issued under subdivision (2) or (3) of this subsection shall:

(A) bear on its face text indicating that it is not valid for federal identification or official purposes; ~~and~~

(B) ~~expire at midnight on the eve of the second birthday of the applicant following the date of issuance.~~

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

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

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

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle ~~registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks unless the vehicle is registered under the International Registration Plan)~~, upon application and upon payment of an annual fee of \$45.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

* * *

(c) The Commissioner shall issue registration numbers 101 through 9999,

which shall be known as reserved registration numbers, for pleasure cars ~~or~~, motor trucks that are registered at the pleasure car rate, and motorcycles in the following manner:

(1) A person holding a reserved registration number ~~between 101 and 9999~~ may retain the number for the ensuing registration period, provided application is made ~~prior to or within~~ at least 60 days of the prior to expiration of the registration.

(2) If the registrant does not renew the registration, the number may be reassigned to a member of the immediate family if application is made ~~within~~ at least 60 days of the prior to expiration of the registration. As used herein, "immediate family" means the spouse, household member, grandparents, parents, siblings, children, or grandchildren of the registrant.

(3) The Commissioner shall restrict the issuance of these registrations to residents of this State and may restrict issuance to applicants who do not already have such a registration issued to them.

(4) A person holding a reserved registration number ~~between 101 and 9999~~ on a pleasure car ~~may also have the same number on a~~, a truck that is registered at the pleasure car rate, ~~and vice versa~~ or a motorcycle may be issued the same reserved registration number for the other authorized vehicle types, provided that the person receives no more than one such plate or set of plates for each authorized vehicle type.

* * *

* * * Registration Validation Stickers; Proof of Temporary Registration * * *

Sec. 3. 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 the each succeeding renewal period of registration, upon payment of the registration fee. ~~Except as otherwise provided, number~~ 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.

(b) The Commissioner ~~of Motor Vehicles~~ shall issue a registration

certificate, validation sticker, and number plates for each motor vehicle owned by the State, that shall be valid for a period of five years. Such motor vehicle shall be considered as properly registered while the plates so issued are attached thereto. The Commissioner may replace such number plates when in his or her discretion their condition requires.

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

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available electronically and for printing. ~~The~~ An electronic or printed 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 for~~ ten days after the date of the transaction. An electronic receipt may be shown to an enforcement officer using a portable electronic device. Use of a portable electronic device to display the receipt does not in itself constitute consent for an officer to access other contents of the device.

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

§ 511. MANNER OF DISPLAY

(a) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the ~~commissioner of motor vehicles~~ Commissioner may require. Such number plates shall be furnished by the ~~commissioner of motor vehicles, showing~~ Commissioner and shall show the number assigned to such vehicle by the ~~commissioner~~ Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device which would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the ~~commissioner~~ Commissioner pursuant to the provisions of 3 V.S.A. chapter 25 of Title 3.

(b) A registration validation sticker shall be unobstructed, and shall be affixed as follows:

(1) for vehicles issued registration plates with dimensions of approximately 12 × 6 inches, in the lower right corner of the rear registration plate; and

(2) for vehicles issued a registration plate with a dimension of approximately 7 × 4 inches, in the upper right corner of the rear registration plate.

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

* * * Reciprocal Recognition of Learner's Permits * * *

Sec. 5. 23 V.S.A. § 411 is amended to read:

§ 411. RECIPROCAL PROVISIONS

As determined by the ~~commissioner of motor vehicles~~ Commissioner, a motor vehicle owned by a nonresident, shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this ~~state~~, State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this ~~state~~ State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this ~~state~~ State. Such exemptions shall not be operative as to the owner of a motor truck used for the transportation of property for hire or profit between points within the ~~state~~ State or to the owner of any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of motor fuel over and above that provided in the standard equipment of such vehicle.

Sec. 6. 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 possesses a valid learner's permit issued to him or her by the Commissioner, or by another jurisdiction in accordance with section 411 of this title, and if his or her licensed parent or guardian, licensed or certified

driver education instructor, or 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~~ younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

* * * Out-of-state Junior Operators * * *

Sec. 7. 23 V.S.A. § 614 is amended to read:

§ 614. RIGHTS UNDER LICENSE

* * *

(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.

(d) A nonresident under 18 years of age who is privileged to operate on Vermont highways under section 411 of this title shall be subject to the restrictions of subsections (b) and (c) of this section.

* * * Driving Privilege Cards * * *

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

(h) A privilege card issued under this section shall:

* * *

(2) expire at midnight on the eve of the second birthday of the applicant

following the date of issuance or, at the option of an applicant for an operator's privilege card and upon payment of the required four-year fee, at midnight on the eve of the fourth birthday of the applicant following the date of issuance.

Sec. 9. 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be \$48.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be \$30.00 and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be \$30.00.

Sec. 10. CREDIT FOR PRICE PREMIUM OF TWO-YEAR PRIVILEGE CARDS; SUBSTITUTION OF PRIVILEGE CARDS FOR LICENSES AND PERMITS

(a) If a person issued a two-year operator's privilege card from January 1, 2014 to June 30, 2014 applies and qualifies for a four-year REAL ID-compliant operator's license or a four-year operator's privilege card upon expiration of the two-year privilege card, he or she shall be entitled upon request to a credit of \$6.00 toward the fee of the four-year operator's license or four-year operator's privilege card.

(b) If a person issued a two-year operator's privilege card from January 1, 2014 to June 30, 2014 applies and qualifies for a four-year REAL ID-compliant operator's license prior to expiration of his or her privilege card, the Department of Motor Vehicles shall issue him or her the four-year REAL ID-compliant license at a charge of \$18.00. The four-year REAL-ID compliant license shall expire at midnight on the eve of the fourth birthday of the applicant following the date of issuance of the privilege card.

(c)(1) If a person issued a two-year operator's privilege card, junior operator's privilege card, or learner's privilege card from January 1, 2014 to December 31, 2015 applies and qualifies for a two-year REAL ID-compliant operator's license, junior operator's license, or learner's permit prior to expiration of his or her privilege card, the Department of Motor Vehicles shall issue the applicant at no charge a REAL ID-compliant license or permit that expires on the same date as the applicant's privilege card.

(2) If a person issued a four-year operator's privilege card from July 1, 2014 to December 31, 2015 applies and qualifies for a four-year REAL ID-compliant operator's license prior to expiration of his or her privilege card, the Department of Motor Vehicles shall issue at no charge a REAL

ID-compliant license that expires on the same date as the applicant's privilege card.

* * * Driver's Training School Licensees * * *

Sec. 11. 23 V.S.A. § 704 is amended to read:

§ 704. QUALIFICATIONS FOR TRAINING SCHOOL LICENSE

~~Each applicant in order to~~ To qualify for a driver's training school license, ~~each new and renewal applicant shall meet the following requirements:~~

* * *

(3) ~~provide evidence that he or she maintains~~ maintain bodily injury and property damage liability insurance on each motor vehicle being used in driver training, insuring the liability of the driver training school and the operator of each motor vehicle for each instructor and of any person while using any such motor vehicle with the permission of the named insured in at least the following amount: \$300,000.00 for bodily injury or death of one person in any one accident and, subject to said limit for one person, \$500,000.00 for bodily injury or death of two or more persons in any one accident, and \$100,000.00 for damage to property of others in any one accident. ~~Evidence of such insurance coverage shall be in the form of a certificate from an insurance company authorized to do business in this state filed with the commissioner setting forth the amount of coverage and providing that the policy of insurance shall be noncancelable except after 15 days' written notice to the commissioner~~ A carrier who insures an applicant under this subdivision shall provide the Commissioner and the insured with proof of insurance at the beginning of each policy period. A cancellation or nonrenewal of such insurance may take effect only after notice to the Commissioner and the insured at least 15 days prior to the cancellation or nonrenewal.

* * *

* * * Definition of Business Day or Working Day * * *

Sec. 12. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(83) "Business day" or "working day" means any calendar day except Saturday, Sunday, or any day classified as a holiday under 1 V.S.A. § 371.

* * * Proof of Financial Responsibility * * *

Sec. 13. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one ~~accident~~ crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the Commissioner. The Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

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

(c) Every operator of a vehicle required to be registered shall have proof of financial responsibility as required by subsection (a) of this section when operating such vehicle on the highways of this State. A person may prove financial responsibility using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. An operator cited for violating this subsection shall not be convicted if he or she sends or produces to the issuing enforcement agency within seven business days of the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

(d) A person who violates subsection (c) of this section shall be subject to a fine of not more than \$100.00.

* * * Possession of License Certificate; Grace Period * * *

Sec. 14. 23 V.S.A. § 611 is amended to read:

§ 611. POSSESSION OF LICENSE CERTIFICATE

Every licensee shall have his or her operator's license certificate in his or her immediate possession at all times when operating a motor vehicle. However, ~~no~~ a person charged cited with violating this section or section 610 of this title shall not be convicted if he or she sends a copy of or produces in court or to the enforcement officer to the issuing enforcement agency within seven business days of the traffic stop an operator's license certificate ~~theretofore issued to him or her which, at the time of his or her citation, that~~

was valid or had expired within ~~the prior~~ 14 days prior to the traffic stop.

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

Sec. 15. 23 V.S.A. § 415 is amended to read:

§ 415. NONDIESEL FUEL USER'S LICENSE

* * *

~~(c) In addition to any other provision of law relating to registration of motor vehicles, or fees paid for registration, a person owning or operating upon the highways of this state a motor truck with a gross weight of 18,000 pounds or over, powered by gasoline or other nondiesel fuel and not base registered in this state, shall apply to the commissioner for a nondiesel fuel user's license for each motor truck to be so operated. Application shall be made upon a form prescribed by the commissioner and shall set forth such information as he or she may require. The application shall be accompanied by a license fee of \$6.50 for each motor truck listed in the application, the fee being for the purpose of paying the cost of issuing the license, cab card and sticker. The commissioner shall issue a license, cab card and identification tag, plate, or sticker for each motor truck, which tag, plate or sticker shall be of the size and design and contain such information as the commissioner shall prescribe. Except as otherwise provided, any license, cab card and tag, plate or sticker shall become void on January 1 next following the date of issue or, when determined by the commissioner, 12 months from the first day of the month of issue. Licenses and cab cards shall be carried in the motor truck and the tag, plate or sticker shall be affixed to the motor truck and at all times be visible and legible. For emergency purposes, the commissioner may by telegram, identifying the motor truck, authorize its operation without the attachment of a tag, plate or sticker for a period not to exceed 21 days from the date of issue of the license. The telegram must be kept with the truck while being so operated. This section shall not apply to motor trucks owned by federal, state, provincial, or municipal governments. [Repealed.]~~

* * *

Sec. 16. 23 V.S.A. § 3007 is amended to read:

§ 3007. DIESEL FUEL USER'S LICENSE

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

~~commissioner~~ Commissioner may require. Applications filed at the time of the initial registration or renewal of a registration shall be accompanied by a \$6.50 annual license fee for each motor truck listed in the application, except that no fee shall be required for motor trucks with a gross weight of less than 26,001 pounds.

~~(b) In addition to any other provisions of law relating to registration of motor vehicles, or fees paid for registration, a person owning or operating upon the highways of the state a motor truck which is not base registered in this state, using fuel as defined in section 3002 of this title shall for each such motor truck apply to the commissioner for a diesel fuel user license. Application shall be made upon a form prescribed by the commissioner and shall set forth such information as the commissioner may require. Except for motor trucks with a gross weight of less than 26,001 pounds, and vehicles licensed under section 415 of this title, the application for issuance of initial and renewal licenses shall be accompanied by a \$6.50 license fee for each motor truck listed in the application, the fee being for the cost of the license, cab card and tag, plate or sticker. The commissioner shall issue a license, cab card and an identification tag, plate or sticker for each motor truck which tag, plate or sticker shall be of the size and design and contain such information as the commissioner shall prescribe. Except as otherwise provided any license, cab card and tag, plate or sticker shall become void on each January 1 thereafter or, when determined by the commissioner, 12 months from the first day of the month of issue. Licenses and cab cards shall be carried in the motor vehicle and the tag, plate or sticker shall be affixed to the motor vehicle and at all times be visible and legible. [Repealed.]~~

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

* * * Total Abstinence; Out-of-State Applicants * * *

Sec. 17. 23 V.S.A. § 1209a(b) is amended to read:

(b) Abstinence.

(1) Notwithstanding any other provision of this subchapter, a person whose license has been suspended for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the

effective date of the suspension 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 to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

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

* * *

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

(6)(A) If an applicant for reinstatement under this subsection resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, he or she shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is authorized to operate only vehicles equipped with an ignition interlock device and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

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

subchapter 13 of this title has terminated.

* * * Single Trip Permits * * *

Sec. 18. 23 V.S.A. § 1400 is amended to read:

§ 1400. PERMIT TO OPERATE IN EXCESS OF WEIGHT AND SIZE

LIMITS; STATE HIGHWAYS

(a) A person or corporation owning or operating a traction engine, tractor, trailer, motor truck, or other motor vehicle that desires to operate it over ~~state~~ State highways or class 1 town highways in excess of the weight and size limits provided by this subchapter shall ~~make application for such a permit to the commissioner of motor vehicles~~ apply to the Commissioner for a permit. In his or her discretion, with or without hearing, the ~~commissioner~~ Commissioner may issue to the person or corporation a permit authorizing the person to operate the traction engine, tractor, trailer, motor truck, or other motor vehicle upon ~~state~~ State highways and class 1 town highways as he or she may designate and containing the regulation subject to which the traction engine, tractor, trailer, motor truck, or other motor vehicle is to be operated. The permit shall not be granted until satisfactory proof is furnished to the ~~commissioner~~ Commissioner that the traction engine, tractor, trailer, motor truck, or other motor vehicle has been registered and the prescribed fee paid for a gross weight equal to a maximum legal load limit for its class. No additional registration fee shall be payable to authorize the use of the traction engine, tractor, trailer, motor truck, or other motor vehicle in accordance with the terms of the permit. The approval may be ~~given for a limited or unlimited length of time,~~ may be withdrawn for cause, and may be withdrawn without cause any time after March 31 next following the date of issuance. When approval is withdrawn for cause or on March 31, the ~~commissioner of motor vehicles~~ Commissioner shall forthwith revoke the permit; when approval is withdrawn otherwise he or she shall revoke the permit within one month.

* * *

Sec. 19. 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;
FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by his or her agent and a copy shall be kept in the Office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a

traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible overlength, and height limits established by this title is granted shall pay a fee of \$35.00 for each single trip permit or \$100.00 for a blanket permit, except that the fee for a fleet blanket permit shall be \$100.00 for the first unit and \$5.00 for each unit thereafter. At the option of a carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for \$100.00 for the first tractor and \$5.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one ~~accident~~ crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of \$25.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles, a special certificate of insurance showing

minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one ~~accident~~ crash.

(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.

* * *

~~(d) Permit for shipment of mobile or manufactured homes.—The Commissioner may from time to time designate a specific route as being pre-approved for the shipment of mobile or manufactured homes which are greater than 14 feet but not greater than 16 feet in overall width. Any person to whom a permit is issued under subsection (a) of this section, to transport a mobile or manufactured home which is greater than 14 feet but not greater than 16 feet overall width, over routes that have been pre-approved shall pay in lieu of the fees established in that subsection, a single trip permit fee of \$40.00. [Repealed.]~~

* * *

(f) A single trip permit issued under this section shall be valid for seven business days.

* * * Diesel Fuel Sales Reporting * * *

Sec. 20. 23 V.S.A. § 3014(a) is amended to read:

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

* * * Gasoline Distributor Bond Requirement * * *

Sec. 21. 23 V.S.A. § 3102 is amended to read:

§ 3102. LICENSING AND BONDING OF DISTRIBUTORS

(a) Before commencing business, on application, a distributor shall first procure a license from the ~~commissioner of motor vehicles~~ Commissioner permitting him or her to continue or to engage in business as a distributor. Before the ~~commissioner~~ Commissioner issues a license, the distributor shall file with the ~~commissioner~~ Commissioner a surety bond in a ~~sum and~~ form and with sureties as the ~~commissioner~~ Commissioner may require ~~in~~ for a sum based on an estimate of the tax liability for a two-month period, but not to exceed ~~\$400,000.00~~ \$700,000.00, conditioned upon the issuance of the report;

and the payment of the tax and, penalties, and fines provided in this subchapter. Upon approval of the application and bond, the ~~commissioner~~ Commissioner shall issue to the distributor a nonassignable license which shall continue in force until surrendered or revoked.

(b)(1) The amount of the surety bonds required shall be reviewed annually in September. ~~The minimum~~ If the Commissioner retains or reimposes a bond requirement, the amount required shall be the sum of the highest two months' payment during the preceding year or \$1,000.00, whichever is greater, but in no case shall it exceed ~~\$400,000.00~~ \$700,000.00. ~~For new licenses, the bond amount shall be based on an estimate of the tax liability for a two month period.~~

(2) A distributor may request release or reduction of the bond if the distributor has complied with all licensing and reporting requirements for at least the last three consecutive years. If the Commissioner determines that release or reduction of the bond will not unreasonably jeopardize State revenues, the bond shall be released or reduced, notwithstanding subdivision (1) of this subsection. Upon a finding to the contrary, the Commissioner shall retain the bond. If a bond is released or reduced under this subdivision, the Commissioner may reimpose a bond or increase the bond in accordance with subdivision (1) of this subsection if he or she determines that a material change in circumstances has occurred and State revenues will be unreasonably jeopardized without the reimposition or increase. A distributor aggrieved by a decision of the Commissioner to retain, reimpose, or increase a bond may request a hearing, which shall be conducted in accordance with sections 105-107 of this title, and appeals shall be governed by section 3115 of this chapter.

(c) ~~The amount of the bonds as established in accordance with subsection (b) of this section shall be increased whenever the commissioner deems it necessary to protect the revenues of the state. In addition~~ Notwithstanding the limits established in subsection (b) of this section, if payments and reports are delinquent for more than 10 days for more than one reporting period in a calendar year, the bond amount shall be increased to be the sum of the tax liability for the highest four months of the year. A distributor aggrieved by a decision of the Commissioner to increase the bond under this subsection may request a hearing, which shall be conducted in accordance with sections 105-107 of this title, and appeals shall be governed by section 3115 of this chapter.

* * *

* * * Trails Maintenance Assessments * * *

Sec. 22. 23 V.S.A. § 3202 is amended to read:

§ 3202. REGISTRATION AND TMA DECAL REQUIRED; EXCEPTIONS

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

(1) ~~on~~ On the property of the owner of the snowmobile;~~or,~~

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

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

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

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

(6) ~~for~~ For emergency use by fire service personnel;

(7) By a person who possesses a completed TMA form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TMA form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TMA form does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

* * * Allocation of Snowmobile Registration Proceeds * * *

Sec. 23. 23 V.S.A. § 3214 is amended to read:

§ 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY
INSURANCE; AUTHORITY TO CONTRACT FOR LAW
ENFORCEMENT SERVICES

(a) The amount of \$5.00 from the sale of every resident and nonresident snowmobile registration shall be allocated to the ~~transportation fund~~

Transportation Fund. The balance of fees and penalties collected under this subchapter, except interest, shall be remitted to the ~~agency of natural resources~~ Agency of Natural Resources, which may retain for its use up to \$11,500.00 during each fiscal year for ~~the oversight of the state snowmobile trail program~~ State Snowmobile Trail Program, and the remainder shall be allocated to VAST for:

(1) ~~development~~ Development and maintenance of the ~~state snowmobile trail program~~ State Snowmobile Trail Program (SSTP);

(2) ~~procuring~~ Procuring trails' liability insurance in accordance with subsection (b) of this section, ~~and~~.

(3) ~~contracting~~ Contracting for law enforcement services with any constable, sheriff's department, municipal police department, the ~~department of public safety~~ Department of Public Safety, ~~and or the department of fish and wildlife for purposes of trail compliance pursuant to~~ Department of Fish and Wildlife to ensure compliance with the provisions of this chapter. The allocation for snowmobile law enforcement services shall be an amount equal to \$5.00 from the sale of every resident and nonresident snowmobile registration, ~~and~~. If this allocation for law enforcement services is not fully expended, the unexpended amount carried forward may be used to purchase capital equipment to aid law enforcement in the provision of services. VAST shall be included include proposed spending on law enforcement services and on capital equipment as a part of the annual expenditure plan required by section 3215 of this chapter. The departments of public safety and fish and wildlife Departments of Public Safety and of Fish and Wildlife are authorized to contract with VAST to provide these law enforcement services.

* * *

(d) Any fees and penalties allocated pursuant to subsection (a) of this section shall not revert but shall be available until spent. Any accrued interest shall be deposited in the ~~transportation fund~~ Transportation Fund.

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

Sec. 24. 23 V.S.A. § 4103(16) is amended to read:

(16) "Serious traffic violation" means a conviction; when operating a commercial motor vehicle; or, ~~if applicable~~, when operating a noncommercial motor vehicle when the conviction results in the revocation, cancellation, or suspension of the operator's license or operating privilege, of:

* * *

(J) using a handheld mobile telephone while driving a commercial motor vehicle in violation of section 4125 of this chapter.

* * * Commercial Motor Vehicles; Disqualifications * * *

Sec. 25. 23 V.S.A. § 4116(k) is amended to read:

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

* * * Vermont Strong Plates * * *

Sec. 26. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, is amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

* * *

(c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, ~~2014~~ 2016. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(d) Price and allocation of revenue. The retail price of the plate shall be \$25.00, except that on or after July 1, 2016, plates may be sold by the Commissioner for \$5.00. Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$25.00 shall be allocated as follows:

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

* * *

* * * Nonresident Registration; Repeals * * *

Sec. 27. REPEAL

The following sections of Title 23 are repealed:

- (1) § 417 (motor truck trip permits);
- (2) § 418 (collection of tax; regulations);
- (3) § 419 (reciprocal agreements for waiver of motor truck permit fees);
- (4) § 422 (motor bus identification marker).

Sec. 28. 23 V.S.A. § 421 is amended to read:

§ 421. PENALTIES

(a) It shall be unlawful for any person:

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

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

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

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

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

* * *

* * * Dealer Plates * * *

Sec. 29. 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for dealer's registration shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate ~~five sets of~~ three number plates showing the distinguishing number assigned such dealer. ~~In his or her discretion, he or she~~ The Commissioner may furnish further sets of additional plates at a fee of \$40.00 per set according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

(A) under 20 sales: 0 additional plates;

(B) 20-49 sales: 1 additional plate;

(C) 50-99 sales: up to 5 additional plates;

- (D) 100–249 sales: up to 12 additional plates;
- (E) 250–499 sales: up to 17 additional plates;
- (F) 500–749 sales: up to 27 additional plates;
- (G) 750–999 sales: up to 37 additional plates;
- (H) 1,000–1,499 sales: up to 47 additional plates;
- (I) 1,500 or more: up to 57 additional plates.

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect \$40.00 for each additional plate thereafter.

Sec. 30. TRANSITION PROVISION; DEALER PLATES

The Commissioner may enforce compliance with Sec. 29 of this act on a rolling basis as dealer registrations expire over the 24-month period following the effective date of Sec. 29 of this act. Over this 24-month period, upon receiving the renewal application of a dealer who has been issued plates in excess of the limits established in 23 V.S.A. § 453(a)(1), the Commissioner shall require the dealer to return plates that exceed the limits established in 23 V.S.A. § 453(a)(1).

Sec. 31. MORATORIUM ON ISSUANCE OF DEALER PLATES; REPEAL

(a) Except for replacement of damaged dealer plates, no dealer registration plates may be issued under 23 V.S.A. § 453(a) to an existing dealer in addition to the number of plates already issued to that dealer, unless the dealer would be eligible for additional plates under 23 V.S.A. § 453(a) as amended by Sec. 29 of this act.

(b) This section shall be repealed on July 1, 2014.

Sec. 32. STUDY OF USE OF DEALER PLATES ON TOWING VEHICLES

(a) The Commissioner of Motor Vehicles shall study the use of dealer plates on towing service vehicles and formulate recommendations as to whether the existing law authorizing such use should be repealed, amended, or retained in its existing form. In conducting this study, the Commissioner shall review the laws of other jurisdictions and consult with interested persons, including a cross-section of dealers.

(b) On or before January 15, 2015, the Commissioner shall report his or her findings and recommendations to the House and Senate Committees on Transportation.

* * * Recognition of Licenses Issued by Foreign Jurisdictions * * *

Sec. 33. 23 V.S.A. § 601(a)–(c) are amended to read:

~~(a)(1) A resident who intends to operate motor vehicles shall procure a proper license~~ Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction with and who holds a valid license to operate motor vehicles under section 411 of this title shall procure a Vermont license within 60 days of moving into to the State. Operators² Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

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

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

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

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

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

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

~~(b) All operator licenses issued under this chapter shall expire every four years at midnight on the eve of the second or fourth anniversary of the date of birth of the applicant at the end of the term for which following the date they were issued. All junior operator licenses shall expire at midnight on the eve of the second anniversary of the date of birth of the applicant at the end of the term for which following the date they were issued. A person born on February 29 shall, for the purposes of this section, be considered as born on March 1.~~

~~(b)(c) The Commissioner shall, at~~ At least 30 days before the birth anniversary of each operator licenseholder on which the a license is scheduled to expire and biennially for each junior operator licenseholder, the Commissioner shall mail first class, to the licensee an application for renewal of the license. A person shall not operate a motor vehicle unless properly licensed.

~~(e) Notwithstanding the provisions of this section, a licensee may request a~~

~~two-year license renewal.~~

* * * Autocycles * * *

Sec. 34. 23 V.S.A. § 4(18) is amended to read:

(18)(A) “Motorcycle” shall mean any motor driven vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and shall include autocycles but excluding exclude motor-driven cycles, golf carts, track driven vehicles, tractors, and electric personal assistive mobility devices, and vehicles on which the operator and passengers ride within an enclosed cab, except that a vehicle which is fully enclosed, has three wheels in contact with the ground, weighs less than 1,500 pounds, has the capacity to maintain posted highway speed limits, and which uses electricity as its primary motive power shall be registered as a motorcycle but the operator of such vehicle shall not be required to have a motorcycle endorsement nor to comply with the provisions of section 1256 of this title (motorcycles headgear) in the operation of such a vehicle.

(B) “Autocycle” means a three-wheeled motorcycle:

(i) in which the occupants sit with their legs forward;

(ii) designed to be controlled with a steering wheel and pedals; and

(iii) equipped with safety belts for all occupants.

(C) “Fully enclosed autocycle” means an autocycle equipped with a windshield and that has full top and side enclosures capable of supporting the vehicle’s weight and protecting the occupants when the vehicle is resting on the enclosures.

Sec. 35. 23 V.S.A. § 601(f) is added to read:

(f) Operators of autocycles shall be exempt from the requirements to obtain a motorcycle learner’s permit or a motorcycle endorsement.

Sec. 36. 23 V.S.A. § 1114(b) is amended to read:

(b) A person shall ride upon a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or motor-driven cycle. The requirement of this subsection shall not apply to occupants of autocycles or of side-cars.

Sec. 37. 23 V.S.A. § 1256 is amended to read:

§ 1256. MOTORCYCLES—HEADGEAR

A person may not operate or ride upon a motorcycle upon a highway unless

he or she properly wears protective headgear of a type that conforms to the federal Motor Vehicle Safety Standards contained in 49 C.F.R. § 571.218 ~~and any amendment or addition to the regulations that may be adopted by the U.S. Secretary of Transportation, as may be amended.~~ The requirement of this section shall not apply to occupants of fully enclosed autocycles.

* * * Inspection Mechanics * * *

Sec. 38. 23 V.S.A. § 1227 is amended to read:

§ 1227. CERTIFIED INSPECTION MECHANICS

(a) Periodic inspections may be performed only by mechanics who have been certified by the ~~commissioner~~ Commissioner; provided that an uncertified person employed as an inspection mechanic may perform inspections during the first 30 days that he or she is employed by the inspection station.

(b) A person who applies for certification under this section shall:

(1) complete an application form prescribed by the ~~commissioner~~, shall Commissioner;

(2) be at least 18 years of age, and shall; and

(3) pass an examination based on the official inspection manual for each type of vehicle to be inspected-

~~(c) Applicants for certification under this section shall be examined and~~ on the inspection requirements for each type of vehicle to be inspected.

~~(c) Upon satisfactory completion of the examination, the commissioner an applicant's satisfaction of the requirements of subsection (b) of this section, the~~ Commissioner shall issue a certification which shall remain in effect for a period of five years or until surrendered, suspended, or revoked. Inspection mechanics certified by their employer as competent to perform inspections and who were continuously employed by one or more designated inspection stations for a period of at least one year at any time prior to July 1, 1998 shall not be required to take the examination.

~~(d) To inspect a school bus, a certified inspection mechanic shall not be required to have a commercial driver license if he or she:~~

(1) uses approved automated brake testing equipment in lieu of an inspection road test; or

(2) only operates the school bus at a safe location that is not a highway as defined in 19 V.S.A. § 1(12) as necessary to conduct an inspection road test.

* * * Effective Dates * * *

Sec. 39. EFFECTIVE DATES

(a) This section, Sec. 10 (credits for and substitution of privilege cards), and Sec. 31 (moratorium on issuance of dealer plates) shall take effect on passage.

(b) Sec. 11 shall take effect on January 1, 2015. The obligation to provide proof of insurance shall apply to all policies delivered, issued for delivery, or renewed in this State on or after January 1, 2015. The obligation to provide notice of cancellation or nonrenewal shall apply to all cancellations or nonrenewals on or after January 1, 2015.

(c) All other sections shall take effect on July 1, 2014.

(Committee vote: 11-0-0)

(For text see Senate Journal March 18 and 19, 2014)

Favorable

H. 878

An act relating to prevailing wages.

(Rep. Moran of Wardsboro will speak for the Committee on General, Housing and Military Affairs.)

Rep. Keenan of St. Albans City, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on General, Housing and Military Affairs.

(Committee Vote: 7-4-0)

Amendment to be offered by Reps. Emmons of Springfield, Davis of Washington, Hooper of Montpelier, Larocque of Barnet, Lenex of Shelburne, Macaig of Williston, Myers of Essex, Shaw of Pittsford, and South of St. Johnsbury to H. 878

First: By adding a new Sec. 2 to read as follows:

Sec. 2. STATE CONSTRUCTION PROJECTS; CONTRACTS SUBJECT
TO STATE PREVAILING WAGE

(a) It is the intent of the General Assembly that the transition to the use of the prevailing wage determinations as have been made by the Secretary of the U.S. Department of Labor in accordance with the Davis-Bacon Act, 40 U.S.C. § 276a, as may be amended, in State construction projects shall not change the scope of State construction projects that are subject to the requirements of 29 V.S.A. § 161(b).

(b) Notwithstanding Sec. 1 of this act, the following contracts shall remain subject to the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey:

(1) contracts for State construction projects executed prior to July 1, 2015;

(2) any change orders or amendments to contracts for State construction projects executed prior to July 1, 2015; and

(3) contracts for State construction projects that result from instructions to bidders posted by the State of Vermont prior to July 1, 2015.

Second: By adding a Sec. 3 to read as follows:

Sec. 3. PREVAILING WAGE; UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES

The University of Vermont and State Agricultural College and the Vermont State Colleges shall pay no less than the prevailing wage determinations as have been made by the Secretary of the U.S. Department of Labor in accordance with the Davis-Bacon Act, 40 U.S.C. § 276a, as may be amended, for any new construction or major renovation project that receives funding in any capital construction act.

and by renumbering the remaining section to be numerically correct.

H. 886

An act relating to approval of the adoption and the codification of the charter of the Town of Panton

Rep. Mook of Bennington, for the Committee on **Government Operations**, recommends the bill ought to pass.
(**Committee Vote: 11-0-0**)

H. 890

An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas

Rep. Cole of Burlington, for the Committee on **Government Operations**, recommends the bill ought to pass.
(**Committee Vote: 10-1-0**)

H.R. 18

House resolution relating to passenger rail service to Montreal

Rep. Bissonnette of Winooski, for the Committee on **Transportation**, recommends the bill ought to pass.
(**Committee Vote: 10-0-1**)

H.R. 19

House resolution relating to intercity passenger rail connecting New York to the Western Corridor of Vermont

Rep. Bissonnette of Winooski, for the Committee on **Transportation**, recommends the bill ought to pass.

(**Committee Vote: 10-0-1**)

H.R. 20

House resolution relating to support of Agency of Transportation's TIGER grant application for Western Corridor rail improvements

Rep. Bissonnette of Winooski, for the Committee on **Transportation**, recommends the bill ought to pass.

(**Committee Vote: 10-0-1**)

Senate Proposal of Amendment

H. 543

An act relating to records and reports of the Auditor of Accounts

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

First: By striking Sec. 1 in its entirety and inserting in lieu thereof:

Sec. 1. REPEAL

2012 Acts and Resolves No. 155, Sec. 24 (auditor website; audit findings) is repealed.

Second: In Sec. 2, 32 V.S.A. § 163, by striking subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read:

(3) ~~{Repealed.}~~ (A) Prominently post and retain on his or her official State website, and update at least annually on or before July 1, the following information:

(i) All reports with findings that result from audits conducted under subdivision (1) of this section.

(ii) A summary of significant recommendations contained in audit reports issued since January 1, 2012 arising from audits conducted under subdivision (1) of this section, and the dates on which corrective actions were taken related to those recommendations.

(iii) A summary of all embezzlement convictions, and false claim convictions as described in 13 V.S.A. § 3016, against any agency or department of the State, since July 1, 2007. The summary shall include the

names of all persons convicted of those offenses.

(B) Follow up on recommendations described in subdivision (A)(ii) of this subdivision (3) at least biennially and for at least four years from the date of the audit report.

(For text see House Journal No House Amendments)

NOTICE CALENDAR

Favorable

H. 887

An act relating to approval of the adoption and the codification of the charter of the Town of East Montpelier

Rep. Devereux of Mount Holly, for the Committee on **Government Operations**, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

S. 223

An act relating to regulating the making of pension loans

Rep. Cross of Winooski, for the Committee on **Commerce and Economic Development**, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-1)

Senate Proposal of Amendment

H. 799

An act relating to the importation of firewood

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

First: In Sec. 1, in 10 V.S.A. § 2681, by inserting a subsection (c) to read:

(c) Penalties. Any person who violates a provision of this subchapter or the rules adopted under this subchapter shall be subject to a civil citation under section 8019 of this title.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof 3 new sections to be Secs. 2, 3, and 4 to read:

Sec. 2. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the

following statutes:

* * *

(17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of firewood.

* * *

Sec. 3. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(L) section 2625 (regulation of heavy cutting).

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 83, subchapter 8 (importation of firewood).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(For text see House Journal 3/11/2014 & 3/13/2014)

Public Hearings

April 9 2014 - Room 11 - 5:00pm-7:00 pm - H.883 - Expanded Pre K-Grade 12 School Districts - House Ways and Means and Education Committees

Information Notice

On **Wednesday, April 9, 2014** beginning at **9:30 am**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2015 Budget (H.885) in Room 10 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).

Joint Assembly

Thursday, April 10, 2014 - 10:30 A.M. - Election of one (1) successor legislative Trustee of the University of Vermont and State Agricultural College.

Candidates for the position of trustee must notify the Secretary of State in writing not later than Thursday, April 3, 2014, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. § 12(b). Otherwise their names will not appear on the ballots for this position.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.