

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill
3 No. 314 entitled “An act relating to miscellaneous amendments to laws related
4 to motor vehicles” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Nondriver Identification Cards * * *

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

10 § 115. NONDRIVER IDENTIFICATION CARDS

11 (a) Any Vermont resident may make application to the Commissioner and
12 be issued an identification card which is attested by the Commissioner as to
13 true name, correct age, residential address unless the listing of another address
14 is requested by the applicant or is otherwise authorized by law, and any other
15 identifying data as the Commissioner may require which shall include, in the
16 case of minor applicants, the written consent of the applicant’s parent,
17 guardian, or other person standing in loco parentis. Every application for an
18 identification card shall be signed by the applicant and shall contain such
19 evidence of age and identity as the Commissioner may require, consistent with
20 subsection (l) of this section. New and renewal application forms shall include
21 a space for the applicant to request that a “veteran” designation be placed on

1 his or her identification card. If a veteran, as defined in 38 U.S.C. § 101(2),
2 requests a veteran designation and provides a Department of Defense
3 Form 214 or other proof of veteran status specified by the Commissioner, and
4 the Office of Veterans Affairs confirms his or her status as an honorably
5 discharged veteran or a veteran discharged under honorable conditions, the
6 identification card shall include the term “veteran” on its face. The
7 Commissioner shall require payment of a fee of \$20.00 at the time application
8 for an identification card is made, except that an initial nondriver identification
9 card shall be issued at no charge to a person who surrenders his or her license
10 in connection with a suspension or revocation under subsection 636(b) of this
11 title due to a physical or mental condition.

12 (b) ~~Except as provided in subsection (1) of this section, every~~ Every
13 identification card shall expire, unless earlier canceled, on the fourth birthday
14 of the applicant following the date of original issue, and may be renewed every
15 four years upon payment of a \$20.00 fee. At least 30 days before an
16 identification card will expire, the Commissioner shall mail first class to the
17 cardholder an application to renew the identification card.

18 * * *

19 (1)(1) The Commissioner shall issue identification cards to Vermont
20 residents who are not U.S. citizens but are able to establish lawful presence in
21 the United States if an applicant follows the procedures and furnishes

1 documents as required under subsection 603(d) of this title and any policies or
2 rules adopted thereunder, and otherwise satisfies the requirements of this
3 section. The identification cards shall expire consistent with subsection 603(d)
4 of this title.

5 * * *

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

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

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

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

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

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

1 Commissioner. The Commissioner shall issue vanity and special organization
2 number plates in the following manner:

3 (1) Vanity plates. Subject to the restrictions of this section, vanity plates
4 shall be issued at the request of the registrant of a motor vehicle ~~registered at~~
5 ~~the pleasure car rate or of a truck registered for less than 26,001 pounds (but~~
6 ~~excluding trucks~~ unless the vehicle is registered under the International
7 Registration Plan), upon application and upon payment of an annual fee of
8 \$45.00 in addition to the annual fee for registration. The Commissioner shall
9 not issue two sets of plates bearing the same initials or letters unless the plates
10 also contain a distinguishing number. Vanity plates are subject to
11 reassignment if not renewed within 60 days of expiration of the registration.

12 * * *

13 (c) The Commissioner shall issue registration numbers 101 through 9999,
14 which shall be known as reserved registration numbers, for pleasure cars ~~or~~,
15 motor trucks that are registered at the pleasure car rate, and motorcycles in the
16 following manner:

17 (1) A person holding a reserved registration number ~~between 101 and~~
18 ~~9999~~ may retain the number for the ensuing registration period, provided
19 application is made ~~prior to or within~~ at least 60 days of the ~~prior to~~ expiration
20 of the registration.

1 period of registration, upon payment of the registration fee. ~~Except as~~
2 ~~otherwise provided, number~~ Number plates so issued will become void one
3 year from the first day of the month following the month of issue unless a
4 longer initial registration period is authorized by law, or unless this period is
5 extended through renewal. Registrations issued for motor trucks shall become
6 void one year from the first day of the month following the month of issue.
7 The fees for annual special excess weight permits issued to these vehicles
8 pursuant to section 1392 of this title shall be prorated so as to coincide with
9 registration expiration dates.

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

16 (c) ~~The Commissioner may issue number plates to be used for a period of~~
17 ~~two or more years. One validating sticker shall be issued by the Department of~~
18 ~~Motor Vehicles upon payment of the registration fee for the second and each~~
19 ~~succeeding year the plate is used.~~ Except as otherwise provided in subsection

20 (d) of this section, no plate is valid ~~for the second and succeeding years~~ unless

1 the validation sticker is affixed to the rear plate in the manner prescribed by the
2 Commissioner in section 511 of this title.

3 (d) When a registration for a motor vehicle, snowmobile, motorboat, or
4 all-terrain vehicle is processed electronically, a receipt shall be available
5 electronically and for printing. ~~The~~ An electronic or printed receipt shall serve
6 as a temporary registration. ~~To be valid, the temporary registration shall be in~~
7 ~~the possession of the operator at all times, and it shall expire for~~ ten days after
8 the date of the transaction. An electronic receipt may be shown to an
9 enforcement officer using a portable electronic device. Use of a portable
10 electronic device to display the receipt does not in itself constitute consent for
11 an officer to access other contents of the device.

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

13 § 511. MANNER OF DISPLAY

14 (a) A motor vehicle operated on any highway shall have displayed in a
15 conspicuous place either one or two number plates as the ~~commissioner of~~
16 ~~motor vehicles~~ Commissioner may require. Such number plates shall be
17 furnished by the ~~commissioner of motor vehicles, showing~~ Commissioner and
18 shall show the number assigned to such vehicle by the ~~commissioner~~
19 Commissioner. If only one number plate is furnished, the same shall be
20 securely attached to the rear of the vehicle. If two are furnished, one shall be
21 securely attached to the rear and one to the front of the vehicle. The number

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

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

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

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

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

1 * * * Reciprocal Recognition of Learner’s Permits * * *

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

3 § 411. RECIPROCAL PROVISIONS

4 As determined by the ~~commissioner of motor vehicles~~ Commissioner, a
5 motor vehicle owned by a nonresident, shall be considered as registered and a
6 nonresident operator shall be considered as licensed or permitted in this ~~state~~,
7 State if the nonresident owner or operator has complied with the laws of the
8 foreign country or state of his or her residence relative to the registration of
9 motor vehicles and the granting of operators’ licenses or learner’s permits.

10 Any exemptions provided in this section shall, however, be operative as to an
11 owner or operator of a motor vehicle only to the extent that under the laws of
12 the foreign country or state of his residence like exemptions and privileges are
13 granted to operators duly licensed or permitted and to owners of motor
14 vehicles duly registered under the laws of this ~~state~~ State. If the owner or
15 operator is a resident of a country not adjoining the United States, such
16 exemptions shall be operative for a period of 30 days for vacation purposes,
17 notwithstanding that such country does not grant like privileges to residents of
18 this ~~state~~ State. Such exemptions shall not be operative as to the owner of a
19 motor truck used for the transportation of property for hire or profit between
20 points within the ~~state~~ State or to the owner of any motor vehicle carrying an

1 auxiliary fuel tank or tanks providing an additional supply of motor fuel over
2 and above that provided in the standard equipment of such vehicle.

3 Sec. 6. 23 V.S.A. § 615 is amended to read:

4 § 615. UNLICENSED OPERATORS

5 (a)(1) An unlicensed person 15 years of age or older may operate a motor
6 vehicle if he or she possesses a valid learner's permit issued to him or her by
7 the Commissioner, or by another jurisdiction in accordance with section 411 of
8 this title, and if his or her licensed parent or guardian, licensed or certified
9 driver education instructor, or licensed person at least 25 years of age rides
10 beside him or her. Nothing in this section shall be construed to permit a person
11 against whom a revocation or suspension of license is in force, or a person ~~less~~
12 younger than 15 years of age, or a person who has been refused a license by
13 the Commissioner to operate a motor vehicle.

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

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

16 § 614. RIGHTS UNDER LICENSE

17 * * *

18 (b) A junior operator's license shall entitle the holder to operate a
19 registered motor vehicle with the consent of the owner, but shall not entitle
20 him or her to operate a motor vehicle in the course of his or her employment or
21 for direct or indirect compensation for one year following issuance of the

1 license, except that the holder may operate a farm tractor with or without
2 compensation upon a public highway in going to and from different parts of a
3 farm of the tractor's owner or to go to any repair shop for repair purposes. A
4 junior operator's license shall not entitle the holder to carry passengers for hire.

5 (c) During the first three months of operation, the holder of a junior
6 operator's license is restricted to driving alone or with a licensed parent or
7 guardian, licensed or certified driver education instructor, or licensed person at
8 least 25 years of age. During the following three months, a junior operator
9 may additionally transport family members. No person operating with a junior
10 operator's license shall transport more passengers than there are safety belts
11 unless he or she is operating a vehicle that has not been manufactured with a
12 federally approved safety belt system. A person convicted of operating a
13 motor vehicle in violation of this subsection shall be subject to a penalty of not
14 more than \$50.00, and his or her license shall be recalled for a period of
15 90 days. The provisions of this subsection may be enforced only if a law
16 enforcement officer has detained the operator for a suspected violation of
17 another traffic offense.

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

1 ID-compliant operator’s license or a four-year operator’s privilege card upon
2 expiration of the two-year privilege card, he or she shall be entitled upon
3 request to a credit of \$6.00 toward the fee of the four-year operator’s license or
4 four-year operator’s privilege card.

5 (b) If a person issued a two-year operator’s privilege card from January 1,
6 2014 to June 30, 2014 applies and qualifies for a four-year REAL
7 ID-compliant operator’s license prior to expiration of his or her privilege card,
8 the Department of Motor Vehicles shall issue him or her the four-year REAL
9 ID-compliant license at a charge of \$18.00. The four-year REAL-ID
10 compliant license shall expire at midnight on the eve of the fourth birthday of
11 the applicant following the date of issuance of the privilege card.

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

19 (2) If a person issued a four-year operator’s privilege card from July 1,
20 2014 to December 31, 2015 applies and qualifies for a four-year REAL
21 ID-compliant operator’s license prior to expiration of his or her privilege card,

1 the Department of Motor Vehicles shall issue at no charge a REAL
2 ID-compliant license that expires on the same date as the applicant's
3 privilege card.

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

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

6 § 704. QUALIFICATIONS FOR TRAINING SCHOOL LICENSE

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

9 * * *

10 (3) ~~provide evidence that he or she maintains~~ maintain bodily injury and
11 property damage liability insurance on each motor vehicle being used in driver
12 training, insuring the liability of the driver training school and the operator of
13 each motor vehicle for each instructor and of any person while using any such
14 motor vehicle with the permission of the named insured in at least the
15 following amount: \$300,000.00 for bodily injury or death of one person in any
16 one accident and, subject to said limit for one person, \$500,000.00 for bodily
17 injury or death of two or more persons in any one accident, and \$100,000.00
18 for damage to property of others in any one accident. ~~Evidence of such~~
19 ~~insurance coverage shall be in the form of a certificate from an insurance~~
20 ~~company authorized to do business in this state filed with the commissioner~~
21 ~~setting forth the amount of coverage and providing that the policy of insurance~~

1 ~~shall be noncancelable except after 15 days' written notice to the commissioner~~
2 A carrier who insures an applicant under this subdivision shall provide the
3 Commissioner and the insured with proof of insurance at the beginning of each
4 policy period. A cancellation or nonrenewal of such insurance may take effect
5 only after notice to the Commissioner and the insured at least 15 days prior to
6 the cancellation or nonrenewal.

7 * * *

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

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

10 § 4. DEFINITIONS

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

15 * * *

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

18 * * * Proof of Financial Responsibility * * *

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

20 § 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

1 (a) No owner of a motor vehicle required to be registered, or operator
2 required to be licensed or issued a learner's permit, shall operate or permit the
3 operation of the vehicle upon the highways of the State without having in
4 effect an automobile liability policy or bond in the amounts of at least
5 \$25,000.00 for one person and \$50,000.00 for two or more persons killed or
6 injured and \$10,000.00 for damages to property in any one ~~accident~~ crash. In
7 lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be
8 filed with the Commissioner of Motor Vehicles, and shall be maintained and
9 evidenced in a form prescribed by the Commissioner. The Commissioner may
10 require that evidence of financial responsibility be produced before motor
11 vehicle inspections are performed pursuant to the requirements of section 1222
12 of this title.

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

16 (c) Every operator of a vehicle required to be registered shall have proof of
17 financial responsibility as required by subsection (a) of this section when
18 operating such vehicle on the highways of this State. A person may prove
19 financial responsibility using a portable electronic device; however, use of a
20 device for this purpose does not in itself constitute consent for an enforcement
21 officer to access other contents of the device. An operator cited for violating

1 this subsection shall not be convicted if he or she sends or produces to the
2 issuing enforcement agency within seven business days of the traffic stop proof
3 of financial responsibility that was in effect at the time of the traffic stop.

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

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

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

8 § 611. POSSESSION OF LICENSE CERTIFICATE

9 Every licensee shall have his or her operator's license certificate in his or
10 her immediate possession at all times when operating a motor vehicle.

11 However, ~~no~~ a person charged cited with violating this section or section 610
12 of this title shall not be convicted if he or she sends a copy of or produces in
13 ~~court or to the enforcement officer~~ to the issuing enforcement agency within
14 seven business days of the traffic stop an operator's license certificate
15 ~~theretofore issued to him or her which, at the time of his or her citation, that~~
16 was valid or had expired within ~~the prior~~ 14 days prior to the traffic stop.

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

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

19 § 415. NONDIESEL FUEL USER'S LICENSE

20 * * *

1 (c) ~~In addition to any other provision of law relating to registration of~~
2 ~~motor vehicles, or fees paid for registration, a person owning or operating upon~~
3 ~~the highways of this state a motor truck with a gross weight of 18,000 pounds~~
4 ~~or over, powered by gasoline or other nondiesel fuel and not base registered in~~
5 ~~this state, shall apply to the commissioner for a nondiesel fuel user's license~~
6 ~~for each motor truck to be so operated. Application shall be made upon a form~~
7 ~~prescribed by the commissioner and shall set forth such information as he or~~
8 ~~she may require. The application shall be accompanied by a license fee of~~
9 ~~\$6.50 for each motor truck listed in the application, the fee being for the~~
10 ~~purpose of paying the cost of issuing the license, cab card and sticker. The~~
11 ~~commissioner shall issue a license, cab card and identification tag, plate, or~~
12 ~~sticker for each motor truck, which tag, plate or sticker shall be of the size and~~
13 ~~design and contain such information as the commissioner shall prescribe.~~
14 ~~Except as otherwise provided, any license, cab card and tag, plate or sticker~~
15 ~~shall become void on January 1 next following the date of issue or, when~~
16 ~~determined by the commissioner, 12 months from the first day of the month of~~
17 ~~issue. Licenses and cab cards shall be carried in the motor truck and the tag,~~
18 ~~plate or sticker shall be affixed to the motor truck and at all times be visible~~
19 ~~and legible. For emergency purposes, the commissioner may by telegram,~~
20 ~~identifying the motor truck, authorize its operation without the attachment of a~~
21 ~~tag, plate or sticker for a period not to exceed 21 days from the date of issue of~~

1 ~~the license. The telegram must be kept with the truck while being so operated.~~
2 ~~This section shall not apply to motor trucks owned by federal, state, provincial,~~
3 ~~or municipal governments. [Repealed.]~~

4 * * *

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

6 § 3007. DIESEL FUEL USER'S LICENSE

7 (a) In addition to any other provision of law relating to registration of
8 motor vehicles, or fees paid therefore, a person owning or operating upon the
9 highways of the ~~state~~ State a motor truck, ~~which~~ that is registered in the ~~state,~~
10 ~~using~~ State and uses fuel as defined in section 3002 of this title; shall, for each
11 motor truck to be so operated, apply to the ~~commissioner~~ Commissioner for a
12 diesel fuel user license, which shall be renewed at the time of renewal of the
13 truck's registration. Application shall be made upon a form prescribed by ~~such~~
14 ~~commissioner~~ the Commissioner and shall set forth such information as the
15 ~~commissioner~~ Commissioner may require. Applications filed at the time of the
16 initial registration or renewal of a registration shall be accompanied by a \$6.50
17 annual license fee for each motor truck listed in the application, except that no
18 fee shall be required for motor trucks with a gross weight of less than 26,001
19 pounds.

20 (b) ~~In addition to any other provisions of law relating to registration of~~
21 ~~motor vehicles, or fees paid for registration, a person owning or operating upon~~

1 ~~the highways of the state a motor truck which is not base registered in this~~
2 ~~state, using fuel as defined in section 3002 of this title shall for each such~~
3 ~~motor truck apply to the commissioner for a diesel fuel user license.~~
4 ~~Application shall be made upon a form prescribed by the commissioner and~~
5 ~~shall set forth such information as the commissioner may require. Except for~~
6 ~~motor trucks with a gross weight of less than 26,001 pounds, and vehicles~~
7 ~~licensed under section 415 of this title, the application for issuance of initial~~
8 ~~and renewal licenses shall be accompanied by a \$6.50 license fee for each~~
9 ~~motor truck listed in the application, the fee being for the cost of the license,~~
10 ~~cab card and tag, plate or sticker. The commissioner shall issue a license, cab~~
11 ~~card and an identification tag, plate or sticker for each motor truck which tag,~~
12 ~~plate or sticker shall be of the size and design and contain such information as~~
13 ~~the commissioner shall prescribe. Except as otherwise provided any license,~~
14 ~~cab card and tag, plate or sticker shall become void on each January 1~~
15 ~~thereafter or, when determined by the commissioner, 12 months from the first~~
16 ~~day of the month of issue. Licenses and cab cards shall be carried in the motor~~
17 ~~vehicle and the tag, plate or sticker shall be affixed to the motor vehicle and at~~
18 ~~all times be visible and legible. [Repealed.]~~

19 (c) This section shall not apply to users' vehicles exempt from reporting
20 requirements under section 3014 of this title or to users' vehicles exempt from
21 taxation under subdivisions subdivision 3003(d)(3) and (5)(1)(C) of this title,

1 or to users' vehicles that are being operated under the provisions of ~~sections~~
2 section 463 or 516 of this title.

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

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

5 (b) Abstinence.

6 (1) Notwithstanding any other provision of this subchapter, a person
7 whose license has been suspended for life under this subchapter may apply to
8 the Driver Rehabilitation School Director and to the Commissioner for
9 reinstatement of his or her driving privilege. The person shall have completed
10 three years of total abstinence from consumption of alcohol or drugs, or both.
11 The beginning date for the period of abstinence shall be no sooner than the
12 effective date of the suspension from which the person is requesting
13 reinstatement and shall not include any period during which the person is
14 serving a sentence of incarceration to include furlough. The application to the
15 Commissioner shall be accompanied by a fee of \$500.00. The Commissioner
16 shall have the discretion to waive the application fee if the Commissioner
17 determines that payment of the fee would present a hardship to the applicant.

18 (2) If the Commissioner, or a medical review board convened by the
19 Commissioner, is satisfied by a preponderance of the evidence that the
20 applicant has abstained for the required number of years immediately
21 preceding the application and hearing, has successfully completed a therapy

1 program as required under this section, and the person appreciates that he or
2 she cannot drink any amount of alcohol and drive safely, the person's license
3 shall be reinstated immediately, subject to the condition that the person's
4 suspension will be put back in effect in the event any further investigation
5 reveals a return to the consumption of alcohol or drugs and to such additional
6 conditions as the Commissioner may impose and, if the person has not
7 previously operated for three years under an ignition interlock RDL, subject to
8 the additional condition that the person shall operate under an ignition
9 interlock restricted driver's license for a period of at least one year following
10 reinstatement under this subsection. However, the Commissioner may waive
11 this one-year requirement to operate under an ignition interlock restricted
12 driver's license if the person furnishes proof as prescribed by the
13 Commissioner that he or she is incapable of using an ignition interlock device
14 because of a medical condition that will persist permanently or at least for
15 one year.

16 * * *

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

19 (6)(A) If an applicant for reinstatement under this subsection resides in a
20 jurisdiction other than Vermont, the Commissioner may elect not to conduct an
21 investigation. If the Commissioner elects not to conduct an investigation, he or

1 she shall provide a letter to the applicant's jurisdiction of residence stating that
2 Vermont does not object to the jurisdiction issuing the applicant a license if the
3 applicant is authorized to operate only vehicles equipped with an ignition
4 interlock device and is required to complete any alcohol rehabilitation or
5 treatment requirements of the licensing jurisdiction.

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

12 * * * Single Trip Permits * * *

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

14 § 1400. PERMIT TO OPERATE IN EXCESS OF WEIGHT AND SIZE
15 LIMITS; STATE HIGHWAYS

16 (a) A person or corporation owning or operating a traction engine, tractor,
17 trailer, motor truck, or other motor vehicle that desires to operate it over ~~state~~
18 State highways or class 1 town highways in excess of the weight and size
19 limits provided by this subchapter shall ~~make application for such a permit to~~
20 ~~the commissioner of motor vehicles~~ apply to the Commissioner for a permit.

21 In his or her discretion, with or without hearing, the ~~commissioner~~

1 Commissioner may issue to the person or corporation a permit authorizing the
2 person to operate the traction engine, tractor, trailer, motor truck, or other
3 motor vehicle upon ~~state~~ State highways and class 1 town highways as he or
4 she may designate and containing the regulation subject to which the traction
5 engine, tractor, trailer, motor truck, or other motor vehicle is to be operated.

6 The permit shall not be granted until satisfactory proof is furnished to the
7 ~~commissioner~~ Commissioner that the traction engine, tractor, trailer, motor
8 truck, or other motor vehicle has been registered and the prescribed fee paid
9 for a gross weight equal to a maximum legal load limit for its class. No
10 additional registration fee shall be payable to authorize the use of the traction
11 engine, tractor, trailer, motor truck, or other motor vehicle in accordance with
12 the terms of the permit. The approval may be ~~given for a limited or unlimited~~
13 ~~length of time, may be~~ withdrawn for cause, and may be withdrawn without
14 cause any time after March 31 next following the date of issuance. When
15 approval is withdrawn for cause or on March 31, the ~~commissioner of motor~~
16 ~~vehicles~~ Commissioner shall forthwith revoke the permit; when approval is
17 withdrawn otherwise he or she shall revoke the permit within one month.

18 * * *

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

20 § 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;

21 FEES

1 (a) Overweight, overwidth, indivisible overlength, and overheight permits.
2 Overweight, overwidth, indivisible overlength, and overheight permits shall be
3 signed by the Commissioner or by his or her agent and a copy shall be kept in
4 the Office of the Commissioner or in a location approved by the
5 Commissioner. Except as provided in subsection (c) of this section, a copy
6 shall also be available in the towing vehicle and must be available for
7 inspection on demand of a law enforcement officer. Before operating a
8 traction engine, tractor, trailer, motor truck, or other motor vehicle, the person
9 to whom a permit to operate in excess of the weight, width, indivisible
10 overlength, and height limits established by this title is granted shall pay a fee
11 of \$35.00 for each single trip permit or \$100.00 for a blanket permit, except
12 that the fee for a fleet blanket permit shall be \$100.00 for the first unit and
13 \$5.00 for each unit thereafter. At the option of a carrier, an annual permit for
14 the entire fleet, to operate over any approved route, may be obtained for
15 \$100.00 for the first tractor and \$5.00 for each additional tractor, up to a
16 maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the
17 entire number of tractors owned by the applicant. An applicant for a fleet
18 permit may apply for any number of specific routes, each of which shall be
19 reviewed with regard to the characteristics of the route and the type of
20 equipment operated by the applicant. When the weight or size of the
21 vehicle-load are considered sufficiently excessive for the routing requested, the

1 Agency of Transportation shall, on request of the Commissioner, conduct an
2 engineering inspection of the vehicle-load and route, for which a fee of
3 \$300.00 will be added to the cost of the permit if the load is a manufactured
4 home. For all other loads of any size or with gross weight limits less than
5 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that
6 requires up to eight hours to conduct. If the inspection requires more than
7 eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each
8 additional hour required. If the vehicle and load weigh 150,000 pounds or
9 more but not more than 200,000 pounds, the engineering inspection fee shall
10 be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not
11 more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00.
12 If the vehicle and load weigh more than 250,000 pounds, the engineering
13 inspection fee shall be \$10,000.00. The study must be completed prior to the
14 permit being issued. Prior to the issuance of a permit, an applicant whose
15 vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or
16 height, shall file with the Commissioner a special certificate of insurance
17 showing minimum coverage of \$250,000.00 for death or injury to one person,
18 \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for
19 property damage, all arising out of any one ~~accident~~ crash.

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

1 ~~of the fees established in that subsection, a single trip permit fee of \$40.00.~~

2 [Repealed.]

3 * * *

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

6 * * * Diesel Fuel Sales Reporting * * *

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

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

15 * * * Gasoline Distributor Bond Requirement * * *

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

17 § 3102. LICENSING AND BONDING OF DISTRIBUTORS

18 (a) Before commencing business, on application, a distributor shall first
19 procure a license from the ~~commissioner of motor vehicles~~ Commissioner
20 permitting him or her to continue or to engage in business as a distributor.
21 Before the ~~commissioner~~ Commissioner issues a license, the distributor shall

1 file with the ~~commissioner~~ Commissioner a surety bond in a ~~sum~~ and form and
2 with sureties as the ~~commissioner~~ Commissioner may require ~~in~~ for a sum
3 based on an estimate of the tax liability for a two-month period, but not to
4 exceed \$400,000.00 \$700,000.00, conditioned upon the issuance of the report,
5 and the payment of the tax and, penalties, and fines provided in this
6 subchapter. Upon approval of the application and bond, the ~~commissioner~~
7 Commissioner shall issue to the distributor a nonassignable license which shall
8 continue in force until surrendered or revoked.

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

16 (2) A distributor may request release or reduction of the bond if the
17 distributor has complied with all licensing and reporting requirements for at
18 least the last three consecutive years. If the Commissioner determines that
19 release or reduction of the bond will not unreasonably jeopardize State
20 revenues, the bond shall be released or reduced, notwithstanding subdivision
21 (1) of this subsection. Upon a finding to the contrary, the Commissioner shall

1 retain the bond. If a bond is released or reduced under this subdivision, the
2 Commissioner may reimpose a bond or increase the bond in accordance with
3 subdivision (1) of this subsection if he or she determines that a material change
4 in circumstances has occurred and State revenues will be unreasonably
5 jeopardized without the reimposition or increase. A distributor aggrieved by a
6 decision of the Commissioner to retain, reimpose, or increase a bond may
7 request a hearing, which shall be conducted in accordance with sections
8 105–107 of this title, and appeals shall be governed by section 3115 of this
9 chapter.

10 (c) ~~The amount of the bonds as established in accordance with subsection~~
11 ~~(b) of this section shall be increased whenever the commissioner deems it~~
12 ~~necessary to protect the revenues of the state. In addition~~ Notwithstanding the
13 limits established in subsection (b) of this section, if payments and reports are
14 delinquent for more than 10 days for more than one reporting period in a
15 calendar year, the bond amount shall be increased to be the sum of the tax
16 liability for the highest four months of the year. A distributor aggrieved by a
17 decision of the Commissioner to increase the bond under this subsection may
18 request a hearing, which shall be conducted in accordance with sections
19 105–107 of this title, and appeals shall be governed by section 3115 of this
20 chapter.

21 * * *

* * * 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

1 Snowmobile Trail System. Liability insurance as provided for in subdivision
2 3206(b)(19) of this title and a valid registration decal are required; ~~or~~.

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

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

10 * * *

11 * * * Allocation of Snowmobile Registration Proceeds * * *

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

13 § 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY
14 INSURANCE; AUTHORITY TO CONTRACT FOR LAW
15 ENFORCEMENT SERVICES

16 (a) The amount of \$5.00 from the sale of every resident and nonresident
17 snowmobile registration shall be allocated to the ~~transportation fund~~
18 Transportation Fund. The balance of fees and penalties collected under this
19 subchapter, except interest, shall be remitted to the ~~agency of natural resources~~
20 Agency of Natural Resources, which may retain for its use up to \$11,500.00
21 during each fiscal year for ~~the oversight of the state snowmobile trail program~~

1 State Snowmobile Trail Program, and the remainder shall be allocated to

2 VAST for:

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

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

7 (3) ~~contracting~~ Contracting for law enforcement services with any
8 constable, sheriff's department, municipal police department, the ~~department~~
9 ~~of public safety~~ Department of Public Safety, ~~and or the department of fish and~~
10 ~~wildlife for purposes of trail compliance pursuant to~~ Department of Fish and

11 Wildlife to ensure compliance with the provisions of this chapter. The

12 allocation for snowmobile law enforcement services shall be an amount equal
13 to \$5.00 from the sale of every resident and nonresident snowmobile

14 registration, ~~and~~ If this allocation for law enforcement services is not fully
15 expended, the unexpended amount carried forward may be used to purchase

16 capital equipment to aid law enforcement in the provision of services. VAST
17 ~~shall be included~~ include proposed spending on law enforcement services and

18 on capital equipment as a part of the annual expenditure plan required by

19 section 3215 of this chapter. The ~~departments of public safety and fish and~~

20 ~~wildlife~~ Departments of Public Safety and of Fish and Wildlife are authorized

21 to contract with VAST to provide ~~these~~ law enforcement services.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(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:

- 1 (B) 20–49 sales: 1 additional plate;
- 2 (C) 50–99 sales: up to 5 additional plates;
- 3 (D) 100–249 sales: up to 12 additional plates;
- 4 (E) 250–499 sales: up to 17 additional plates;
- 5 (F) 500–749 sales: up to 27 additional plates;
- 6 (G) 750–999 sales: up to 37 additional plates;
- 7 (H) 1,000–1,499 sales: up to 47 additional plates;
- 8 (I) 1,500 or more: up to 57 additional plates.

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

12 Sec. 30. TRANSITION PROVISION; DEALER PLATES

13 The Commissioner may enforce compliance with Sec. 29 of this act on a
14 rolling basis as dealer registrations expire over the 24-month period following
15 the effective date of Sec. 29 of this act. Over this 24-month period, upon
16 receiving the renewal application of a dealer who has been issued plates in
17 excess of the limits established in 23 V.S.A. § 453(a)(1), the Commissioner
18 shall require the dealer to return plates that exceed the limits established in
19 23 V.S.A. § 453(a)(1).

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

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

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

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

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

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

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

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

20 ~~(a)(1) A resident who intends to operate motor vehicles shall procure a~~
21 ~~proper license~~ Except as otherwise provided by law, a resident shall not

1 operate a motor vehicle on a highway in Vermont unless he or she holds a
2 valid license issued by the State of Vermont. A new resident who has moved
3 into the State from another jurisdiction ~~with~~ and who holds a valid license to
4 operate motor vehicles under section 411 of this title shall procure a Vermont
5 license within 60 days of moving ~~into~~ to the State. ~~Operators~~² Except as
6 provided in subsection 603(d) of this title, licenses shall not be issued to
7 nonresidents.

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

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

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

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

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

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

1 exclude motor-driven cycles, golf carts, track driven vehicles, tractors, and
2 electric personal assistive mobility devices, ~~and vehicles on which the operator~~
3 ~~and passengers ride within an enclosed cab, except that a vehicle which is fully~~
4 ~~enclosed, has three wheels in contact with the ground, weighs less than 1,500~~
5 ~~pounds, has the capacity to maintain posted highway speed limits, and which~~
6 ~~uses electricity as its primary motive power shall be registered as a motorcycle~~
7 ~~but the operator of such vehicle shall not be required to have a motorcycle~~
8 ~~endorsement nor to comply with the provisions of section 1256 of this title~~
9 ~~(motorcycles headgear) in the operation of such a vehicle.~~

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

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

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

13 pedals; and

14 (iii) equipped with safety belts for all occupants.

15 (C) “Fully enclosed autocycle” means an autocycle equipped with a

16 windshield and that has full top and side enclosures capable of supporting the

17 vehicle’s weight and protecting the occupants when the vehicle is resting on

18 the enclosures.

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

20 (f) Operators of autocycles shall be exempt from the requirements to obtain

21 a motorcycle learner’s permit or a motorcycle endorsement.

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

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

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

7 § 1256. MOTORCYCLES—HEADGEAR

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

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

15 § 1227. CERTIFIED INSPECTION MECHANICS

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

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

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

2 Commissioner;

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

* * * Effective Dates * * *

Sec. 39. EFFECTIVE DATES

(a) This section 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: _____)

Representative _____

FOR THE COMMITTEE