

1 H.61

2 Introduced by Representatives Botzow of Pownal, Corcoran of Bennington,
3 Kitzmiller of Montpelier, Lanpher of Vergennes, Marcotte of
4 Coventry, and Russell of Rutland City

5 Referred to Committee on

6 Date:

7 Subject: Commerce; motor vehicles; titles

8 Statement of purpose of bill as introduced: This bill proposes:

9 (1) to require the Commissioner of Motor Vehicles, upon request and if
10 certain conditions and applicable requirements are met, to issue titles for
11 vehicles not required to be titled under Vermont law; and

12 (2) to authorize the Commissioner to charge for staff time exceeding one
13 hour in connection with issuing such titles, up to \$100.00.

14 An act relating to motor vehicle titles

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

16 Sec. 1. LEGISLATIVE PURPOSE

17 The purpose of this act is to:

18 (1) provide for the Commissioner of Motor Vehicles to issue titles for
19 vehicles not required to be titled under Vermont law, if an owner requests a

1 title and satisfies certain conditions and the requirements of law governing
2 issuance of titles;

3 (2) expand the out-of-state market for, and thereby enhance the value of,
4 Vermont vehicles not previously eligible for titles under Department of Motor
5 Vehicles practice;

6 (3) authorize the State to pass along to the vehicle owner reasonable
7 costs associated with issuing a title for a vehicle not required to be titled under
8 Vermont law, up to \$100.00.

9 Sec. 2. 23 V.S.A. § 2002 is amended to read:

10 § 2002. FEES

11 (a) The Commissioner shall be paid the following fees:

12 (1) For any certificate of title, including a salvage certificate of title,
13 \$33.00;. In addition, the Commissioner may charge up to \$100.00 for the cost
14 of staff time exceeding one hour reasonably incurred in investigating and
15 fulfilling a request for a title for a vehicle not required to be titled under this
16 chapter.

17 * * *

18 Sec. 3. 23 V.S.A. § 2012 is amended to read:

19 § 2012. EXEMPTED VEHICLES

20 No certificate of title need be obtained for:

1 (1) ~~A~~ a vehicle owned by the United States, unless it is registered in this
2 State;

3 (2) ~~A~~ a vehicle owned by a manufacturer or dealer and held for sale,
4 even though incidentally moved on the highway or used for purposes of testing
5 or demonstration, or used by an educational institution approved by the
6 Agency of Education for driver training purposes, or a vehicle used by a
7 manufacturer solely for testing;

8 (3) ~~A~~ a vehicle owned by a nonresident of this State and not required by
9 law to be registered in this State;

10 (4) ~~A~~ a vehicle regularly engaged in the interstate transportation of
11 persons or property for which a currently effective certificate of title has been
12 issued in another state;

13 (5) ~~A~~ a self-propelled ~~wheel chair~~ wheelchair or invalid tricycle;

14 (6) ~~A~~ a motorcycle which has less than 300 cubic centimeters of engine
15 displacement or a motorcycle powered by electricity with less than
16 20 kilowatts of engine power;

17 (7) ~~Any~~ any trailer with an unladen weight of 1,500 pounds or less;

18 (8) ~~A~~ a motor-driven cycle;

19 (9) ~~Any~~ any other type of vehicle designed primarily for off-highway
20 use and deemed exempt by the Commissioner;

21 (10) a vehicle that is more than 15 years old.

1 Sec. 4. 23 V.S.A. § 2013 is amended to read:

2 § 2013. WHEN CERTIFICATE REQUIRED; ISSUANCE UPON REQUEST

3 (a)(1) Except as provided in section 2012 of this title, the provisions of this
4 chapter shall apply to and a title must be obtained for all motor vehicles at the
5 time of first registration or when a change of registration is required under the
6 provisions of section 321 of this title by reason of a sale for consideration;
7 ~~except for vehicles that are more than 15 years old.~~

8 (2) In addition, a Vermont resident may apply at any time to the
9 Commissioner to obtain a certificate of title for a vehicle exempt from titling
10 under section 2012 of this title. The Commissioner shall issue the title if the
11 applicant pays the applicable fee and satisfies the provisions of this section and
12 of this chapter related to issuance of titles, and if the Commissioner is satisfied
13 that:

14 (A) the applicant is the owner of the vehicle;

15 (B) the applicant is a Vermont resident;

16 (C) issuance of a title is reasonably necessary to facilitate the sale of
17 the vehicle; and

18 (D) the vehicle is not subject to any liens or encumbrances.

19 (3) Prior to issuing a title pursuant to subdivision (2) of this subsection,
20 the Commissioner may require an on-site inspection of the applicant's
21 residence or another place where the vehicle is garaged.

1 (4) Prior to issuing a title pursuant to subdivision (2) of this subsection,
2 the Commissioner shall require all of the following:

3 (A) The applicant to furnish one of the following proofs of
4 ownership, in order of preference:

5 (i) a previous Vermont or out-of-state title;

6 (ii) an original of a previous Vermont or out-of-state registration;

7 (iii) a copy of a previous Vermont registration; or

8 (iv) a notarized affidavit of ownership of the vehicle, which must
9 include:

10 (I) the date the applicant purchased or otherwise took
11 ownership of the vehicle;

12 (II) the name and address of the seller or transferor, if
13 known; and

14 (III) all evidence of past and present ownership, including bills
15 of sale or original receipts for major components of homebuilt vehicles.

16 (B) A notarized affidavit certifying that:

17 (i) the applicant is a Vermont resident;

18 (ii) issuance of a title is reasonably necessary to facilitate the sale
19 of the vehicle out of state; and

20 (iii) the vehicle is not subject to any liens or encumbrances.

1 (C) Proof of Vermont residency as may be required by the
2 Commissioner.

3 (D) Assignment of a new vehicle identification number pursuant to
4 section 2003 of this title, if the vehicle does not have one.

5 (b) The ~~commissioner~~ Commissioner shall not require an application for a
6 certificate of title upon the renewal of the registration of a vehicle.

7 (c) The ~~commissioner~~ Commissioner shall note on the face of the
8 registration of each vehicle for which a certificate of title has been issued a
9 statement to that effect.

10 Sec. 5. 23 V.S.A. § 2017 is amended to read:

11 § 2017. ISSUANCE OF CERTIFICATE; RECORDS

12 (a) The Commissioner shall file each application received and, when
13 satisfied as to its genuineness and regularity and that the applicant is entitled to
14 the issuance of a certificate of title, shall issue a certificate of title of the
15 vehicle.

16 (b) The Commissioner shall maintain at his or her central office a record of
17 all certificates of title issued by him or her ~~for vehicles 15 years old and newer~~
18 under a distinctive title number assigned to the vehicle; under the identification
19 number of the vehicle; alphabetically, under the name of the owner; and, in the
20 discretion of the Commissioner, by any other method he or she determines.
21 The original records may be maintained on microfilm or electronic imaging.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2015.