

H.240

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles

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

* * * Motor Vehicle Law Definitions * * *

Sec. 1. 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:

* * *

(12) “Fresh pursuit” ~~as used in this chapter~~ includes fresh pursuit as defined by the common law, and also the pursuit of a suspected violator of the criminal laws or other laws of this State, for which he or she is, or might be, subject to arrest, by an enforcement officer. Fresh pursuit ~~as used in this chapter~~ is not necessarily instant pursuit, but pursuit without unreasonable delay.

* * *

Sec. 2. 23 V.S.A. § 4(15) is amended to read:

(15) “Jitney” shall include any motor vehicle, not designated for the carrying of merchandise or freight, advertised or regularly used for carrying

passengers for hire, but not operating over a fixed route, including motor vehicles operated for hire in connection with a livery business, but shall not include any such vehicle which the owner thereof uses in an emergency for such purpose, nor one which an employer uses to transport his or her employees to and from their work, nor one which is used at least 75 percent of the time in the transportation of schoolchildren or under authority granted to a school board under 16 V.S.A. § ~~562~~ 563 to transport other than schoolchildren, nor one which is used in the transfer of U.S. mail on a star route, so-called, nor one which is used to transport elders or persons who have a disability for whom special transportation programs are designed and funded by ~~state~~ State and federal authority through public and private, nonprofit social service agencies; nor shall it apply to cooperative use transportation.

* * * Nondriver Identification Cards * * *

Sec. 3. 23 V.S.A. § 115(h) is amended to read:

(h) An identification card issued to an individual who is under ~~the age of~~ 18 years of age shall be distinguishable by color from an identification card issued to an individual who is ~~over the age of~~ 18 years of age or older but under ~~the age of~~ 21 years of age, and both cards shall be distinguishable by color from an identification card issued to an individual ~~over the age of~~ 21 years of age or older. An identification card issued to an individual under ~~the age of~~ 21 years of age shall clearly indicate, in prominent type, the date on

which the individual will become 21. The distinguishing colors shall be the same as those used to distinguish operator's licenses issued under section 610 of this title.

* * * Notification of Change of Name or Address * * *

Sec. 4. 23 V.S.A. § 205 is amended to read:

§ 205. NOTIFICATION OF CHANGE OF NAME OR ADDRESS

The owner of a registered motor vehicle, snowmobile, or motorboat, a person licensed to operate a motor vehicle in this State, and a person licensed under chapter 27 or 28 of this title, ~~32 V.S.A. chapter 217~~, or 32 V.S.A. chapter 219 shall notify the Commissioner, in writing, of a change in the owner's or person's legal name or residence or mailing address within 30 days after the change is made.

* * * Repeal of Motor Carrier Registration Provision * * *

Sec. 5. REPEAL

23 V.S.A. § 301a (registration of motor trucks, tractors, trailers, and semi-trailers) is repealed.

Sec. 6. 23 V.S.A. § 301 is amended to read:

§ 301. PERSONS REQUIRED TO REGISTER

Residents, except as provided in ~~section 301a and~~ chapter 35 of this title, shall annually register motor vehicles owned or leased for a period of more than 30 days and operated by them, unless currently registered in Vermont.

Notwithstanding this section, a resident who has moved into the State from another jurisdiction shall register his or her motor vehicle within 60 days of moving into the State. A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on any highway unless such vehicle is registered as provided in this chapter.

* * * Registration Periods * * *

Sec. 7. 23 V.S.A. § 302 is amended to read:

§ 302. PERIOD OF REGISTRATION

(a) Except as otherwise provided in ~~sections 361 and 452 of~~ this title, every motor vehicle shall be registered for a period of 12 months from date of issue. Registrations made pursuant to subsections 305(b), 371(b), ~~and 376(c)~~ 376(b), and 376(c), of this title shall expire and the certificate thereof shall become void five years after the date of issue.

(b) Notwithstanding any other provisions of this title, if registered owners so elect, all their registrations may be issued to expire on the same date and the registration fee shall be pro-rated for the amount in excess of the annual 12 months' fee but not to exceed 24 months.

* * * Refunds for License, Registration Fees Erroneously Paid * * *

Sec. 8. 23 V.S.A. § 328 is amended to read:

~~§ 328. REFUND OF MONEY ERRONEOUSLY PAID~~

~~Upon application of the Commissioner, the Commissioner of Finance and Management shall issue his or her warrant in favor of any person equitably entitled to a refund of money erroneously paid into the State treasury for the registration of a motor vehicle, trailer, semi-trailer, snowmobile, motorboat or license. A refund shall not be allowed except as provided in this section and sections 325-327 of this title. [Repealed.]~~

Sec. 9. 23 V.S.A. § 207 is added to read:

§ 207. REFUND OF MONEY ERRONEOUSLY PAID

Upon application of the Commissioner, the Commissioner of Finance and Management shall issue a warrant in favor of any person equitably entitled to a refund of money erroneously paid into the State Treasury for a license or permit to operate a motor vehicle or for the registration of a motor vehicle, trailer, semi-trailer, snowmobile, motorboat, or all-terrain vehicle. A refund shall not be allowed except as provided in this section and sections 325-327 of this title, and shall be paid from the fees remitted to the State Treasury by the Department.

Sec. 10. 23 V.S.A. § 329 is amended to read:

§ 329. REFUNDS PAID FROM MOTOR VEHICLE FEES

The refunds mentioned in ~~the sections 325-328~~ 325-327 of this title shall be paid from the fees turned into the State Treasury by the Department of Motor Vehicles.

* * * Temporary Validation Stickers, Number Plates, and Decals * * *

Sec. 11. 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates and temporary validation stickers, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a ~~motor~~ vehicle or motorboat by the dealer, ~~as hereafter provided in.~~ The plates and decals shall have the same general design the same as the number plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of \$3.00 for each temporary plate issued.

Sec. 12. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle which is to be registered in this State, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a number plate with temporary validation stickers, a temporary number plate, or a temporary decal, provided that the purchaser deposits with such dealer, for transmission to the Commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. ~~The purchaser, if~~ If a properly licensed, on attaching the number plate with temporary validation stickers, temporary plate or decal purchaser either attaches to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle; or carries in the motorboat such number plate or decal, he or she may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. A person shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate; with temporary validation stickers, a temporary number plate, or a temporary decal attached thereto or carried except as provided in this section.

Sec. 13. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate with temporary validation stickers, a temporary number plate, or a temporary decal to a purchaser ~~for attachment to a motor vehicle~~, a dealer shall, within 15 calendar days, forward to the Commissioner the application and fee, deposited with him or her by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with temporary validation stickers, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a ~~motor~~ vehicle or motorboat, the dealer may accept, from the purchaser, a properly executed registration, tax, and title application, and the required fees for transmission to the Commissioner. The dealer shall, within 15 calendar days, forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

* * * Illumination of Rear Number Plates * * *

Sec. 14. 23 V.S.A. § 512 is amended to read:

§ 512. TRAILER OR SEMI-TRAILER

When a trailer or semi-trailer is being drawn by a registered motor vehicle, the rear number plate assigned to such trailer or semi-trailer shall be displayed

on the rear of such trailer or semi-trailer and shall be illuminated at night as provided in ~~this chapter~~ section 1248 of this title for the lighting of rear number plates on motor vehicles.

* * * Repeal of Temporary Special Plate Statutes * * *

Sec. 15. REPEAL

23 V.S.A. §§ 515a (Bicentennial 1791–1991 plates), 515b (1794–1994 Masonic Bicentennial plates), and 515c (Lake Champlain quadricentennial plates) are repealed.

* * * License Examinations * * *

Sec. 16. 23 V.S.A. § 632 is amended to read:

§ 632. EXAMINATION REQUIRED; WAIVER

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year of the application in some other state where ~~examinations are~~ an examination is required similar to the examination required in this State.

(b) The examination shall consist of:

(1) an oral or written examination, ~~at the discretion of the~~
~~Commissioner;~~

(2) a thorough road test; and

(3) at the discretion of the Commissioner, such other examination or
demonstration as he or she may prescribe.

* * * Special Examinations * * *

Sec. 17. 23 V.S.A. § 636 is amended to read:

§ 636. SPECIAL EXAMINATIONS

~~(a)~~(1) Whenever the Commissioner has good cause to believe that any
holder of an operator's license, or any applicant for renewal of an operator's
license, is incompetent or otherwise not qualified to be licensed, he or she may
require such person to submit to a special examination to determine his or her
capabilities or mental or physical fitness, ~~but no person.~~ A person shall not be
required to pay to the State a fee for such special examination, except for a
component of an examination conducted by an authorized medical
professional. ~~Such examination shall be given at such time and place as the~~
~~Commissioner may determine.~~

(2) If the Commissioner determines that a special examination is
warranted, then a driving examination shall be administered. If, under the
Commissioner's discretion, extenuating circumstances exist, the Commissioner

may also administer a written or oral examination or require an examination by a medical professional under section 637 of this title. A driving, written, or oral examination shall be given at a time and place as the Commissioner may determine.

(b) Upon the conclusion of such examination, the Commissioner shall take action as may be appropriate and may suspend or revoke the license or right of such person to operate a motor vehicle or may issue a license subject to restrictions as permitted under section 612 of this title.

* * * License Suspension Procedure * * *

Sec. 18. 23 V.S.A. § 671 is amended to read:

§ 671. PROCEDURE

(a) In his or her discretion, the Commissioner may suspend indefinitely or for a definite time the license of an operator, or the right of an unlicensed person to operate a motor vehicle ~~upon not less than five days' notice, after~~ opportunity for a hearing upon not less than 15 days' notice, if the Commissioner has reason to believe that the holder thereof is a person who is incompetent to operate a motor vehicle or is operating improperly so as to endanger the public. ~~He or she may order the license delivered to him or her, whenever he or she has reason to believe that the holder thereof is a person who is incompetent to operate a motor vehicle, or is operating improperly so as to endanger the public.~~ If, upon receipt of such notice, the person so notified

shall request a hearing, such suspension shall not take effect unless the Commissioner, after hearing, determines that the suspension is justified. If the Commissioner imposes a suspension, he or she may order the license delivered to him or her. No less than six months from the date of suspension and each six months thereafter, a person upon whom such suspension has been imposed may apply for reinstatement of his or her license or right to operate or for a new license. Upon receipt of such application, the Commissioner shall thereupon cause an investigation to be made and, if so requested, conduct a hearing to determine whether such suspension should be continued in effect.

(b) In his or her discretion, the Commissioner may suspend for a period not exceeding 15 days the license of an operator, or the right of an unlicensed person to operate a motor vehicle, without hearing, whenever he or she finds upon full reports submitted by an enforcement officer or motor vehicle inspector that the safety of the public has been or will be imperiled as a result of the operation of a motor vehicle by such operator or unlicensed person.

(c) The Commissioner shall not suspend the license of an operator, or the right of an unlicensed person to operate a motor vehicle, while a prosecution for an offense under this title is pending against such person, unless he or she finds upon full reports submitted to him or her by an enforcement officer or motor vehicle inspector that the safety of the public will be imperiled by permitting such operator or such unlicensed person to operate a motor vehicle,

or that such person is seeking to delay the prosecution, but if he or she so finds, he or she may suspend such license or right pending a final disposition of the prosecution.

(d) The Commissioner shall not suspend the license of an operator, or the right of an unlicensed person to operate a motor vehicle, for any cause which has constituted the subject matter of a prosecution in which the conviction of such person has not been obtained.

(e) The Commissioner shall revoke licenses obtained fraudulently. The Commissioner shall also revoke licenses when required by law, and such revocation shall not entitle the holder of such license to hearing.

(f) ~~Hearings~~ If a hearing is required under the provisions of this section, it shall be held in accordance with the provisions of sections 105–107 of this title and at such time and place as the Commissioner may determine. It shall be in the discretion of the Commissioner to determine ~~as to the granting to a petitioner therefor of hearings~~ of a hearing and subsequent hearing ~~upon in response to a petition therefor in connection with~~ suspension orders issued under the provisions of subsections (b) and (c) of this section.

(g) ~~Except as otherwise provided in this title, in his or her discretion, the Commissioner may suspend for a definite time the license of an operator, or the right of an unlicensed person to operate a motor vehicle whenever such person has been convicted of an offense specified in this title or of any other~~

~~offense, the commission of which he or she has reason to believe may involve the operation of a motor vehicle or may render the person guilty thereof an unfit person to operate a motor vehicle, but such suspension shall not be for a period in excess of the maximum term of imprisonment provided by statute for the offense involved. This subsection applies only to convictions prior to July 1, 1979. Suspensions under this subsection shall be based on the same criteria utilized by the Commissioner prior to July 1, 1979. [Repealed.]~~

* * * Driver Training School; Definition * * *

Sec. 19. 23 V.S.A. § 701(4) is amended to read:

(4) “Driver training school” means any person engaged in providing driver training through one or more instructors, but not including a public or private school conducting a course in driver training approved by the ~~Board~~ Secretary of Education and the Commissioner.

* * * Financial Responsibility; When Proof is Required * * *

Sec. 20. 23 V.S.A. § 801(a) is amended to read:

(a) The Commissioner shall require proof of financial responsibility to satisfy any claim for damages, by reason of personal injury to or the death of any person, 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, as follows:

(1) From a person who is convicted of any of the following violations of this title:

(A) Death resulting from:

- (i) careless and negligent operation of a motor vehicle; or
- (ii) reckless driving of a motor vehicle.

(B) Any violation of section 1201 of this title or for any suspension pursuant to section 1205 of this title.

(C) Failing to immediately stop and render such assistance as may be reasonably necessary following an accident resulting in injury to any person or property, other than the vehicle then under his or her control.

(D) Operating, taking, using, or removing a motor vehicle without the consent of the owner in violation of section 1094 of this title.

(E) Operating a motor vehicle after suspension, revocation, or refusal of a license, in violation of section 674 of this title.

(F) Operating without financial responsibility.

(G) Any moving violation as defined in section 4 of this title if the person has five points assessed against the person's license at the time the moving violation occurs. At the time a ticket or a citation for a moving violation is issued, the law enforcement officer shall give the defendant an insurance verification certificate, which shall not be an SR-22 certificate. The defendant shall complete the certificate and mail or deliver it to the

Commissioner within 21 days of being issued the ticket or citation. The Commissioner shall prescribe the form of the insurance verification certificate and administer the insurance verification process by ~~promulgating~~ adopting rules and may, pursuant to 3 V.S.A. chapter 25, ~~promulgate~~ adopt rules to administer the insurance verification process.

(H) The provisions of subdivisions (a)(1)(A) ~~and, (C) through (a)(1)(E), (D), (E),~~ and (G) of this section shall not apply to an operator furnishing the Commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact business in this State insuring the operator against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the violation. Nor shall these provisions apply if the operator was a nonresident, holding a valid license issued by the state of his or her residence, at the time of the violation, and satisfactory proof, in the form of a certificate issued by an insurance company authorized to transact business in the state of his or her residence, and accompanied by a power of attorney authorizing the Commissioner to accept service on its behalf, of notice or process in any action arising out of the violation, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property,

in an amount equal to the amounts required under this section with respect to proof of financial responsibility was in effect at the time of the violation.

* * *

Sec. 21. [Deleted]

* * * Financial Responsibility; Motor Buses * * *

Sec. 22. 23 V.S.A. § 881 is amended to read:

§ 881. COMPULSORY LIABILITY INSURANCE OR BOND

The Commissioner shall not register a motor bus, and a person shall not operate or cause to be operated upon any public highway a motor bus, until the owner thereof has procured insurance or a bond having a surety company authorized to transact business in this State as surety thereon, ~~which.~~ The insurance or surety bond shall indemnify the insured against any legal liability for personal injury, or the death, of any person or property damage, which injury, death, or damage ~~may result~~ results from, ~~or have been or is~~ caused by, the use or operation of the motor bus described in the contract of insurance or such bond.

Sec. 23. 23 V.S.A. § 883 is amended to read:

§ 883. AMOUNT OF INSURANCE OR BOND

The amount of insurance or of such bond which an owner of a motor bus shall carry as insurance or indemnity against claims for personal injury, death, or property damage shall be determined by the ~~Public Service~~ Transportation

Board. Such policy or bond shall also indemnify the insured against legal liability resulting from damage to property to the amount of \$2,000.00.

Sec. 24. 23 V.S.A. § 888 is amended to read:

§ 888. ALTERNATIVE FORM OF SECURITY

In lieu of all or part of the insurance or bond required by section 881 of this title, a motor bus owner may file with the Commissioner of Motor Vehicles a bond conditioned for the payment and discharge of all liability described in said section provided the policy of insurance, if any, or bond is approved by an order of the ~~Public Service~~ Transportation Board filed with the Commissioner determining the amount, if any, of insurance to be procured and the amount of a bond in addition to or in substitution for insurance. The Board may approve a bond without surety if it shall have determined, by order made upon proper showing, that a surety on ~~said the~~ the bond is not required by the public interest because of the proven financial responsibility of the obligor, or because of collateral security consisting of deposits in a Vermont bank or negotiable securities held by such bank as trustee, or a combination thereof, pledged to secure the performance of ~~said the~~ the bond upon terms and conditions prescribed by the Board. If the order requires insurance or a surety bond, the policy of insurance or surety bond shall be executed by a company authorized to do business in this State.

* * * Temporary Speed Limits Established by

Traffic Committee * * *

Sec. 25. 23 V.S.A. § 1006a(d) is amended to read:

(d) Notwithstanding the limit established in ~~subsection~~ section 2302(d) of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the penalty for violation of speed limits established under subsection (b) of this section shall be twice the penalty for ~~nonworksite~~ non-worksite speed violations.

* * * Special Regulations Established by

Municipal Legislative Bodies * * *

Sec. 26. 23 V.S.A. § 1010(b) is amended to read:

(b) Notwithstanding the limit established in ~~subsection~~ section 2302(d) of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the penalty for violation of speed limits established under the ~~work-site~~ worksite provision of this section shall be twice the penalty for ~~nonwork-site~~ non-worksite speed violations.

* * * Municipal Signs * * *

Sec. 27. 23 V.S.A. § 1029 is amended to read:

§ 1029. MUNICIPAL SIGNS

Notwithstanding the provisions of sections 1025 and 1027 of this title, municipalities may erect alternative signs of a guidance or informational nature

and creative design, in accordance with the provisions of 10 V.S.A.

§ 494~~(13)~~(15), to assist persons in reaching destinations that are transportation centers, geographic districts, historic monuments, and significant or unique educational, recreational, or cultural landmarks.

* * * Child Restraint Systems * * *

Sec. 28. 23 V.S.A. § 1258 is amended to read:

§ 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE 18

(a) No person shall operate a motor vehicle, other than a type I school bus, in this State upon a public highway unless every occupant under age 18 is properly restrained in a federally approved child passenger restraining system as defined in 49 C.F.R. § 571.213 ~~(1993)~~, as may be amended, or a federally approved safety belt, as follows:

* * *

* * * School Bus Identification and Equipment * * *

Sec. 29. 23 V.S.A. § 1282(b) is amended to read:

(b) A school bus shall not be operated in the transportation of children to and from school unless and until it is inspected at an inspection station designated as such by the Department of Motor Vehicles. The inspection shall thoroughly cover mechanical conditions, standard equipment, extra equipment, and safety and comfort conditions all as provided in section 1281 of this title; and, if the inspected vehicle meets all of these requirements, the inspection

station shall give the owner or operator of the inspected vehicle a signed certificate so stating. This certificate shall be shown as soon as possible by the owner or operator to a school director in the town in which this vehicle is to be operated, and shall thereafter be carried in some easily accessible place in the vehicle. Thereafter, so long as this bus remains in this service, it must be reinspected as provided in this section during each of the following periods: July–August, November–December, and February–March. School buses of the pleasure car type, if regularly used in this service, shall display signs required in subdivision ~~1281(9)~~ 1283(a)(1) of this title when transporting schoolchildren.

Sec. 30. 23 V.S.A. § 1283(a) is amended to read:

(a) Types I and II school buses shall be:

(1) Identified with the words, “School Bus,” printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear.

(2) Painted national school bus glossy yellow, except that the hood shall be either that color or lusterless black and the fenders shall be either that color or black. For Type II school buses, the requirements of this ~~subsection~~ subdivision and subdivision (a)(3) of this section shall apply to any new bus ordered on or after January 1, 2000.

(3) Equipped with bumpers of glossy black, unless for increased night visibility they are covered with a reflective material.

(4) Equipped with a system of signal lamps approved by the Commissioner, including an eight light system on any new or used school bus ordered on and after July 1, 1976. The driver of a Type I or a Type II school bus shall keep the alternately flashing red signal lamps lighted whenever school children are being received or discharged, and they shall be used only for that purpose. A school bus driver found in violation of this subdivision shall be guilty of a traffic violation.

(5)(A) Equipped with a system of mirrors, if such a system is necessary to give the seated driver a view of the roadway to each side of the bus, and of the area immediately in front of the front bumper, in accordance with the following procedure: ~~When~~ when a rod, 30 inches long, is placed upright on the ground at any point along a traverse line one foot forward of the forward most point of a school bus, and extending the width of the bus, at least 7 seven inches of the length of the rod shall be visible to the driver, either by direct view or by means of an indirect visibility system.

(B) In addition, equipped with an inside mirror so located as to give the driver clear vision of the interior of the bus, and an outside mirror located on each side of the bus located so as to give an unobstructed view of the road to the rear.

(6) In compliance with the Federal Motor Vehicle Safety Standards for school buses as of the date of manufacture.

* * * Motor-driven Cycles * * *

Sec. 31. 23 V.S.A. § 1307 is amended to read:

§ 1307. BRAKE EQUIPMENT REQUIRED

(a) Every motor vehicle, when operated upon a highway shall be equipped with brakes acting on all wheels adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes to at least two wheels. If those two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) Motorcycles and ~~mopeds~~ motor-driven cycles need only to be equipped with at least one brake which may be operated by hand or foot.

* * *

* * * Vehicle Weight Limits * * *

Sec. 32. 23 V.S.A. § 1393 is amended to read:

§ 1393. WEIGHT LIMITS IN INCORPORATED VILLAGES AND CITIES;

ADOPTION BY TOWNS OF STATE LIMITS

(a) On all highways in an incorporated village or city, the legal load shall be as prescribed for the State Highway System, unless otherwise restricted and

posted by the local authorities, as provided in this subchapter. With the approval of the Secretary of Transportation, the selectboard of a town may designate any highway in the town to carry the same legal load as specified in section 1392 of this title for State highways. When a certain highway has been approved by the Secretary as to the legal load limit, then the Secretary shall have the highway posted for the legal load limit. Notwithstanding the provisions of this chapter, State highway weight limits as specified in section 1392 of this title shall apply to class 1 town highways; ~~however, when the legislative body of a municipality requests in writing, the Secretary of Transportation may set the weight limit on a class 1 town highway at less than the State highway limit under section 1392 of this title, if a reasonable alternative route is available for those vehicles traveling at the State highway limit.~~

(b) ~~In making the determination as to whether a reasonable alternative route is available, the Secretary of Transportation shall, at a minimum, consider the following factors:~~

~~(1) whether the alternative routing will reduce or relieve traffic congestion in a downtown area;~~

~~(2) whether the alternative routing will enhance safety;~~

~~(3) the length of the alternative route, and any increase in time made necessary by use of the alternative route;~~

~~(4) whether an adverse effect has been created relative to the quiet enjoyment and property values of people living along the alternative route.~~

[Repealed.]

~~(c) Any decision of the Secretary made under this section may be appealed, in writing, to the Transportation Board within 30 days of the Secretary's decision. The Transportation Board shall decide the question within 45 days of receipt of the appeal, and may take evidence or testimony. [Repealed.]~~

* * * Vehicle Height and Width Limits * * *

Sec. 33. 23 V.S.A. § 1431 is amended to read:

§ 1431. HEIGHT AND WIDTH LIMITS

(a) Except for the provisions of subsection (c) of this section, motor vehicles and loads shall not exceed eight and one-half feet in width or 13 feet six inches in height. The term width shall mean the total width of the vehicle and load, excluding safety devices as determined by the Commissioner which may extend up to three inches on each side of the vehicle. The height and width limits of this section shall not apply to snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, highway building equipment, and road-making appliances employed on highway maintenance or on highway construction when operated within a construction area, or to vehicles employed by municipalities for transportation and disposal of nontoxic residual waste sludge from ~~waste water~~ wastewater

and water treatment facilities while ~~utilized~~ used for those purposes, nor shall the limits apply to traction engines, tractor, trailer, or motor trucks operated on a public highway, under a permit from the Commissioner of Motor Vehicles, as provided in section 1400 of this title. Nothing in this section shall prohibit the use of the stop arm described in section 1281a of this title and no permit shall be required.

(b) In his or her discretion, with or without hearing, the Commissioner of Motor Vehicles, or his or her agent, upon application, may issue annually to dealers in farm tractors or other farm implements; overwidth permits to transport or draw upon a highway such farm implements as are more than eight and one-half feet in width but not more than 13 feet in width, when such operation is necessary ~~incident~~ to the conduct of such business, during the period from sunrise to sunset, provided at least two red flags not smaller than 12 inches square be displayed on the left front and rear of each vehicle or implement or combination thereof in such manner as to be clearly visible from the front and rear for a distance of at least 500 feet, except that no vehicles, implements, or combinations thereof shall be operated on any highway after 10:00 a.m. on any Sunday or legal holiday, except on trips not in excess of two miles, nor upon any highway at any time on which operation is prohibited by order of the Commissioner.

(c) The total outside width of a motor home, as defined in 32 V.S.A. § 8902(11), or a trailer coach as defined in subdivision 4(41) of this title, may exceed ~~102 inches~~ eight and one-half feet if the excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. The term “appurtenance” does not include any item that is temporarily affixed to the exterior of the vehicle by the vehicle’s owner for the purpose of transporting the item from one location to another, but does include the following:

- (1) an awning and its support hardware; and
- (2) any appendage that is intended to be an integral part of a motor home or trailer coach that is installed by a manufacturer or dealer.

(d) A person, firm, or corporation whose land is divided by a public highway may operate across the highway, at approximate right angles to the ~~center-line~~ centerline, an unregistered vehicle with or without a load having width in excess of eight and one-half feet, or a height in excess of ~~12~~ 13 feet ~~and six inches~~, and which, if used on highway construction, would be defined as motorized highway building equipment, provided that the person, firm, or corporation shall first have applied to and received from the selectboard of the town or the aldermen or city council of the city in which the land and highway are located a permit in writing specifying the vehicle covered and the point where, time when, and under what conditions such crossing may be made, and

provided further that the person, firm, or corporation shall have applied to and received from the Commissioner of Motor Vehicles a certificate in writing that the vehicle listed in the permit issued by the selectboard or aldermen or city council meets the conditions herein set forth as to type and size and, further, that the operation thereof across the highway will not damage the highway. The Commissioner may impose such conditions regarding size of load or highway surface protection as he or she deems necessary. A fee of \$35.00 shall be paid to the town or city for each permit and the permit shall not cover more than one vehicle. The permit shall be valid for a period of one year from the date of issue. A similar fee of \$35.00 shall be paid to the State for each certificate issued by the Commissioner and the certificate shall not cover more than one vehicle and shall be valid for a period of one year from the date of issue. Provided that the terms and conditions are complied with, no registration of the vehicle shall be required under any other section of this title, nor shall permits of any kind or type be required under any other section of this title.

Sec. 34. 23 V.S.A. § 1434 is amended to read:

§ 1434. PENALTIES

(a) The operation of a vehicle on a public highway in excess of the height, width, or length limits as prescribed in section 1431 or 1432 of this title without first obtaining a permit to operate the vehicle, whether or not a permit

is available, shall be a traffic violation as defined in section 2302 of this title ~~and the~~. A violation shall be punishable by a fine of \$300.00 for ~~the~~ a first offense ~~and by a fine of~~ \$600.00 for a second offense within a two-year period, and ~~by a fine of~~ \$800.00 for a third or subsequent offense ~~occurring~~ within a two-year period, ~~which shall also be considered a traffic violation, notwithstanding the provisions of section 2302 of this title.~~

(b) The operation of a vehicle on a public highway in excess of the legal height, width, or length as prescribed in section 1431 or 1432 of this title, ~~designated by~~ in violation of the terms of a permit issued in conformance with section 1400 of this title shall be a traffic violation as defined in section 2302 of this title and shall be punishable by a fine of \$300.00 for ~~the~~ a first offense, ~~by a fine of~~ \$600.00 for ~~any~~ a second offense within a two-year period, and ~~by a fine of~~ \$800.00 for a third or subsequent offense ~~occurring~~ within a two-year period, ~~which shall also be considered a traffic violation notwithstanding the provisions of section 2302 of this title.~~

* * *

* * * Interstate System; Reasonable Access * * *

Sec. 35. 23 V.S.A. § 1433 is amended to read:

§ 1433. REASONABLE ACCESS

Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be permitted to those vehicles operating pursuant to the provisions of subsections

1302(c) and ~~1432(b)~~ 1432(e) of this title between the Interstate and Defense Highway System and any other qualifying Federal-aid Primary System highways, as designated by the Secretary of the U.S. Department of Transportation; and the Vermont Secretary of Transportation, and terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers. The Vermont Secretary of Transportation shall, by rule pursuant to 3 V.S.A. chapter 25; either designate those portions of the public highways over which such reasonable access shall be permitted or provide for the issuance of permits to allow reasonable access. However, permits shall not be required for tractor-semi-trailer combinations engaged in the transportation of automobiles and having provision for transporting motor vehicles on part of the power unit provided the combinations comply with the provisions of subsection 1432(a) of this title.

* * * Powers of Enforcement Officers * * *

Sec. 36. 23 V.S.A. § 1600 is added to chapter 15 to read:

§ 1600. DEFINITION

Notwithstanding subdivision 4(4) of this title, as used in this chapter,

“Commissioner” means the Commissioner of Public Safety.

* * * Motor Vehicle Titles; Crimes * * *

Sec. 37. 23 V.S.A. § 2082 is amended to read:

§ 2082. ALTERING, FORGING, OR COUNTERFEITING CERTIFICATES;

PENALTY

(a) A person who, with fraudulent intent commits any of the following acts
shall be subject to the penalties provided in subsection (b) of this section:

(1) alters, forges, counterfeits, or knowingly makes or causes to be made
a false official certificate of title;

(2) alters or forges an assignment of a certificate of title, or an
assignment or release of a security interest, on a certificate of title or a form the
Commissioner prescribes;

(3) has possession of or uses a certificate of title knowing it to have been
altered, forged, counterfeited, or fraudulently obtained or made; or

(4) uses a false or fictitious name or address, or makes a material false
statement, or fails to disclose a security interest, or conceals any other material
fact in or alters information on or forges a signature on an application for a
certificate of title or duplicate certificate of title;

(b) A person convicted of violating this section shall be fined not less than
\$500.00 or more than \$5,000.00 or be imprisoned not less than one year or
more than five years, ~~or be both fined and imprisoned.~~

* * * Traffic Offenses; Repeal; Conforming Changes * * *

Sec. 38. REPEAL

23 V.S.A. chapter 23 (traffic offenses) is repealed.

Sec. 39. EFFECT OF REPEAL

In connection with any traffic ticket issued for a traffic offense on or before the effective date of this act:

(1) Consistent with 1 V.S.A. § 214(b), the repeal of 23 V.S.A. chapter 23 does not affect the validity or enforceability of the ticket.

(2) Consistent with 1 V.S.A. § 214(c), such tickets are to be enforced as civil, not criminal, violations, and any reduction in penalty since issuance of the ticket shall inure to the benefit of the respondent.

(3) Such tickets are under the jurisdiction of the Judicial Bureau and shall be enforced in accordance with 4 V.S.A. chapter 29.

Sec. 40. 23 V.S.A. § 614(c) is amended to read:

(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 another suspected traffic violation of ~~another traffic offense~~.

Sec. 41. 23 V.S.A. § 615(b) is amended to read:

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

Sec. 42. 23 V.S.A. § 1259(e) is amended to read:

(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a another suspected traffic violation of ~~another traffic offense~~. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary ~~offense~~ violation.

* * * Points System; Conforming Change * * *

Sec. 43. 23 V.S.A. § 2502(a)(1)(V) is amended to read:

(V) ~~§ 1053.~~ ~~Failure to exercise due care;~~ [Repealed.]

* * * Diesel Fuel Tax; Conforming Changes * * *

Sec. 44. 23 V.S.A. § 3002(10) is amended to read:

(10) “User” means any person who uses fuel to propel a motor vehicle, owned or operated by him, upon the highways of this State. The term shall also include, ~~but is not limited to,~~ a lessor rental or leasing company when the lessor leases motor vehicles without drivers to a lessee under a contract where cost of fuel is included in lease payments and the lessor purchases fuel and maintains records of fuel used and miles travelled by such leased vehicles. In all other cases, upon application by either the lessor or lessee, the Commissioner will determine and approve the reporting and tax payment procedure to be used; provided, however, that the lessor and lessee shall be jointly and severally liable for the payment of the tax in any event. ~~The term shall not include persons obtaining an identification marker or permit under section 422 of this title.~~

Sec. 45. 23 V.S.A. § 3024(b) is amended to read:

(b) It shall be unlawful for any person:

(1) to operate a motor vehicle subject to the provisions of this chapter upon any public highway in the State without first obtaining the diesel fuel

user's license and marker required under section 3007 of this title or to so operate without displaying ~~said~~ the marker or to so operate without having in the vehicle ~~either~~ the license ~~or telegram~~ issued under section 3007 or a permit issued under section 3010 of this title;

* * *

* * * Snowmobile Registration and TMA Decals * * *

Sec. 46. 23 V.S.A. § 3205 is amended to read:

§ 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF

HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM

~~REGISTRATION AND~~ EQUIPMENT REQUIREMENT

(a) Snowmobile; required equipment. All snowmobiles shall be equipped with one or more operational:

* * *

(f) Exemption from ~~registration and~~ equipment requirements; racing contest. This section shall not apply to any snowmobile entered in a racing contest sponsored by a racing or snowmobile club, organization, or association during the period the snowmobile is actually participating in or practicing or preparing for a racing event at an area especially provided for the purpose.

Sec. 47. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

* * *

(10) If the registration certificate or written consent is not available for inspection and the registration number, or plate of a size and type approved by the Commissioner, and TMA decal are not displayed on the snowmobile in a manner approved by the Commissioner. However, a TMA decal need not be displayed if the operator possesses a completed TMA form in accordance with subdivision 3202(a)(7) of this title.

* * *

* * * Motorboats; Exemption From Numbering Provisions * * *

Sec. 48. 23 V.S.A. § 3303 is amended to read:

§ 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

~~Every~~ Except for motorboats exempt from numbering under subdivisions 3307(a)(2)–(4) of this title, every motorboat on the waters of this State shall be numbered. ~~No~~ A person shall not operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this subchapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless:

(1) the certificate of number awarded to such motorboat is currently valid; and

(2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat. ~~Motorboats described in~~

~~subdivision 3307(1)(E) of this title, however, are excepted from the provisions of this section.~~

Sec. 49. 23 V.S.A. § 3307 is amended to read:

§ 3307. EXEMPTION FROM VERMONT NUMBERING PROVISIONS

~~(1)(a)~~ (a) A motorboat is not required to ~~be numbered~~ have a Vermont number under this chapter if it is:

~~(A)(1)~~ (1) ~~already~~ Already covered by a number in effect which has been awarded to it under federal law or a federally approved numbering system of another state, if the boat has not been within the State for more than 90 days;

~~(B)(2)~~ (2) a A motorboat from a country other than the United States if the boat has not been within the State for more than 90 days;

~~(C)(3)~~ (3) a A motorboat owned by the United States, a state or subdivision of the United States, or a state and not rented, leased, or used by any person other than an employee of the government. However, the boat shall have the name of the government or department of the government owning it printed on each side of the bow;

~~(D)(4)~~ (4) a A ship's lifeboat;

~~(E)(5)~~ (5) ~~any exemptions provided in this section shall, however, be operative as to an owner or operator of a motorboat only to the extent that under the laws of the foreign country or state of his or her residence like~~

~~exemptions and privileges are granted to operators and owners of motorboats
duly registered under the laws of this State;~~

(F) ~~licensed~~ Licensed, numbered, or otherwise registered under New
Hampshire laws for operation on waters in that state, but only when it is
operated on such parts of the Connecticut River and impoundments of the river
as may lie in Vermont and only when and to the same extent as New
Hampshire laws allow motorboats licensed, numbered, or otherwise
recognized by Vermont laws as being registered for lawful operation on waters
within Vermont to be operated on such parts of the Connecticut River and
impoundments of the river as may be in New Hampshire.

(b) Any exemptions provided in this section shall apply to an owner or
operator of a motorboat only to the extent that under the laws of the foreign
country or state of his or her residence like exemptions and privileges are
granted to operators and owners of motorboats duly registered under the laws
of this State.

~~(2)(c)~~ Failure to meet one of the ~~previous~~ exemptions of this section will
require registration and numbering in Vermont.

* * * Operation Rules as Between Vessels * * *

Sec. 50. 23 V.S.A. § 3312(d) is amended to read:

(d) The U.S. Coast Guard Inland Navigation Rules ~~(33 U.S.C. §§ 2001–
2038 and 2071–2073, as amended from time to time)~~, 33 C.F.R. Part 83, as

may be amended, are hereby adopted as the operative rules for Lake Champlain, Lake Memphremagog, and Wallace Pond in Canaan.

* * * Commercial Motor Vehicles; Definition of Serious
Traffic Violation; Texting * * *

Sec. 51. 23 V.S.A. § 4103(16)(I) is amended to read:

(I) Texting while driving a commercial motor vehicle in violation of section 4125 of this chapter or section 1099 of this title.

* * * Commercial Learner's Permit Contents * * *

Sec. 52. 23 V.S.A. § 4111a(a) is amended to read:

(a) Contents of permit. A commercial learner's permit shall contain the following:

* * *

(5) ~~the name of the state that~~ an indication that the State of Vermont issued the permit;

* * *

* * * Commercial Motor Vehicles; Disqualification * * *

Sec. 53. 23 V.S.A. § 4116 is amended to read:

§ 4116. DISQUALIFICATION

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of one year if convicted of a first violation of:

* * *

(6) operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely as provided in section 1201 of this title;

* * *

(d) A person shall be disqualified from driving a commercial motor vehicle for a period of 60 days if convicted of two serious traffic violations ~~or if convicted of two violations of subsection 4125(c) of this chapter~~, or 120 days if convicted of a third or subsequent serious traffic violation ~~or if convicted of a third or subsequent violation of subsection 4125(c) of this chapter~~, arising from separate incidents occurring within a three-year period. A disqualification for 120 days shall be issued to be consecutive with any previous disqualification.

* * *

Sec. 54. EFFECTIVE DATE

This act shall take effect on July 1, 2015.