

S.122

Introduced by Committee on Transportation

Date:

Subject: Motor vehicles; snowmobiles; motorboats; all-terrain vehicles;  
dealers; insurance cards; multifunction school activity buses; railroad  
grade crossings; distracted driving; reinstatement; total abstinence  
program; titles; abandoned motor vehicles; commercial driver  
licenses; skills tests

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

(1) add snowmobile, motorboat, and all-terrain vehicle dealers to the  
existing definition of dealers, and amend the laws governing such dealers to  
address the requirements to qualify as such dealers;

(2) authorize the Commissioner of Motor Vehicles to regulate the  
contents of insurance identification cards;

(3) require multifunction school activity buses to stop at railroad  
grade crossings, and authorize multifunction school activity buses to be used in  
school bus endorsement road tests with the resulting endorsement being  
restricted to such vehicles;

(4) define “operating” a motor vehicle for the purposes of existing  
distracted driving laws, and amend such laws to extend to stationary vehicles  
in some circumstances;

1           (5) in connection with the existing law governing handheld use of  
2           portable electronic devices while driving, eliminate the requirement that a  
3           device be securely mounted in a cradle in order to qualify for the exemption  
4           for activation or deactivation of hands-free use;

5           (6) reorganize a provision prohibiting the obstruction of windshields and  
6           side windows and amend it to create an exception for electronic toll-collection  
7           transponders;

8           (7) require an applicant for reinstatement of an operator's license  
9           through the total abstinence program to authorize a urinalysis as part of the  
10          application process;

11          (8) authorize the Commissioner to determine appropriate legends on  
12          motor vehicle, snowmobile, vessel, and all-terrain vehicle title certificates and  
13          eliminate a special title legend for duplicate titles;

14          (9) define the term "towing service" as used in the abandoned motor  
15          vehicle law, make technical changes for consistent use of that phrase, and  
16          clarify the applicability of the law to vehicles towed for standing or stopping  
17          violations or under the authority of the law governing savage yards;

18          (10) authorize an all-terrain vehicle operator to pay for a Trail Access  
19          Decal electronically and for receipts of electronic transactions to be used as  
20          proof of payment for a 10-day period, and eliminate reciprocal recognition by

1 other states of Vermont all-terrain vehicle registrations as a precondition to  
2 Vermont's recognition of out-of-state ATV registrations;

3 (11) extend from 90 days to one year the existing skills test waiver  
4 period for former military drivers applying for a commercial driver license;

5 (12) repeal a provision requiring the Commissioner to prepare lists of  
6 registered motor vehicles, and amend a provision regarding lists of persons  
7 under suspensions; and

8 (13) repeal a provision regarding registration of nonresident motor  
9 trucks, and make a conforming change arising out of that repeal.

10 An act relating to miscellaneous changes to laws related to motor vehicles,  
11 motorboats, and other vehicles

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

13 \* \* \* Snowmobile, All-Terrain Vehicle, and Motorboat Dealers \* \* \*

14 Sec. 1. 23 V.S.A. § 4(8) is amended to read:

15 (8)(A)(i) "Dealer" ~~shall mean~~ means a person, partnership, or  
16 corporation ~~who is, or other entity~~ engaged in the business of ~~buying, selling,~~  
17 or exchanging new or used motor vehicles, ~~as well as other types of motor~~  
18 ~~vehicle dealers, except a finance and auction dealer and transporter.~~

19 ~~(A) Who~~ snowmobiles, motorboats, or all-terrain vehicles. A dealer  
20 may, as part of or incidental to such business, repair such vehicles or

1 motorboats, sell parts and accessories, or lease or rent ~~motor~~ such vehicles and  
2 ~~who:~~

3 (i) ~~Has had no previous record of willful violations of dealer laws~~  
4 ~~or regulations in this or any other jurisdiction.~~

5 (ii) ~~For initial applications only, has had no previous record of~~  
6 ~~criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in~~  
7 ~~this or any other jurisdiction.~~

8 (iii) ~~Has no unsatisfied judgments against him or her arising out of~~  
9 ~~violations of consumer protection laws in this or any other jurisdiction.~~

10 (iv) ~~Presents proof of compliance with the provisions of section~~  
11 ~~800 of this title at the time application for registration is made.~~

12 (v) ~~Is open for business at least 146 days during the calendar year.~~

13 ~~When the application for registration as a new car dealer or used car dealer is~~  
14 ~~made, the applicant shall provide the Commissioner with the hours of~~  
15 ~~operation of the business which the person shall maintain during the~~  
16 ~~registration period.~~

17 (vi) ~~Owns real estate (as defined in 1 V.S.A. § 132) as his or her~~  
18 ~~place of business or has a lease with an expiration date not earlier than the last~~  
19 ~~day of the registration year for which registration is sought under the~~  
20 ~~provisions of subchapter 4 of chapter 7 of this title which includes a building~~  
21 ~~of at least 1,200 square feet in size used primarily for the business of the~~

1 ~~dealership. The building shall have adequate facilities for the maintenance of~~  
2 ~~the records required by law to be kept including those required by section 466~~  
3 ~~of this title and for the transfer of motor vehicles or motorboats. “Dealer” shall~~  
4 ~~not include a finance or auction dealer or a transporter.~~

5 (ii)(I) For a new or used car dealer, “engaged in the business”  
6 means having sold or exchanged at retail either 12 pleasure cars or motor  
7 trucks in the immediately preceding registration year or 24 pleasure cars or  
8 motor trucks in the two immediately preceding registration years.

9 (II) For a snowmobile, motorboat, or all-terrain dealer,  
10 “engaged in the business” means having sold or exchanged at retail either six  
11 snowmobiles, motorboats, or all-terrain vehicles, respectively, in the  
12 immediately preceding registration year or 12 in the two immediately  
13 preceding registration years.

14 (III) Vehicles or motorboats that are to be scrapped,  
15 dismantled, or destroyed shall not count as sales or exchanges.

16 (B) “New car dealer” ~~shall mean a person~~ means a dealer who, in  
17 ~~addition to satisfying all of the requirements set forth in subdivision (8)(A) of~~  
18 ~~this section,~~ has a valid sales and service agreement, franchise, or contract with  
19 a manufacturer, assembler, importer, or distributor of new motor vehicles for  
20 the retail sale of new motor vehicles.

21 \* \* \*

1 (E) As used in this subdivision (8), “person” shall include any  
2 individual or, in the case of partnerships, corporations, or other entities, the  
3 directors, shareholders, officers, or partners in these entities. ~~The term~~  
4 ~~“business use of the dealer” shall only mean the motor vehicle business of the~~  
5 ~~motor vehicle dealer to which number plates have been issued pursuant to~~  
6 ~~section 453 of this title.~~

7 (F) ~~For new and used car dealers, "engaged in the business" means~~  
8 ~~selling 12 or more pleasure cars or motor trucks owned but not registered by~~  
9 ~~the seller except for vehicles that are to be scrapped, dismantled, or destroyed.~~  
10 ~~"Engaged in the business" shall also mean selling, during the immediately~~  
11 ~~preceding registration year, 12 or more pleasure cars or motor trucks which~~  
12 ~~have been in lease or rental services, and persons so engaged shall meet all~~  
13 ~~obligations required of dealers. [Repealed.]~~

14 Sec. 2. 23 V.S.A. chapter 7, subchapter 4, article 1 is amended to read:

15 ARTICLE 1.

16 DEALERS

17 § 450. DEFINITION

18 As used in this subchapter, “vehicle or motorboat” means a motor vehicle,  
19 snowmobile, motorboat, or all-terrain vehicle.

20 § 450a. DEALER REGISTRATION; ELIGIBILITY

21 (a) A person shall not be eligible to register as dealer unless the person:

1           (1) Has no previous record of willful violations of dealer laws or  
2           regulations in this or any other jurisdiction.

3           (2) For initial and renewal applicants, has not had a conviction or been  
4           incarcerated for a conviction for extortion, forgery, fraud, larceny, or  
5           embezzlement in this or any other jurisdiction within the 10 years prior to the  
6           application.

7           (3) Has no unsatisfied judgments against the person arising out of  
8           violations of consumer protection laws in Vermont or any other jurisdiction.

9           (4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of  
10          business or has a lease with an expiration date not earlier than the last day of  
11          the registration year for which registration is sought under the provisions of  
12          this subchapter, which includes a building of at least 1,200 square feet in size  
13          used primarily for the business of the dealership. The building shall have  
14          adequate facilities for the maintenance of the records required by law to be  
15          kept including those required by section 466 of this title.

16          (b) In addition to the requirements of subsection (a) of this section, a  
17          person shall not be eligible to register as a new or used car dealer unless the  
18          person:

19               (1) Presents proof of compliance with the provisions of section 800 of  
20               this title at the time application for registration is made.

1           (2) Is open for business at least 146 days during the calendar year. The  
2           applicant shall provide the Commissioner with the hours of operation of the  
3           business which the person shall maintain during the registration period at the  
4           time of the application.

5           § 451. DEALER'S CERTIFICATE

6           (a) Instead of registering each motor vehicle owned by him or her, a new or  
7           used car dealer may ~~make application~~ apply under oath to the Commissioner,  
8           upon forms prescribed and furnished by the Commissioner for that purpose,  
9           and accompanied by such additional information and certifications as the  
10          Commissioner may reasonably require, for a general distinguishing number for  
11          such motor vehicles. If the Commissioner is satisfied that the applicant meets  
12          all the requirements of section 4 and chapter 7 of this title and is qualified to  
13          engage in such business, the Commissioner may issue to the applicant a  
14          certificate of registration containing the name, place of residence, and address  
15          of such applicant, the general distinguishing number assigned, and such  
16          additional information as the Commissioner may determine. If a dealer has a  
17          place of business or agency in more than one city or town, he or she shall file  
18          an application and secure a certificate of registration for each place of business  
19          or agency. The place of business or agency shall mean a place in any town  
20          where motor vehicles owned by a dealer are regularly kept or exposed for sale  
21          in the custody or control of the dealer or a salesman, employee, or agent of



1 such dealer. In his or her discretion, the Commissioner may assign the same  
2 distinguishing number with more than one certificate to any dealer who has  
3 separate places of business within the same or an adjacent city or town within  
4 Vermont. The Commissioner may allow a dealer having one distinguishing  
5 number with more than one certificate to maintain only one central area for the  
6 maintenance of records required by law to be kept, including those required by  
7 section 466 of this title and for the transfer of motor vehicles. This location  
8 must be in Vermont and must be disclosed on the application prior to approval  
9 and may be changed only with the approval of the Commissioner or his or her  
10 agent. Dealer registration plates shall contain letters indicating the type of  
11 dealer certificate issued before the distinguishing number.

12 (b) With the prior approval of the Commissioner, a Vermont dealer may  
13 display vehicles on a temporary basis, but in no instance for more than  
14 14 days, at fairs, shows, exhibitions, and other off-site locations. New motor  
15 vehicles may only be displayed off-site within the manufacturer's stated area  
16 of responsibility in the franchise agreement. No sales may be transacted at  
17 these off-site locations. A dealer desiring to display vehicles temporarily at an  
18 off-site location shall notify the Commissioner in a manner prescribed by the  
19 Commissioner no less than two days prior to the first day for which approval is  
20 requested.

1 (c) A new or used car dealer may temporarily transfer possession of a  
2 vehicle owned by the dealer on consignment to a registered auction dealer or  
3 Vermont licensed auctioneer to be sold at public or private wholesale auction  
4 by the auction dealer or Vermont licensed auctioneer.

5 (d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer  
6 registrations are governed by this chapter and sections 3204, 3305, and 3504 of  
7 this title, respectively.

8 \* \* \*

9 § 453. FEES AND NUMBER PLATES

10 \* \* \*

11 (h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer  
12 shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504  
13 of this title, respectively.

14 § 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

15 \* \* \*

16 (c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a  
17 dealer's number plate or dealer registration number in accordance with  
18 sections 3204, 3305, and 3504 of this title, respectively.

19 \* \* \*

1     § 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

2           Employees of a dealer shall not operate, and a dealer shall not permit them  
3     to operate, ~~motor~~ vehicles, or motorboats, ~~snowmobiles, and all terrain~~  
4     ~~vehicles~~ with dealer's registration number plates or registration numbers  
5     displayed thereon, except for business purposes of the dealer, or in traveling  
6     directly between their homes and the place of their employer's business.

7                                     \* \* \*

8     § 462. CANCELLATION OF DEALER'S REGISTRATION

9           (a) The Commissioner may cancel, revoke, or suspend a registration  
10     certificate issued to a dealer under the provisions of this chapter or section  
11     3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded  
12     the opportunity of a hearing before the Commissioner or upon conviction in  
13     any court in any jurisdiction, it appears that the dealer has willfully violated  
14     any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of  
15     the Commissioner, applying to dealers, or when it appears that the dealer has  
16     engaged in fraudulent or unlawful practices related to the purchase, sale, or  
17     exchange of ~~motor~~ vehicles or motorboats. A dealer whose certificate has been  
18     canceled shall forthwith return to the Commissioner the registration certificate  
19     and any and all number plates, or numbers or decals furnished him or her by  
20     the Commissioner, and the privilege to operate, purchase, sell, or exchange  
21     ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An

1 application for a new dealer's license for that dealer will not be considered  
2 until the suspension period has been served.

3 (b) A fee of \$30.00 shall be paid to the Commissioner prior to the  
4 reinstatement of any dealer's license or registration certificate canceled,  
5 revoked, or suspended for cause.

6 \* \* \*

7 § 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS

8 PROHIBITED

9 A dealer shall not lend or lease registration certificates, validation stickers,  
10 numbers, ~~or~~ decals, or number plates which have been assigned to him or her  
11 under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~  
12 vehicle or motorboat to which his or her dealer's decals, numbers, or number  
13 plates have been attached, nor lend or lease his or her dealer's decals, numbers,  
14 or number plates to a subagent.

15 § 466. RECORDS; CUSTODIAN

16 (a) On a form prescribed or approved by the Commissioner, every licensed  
17 dealer shall maintain and retain for six years a record containing the following  
18 information, which shall be open to inspection by any law enforcement officer  
19 or motor vehicle inspector or other agent of the Commissioner during  
20 reasonable business hours:

1           (1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or  
2           exchanged by the licensee or received or accepted by the licensee for sale or  
3           exchange.

4           (2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise  
5           acquired and dismantled by the licensee.

6           (3) The name and address of the person from whom such ~~motor~~ vehicle  
7           or motorboat was purchased or acquired, the date thereof, the name and  
8           address of the person to whom any such ~~motor~~ vehicle or motorboat was sold  
9           or otherwise disposed of and the date thereof, and a sufficient description of  
10          every such ~~motor~~ vehicle or motorboat by name and identifying numbers  
11          thereon to identify the same.

12          (4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a  
13          consumer, the cash price. ~~For purposes of~~ As used in this section, “consumer”  
14          shall be as defined in 9 V.S.A. § 2451a(a) and “cash price” shall be as defined  
15          in 9 V.S.A. § 2351(6).

16          (b) Every licensed dealer shall designate a custodian of documents who  
17          shall have primary responsibility for administration of documents required to  
18          be maintained under this title. In the absence of the designated custodian, the  
19          dealer shall have an ongoing duty to make such records available for  
20          inspection by any law enforcement officer or motor vehicle inspector or other  
21          agent of the Commissioner during reasonable business hours.

\* \* \*

§ 468. GENERAL PROHIBITION

A dealer shall not operate a ~~motor~~ vehicle or motorboat nor permit the same to be operated under dealer's registration numbers, except as specifically permitted in this chapter or under section 3204, 3305, or 3504 of this title. No charge shall be made for any permitted use.

\* \* \*

§ 473. WHEN REGISTRATION IS ALLOWED, REQUIRED; PENALTIES

(a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or offering for sale motor or exchanging~~ vehicles or motorboats, as defined in ~~this subchapter except for vehicles that are to be scrapped, dismantled, or destroyed~~ subdivision 4(8) of this title, without a dealer registration and obtaining dealer plates or motorboat registrations in accordance with the provisions of this subchapter and, if applicable, section 3204, 3305, or 3504 of this title. A person may register as a dealer only if he or she is engaged in the business of selling or exchanging vehicles or motorboats, as defined in subdivision 4(8) of this title or, in the case of an initial registration, if the person's reasonable estimate of expected sales or exchanges satisfies the minimum thresholds under subdivision 4(8) of this title. A person who violates this section shall be subject to the penalties established pursuant to section 475 of this title. ~~For the purpose of the subchapter, "engaged in the business" means selling 12 or more~~

1 ~~pleasure cars or motor trucks owned but not registered by the seller except for~~  
2 ~~vehicles that are to be scrapped, dismantled, or destroyed. "Engaged in the~~  
3 ~~business" shall also mean selling, during the immediately preceding~~  
4 ~~registration year, 12 or more pleasure cars or trucks which have been in lease~~  
5 ~~or rental service and persons so engaged shall meet all obligations required of~~  
6 ~~dealers.~~

7 (b) A person who misrepresents himself or herself as a dealer in the  
8 purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining~~  
9 ~~a license~~ registering as a dealer, or after the cancellation, suspension, or  
10 revocation of the dealer's ~~license~~ registration, or who makes  
11 misrepresentations to the Department in order to qualify for registration, shall  
12 be subject to the penalties established pursuant to section 475 of this title.

13 \* \* \*

14 Sec. 3. 23 V.S.A. § 3204 is amended to read:

15 § 3204. REGISTRATION FEES AND DEALER PLATES

16 (a) Fees. Annual registration fees for snowmobiles other than as provided  
17 for in subsection (b) of this section are \$25.00 for residents and \$32.00 for  
18 nonresidents. Duplicate registration certificates may be obtained upon  
19 payment of \$5.00.

20 (b)(1) Dealer registration and plates; manufacturer ~~and repair~~ plates; fees.  
21 ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person

1 engaged in the ~~manufacture or sale of~~ business of selling or exchanging  
2 snowmobiles as defined in subdivision 4(8) of this title shall register as a  
3 dealer and obtain registration certificates and identifying number plates,  
4 subject to such rules as may be adopted by the Commissioner ~~which~~ and to the  
5 requirements of chapter 7 this title. A manufacturer of snowmobiles may  
6 register and obtain registration certificates and identifying number plates under  
7 this section. Plates shall be valid for the following purposes only: testing;  
8 adjusting; demonstrating; temporary use of customers for a period not to  
9 exceed 14 days; private business or pleasure use of such person or members of  
10 his or her immediate family; and use at fairs, shows, or races when no charge is  
11 made for such use.

12 (2) Fees. Fees for dealer registration certificates shall be \$40.00 for the  
13 first certificate issued to any person and \$5.00 for any additional certificate  
14 issued to the same person within the current registration period. Fees for  
15 temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

16 \* \* \*

17 Sec. 4. 23 V.S.A. § 3305 is amended to read:

18 § 3305. FEES

19 (c) A person engaged in the ~~manufacture or sale of~~ business of selling or  
20 exchanging motorboats as defined in subdivision 4(8) of this title, of a type  
21 otherwise required to be registered by this subchapter, ~~upon application to the~~



1 ~~Commissioner upon forms prescribed by him or her, may~~ shall register and  
2 obtain registration certificates for use as described under subdivision (1) of this  
3 subsection, subject to the requirements of chapter 7 this title. A manufacturer  
4 of motorboats may register and obtain registration certificates under this  
5 section.

6 \* \* \*

7 (3) An application for a dealer motorboat registration and registration  
8 number shall be accompanied by the following fees:

9 (A) for the registration and first number applied for, \$25.00 and a  
10 surcharge of \$5.00;

11 (B) for each additional number applied for in the current registration  
12 period, \$5.00 and a surcharge of \$5.00.

13 \* \* \*

14 (j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25,  
15 may provide for the issuance of temporary registrations of motorboats pending  
16 issuance of the permanent registration. Motorboat dealers may issue  
17 temporary motorboat registrations. The dealer's fee for the temporary  
18 registrations shall be \$3.00 for each registration purchased from the  
19 Department of Motor Vehicles. Temporary registrations shall be kept with the  
20 motorboat while being operated and shall authorize operation without the

1 registration number being affixed for a period not to exceed ~~30~~ 60 days from  
2 the date of issue.

3 \* \* \*

4 Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

5 (b) Any person engaged in the ~~manufacture or sale of~~ business of selling or  
6 exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall  
7 register and obtain registration certificates and identifying number plates  
8 subject to rules which may be adopted by the Commissioner ~~which~~ and to the  
9 requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles  
10 may register and obtain registration certificates and identifying number plates  
11 under this section. Plates shall be valid for the following purposes only:  
12 testing; adjusting; demonstrating; temporary use of customers for a period not  
13 to exceed seven days; private business or pleasure use of the person or  
14 members of his or her immediate family; and use at fairs, shows, or races when  
15 no charge is made. Fees for registration and registration certificates shall be  
16 \$45.00 for the first certificate issued to any person and \$5.00 for any additional  
17 certificate issued to the same person within the current registration period.  
18 Fees for temporary number plates shall be \$3.00 for each plate issued.

\* \* \* Insurance Identification Cards \* \* \*

Sec. 6. 23 V.S.A. § 800(a) is amended to read:

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

\* \* \* Multifunction School Activity Buses \* \* \*

Sec. 7. 23 V.S.A. § 1072(a) is amended to read:

(a)(1) ~~The driver of any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver, of any school bus, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade

1 any track or tracks of a railroad, the drivers of the following vehicles shall stop  
2 within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and  
3 while so stopped shall look and listen in both directions along the track for any  
4 approaching train and for signals indicating the approach of a train, and may  
5 not proceed until he or she can do so safely:

6 (A) any motor vehicle carrying passengers for hire except for jitneys  
7 designed to carry not more than seven passengers including the driver;

8 (B) any school bus or multifunction school activity bus; and

9 (C) any vehicle carrying explosive substances or flammable liquids  
10 as cargo or part of its cargo.

11 (2) After stopping as required herein and upon proceeding when it is  
12 safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will  
13 be no necessity for changing gears while traversing the crossing, and the driver  
14 may not shift gears while crossing the track or tracks.

15 Sec. 8. 23 V.S.A. § 1287 is amended to read:

16 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

17 (a) A “multifunction school activity bus” is a vehicle which is used to  
18 transport students on trips other than on a fixed route between home and  
19 school, and which meets the construction and safety standards for a  
20 “multifunction school activity bus” adopted by rule by the National Highway  
21 Traffic Safety Administration.

1 (b) If a school owns a multifunction school activity bus or leases one other  
2 than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be  
3 required to hold a license which includes a school bus driver's endorsement.  
4 ~~The~~ A school bus endorsement road test may be taken in a multifunction  
5 school activity bus, but the resulting endorsement shall be restricted to the  
6 operation of the appropriately sized multifunction school activity bus.  
7 Otherwise, the endorsement shall be a Type I or Type II endorsement as  
8 appropriate to the size of the vehicle.

9 (c) A multifunction school activity bus may be a color other than national  
10 school bus yellow.

11 Sec. 9. 23 V.S.A. § 4121 is amended to read:

12 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

13 (a) An applicant for a school bus endorsement shall satisfy the following  
14 requirements:

15 (1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger  
16 vehicle endorsement;\_

17 (2) ~~have~~ Have knowledge covering the following topics, at minimum:

18 (A) ~~loading~~ Loading and unloading children, including the safe  
19 operation of stop signal devices, external mirror systems, flashing lights, and  
20 other warning and passenger safety devices required for school buses by State  
21 or federal law or regulation;\_

1 (B) ~~emergency~~ Emergency exits and procedures for safely evacuating  
2 passengers in an emergency;

3 (C) State and federal laws and regulations related to traversing safely  
4 highway rail grade crossings;

5 (D) a A skills test in a school bus of the same vehicle group as the  
6 applicant will operate. As used in this subdivision (a)(2)(D), "school bus" may  
7 include a "multifunction school activity bus" as defined in section 1287 of  
8 this title.

9 \* \* \*

10 \* \* \* Distracted Driving \* \* \*

11 Sec. 10. 23 V.S.A. § 1095a is amended to read:

12 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
13 DEVICES

14 (a) As used in this section, "operating" means operating a motor vehicle on  
15 a public highway, including while temporarily stationary because of traffic, a  
16 traffic control device, or other temporary delays. "Operating" does not include  
17 operating a motor vehicle with or without the motor running when the operator  
18 has moved the vehicle to the side of or off a highway and has halted in a  
19 location where the vehicle can safely and lawfully remain stationary.

20 (b) A person under 18 years of age shall not use any portable electronic  
21 device as defined in subdivision 4(82) of this title while operating a ~~moving~~

1 motor vehicle on a highway. This prohibition shall not apply when use of a  
2 portable electronic device is necessary for a person to communicate with law  
3 enforcement or emergency service personnel under emergency circumstances.

4 Sec. 11. 23 V.S.A. § 1095b is amended to read:

5 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

6 PROHIBITED

7 (a) ~~Definition~~ Definitions. As used in this section:

8 (1) ~~“hands-free~~ Hands-free use” means the use of a portable electronic  
9 device without use of either hand by employing an internal feature of, or an  
10 attachment to, the device.

11 (2) “Operating” means operating a motor vehicle on a public highway,  
12 including while temporarily stationary because of traffic, a traffic control  
13 device, or other temporary delays. “Operating” does not include operating a  
14 motor vehicle with or without the motor running when the operator has moved  
15 the vehicle to the side of or off a highway and has halted in a location where  
16 the vehicle can safely and lawfully remain stationary.

17 (b) Use of handheld portable electronic device prohibited. A person shall  
18 not use a portable electronic device while operating a ~~moving~~ motor vehicle on  
19 a highway in Vermont. The prohibition of this subsection shall not apply:

20 (1) ~~to~~ To hands-free use;

\* \* \*



1 messages, or e-mails, using a portable electronic device as defined in  
2 subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of  
3 a global positioning or navigation system shall be governed by section 1095b  
4 of this title.

5 (2) “Operating” means operating a motor vehicle on a public highway,  
6 including while temporarily stationary because of traffic, a traffic control  
7 device, or other temporary delays. “Operating” does not include operating a  
8 motor vehicle with or without the motor running when the operator has moved  
9 the vehicle to the side of or off a highway and has halted in a location where  
10 the vehicle can safely and lawfully remain stationary.

11 (b) A person shall not engage in texting while operating a ~~moving~~ motor  
12 vehicle on a highway.

13 (c) A person who violates this section commits a traffic violation as defined  
14 in section 2302 of this title and shall be subject to a penalty of not less than  
15 \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation,  
16 and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~  
17 for a second or subsequent violation within any two-year period.

\* \* \* Obstructions to Windshields, Windows \* \* \*

Sec. 13. 23 V.S.A. § 1125 is amended to read:

§ 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

(a) ~~No person shall paste, stick, or paint advertising matter or other things~~  
Except as otherwise provided in this section, a person shall not operate a motor  
vehicle on which material or items have been painted or adhered on or over, or  
hung in back of, any transparent part of a motor vehicle windshield, vent  
windows, or side windows located immediately to the left and right of the  
operator, ~~nor hang any object, other than a rear view mirror, in back of the~~  
~~windshield except as follows.~~

(b) Notwithstanding subsection (a) of this section, a person may operate a  
motor vehicle with material or items painted or adhered on or over, or hung in  
back of, the windshield, vent windows, or side windows:

(1) ~~In~~ in a space not over four inches high and 12 inches long in the  
lower right-hand corner of the windshield;

(2) ~~In~~ in such space as the Commissioner of Motor Vehicles may  
specify for location of any sticker required by governmental regulation;

(3) ~~In~~ in a space not over two inches high and two and one-half inches  
long in the upper left-hand corner of the windshield;

(4) ~~By persons~~ if the operator is a person employed by the federal, ~~state~~  
State, or local government ~~and or a volunteer emergency responders~~ responder

1 operating an authorized emergency ~~vehicles~~ vehicle, who ~~may place~~ places any  
2 necessary equipment in back of the windshield of the vehicle, provided the  
3 equipment does not interfere with the operator's control of the driving  
4 mechanism of the vehicle;

5 (5) ~~On~~ on a motor vehicle that is for sale by a licensed automobile  
6 dealer prior to the sale of the vehicle, in a space not over three inches high and  
7 six inches long in the upper left-hand corner of the windshield, and in a space  
8 not over four inches high and 18 inches long in the upper right-hand corner of  
9 the windshield; or

10 (6) if the object is a rearview mirror or an electronic toll-collection  
11 transponder.

12 ~~(6)(c)~~ The Commissioner may grant an exemption to the prohibition of  
13 this section upon application from a person required for medical reasons to be  
14 shielded from the rays of the sun and who attaches to the application a  
15 document signed by a licensed physician or optometrist certifying that  
16 shielding from the rays of the sun is a medical necessity. The physician or  
17 optometrist certification shall be renewed every four years. However, when a  
18 licensed physician or optometrist has previously certified to the Commissioner  
19 that an applicant's condition is both permanent and stable, the exemption may  
20 be renewed by the applicant without submission of a form signed by a licensed  
21 physician or optometrist. Additionally, the window shading or tinting

1 permitted under this ~~subdivision~~ subsection shall be limited to the vent  
2 windows or side windows located immediately to the left and right of the  
3 operator. The exemption provided in this ~~subdivision~~ subsection shall  
4 terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the  
5 applicable window tinting shall be removed by the seller. Furthermore, if the  
6 material described in this ~~subdivision~~ subsection tears or bubbles or is  
7 otherwise worn to prohibit clear vision, it shall be removed or replaced.

8 ~~(b)~~(d) The rear side windows and the back window may be obstructed only  
9 if the motor vehicle is equipped on each side with a securely attached mirror,  
10 which provides the operator with a clear view of the roadway in the rear and on  
11 both sides of the motor vehicle.

12 \* \* \* Total Abstinence Program; Application Requirements \* \* \*

13 Sec. 14. 23 V.S.A. § 1209a(b)(1) is amended to read:

14 (1) Notwithstanding any other provision of this subchapter, a person  
15 whose license has been suspended for life under this subchapter may apply to  
16 the Driver Rehabilitation School Director and to the Commissioner for  
17 reinstatement of his or her driving privilege. The person shall have completed  
18 three years of total abstinence from consumption of alcohol or drugs, or both.  
19 The beginning date for the period of abstinence shall be no sooner than the  
20 effective date of the suspension from which the person is requesting  
21 reinstatement and shall not include any period during which the person is

1 serving a sentence of incarceration to include furlough. The application shall  
2 include the applicant's authorization for a urinalysis examination of the  
3 applicant. The application to the Commissioner shall be accompanied by a fee  
4 of \$500.00. The Commissioner shall have the discretion to waive the  
5 application fee if the Commissioner determines that payment of the fee would  
6 present a hardship to the applicant.

7 \* \* \* Motor Vehicle Titles \* \* \*

8 Sec. 15. 23 V.S.A. § 2018 is amended to read:

9 § 2018. INFORMATION ON CERTIFICATE

10 (a) Each certificate of title issued by the Commissioner shall contain:

11 (1) The date issued.

12 (2) The name and address of the owner.

13 (3) The names and addresses of any lienholders, in the order of priority

14 as shown on the application or, if the application is based on a certificate of  
15 title, as shown on the certificate; however, no more than two lienholders may  
16 appear on a certificate. In the event that there are more than two lienholders on  
17 the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend  
18 ~~“There are more than two lienholders on this vehicle. Contact the Vermont~~  
19 ~~Department of Motor Vehicles for details.”~~ as determined by the  
20 Commissioner.

21 (4) The title number assigned to the vehicle.

(6) Any other data the Commissioner prescribes.

\* \* \*

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1 under similar laws of any other state, any certificate of title for the vehicle shall  
2 contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the~~  
3 ~~manufacturer pursuant to motor vehicle arbitration board, or similar~~  
4 ~~proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

5 Sec. 16. 23 V.S.A. § 2022(a) is amended to read:

6 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes  
7 illegible, the first lienholder or, if none, the owner or legal representative of the  
8 owner named in the certificate, as shown by the records of the Commissioner,  
9 shall promptly make application for and may obtain a duplicate upon  
10 furnishing information satisfactory to the Commissioner. ~~The duplicate~~  
11 ~~certificate of title shall contain the legend “This is a duplicate certificate and~~  
12 ~~may be subject to the rights of a person under the original certificate.”~~ It shall  
13 be mailed to the first lienholder named in it or, if none, to the owner.

14 Sec. 17. 23 V.S.A. § 2093(a) is amended to read:

15 (a) If a vehicle upon which a salvage certificate of title, a parts-only  
16 certificate, or other document indicating the vehicle is not sold for  
17 re-registration purposes has been or should have been issued by the  
18 Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle  
19 that has been declared a totaled motor vehicle is rebuilt and restored for  
20 highway operation, the owner thereof shall not apply for a certificate of title or  
21 registration, and none shall be issued until the vehicle has been inspected by

1 the Commissioner or his or her authorized representative. The inspection of  
2 the vehicle shall be conducted in the manner prescribed by the Commissioner  
3 and shall include verification of the vehicle identification number and bills of  
4 sale or titles for major component parts used to rebuild the vehicle. When  
5 necessary, a new vehicle identification number shall be attached to the vehicle  
6 as provided by section 2003 of this title. Any new title issued for such vehicles  
7 shall contain the legend "rebuilt ~~vehicle~~."

8 \* \* \* Snowmobile, Motorboat, and All-Terrain Vehicle Titles \* \* \*

9 Sec. 18. 23 V.S.A. § 3811 is amended to read:

10 § 3811. INFORMATION ON CERTIFICATE

11 (a) Each certificate of title issued by the Commissioner shall contain:

12 (1) The date issued.

13 (2) The name and address of the owner.

14 (3) The names and addresses of any lienholders, in the order of priority

15 as shown on the application or, if the application is based on a certificate of  
16 title, as shown on the certificate; however, no more than two lienholders may  
17 appear on a certificate. In the event that there are more than two lienholders on  
18 the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall  
19 contain ~~the~~ an appropriate legend "~~There are more than two lienholders on this~~  
20 ~~vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of~~  
21 ~~Motor Vehicles for details~~" as determined by the Commissioner.



\* \* \*

(b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive certificate of title shall be issued for a vessel, snowmobile, or all-terrain vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests, or for which a title had not been issued by such other state or country. The certificate shall contain ~~the~~ an appropriate legend ~~“This vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien”~~ as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

\* \* \*

Sec. 19. 23 V.S.A. § 3815(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate~~

1 ~~certificate of title shall contain the legend, "This is a duplicate certificate and~~  
2 ~~may be subject to the rights of a person under the original certificate."~~ It shall  
3 be mailed to the first lienholder named in it or, if none, to the owner.

4 Sec. 20. 23 V.S.A. § 3835(a) is amended to read:

5 (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage  
6 certificate of title, a parts-only certificate, or other document indicating the  
7 vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes  
8 has been or should have been issued by the Commissioner, or by any other  
9 jurisdiction or person ~~or both~~, or if a vessel, snowmobile, or all-terrain vehicle  
10 that has been declared totaled is rebuilt and restored for operation, the owner  
11 shall not apply for a certificate of title or registration, and none shall be issued  
12 until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been  
13 inspected by the Commissioner or his or her authorized representative. The  
14 inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted  
15 in the manner prescribed by the Commissioner and shall include verification of  
16 the identification number and bills of sale or titles for major component parts  
17 used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary,  
18 a new identification number shall be attached to the vessel, snowmobile, or  
19 all-terrain vehicle as provided by section 2003 of this title. Any new title  
20 issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the  
21 legend "rebuilt ~~vessel, snowmobile, or all-terrain vehicle.~~"

\* \* \* Towed and Abandoned Motor Vehicles \* \* \*

Sec. 21. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Any enforcement officer is authorized to:

(1) move a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to require the driver or other person in charge to move the vehicle to a position off the paved or main-traveled part of the highway;

(2) remove an unattended vehicle which is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) remove any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances which require his or her immediate removal from control of the vehicle.

(b) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the ~~Agency of Transportation~~ Department as to the location and date of discovery of the vehicle, date of removal of the vehicle,

1 name of the ~~wrecker~~ towing service removing the vehicle, and place of storage.

2 The officer shall record and remove from the vehicle, if possible, any  
3 information which might aid the ~~Transportation Board~~ Department in  
4 ascertaining the ownership of the vehicle. ~~All information shall be forwarded~~  
5 and forward it to the Transportation Board in accordance with the provisions of  
6 24 V.S.A. chapter 61 Department. A motor vehicle towed under authority of  
7 this section may qualify as an abandoned motor vehicle under subchapter 7 of  
8 chapter 21 of this title.

9 Sec. 22. 23 V.S.A. § 2151 is amended to read:

10 § 2151. ABANDONED MOTOR VEHICLES; ~~DEFINED~~ DEFINITIONS

11 ~~(a)(1) For the purposes of~~ As used in this subchapter, ~~an “abandoned motor~~  
12 ~~vehicle” means:~~

13 (1)(A) “Abandoned motor vehicle” means:

14 ~~(A)(i)~~ (i) a motor vehicle that has remained on public or private property  
15 or on or along a highway without the consent of the owner or person in control  
16 of the property for more than 48 hours, and has a valid registration plate or  
17 public vehicle identification number which has not been removed, destroyed,  
18 or altered; or

19 ~~(B)(ii)~~ (ii) a motor vehicle that has remained on public or private  
20 property or on or along a highway without the consent of the owner or person  
21 in control of the property for any period of time if the vehicle does not have a

1 valid registration plate or the public vehicle identification number has been  
2 removed, destroyed, or altered.

3 (B) “Abandoned motor vehicle” does not include a vehicle or other  
4 equipment used or to be used in construction or in the operation or  
5 maintenance of highways or public utility facilities, which is left in a manner  
6 which does not interfere with the normal movement of traffic.

7 (2) “Towing service” means any person moving an abandoned motor  
8 vehicle over a public highway by any means allowed by law.

9 (3) For purposes of this subsection, “public “Public vehicle  
10 identification number” means the public vehicle identification number which is  
11 usually visible through the windshield and attached to the driver’s side of the  
12 dashboard, instrument panel, or windshield pillar post or on the doorjamb on  
13 the driver’s side of the vehicle.

14 ~~(b) Construction equipment. A vehicle or other equipment used or to be~~  
15 ~~used in construction or in the operation or maintenance of highways or public~~  
16 ~~utility facilities, which is left in a manner which does not interfere with the~~  
17 ~~normal movement of traffic, shall not be considered to be an abandoned motor~~  
18 ~~vehicle.~~

1       Sec. 23. 23 V.S.A. § 2153 is amended to read:

2       § 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

3           (a) Within 30 days of removal of ~~the~~ a vehicle pursuant to section 1102 or  
4       2152 of this title, or pursuant to 24 V.S.A. § 2272, a towing service which has  
5       removed an abandoned motor vehicle shall apply to the Department for an  
6       abandoned motor vehicle certification on forms supplied by the Department of  
7       Motor Vehicles. An abandoned motor vehicle certification form shall indicate  
8       the date of removal, make, color, model, location found, and the name,  
9       address, and phone number of the towing service, and a certification of the  
10      public vehicle identification number, if any, to be recorded by a law  
11      enforcement officer.

12          (b) Upon receipt of an abandoned motor vehicle certification form, the  
13      Commissioner of Motor Vehicles shall attempt to identify and notify the owner  
14      of the vehicle as required by section 2154 of this title. If no owner can be  
15      determined by the Commissioner within the time period allowed by section  
16      2154, the Commissioner shall issue a certificate of abandoned motor vehicle  
17      with appropriate title or salvage title, or both, and the vehicle may be disposed  
18      of in the manner set forth in section 2156 of this title.

19      Sec. 24. 23 V.S.A. § 2154(b) is amended to read:

20          (b) An owner or lienholder may reclaim an abandoned motor vehicle by  
21      presenting to the Department of Motor Vehicles satisfactory evidence of

1 ownership, and paying or reimbursing, or making arrangements to pay or  
2 reimburse, the towing ~~agency~~ service, the Department of Motor Vehicles, or  
3 the owner or agent of private property, as the case may be, any towing fee or  
4 storage charges permitted under section 2155 of this title.

5 Sec. 25. 23 V.S.A. § 2158(a) is amended to read:

6 (a) A towing service may charge a fee of up to \$40.00 for towing an  
7 abandoned motor vehicle from public property under the provisions of sections  
8 2151–2157 of this title. This fee shall be paid to the towing service upon the  
9 issuance by the Department of Motor Vehicles of a certificate of abandoned  
10 motor vehicles under section 2156 of this title. The Commissioner of Motor  
11 Vehicles shall notify the Commissioner of Finance and Management who shall  
12 issue payment to the towing service for vehicles removed from public  
13 property. Payments under this section shall terminate upon the payment of a  
14 total of \$16,000.00 for towing abandoned motor vehicles from public property  
15 in any fiscal year. A towing ~~company~~ service shall not be eligible for more  
16 than 50 percent of this annual allocation.

17 Sec. 26. 24 V.S.A. § 2272 is amended to read:

18 § 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

19 (a) A junk motor vehicle discovered in violation of section 2271 of this title  
20 shall be removed from view of the main traveled way of the highway by the  
21 owner of the land upon which it is discovered, upon receiving written notice

1 from the ~~agency of transportation~~ Agency of Transportation to do so, if such  
2 owner holds title to the motor vehicle.

3 (b) If the owner of the land upon which a junk motor vehicle is discovered  
4 in violation of section 2271 of this title; does not hold or disclaims title; and  
5 the true owner of the motor vehicle is known or can be ascertained, the motor  
6 vehicle owner shall dispose of such motor vehicle in such a manner that it is no  
7 longer visible from the main traveled way of the highway upon receiving  
8 written notice from the ~~agency of transportation~~ Agency of Transportation to  
9 do so.

10 (c) The owner of land upon which a motor vehicle is left in violation of this  
11 section or section 2271 of this title may, without incurring any civil liability or  
12 criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, ~~remove~~  
13 cause the vehicle to be removed from the place where it is discovered to any  
14 other place on any property owned by him, ~~and if so removed, he shall notify~~  
15 ~~the agency of transportation and local or state police, in writing, forthwith.~~  
16 ~~Within ten days after notification, the agency of transportation shall cause the~~  
17 ~~vehicle to be taken under its control and disposed of as hereafter provided or~~  
18 her, or from the property, in accordance with 23 V.S.A. § 2152. The  
19 provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles)  
20 shall govern the identification, reclamation, and disposal of such vehicles.

21 (d) [Repealed.]



\* \* \* All-Terrain Vehicles; Trail Access Decals; Reciprocity \* \* \*

Sec. 27. 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION

(a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title by the State of Vermont and unless the all-terrain vehicle displays a valid Vermont ATV Sportsman's Association (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except when operated:

(1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~or~~

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

(3) ~~for~~ For official use by a federal, State, or municipal agency and only if the all-terrain vehicle 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 is specifically invited to do so by the owner of that property and has on his or her person the written consent of the owner.

(5) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a

1 completed TAD form does not in itself constitute consent for an enforcement  
2 officer to access other contents of the device.

3 \* \* \*

4 (e) An all-terrain vehicle owned by a person who is a resident of any other  
5 state or province shall be deemed to be properly registered for the purposes of  
6 this chapter if it is registered in accordance with the laws of the state or  
7 province in which its owner resides, ~~but only to the extent that a similar~~  
8 ~~exemption or privilege is granted under the laws of that state or province for~~  
9 ~~all-terrain vehicles registered in this State by a resident of this State.~~

10 \* \* \* Commercial Driver Licenses; Skills Test Waivers \* \* \*

11 Sec. 28. 23 V.S.A. § 4108(d) is amended to read:

12 (d) At the discretion of the Commissioner, the skills test required under  
13 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver  
14 with military commercial motor vehicle experience who is currently licensed at  
15 the time of his or her application for a commercial driver license, if the test is  
16 substituted with an applicant's driving record in combination with the driving  
17 experience specified in this subsection. The Commissioner shall impose  
18 conditions and limitations to restrict the applicants from whom alternative  
19 requirements for the skills test may be accepted. Such conditions shall include  
20 the following:

1           (1) the applicant must certify that, during the two-year period  
2 immediately prior to applying for a commercial driver license, he or she:

3           (A) has not had more than one license in addition to a military  
4 license;

5           (B) has not had any license suspended, revoked, or cancelled;

6           (C) has not had any convictions for any type of motor vehicle for the  
7 disqualifying offenses specified in subsection 4116(a) of this title;

8           (D) has not had more than one conviction for any type of motor  
9 vehicle for serious traffic violations specified in subdivision 4103(16) of this  
10 title; and

11           (E) has not had any conviction for a violation, other than a parking  
12 violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic  
13 control arising in connection with any traffic accident, and has no record of an  
14 accident in which he or she was at fault; and

15           (2) the applicant must provide evidence and certify that he or she:

16           (A) is regularly employed or was regularly employed within the ~~last~~  
17 ~~90 days~~ previous year in a military position requiring operation of a  
18 commercial motor vehicle;

19           (B) was exempted from the commercial driver license requirements  
20 in 49 C.F.R. § 383.3(c); and

1 (C) was operating for at least the two years immediately preceding  
2 discharge from the military a vehicle representative of the commercial motor  
3 vehicle the driver applicant operates or expects to operate.

4 \* \* \* Lists of Registrations and Suspensions \* \* \*

5 Sec. 29. 23 V.S.A. § 109 is amended to read:

6 § 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS~~  
7 ~~AND OTHERS; LISTS OF SUSPENSIONS~~

8 (a) ~~Annually, the Commissioner shall cause to be prepared a list of~~  
9 ~~registered motor vehicles, arranged serially according to the registration~~  
10 ~~numbers assigned thereto which shall contain in addition the names and~~  
11 ~~addresses of registered owners and a brief description of the vehicle registered,~~  
12 ~~and the name and address of each person to whom is assigned a dealer's~~  
13 ~~registration number. One copy of such list shall be furnished, in such form as~~  
14 ~~the Commissioner may determine, free to each inspector of the Motor Vehicle~~  
15 ~~Department, sheriff, State's Attorney, district judge, and police department in~~  
16 ~~the State. The list may be also furnished to any person on request and upon the~~  
17 ~~payment of the required fee. [Repealed.]~~

18 (b) ~~Each month, the Commissioner shall cause to be prepared a list of all~~  
19 ~~persons whose operating license, nonresident operating privileges, or privilege~~  
20 ~~of an unlicensed operator to operate a vehicle, is suspended or revoked in this~~  
21 ~~State at the time the list is prepared. Names on the list shall be arranged by~~

1 ~~county of residence or zip code.~~ Notwithstanding 1 V.S.A. chapter 5,  
2 subchapter 3, ~~the~~ a list of all persons whose operating license, nonresident  
3 operating privileges, or privilege of an unlicensed operator to operate a vehicle  
4 is suspended or revoked in this State shall be available on request in such form  
5 as the Commissioner may determine. The list shall be available in an  
6 electronic format for law enforcement officers with computer access through  
7 the Department of Public Safety.

8 \* \* \* Nonresident Motor Truck Registration \* \* \*

9 Sec. 30. REPEAL

10 23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

11 Sec. 31. 23 V.S.A. § 411 is amended to read:

12 § 411. RECIPROCAL PROVISIONS

13 As determined by the Commissioner, a motor vehicle owned by a  
14 nonresident shall be considered as registered and a nonresident operator shall  
15 be considered as licensed or permitted in this State if the nonresident owner or  
16 operator has complied with the laws of the foreign country or state of his or her  
17 residence relative to the registration of motor vehicles and the granting of  
18 operators' licenses or learner's permits. Any exemptions provided in this  
19 section shall, however, be operative as to an owner or operator of a motor  
20 vehicle only to the extent that under the laws of the foreign country or state of  
21 his or her residence like exemptions and privileges are granted to operators

1      duly licensed or permitted and to owners of motor vehicles duly registered  
2      under the laws of this State. If the owner or operator is a resident of a country  
3      not adjoining the United States, such exemptions shall be operative for a period  
4      of 30 days for vacation purposes, notwithstanding that such country does not  
5      grant like privileges to residents of this State. ~~Such exemptions shall not be~~  
6      ~~operative as to the owner of a motor truck used for the transportation of~~  
7      ~~property for hire or profit between points within the State or to the owner of~~  
8      ~~any motor vehicle carrying an auxiliary fuel tank or tanks providing an~~  
9      ~~additional supply of motor fuel over and above that provided in the standard~~  
10     ~~equipment of such vehicle.~~

11                                      \* \* \* Effective Dates \* \* \*

12      Sec. 32. EFFECTIVE DATES

13             (a) This section, Sec. 27 (all-terrain vehicles), and Sec. 28 (CDL skills test  
14     waiver for military drivers) shall take effect on passage.

15             (b) Sec. 6 (insurance identification cards) shall take effect if and when five  
16     states in the United States require that insurance identification cards include  
17     machine-readable technology.

18             (c) All other sections shall take effect on July 1, 2015.