

S.122

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

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

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

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

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

~~(A) Who snowmobiles, motorboats, or all-terrain vehicles. A dealer~~  
may, as part of or incidental to such business, repair such vehicles or  
motorboats, sell parts and accessories, or lease or rent ~~motor~~ such vehicles ~~and~~  
~~who:~~

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

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

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

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

~~(v) Is open for business at least 146 days during the calendar year.~~  
~~When the application for registration as a new car dealer or used car dealer is made, the applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period.~~

~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of subchapter 4 of chapter 7 of this title which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title and for the transfer of motor vehicles or motorboats. "Dealer" shall not include a finance or auction dealer or a transporter.~~

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

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

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

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

\* \* \*

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

(F) ~~For new and used car dealers, “engaged in the business” means~~  
~~selling 12 or more pleasure cars or motor trucks owned but not registered by~~

~~the seller except for vehicles that are to be scrapped, dismantled, or destroyed.~~  
~~“Engaged in the business” shall also mean selling, during the immediately~~  
~~preceding registration year, 12 or more pleasure cars or motor trucks which~~  
~~have been in lease or rental services, and persons so engaged shall meet all~~  
~~obligations required of dealers. [Repealed.]~~

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

## ARTICLE 1.

### DEALERS

#### § 450. DEFINITION

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

#### § 450a. DEALER REGISTRATION; ELIGIBILITY

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

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

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

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

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

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

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

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

#### § 451. DEALER'S CERTIFICATE

(a) Instead of registering each motor vehicle owned by him or her, a new or used car dealer may ~~make application~~ apply under oath to the Commissioner, upon forms prescribed and furnished by the Commissioner for that purpose, and accompanied by such additional information and certifications as the

Commissioner may reasonably require, for a general distinguishing number for such motor vehicles. If the Commissioner is satisfied that the applicant meets all the requirements of section 4 and chapter 7 of this title and is qualified to engage in such business, the Commissioner may issue to the applicant a certificate of registration containing the name, place of residence, and address of such applicant, the general distinguishing number assigned, and such additional information as the Commissioner may determine. If a dealer has a place of business or agency in more than one city or town, he or she shall file an application and secure a certificate of registration for each place of business or agency. The place of business or agency shall mean a place in any town where motor vehicles owned by a dealer are regularly kept or exposed for sale in the custody or control of the dealer or a salesman, employee, or agent of such dealer. In his or her discretion, the Commissioner may assign the same distinguishing number with more than one certificate to any dealer who has separate places of business within the same or an adjacent city or town within Vermont. The Commissioner may allow a dealer having one distinguishing number with more than one certificate to maintain only one central area for the maintenance of records required by law to be kept, including those required by section 466 of this title and for the transfer of motor vehicles. This location must be in Vermont and must be disclosed on the application prior to approval and may be changed only with the approval of the Commissioner or his or her

agent. Dealer registration plates shall contain letters indicating the type of dealer certificate issued before the distinguishing number.

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

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

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

\* \* \*

§ 453. FEES AND NUMBER PLATES

\* \* \*

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

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

\* \* \*

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

\* \* \*

§ 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

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

\* \* \*

§ 462. CANCELLATION OF DEALER'S REGISTRATION

(a) The Commissioner may cancel, revoke, or suspend a registration certificate issued to a dealer under the provisions of this chapter or section



3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded the opportunity of a hearing before the Commissioner or upon conviction in any court in any jurisdiction, it appears that the dealer has willfully violated any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of the Commissioner; applying to dealers; or when it appears that the dealer has engaged in fraudulent or unlawful practices related to the purchase, sale, or exchange of ~~motor~~ vehicles or motorboats. A dealer whose certificate has been canceled shall forthwith return to the Commissioner the registration certificate and any and all number plates; or numbers or decals furnished him or her by the Commissioner; and the privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An application for a new dealer's license for that dealer will not be considered until the suspension period has been served.

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

\* \* \*

#### § 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS

##### PROHIBITED

A dealer shall not lend or lease registration certificates, validation stickers, numbers, ~~or~~ decals, or number plates which have been assigned to him or her

under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~ vehicle or motorboat to which his or her dealer's decals, numbers, or number plates have been attached, nor lend or lease his or her dealer's decals, numbers, or number plates to a subagent.

§ 466. RECORDS; CUSTODIAN

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

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

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

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

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

(b) Every licensed dealer shall designate a custodian of documents who shall have primary responsibility for administration of documents required to be maintained under this title. In the absence of the designated custodian, the dealer shall have an ongoing duty to make such records available for inspection by any law enforcement officer or motor vehicle inspector or other 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 pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. "Engaged in the business" shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or trucks which have been in lease or rental service and persons so engaged shall meet all obligations required of dealers.~~

(b) A person who misrepresents himself or herself as a dealer in the purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining a license~~ registering as a dealer, or after the cancellation, suspension, or revocation of the dealer's ~~license~~ registration, or who makes

misrepresentations to the Department in order to qualify for registration, shall be subject to the penalties established pursuant to section 475 of this title.

\* \* \*

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

§ 3204. REGISTRATION FEES AND DEALER PLATES

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

(b)(1) Dealer registration and plates; manufacturer ~~and repair~~ plates; fees. ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner ~~which~~ and to the requirements of chapter 7 this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of

his or her immediate family; and use at fairs, shows, or races when no charge is made for such use.

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

\* \* \*

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

§ 3305. FEES

\* \* \*

(c) A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging motorboats as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter, ~~upon application to the Commissioner upon forms prescribed by him or her, may~~ shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

\* \* \*

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

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

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

\* \* \*

(j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the issuance of temporary registrations of motorboats pending issuance of the permanent registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee for the temporary registrations shall be \$3.00 for each registration purchased from the Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while being operated and shall authorize operation without the registration number being affixed for a period not to exceed ~~30~~ 60 days from the date of issue.

\* \* \*

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

(b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules which may be adopted by the Commissioner ~~which~~ and to the requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles

may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made. Fees for registration and registration certificates shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. 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 any track or tracks of a railroad, the drivers of the following vehicles shall stop within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and while so stopped shall look and listen in both directions along the track for any approaching train and for signals indicating the approach of a train, and may not proceed until he or she can do so safely:

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

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

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

(2) After stopping as required herein and upon proceeding when it is safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will

be no necessity for changing gears while traversing the crossing, and the driver may not shift gears while crossing the track or tracks.

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

§ 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

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

(b) If a school owns a multifunction school activity bus or leases one other than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which includes a school bus driver’s endorsement.

~~The~~ A school bus endorsement road test may be taken in a multifunction school activity bus, but the resulting endorsement shall be restricted to the operation of the appropriately sized multifunction school activity bus.

Otherwise, the endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

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

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

§ 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

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

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

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

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

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

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

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

\* \* \*

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

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

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
DEVICES

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

(b) A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a ~~moving~~ motor vehicle on a highway. This prohibition shall not apply when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances.

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

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE  
PROHIBITED

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

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

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

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

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

(2) ~~to~~ To activation or deactivation of hands-free use, as long as ~~the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other~~ any accessory for secure securely mounting the device is not affixed to the windshield in violation of section 1125 of this title;

(3) ~~when~~ When use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; ~~or~~.

(4) ~~to~~ To use of an ignition interlock device, as defined in section 1200 of this title.

(5) To use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(5), “securely mounted” means the device is placed in an accessory or location in the vehicle, other than the operator’s hands, where the device will remain stationary under typical driving conditions.

\* \* \*

Sec. 12. 23 V.S.A. § 1099 is amended to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section:

(1) ~~“texting~~ Texting” means the reading or the manual composing or sending of electronic communications, including text messages, instant messages, or e-mails, using a portable electronic device as defined in subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of a global positioning or navigation system shall be governed by section 1095b of this title.

(2) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a

motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

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

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ 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~~ or a volunteer emergency ~~responders~~ responder operating an authorized emergency ~~vehicles~~ vehicle, who ~~may place~~ places any necessary equipment in back of the windshield of the vehicle, provided the equipment does not interfere with the operator's control of the driving mechanism of the vehicle;

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



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

~~(6)~~(c) The Commissioner may grant an exemption to the prohibition of this section upon application from a person required for medical reasons to be shielded from the rays of the sun and who attaches to the application a document signed by a licensed physician or optometrist certifying that shielding from the rays of the sun is a medical necessity. The physician or optometrist certification shall be renewed every four years. However, when a licensed physician or optometrist has previously certified to the Commissioner that an applicant's condition is both permanent and stable, the exemption may be renewed by the applicant without submission of a form signed by a licensed physician or optometrist. Additionally, the window shading or tinting permitted under this ~~subdivision~~ subsection shall be limited to the vent windows or side windows located immediately to the left and right of the operator. The exemption provided in this ~~subdivision~~ subsection shall terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the applicable window tinting shall be removed by the seller. Furthermore, if the material described in this ~~subdivision~~ subsection tears or bubbles or is otherwise worn to prohibit clear vision, it shall be removed or replaced.

~~(b)~~(d) The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror,

which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.

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

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

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

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

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

§ 2018. INFORMATION ON CERTIFICATE

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

(1) The date issued.

(2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend ~~“There are more than two lienholders on this vehicle. Contact the Vermont Department of Motor Vehicles for details.”~~ as determined by the Commissioner.

(4) The title number assigned to the vehicle.

(5) A description of the vehicle including, so far as the following data exist, its make, model, identification number, odometer reading, or hubometer reading or clock meter reading on all vehicles, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use.

(6) Any other data the Commissioner prescribes.

(b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a distinctive certificate of title shall be issued for a 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. The certificate shall contain ~~the~~ an appropriate legend ~~“This 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 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.

\* \* \*

(f) If a vehicle has been returned to the manufacturer after final determination, adjudication, or settlement pursuant to the provisions of 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement under similar laws of any other state, any certificate of title for the vehicle shall contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the manufacturer pursuant to motor vehicle arbitration board, or similar proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

Sec. 16. 23 V.S.A. § 2022(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 certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

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

(a) If a vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vehicle is not sold for re-registration purposes has been or should have been issued by the Commissioner or by any other jurisdiction or person ~~and or both~~, or a vehicle that has been declared a totaled motor vehicle is rebuilt and restored for highway operation, the owner thereof shall not apply for a certificate of title or registration, and none shall be issued until the vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When

necessary, a new vehicle identification number shall be attached to the vehicle as provided by section 2003 of this title. Any new title issued for such vehicles shall contain the legend "rebuilt ~~vehicle~~."

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

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

§ 3811. INFORMATION ON CERTIFICATE

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

(1) The date issued.

(2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall contain the an appropriate legend "~~There are more than two lienholders on this vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of 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 certificate of title shall contain the legend, “This is a duplicate certificate and may be subject to the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

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

\* \* \*

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 30. REPEAL

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

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

§ 411. RECIPROCAL PROVISIONS

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

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

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

Sec. 32. EFFECTIVE DATES

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

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

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