

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; snowmobiles; motorboats; all-terrain vehicles;
4 technical corrections

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous technical corrections to laws governing motor vehicles,
7 motorboats, and other vehicles.

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

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

11 * * * Motor Vehicle Law Definitions * * *

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

13 § 4. DEFINITIONS

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

18 * * *

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

7 * * *

8 **[Eliminates language that limits application of the definition of “fresh pursuit” to**
9 **just one chapter of Title 23, chapter 1. Chapter 1 does not even use the phrase**
10 **“fresh pursuit”, so this limitation makes no sense.]**

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

12
13 (15) “Jitney” shall include any motor vehicle, not designated for the
14 carrying of merchandise or freight, advertised or regularly used for carrying
15 passengers for hire, but not operating over a fixed route, including motor
16 vehicles operated for hire in connection with a livery business, but shall not
17 include any such vehicle which the owner thereof uses in an emergency for
18 such purpose, nor one which an employer uses to transport his or her
19 employees to and from their work, nor one which is used at least 75 percent of
20 the time in the transportation of schoolchildren or under authority granted to a
21 school board under 16 V.S.A. § ~~562~~ 563 to transport other than schoolchildren,
22 nor one which is used in the transfer of U.S. mail on a star route, so-called, nor
23 one which is used to transport elders or persons who have a disability for
24 whom special transportation programs are designed and funded by ~~state~~ State

1 and federal authority through public and private, nonprofit social service
2 agencies; nor shall it apply to cooperative use transportation.

3 **[Corrects an incorrect cross-reference to a provision in Title 16 which**
4 **grants authority to school boards. The cross-reference used to be correct,**
5 **but became incorrect when 16 V.S.A. §§ 562 and 563 were substantially**
6 **amended. The relevant language is at 16 V.S.A. § 563(30), which**
7 **empowers school boards to “make available school facilities and**
8 **equipment for specified public purposes if such purposes appear, in the**
9 **judgment of the board, to be in the best interests of the district and are an**
10 **efficient, economical, and appropriate use of the facilities and**
11 **equipment.”]**

12 * * * Nondriver Identification Cards * * *

13
14 Sec. 3. 23 V.S.A. § 115(h) is amended to read:

15 (h) An identification card issued to an individual who is under ~~the age of~~
16 18 years of age shall be distinguishable by color from an identification card
17 issued to an individual who is ~~over the age of~~ 18 years of age or older but
18 under ~~the age of~~ 21 years of age, and both cards shall be distinguishable by
19 color from an identification card issued to an individual ~~over the age of~~ 21
20 years of age or older. An identification card issued to an individual under ~~the~~
21 ~~age of~~ 21 years of age shall clearly indicate, in prominent type, the date on
22 which the individual will become 21. The distinguishing colors shall be the
23 same as those used to distinguish operator’s licenses issued under section 610
24 of this title.

25 **[Corrects errors in the nondriver identification card statute in order to**
26 **address the color coding of such cards for persons 18 years of age and 21**
27 **years of age.]**
28

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

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

3 § 205. NOTIFICATION OF CHANGE OF NAME OR ADDRESS

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

10 **[Corrects an error in a cross-reference by striking a reference to a chapter**
11 **of law that was repealed in 1986, and by inserting the correct cross-**
12 **reference.]**

13
14 * * * Repeal of Motor Carrier Registration Provision * * *

15 Sec. 5. REPEAL

16 23 V.S.A. § 301a (registration of motor trucks, tractors, trailers, and
17 semi-trailers) is repealed.

18 **[Repeals a section of law related to the proportional registration of motor**
19 **carriers that transport freight between terminals in Vermont and outside**
20 **Vermont. This section of law became obsolete when Vermont joined the**
21 **International Registration Plan in 1988.]**

22
23 * * * Registration Periods * * *

24 Sec. 6. 23 V.S.A. § 302 is amended to read:

25 § 302. PERIOD OF REGISTRATION

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

6 (b) Notwithstanding any other provisions of this title, if registered owners
7 so elect, all their registrations may be issued to expire on the same date and the
8 registration fee shall be pro-rated for the amount in excess of the annual
9 12 months' fee but not to exceed 24 months.

10 **[Eliminates misleading cross-reference language and corrects an incorrect cross-**
11 **reference related to the default registration period for motor vehicles.]**
12

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

14 Sec. 7. 23 V.S.A. § 328 is amended to read:

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

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

22 **[Secs. 7–8 relate to refunds for erroneously paid license and registration fees, and**
23 **should be read together. Sec. 7 repeals the existing statute, which is**
24 **ungrammatical and was not placed in the most appropriate chapter in Title 23.**

1 **Sec. 8 reenacts the repealed language with grammatical corrections, and places it**
2 **in the most appropriate chapter of Title 23.]**

3
4 Sec. 8. 23 V.S.A. § 207 is added to read:

5 § 207. REFUND OF MONEY ERRONEOUSLY PAID

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

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

14 Sec. 9. 23 V.S.A. § 457 is amended to read:

15 § 457. TEMPORARY PLATES

16 At the time of the issuance of a registration certificate to a dealer as
17 provided in this chapter, the Commissioner shall furnish the dealer with a
18 sufficient number of number plates and temporary validation stickers,
19 temporary number plates, or temporary decals for use during the 60-day period
20 immediately following sale of a ~~motor~~ vehicle by the dealer, ~~as hereafter~~
21 ~~provided in~~. The plates and decals shall have the same general design the same
22 as the ~~number~~ plates or decals furnished individual owners, but the plates and

1 decals may be of a material and color as the Commissioner may determine.

2 The Commissioner shall collect a fee of \$3.00 for each temporary plate issued.

3 **[Secs. 9–11 amend provisions related to the issuance of temporary registration**
4 **plates and validation stickers to eliminate grammatical errors and ambiguities.]**

5
6 Sec. 10. 23 V.S.A. § 458 is amended to read:

7 § 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

8 On the day of the sale or exchange of a motor vehicle, motorboat,
9 snowmobile, or all-terrain vehicle which is to be registered in this State, a
10 dealer may issue to the purchaser, for attachment to the motor vehicle,
11 snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a
12 number plate with temporary validation stickers, a temporary number plate, or
13 a temporary decal, provided that the purchaser deposits with such dealer, for
14 transmission to the Commissioner, a properly executed application for the
15 registration of such motor vehicle, motorboat, snowmobile, or all-terrain
16 vehicle and the required fee. The purchaser, if properly licensed, on attaching
17 the number plate with temporary validation stickers, temporary plate, or
18 temporary decal to the motor vehicle, motorboat, snowmobile, or all-terrain
19 vehicle, may operate the same for a period not to exceed 60 consecutive days
20 immediately following the purchase. A person shall not operate a motor
21 vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate,
22 with temporary validation stickers, a temporary number plate, or a temporary
23 decal attached thereto or carried except as provided in this section.

1 Sec. 11. 23 V.S.A. § 459 is amended to read:

2 § 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

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

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

16 * * * Illumination of Rear Number Plates * * *

17 Sec. 12. 23 V.S.A. § 512 is amended to read:

18 § 512. TRAILER OR SEMI-TRAILER

19 When a trailer or semi-trailer is being drawn by a registered motor vehicle,
20 the rear number plate assigned to such trailer or semi-trailer shall be displayed
21 on the rear of such trailer or semi-trailer and shall be illuminated at night as

1 provided in ~~this chapter~~ section 1248 of this title for the lighting of rear
2 number plates on motor vehicles.

3 **[Inserts a correct cross-reference to a requirement of law regarding the**
4 **illumination of rear license plates.]**

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

7 Sec. 13. REPEAL

8 23 V.S.A. §§ 515a (Bicentennial 1791–1991 plates), 515b (1794–1994
9 Masonic Bicentennial plates), and 515c (Lake Champlain quadricentennial
10 plates) are repealed.

11 **[Repeals three provisions related to the issuance of special license plates which**
12 **are no longer authorized to be sold or to be displayed on motor vehicles.]**

13 * * * License Examinations * * *

15 Sec. 14. 23 V.S.A. § 632 is amended to read:

16 § 632. EXAMINATION REQUIRED; WAIVER

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

- 1 **(b)** The examination shall consist of:
- 2 (1) an oral or written examination, ~~at the discretion of the~~
- 3 ~~Commissioner;~~
- 4 (2) a thorough road test; and
- 5 (3) at the discretion of the Commissioner, such other examination or
- 6 demonstration as he or she may prescribe.

7 **[Corrects grammatical errors in a statute which addresses driver's license**

8 **examinations, and clarifies the required and discretionary components of a**

9 **driver's license examination.]**

10 *** Special Examinations ***

12 Sec. 15. 23 V.S.A. § 636 is amended to read:

13 § 636. SPECIAL EXAMINATIONS

14 (a)(1) Whenever the Commissioner has good cause to believe that any

15 holder of an operator's license, or any applicant for renewal of an operator's

16 license, is incompetent or otherwise not qualified to be licensed, he or she may

17 require such person to submit to a special examination to determine his or her

18 capabilities or mental or physical fitness, ~~but no person.~~ A person shall not be

19 required to pay to the State a fee for such special examination, except for a

20 component of an examination conducted by an authorized medical

21 professional. Such examination shall be given at such time and place as the

22 ~~Commissioner may determine.~~

23 (2) If the Commissioner determines that a special examination is

24 warranted, then a driving examination shall be administered. If, under the

1 Commissioner's discretion, extenuating circumstances exist, the Commissioner
2 may also administer a written or oral examination or require an examination by
3 a medical professional under section 637 of this title. A driving, written, or
4 oral examination shall be given at a time and place as the Commissioner may
5 determine.

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

10 **[Clarifies what types of special examinations must be paid for by the holder of a**
11 **driver's license, to conform to another provision of law which states that license**
12 **holders are required to pay for a component of a special examination consisting**
13 **of an examination by a medical professional.]**

14 * * * License Suspension Procedure * * *

16 Sec. 16. 23 V.S.A. § 671 is amended to read:

17 § 671. PROCEDURE

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

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

9 **[(1) Subsec. (a) corrects an inconsistency within a section of law dealing with the**
10 **procedure for suspending licenses, by eliminating a reference to requiring 5**
11 **days' notice prior to a suspension. The effect of eliminating this language is that**
12 **the standard 15-day pre-suspension notice period will apply through subsec. (f),**
13 **which cross-references the standard Title 23 hearing procedures requiring 15**
14 **days' notice.]**

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

22 (c) The Commissioner shall not suspend the license of an operator, or the
23 right of an unlicensed person to operate a motor vehicle, while a prosecution
24 for an offense under this title is pending against such person, unless he or she
25 finds upon full reports submitted to him or her by an enforcement officer or

1 motor vehicle inspector that the safety of the public will be imperiled by
2 permitting such operator or such unlicensed person to operate a motor vehicle,
3 or that such person is seeking to delay the prosecution, but if he or she so finds,
4 he or she may suspend such license or right pending a final disposition of the
5 prosecution.

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

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

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

20 **[(2) Subsec. (f) corrects ungrammatical language regarding the discretion of the**
21 **Commissioner of DMV to grant a hearing when no hearing is required.]**
22

1 (g) ~~Except as otherwise provided in this title, in his or her discretion, the~~
2 ~~Commissioner may suspend for a definite time the license of an operator, or~~
3 ~~the right of an unlicensed person to operate a motor vehicle whenever such~~
4 ~~person has been convicted of an offense specified in this title or of any other~~
5 ~~offense, the commission of which he or she has reason to believe may involve~~
6 ~~the operation of a motor vehicle or may render the person guilty thereof an~~
7 ~~unfit person to operate a motor vehicle, but such suspension shall not be for a~~
8 ~~period in excess of the maximum term of imprisonment provided by statute for~~
9 ~~the offense involved. This subsection applies only to convictions prior to July~~
10 ~~1, 1979. Suspensions under this subsection shall be based on the same criteria~~
11 ~~utilized by the Commissioner prior to July 1, 1979. [Repealed.]~~

12 **[Repeals subsec. (g), which relates to the authority of the Commissioner to**
13 **suspend the licenses of operators for convictions prior to July 1, 1979. This**
14 **provision is obsolete.]**

15 * * * Driver Training School; Definition * * *

17 Sec. 17. 23 V.S.A. § 701(4) is amended to read:

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

22 **[Corrects the definition of “driver training school” to accurately reflect the joint**
23 **authority of the Commissioner of DMV and the Secretary of Education to**
24 **approve driver training courses.]**
25

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

2 Sec. 18. 23 V.S.A. § 801(a) is amended to read:

3 (a) The Commissioner shall require proof of financial responsibility to
4 satisfy any claim for damages, by reason of personal injury to or the death of
5 any person, of at least \$25,000.00 for one person and \$50,000.00 for two or
6 more persons killed or injured and \$10,000.00 for damages to property in any
7 one accident, as follows:

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

10 (A) Death resulting from:

11 (i) careless and negligent operation of a motor vehicle; or

12 (ii) reckless driving of a motor vehicle.

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

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

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

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

1 (F) Operating without financial responsibility.

2 (G) Any moving violation as defined in section 4 of this title if the
3 person has five points assessed against the person's license at the time the
4 moving violation occurs. At the time a ticket or a citation for a moving
5 violation is issued, the law enforcement officer shall give the defendant an
6 insurance verification certificate, which shall not be an SR-22 certificate. The
7 defendant shall complete the certificate and mail or deliver it to the
8 Commissioner within 21 days of being issued the ticket or citation. The
9 Commissioner shall prescribe the form of the insurance verification certificate
10 and administer the insurance verification process by ~~promulgating~~ adopting
11 rules and may, pursuant to 3 V.S.A. chapter 25, ~~promulgate~~ adopt rules to
12 administer the insurance verification process.

13 (H) The provisions of subdivisions (a)(1)(A) ~~and~~, (C) ~~through~~
14 ~~(a)(1)(E)~~, (D), (E), and (G) of this section shall not apply to an operator
15 furnishing the Commissioner with satisfactory proof that a standard provisions
16 automobile liability insurance policy, issued by an insurance company
17 authorized to transact business in this State insuring the operator against public
18 liability and property damage, in the amounts required under this section with
19 respect to proof of financial responsibility, was in effect at the time of the
20 violation. Nor shall these provisions apply if the operator was a nonresident,
21 holding a valid license issued by the state of his or her residence, at the time of

1 the violation, and satisfactory proof, in the form of a certificate issued by an
2 insurance company authorized to transact business in the state of his or her
3 residence, and accompanied by a power of attorney authorizing the
4 Commissioner to accept service on its behalf, of notice or process in any action
5 arising out of the violation, certifying that insurance covering the legal liability
6 of the operator to satisfy any claim or claims for damage to person or property,
7 in an amount equal to the amounts required under this section with respect to
8 proof of financial responsibility was in effect at the time of the violation.

9 * * *

10 **[Redrafts awkwardly drafted subdivision cross-references, without making any**
11 **substantive change to a provision that addresses when a driver otherwise**
12 **required to prove financial responsibility is not required to do so.]**

13 * * * Financial Responsibility; Jitneys * * *

14
15 Sec. 19. 23 V.S.A. § 843 is amended to read:

16 § 843. AMOUNT OF INSURANCE OR BOND

17 The amount of insurance or bond shall be a minimum of:

18 (1) \$50,000.00 for injury to, or death of any one person in any accident,
19 subject to a minimum limit per accident of \$100,000.00 for injuries to or death
20 of all persons in any one accident, if the vehicle has a seating capacity of seven
21 passengers or less, ~~subject to a minimum limit per accident of fewer;~~

22 (2) \$250,000.00 for injuries to or death of all persons in any one
23 accident if the vehicle has a seating capacity from eight to 12 passengers
24 inclusive, ~~subject to a minimum limit per accident of;~~

1 (3) \$300,000.00 for injuries to or death of all persons in any one
2 accident if the vehicle has a seating capacity from 13 to 20 passengers
3 inclusive, ~~subject to a minimum limit per accident of;~~

4 (4) \$350,000.00 for injuries to or death of all persons in any one
5 accident if the vehicle has a seating capacity from 21 to 30 passengers
6 inclusive, ~~subject to a minimum limit per accident of;~~

7 (5) ~~\$300,000.00~~ \$400,000.00 for injuries to or death of all persons
8 in any one accident if the vehicle has a seating capacity exceeding
9 30 passengers, and

10 (6) \$50,000.00 ~~from~~ for damages to property in any accident.

11 **[Corrects an anomaly in a provision requiring minimum levels of insurance to be**
12 **carried by operators of jitneys. Prior to this correction, operators of jitneys with**
13 **a seating capacity of more than 30 passengers were authorized to carry less**
14 **insurance than operators of jitneys with a seating capacity of 21-30 passengers.]**

15
16

* * * Financial Responsibility; Motor Buses * * *

17 Sec. 20. 23 V.S.A. § 881 is amended to read:

18 § 881. COMPULSORY LIABILITY INSURANCE OR BOND

19 The Commissioner shall not register a motor bus, and a person shall not
20 operate or cause to be operated upon any public highway a motor bus, until the
21 owner thereof has procured insurance or a bond having a surety company
22 authorized to transact business in this State as surety thereon, ~~which.~~ The
23 insurance or surety bond shall indemnify the insured against any legal liability
24 for personal injury, or the death, of any person or property damage, which

1 injury, death, or damage ~~may result~~ resulted from, ~~or have been~~ or was caused
2 by, the use or operation of the motor bus described in the contract of insurance
3 or such bond.

4 **[Corrects ungrammatical language in a provision related to required financial**
5 **responsibility for motor buses.]**

6
7 Sec. 21. 23 V.S.A. § 883 is amended to read:

8 § 883. AMOUNT OF INSURANCE OR BOND

9 The amount of insurance or of such bond which an owner of a motor bus
10 shall carry as insurance or indemnity against claims for personal injury, death,
11 or property damage shall be determined by the ~~Public Service~~ Transportation
12 Board. Such policy or bond shall also indemnify the insured against legal
13 liability resulting from damage to property to the amount of \$2,000.00.

14 **[Secs. 21–22 substitute the Transportation Board for references to the Public**
15 **Service Board, in provisions related to the authority to establish the levels and**
16 **forms of financial responsibility required to be carried on motor buses. The**
17 **Transportation Board gained jurisdiction over motor buses, and the Public**
18 **Services Board was divested of jurisdiction, via Act 204 of 1980.]**

19
20 Sec. 22. 23 V.S.A. § 888 is amended to read:

21 § 888. ALTERNATIVE FORM OF SECURITY

22 In lieu of all or part of the insurance or bond required by section 881 of this
23 title, a motor bus owner may file with the Commissioner of Motor Vehicles a
24 bond conditioned for the payment and discharge of all liability described in
25 said section provided the policy of insurance, if any, or bond is approved by an
26 order of the ~~Public Service~~ Transportation Board filed with the Commissioner

1 determining the amount, if any, of insurance to be procured and the amount of
2 a bond in addition to or in substitution for insurance. The Board may approve
3 a bond without surety if it shall have determined, by order made upon proper
4 showing, that a surety on ~~said~~ the bond is not required by the public interest
5 because of the proven financial responsibility of the obligor, or because of
6 collateral security consisting of deposits in a Vermont bank or negotiable
7 securities held by such bank as trustee, or a combination thereof, pledged to
8 secure the performance of ~~said~~ the bond upon terms and conditions prescribed
9 by the Board. If the order requires insurance or a surety bond, the policy of
10 insurance or surety bond shall be executed by a company authorized to do
11 business in this State.

12 * * * Temporary Speed Limits Established by

13 Traffic Committee * * *

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

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

20 **[Secs. 23–24 delete cross-references to a repealed provision of law, and replaces**
21 **them with the correct cross-references, in provisions related to double penalties**
22 **for worksite speeding violations.]**

1 * * * Special Regulations Established by
2 Municipal Legislative Bodies * * *

3 Sec. 24. 23 V.S.A. § 1010(b) is amended to read:

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

9 * * * Municipal Signs * * *

10 Sec. 25. 23 V.S.A. § 1029 is amended to read:

11 § 1029. MUNICIPAL SIGNS

12 Notwithstanding the provisions of sections 1025 and 1027 of this title,
13 municipalities may erect alternative signs of a guidance or informational nature
14 and creative design, in accordance with the provisions of 10 V.S.A.
15 § 494(13)(15), to assist persons in reaching destinations that are transportation
16 centers, geographic districts, historic monuments, and significant or unique
17 educational, recreational, or cultural landmarks.

18 **[Corrects an incorrect cross-reference in a provision related to signs that**
19 **municipalities are authorized to install.]**

20 * * * Child Restraint Systems * * *

21 Sec. 26. 23 V.S.A. § 1258 is amended to read:

22 § 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE 18

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

6 * * *

7 **[Eliminates a reference to the year of a federal regulation and adds language to**
8 **indicate that the correct reference is to the federal regulation as it may be**
9 **amended. This correction avoids an interpretation of the statute locking in child**
10 **passenger restraining system safety standards at the standards as they existed in**
11 **1993.]**

12 * * * School Bus Identification and Equipment * * *

13
14 Sec. 27. 23 V.S.A. § 1282(b) is amended to read:

15 (b) A school bus shall not be operated in the transportation of children to
16 and from school unless and until it is inspected at an inspection station
17 designated as such by the Department of Motor Vehicles. The inspection shall
18 thoroughly cover mechanical conditions, standard equipment, extra equipment,
19 and safety and comfort conditions all as provided in section 1281 of this title;
20 and, if the inspected vehicle meets all of these requirements, the inspection
21 station shall give the owner or operator of the inspected vehicle a signed
22 certificate so stating. This certificate shall be shown as soon as possible by the
23 owner or operator to a school director in the town in which this vehicle is to be
24 operated, and shall thereafter be carried in some easily accessible place in the
25 vehicle. Thereafter, so long as this bus remains in this service, it must be

1 reinspected as provided in this section during each of the following periods:
2 July–August, November–December, and February–March. School buses of
3 the pleasure car type, if regularly used in this service, shall display signs
4 required in subdivision ~~1281(9)~~ 1283(a)(1) of this title when transporting
5 schoolchildren.

6 **[Corrects an incorrect cross-reference in a provision related to identification and**
7 **equipment of school buses.]**

8
9 Sec. 28. 23 V.S.A. § 1283(a) is amended to read:

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

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

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

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

21 (4) Equipped with a system of signal lamps approved by the
22 Commissioner, including an eight light system on any new or used school bus
23 ordered on and after July 1, 1976. The driver of a Type I or a Type II school

1 bus shall keep the alternately flashing red signal lamps lighted whenever
2 school children are being received or discharged, and they shall be used only
3 for that purpose. A school bus driver found in violation of this subdivision
4 shall be guilty of a traffic violation.

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

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

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

19 **[Substitutes the word “subdivision” for “subsection” in order to correct a drafting error.]**
20

21 * * * Motor-driven Cycles * * *

22 Sec. 29. 23 V.S.A. § 1307 is amended to read:

23 § 1307. BRAKE EQUIPMENT REQUIRED

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

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

10 * * *

11 **[Replaces the word “moped” with the term “motor-driven cycle” to reflect a**
12 **2010 change in the law.]**

13 * * * Vehicle Weight Limits * * *

14
15 Sec. 30. 23 V.S.A. § 1393 is amended to read:

16 § 1393. WEIGHT LIMITS IN INCORPORATED VILLAGES AND CITIES;

17 ADOPTION BY TOWNS OF STATE LIMITS

18 (a) On all highways in an incorporated village or city, the legal load shall
19 be as prescribed for the State Highway System, unless otherwise restricted and
20 posted by the local authorities, as provided in this subchapter. With the
21 approval of the Secretary of Transportation, the selectboard of a town may
22 designate any highway in the town to carry the same legal load as specified in
23 section 1392 of this title for State highways. When a certain highway has been

1 approved by the Secretary as to the legal load limit, then the Secretary shall
2 have the highway posted for the legal load limit. Notwithstanding the
3 provisions of this chapter, State highway weight limits as specified in section
4 1392 of this title shall apply to class 1 town highways; ~~however, when the~~
5 ~~legislative body of a municipality requests in writing, the Secretary of~~
6 ~~Transportation may set the weight limit on a class 1 town highway at less than~~
7 ~~the State highway limit under section 1392 of this title, if a reasonable~~
8 ~~alternative route is available for those vehicles traveling at the State highway~~
9 ~~limit.~~

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

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

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

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

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

20 [Repealed.]

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

5 **[Deletes language in section 1393 of Title 23 regarding the process for setting**
6 **Class 1 town highway weight limits at less than State highway limits, because this**
7 **same language is duplicated in section 1396 of Title 23.¹]**

8
9 * * * Vehicle Height and Width Limits * * *

10 Sec. 31. 23 V.S.A. § 1431 is amended to read:

11 § 1431. HEIGHT AND WIDTH LIMITS

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

¹ See <http://legislature.vermont.gov/statutes/section/23/013/01396>

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

7 (b) In his or her discretion, with or without hearing, the Commissioner of
8 Motor Vehicles, or his or her agent, upon application, may issue annually to
9 dealers in farm tractors or other farm implements; overwidth permits to
10 transport or draw upon a highway such farm implements as are more than eight
11 and one-half feet in width but not more than 13 feet in width, when such
12 operation is necessary ~~incidenta~~ to the conduct of such business, during the
13 period from sunrise to sunset, provided at least two red flags not smaller than
14 12 inches square be displayed on the left front and rear of each vehicle or
15 implement or combination thereof in such manner as to be clearly visible from
16 the front and rear for a distance of at least 500 feet, except that no vehicles,
17 implements, or combinations thereof shall be operated on any highway after
18 10:00 a.m. on any Sunday or legal holiday, except on trips not in excess of two
19 miles, nor upon any highway at any time on which operation is prohibited by
20 order of the Commissioner.

1 (c) The total outside width of a motor home, as defined in 32 V.S.A.
2 § 8902(11), or a trailer coach as defined in subdivision 4(41) of this title, may
3 exceed ~~102 inches~~ eight and one-half feet if the excess width is attributable to
4 an appurtenance that extends no more than six inches beyond the body of the
5 vehicle. The term “appurtenance” does not include any item that is
6 temporarily affixed to the exterior of the vehicle by the vehicle’s owner for the
7 purpose of transporting the item from one location to another, but does include
8 the following:

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

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

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

16 **[Updates language related to vehicle height and width limits to conform it to**
17 **prior changes in the law increasing the maximum height and width limits.]**
18

19 Sec. 32. 23 V.S.A. § 1434 is amended to read:

20 § 1434. PENALTIES

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

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

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

16 * * *

17 **[Eliminates outmoded and unnecessary “notwithstanding” language in a section**
18 **that addresses penalties for violating vehicle height and width limits, and clarifies**
19 **the penalty language itself.]**

20 * * * Interstate System; Reasonable Access * * *

22 Sec. 33. 23 V.S.A. § 1433 is amended to read:

23 § 1433. REASONABLE ACCESS

1 Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be
2 permitted to those vehicles operating pursuant to the provisions of subsections
3 1302(c) and ~~1432(b)~~ 1432(e) of this title between the Interstate and Defense
4 Highway System and any other qualifying Federal-aid Primary System
5 highways, as designated by the Secretary of the U.S. Department of
6 Transportation, and the Vermont Secretary of Transportation, and terminals,
7 facilities for food, fuel, repairs, and rest, and points of loading and unloading
8 for household goods carriers. The Vermont Secretary of Transportation shall,
9 by rule adopted pursuant to 3 V.S.A. chapter 25, either designate those
10 portions of the public highways over which such reasonable access shall be
11 permitted or provide for the issuance of permits to allow reasonable access.
12 However, permits shall not be required for tractor-semi-trailer combinations
13 engaged in the transportation of automobiles and having provision for
14 transporting motor vehicles on part of the power unit provided the
15 combinations comply with the provisions of subsection 1432(a) of this title.

16 **[Corrects an incorrect cross-reference in a section related to reasonable access**
17 **for truck tractors operating in certain authorized configurations on or within a**
18 **certain distance from interstate highways and qualifying federal aid primary**
19 **highways.]**

20
21 * * * Liability for Damages to Highways * * *

22 Sec. 34. 23 V.S.A. § 1492 is amended to read:

23 § 1492. ~~LIABILITY FOR DAMAGE DEFINED; LIMITATIONS~~

1 ~~The owner, driver, operator, or mover of any motor truck, tractor, trailer,~~
2 ~~wagon, cart, carriage, or other object or contrivance which is moved or~~
3 ~~operated on any highway in violation of any of the provisions of sections 1098,~~
4 ~~1145, 1302, 1305, and 1431 of this title, such portion of section 1141 of this~~
5 ~~title as pertains to trucks and buses, and such portion of section 1391 of this~~
6 ~~title as relates to weight in relation to tire surface, shall be liable to the State or~~
7 ~~municipal corporation in which the act is committed for damages to a public~~
8 ~~highway occasioned by such moving or operating, to be recovered in a civil~~
9 ~~action, in the name of the State or municipal corporation, or in an action on the~~
10 ~~bond provided in this chapter in connection with the issuance of permits,~~
11 ~~provided the action is brought within two years after such act is committed.~~

12 [Repealed.]

13 **[Repeals a section of law that provides for liability for operation of vehicles in**
14 **violation of certain motor vehicle laws. The section includes many incorrect**
15 **cross-references and outdated language, and is not necessary, because the State is**
16 **authorized to bring tort actions for damages resulting from motor vehicle**
17 **violations without specific statutory authority to do so.]**

18
19 * * * Powers of Enforcement Officers * * *

20 Sec. 35. 23 V.S.A. § 1600 is added to chapter 15 to read:

21 § 1600. DEFINITION

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

23 “Commissioner” means the Commissioner of Public Safety.

24 **[Adds a definition to the chapter of law which addresses the power of**
25 **enforcement officers, in order to correctly identify that the Commissioner**

1 **referenced in the chapter is the Commissioner of Public Safety—not the**
2 **Commissioner of Motor Vehicles.]**

3
4 * * * Motor Vehicle Titles; Crimes * * *

5 Sec. 36. 23 V.S.A. § 2082 is amended to read:

6 § 2082. ALTERING, FORGING, OR COUNTERFEITING CERTIFICATES;

7 PENALTY

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

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

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

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

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

21 (b) A person convicted of violating this section shall be fined not less than
22 \$500.00 or more than \$5,000.00 or be imprisoned not less than one year or
23 more than five years, ~~or be both fined and imprisoned.~~

1 **[Reorganizes and thereby clarifies a poorly organized provision of law**
2 **related to penalties for crimes related to motor vehicle titles.]**

3
4 * * * Traffic Offenses; Repeal; Conforming Changes * * *

5 Sec. 37. REPEAL

6 23 V.S.A. chapter 23 (traffic offenses) is repealed.

7 **[Sec. 37** repeals the chapter of law governing traffic offenses, which were
8 **replaced in 1990 with “traffic violations” governed under 23 V.S.A. chapter 24.**
9 **Sec. 38** explains the effect of the repeal of the traffic offense chapter on old traffic
10 offense tickets that may be outstanding. Repeal of the traffic offense chapter
11 does not extinguish the enforceability of traffic offense tickets. However, such
12 tickets are civil, not criminal, violations, and are enforced in accordance with
13 current procedures.]

14
15 Sec. 38. EFFECT OF REPEAL

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

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

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

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

25 Sec. 39. 23 V.S.A. § 614(c) is amended to read:

26 (c) During the first three months of operation, the holder of a junior
27 operator’s license is restricted to driving alone or with a licensed parent or

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

12 **[To eliminate possible confusion, Secs. 39–41 make conforming changes to strike**
13 **references to traffic offenses.]**
14

15 Sec. 40. 23 V.S.A. § 615(b) is amended to read:

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

23 Sec. 41. 23 V.S.A. § 1259(e) is amended to read:

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

6 * * * Points System; Conforming Change * * *

7 Sec. 42. 23 V.S.A. § 2502(a)(1)(V) is amended to read:

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

9 **[Eliminates a reference to a statute which was repealed in 2010.]**

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

11 Sec. 43. 23 V.S.A. § 3002(10) is amended to read:

12 (10) “User” means any person who uses fuel to propel a motor vehicle,
13 owned or operated by him, upon the highways of this State. The term shall
14 also include, ~~but is not limited to,~~ a lessor rental or leasing company when the
15 lessor leases motor vehicles without drivers to a lessee under a contract where
16 cost of fuel is included in lease payments and the lessor purchases fuel and
17 maintains records of fuel used and miles travelled by such leased vehicles.

18 In all other cases, upon application by either the lessor or lessee, the
19 Commissioner will determine and approve the reporting and tax payment
20 procedure to be used; provided, however, that the lessor and lessee shall be
21 jointly and severally liable for the payment of the tax in any event. ~~The term~~

1 shall not include persons obtaining an identification marker or permit under
2 section ~~422~~ of this title.

3 **[Eliminates a cross-reference to a statute relating to motor bus identification**
4 **markers, since that statute was repealed in 2014.]**

5
6 Sec. 44. 23 V.S.A. § 3024(b) is amended to read:

7 (b) It shall be unlawful for any person:

8 (1) to operate a motor vehicle subject to the provisions of this chapter
9 upon any public highway in the State without first obtaining the diesel fuel
10 user's license and marker required under section 3007 of this title or to so
11 operate without displaying said the marker or to so operate without having in
12 the vehicle either the license or telegram issued under section 3007 or a permit
13 issued under section 3010 of this title;

14 * * *

15 **[Eliminates a reference to a penalty for operating a diesel vehicle without**
16 **carrying a telegram as an alternative to a diesel fuel user's license, since the**
17 **provision referencing such telegrams was repealed in 2014.]**

18 * * * Snowmobile Registration and TMA Decals * * *

19
20 Sec. 45. 23 V.S.A. § 3205 is amended to read:

21 § 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF

22 HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM

23 ~~REGISTRATION AND EQUIPMENT REQUIREMENT~~

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

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

[Eliminates references in section and subsection headings to an exemption to the snowmobile registration requirement, because the relevant law does not actually create an exemption.]

Sec. 46. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

* * *

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

* * *

[Makes a conforming change regarding the ability of a person to lawfully operate a snowmobile without displaying a Trails Maintenance Assessment (TMA) decal, if he or she possesses a completed TMA form. This change is made to be consistent with a 2014 change in the law governing TMAs.]

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

1 Sec. 47. 23 V.S.A. § 3303 is amended to read:

2 § 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

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

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

12 (2) the identifying number set forth in the certificate of number is
13 displayed on each side of the bow of such motorboat. ~~Motorboats described in~~
14 ~~subdivision 3307(1)(E) of this title, however, are excepted from the provisions~~
15 ~~of this section.~~

16 **[Sec. 47 clarifies and eliminates an incorrect cross-reference in a provision which**
17 **generally requires motorboats to be numbered.**
18 **Sec. 48 reorganizes a provision which creates exemptions to the requirement that**
19 **motorboats display Vermont numbers, in order to correct a grammatical error.]**
20

21 Sec. 48. 23 V.S.A. § 3307 is amended to read:

22 § 3307. EXEMPTION FROM VERMONT NUMBERING PROVISIONS

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

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

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

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

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

12 ~~(E)~~(5) ~~any exemptions provided in this section shall, however, be~~
13 ~~operative as to an owner or operator of a motorboat only to the extent that~~
14 ~~under the laws of the foreign country or state of his or her residence like~~
15 ~~exemptions and privileges are granted to operators and owners of motorboats~~
16 ~~duly registered under the laws of this State;~~

17 ~~(F)~~ licensed Licensed, numbered, or otherwise registered under New
18 Hampshire laws for operation on waters in that state, but only when it is
19 operated on such parts of the Connecticut River and impoundments of the river
20 as may lie in Vermont and only when and to the same extent as New
21 Hampshire laws allow motorboats licensed, numbered, or otherwise

1 recognized by Vermont laws as being registered for lawful operation on waters
2 within Vermont to be operated on such parts of the Connecticut River and
3 impoundments of the river as may be in New Hampshire.

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

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

11 * * * Operation Rules as Between Vessels * * *

12 Sec. 49. 23 V.S.A. § 3312(d) is amended to read:

13 (d) The U.S. Coast Guard Inland Navigation Rules ~~(33 U.S.C. §§ 2001-~~
14 ~~2038 and 2071-2073, as amended from time to time), 33 C.F.R. Part 83, as~~
15 may be amended, are hereby adopted as the operative rules for Lake
16 Champlain, Lake Memphremagog, and Wallace Pond in Canaan.

17 **[Corrects an incorrect citation to federal law. The federal law currently cited**
18 **was repealed in 2004.]**

19 * * * Commercial Motor Vehicles; Definition of Serious
20

21 Traffic Violation; Texting * * *

22 Sec. 50. 23 V.S.A. § 4103(16)(I) is amended to read:

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

3 **[Clarifies that the definition of “serious traffic violation” in the commercial**
4 **motor vehicle chapter includes texting while operating a commercial motor**
5 **vehicle. This clarification is consistent with the Federal Motor Carrier Safety**
6 **Regulations.]**

7
8 * * * Commercial Learner’s Permit Contents * * *

9 Sec. 51. 23 V.S.A. § 4111a(a) is amended to read:

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

12 * * *

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

15 * * *

16 **[Regarding the information displayed on learner’s permits, clarifies the**
17 **requirement that the name of Vermont as the issuing state must be displayed.]**

18
19 * * * Commercial Motor Vehicles; Disqualification * * *

20 Sec. 52. 23 V.S.A. § 4116 is amended to read:

21 § 4116. DISQUALIFICATION

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

24 * * *

25 (6) operating, attempting to operate, or being in actual physical control
26 of a motor vehicle on a highway when the person is under the influence of any

1 other drug or under the combined influence of alcohol and any other drug to a
2 degree which renders the person incapable of driving safely as provided in
3 section 1201 of this title;

4 **[In subdiv. (a)(6), makes a conforming change to correctly reference the**
5 **standard for a drugged driving in effect since the 2014 amendment to the**
6 **drugged driving statute. (See 2014 Acts and Resolves No. 169).]**

7
8 * * *

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

17 * * *

18 **[In subsec. (d), eliminates the specific references to disqualifications for the**
19 **offenses of texting or using a handheld mobile telephone while operating a**
20 **commercial motor vehicle, as these offenses are already listed as serious traffic**
21 **violations and therefore trigger a disqualification when combined with any other**
22 **serious traffic violation in a 3-year period.]**

23
24 Sec. 53. EFFECTIVE DATE

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

26 **[The entire act is effective on the standard effective date, July 1, 2015.]**