

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill
3 No. 225 entitled “An act relating to miscellaneous changes to laws related to
4 motor vehicles” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Dealers * * *

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

10 (III) For a dealer in trailers, semi-trailers, or trailer coaches,
11 “engaged in the business” means having sold or exchanged at least one trailer,
12 semi-trailer, or trailer coach in the immediately preceding year or a
13 combination of two such vehicles in the two immediately preceding years.

14 However, the sale or exchange of a trailer with a gross vehicle weight rating of
15 3,500 pounds or less shall be excluded under this subdivision (8)(A)(ii)(III).

16 Sec. 2. DEALER REGULATION REVIEW

17 (a) The Commissioner of Motor Vehicles shall review Vermont statutes,
18 rules, and procedures regulating motor vehicle, snowmobile, motorboat, and
19 all-terrain vehicle dealers, and review the regulation of such dealers by other
20 states, to determine whether and how Vermont’s regulation of dealers and
21 associated motor vehicle laws should be amended to:

1 (1) enable vehicle and motorboat sales to thrive while protecting
2 consumers from fraud or other illegal activities in the market for vehicles and
3 motorboats; and

4 (2) protect the State’s interest in collecting taxes, enforcing the law, and
5 ensuring an orderly marketplace.

6 (b) In conducting his or her review, the Commissioner shall consult with
7 new and used vehicle dealers or representatives of such dealers, or both, and
8 other interested persons.

9 (c) The Commissioner shall review:

10 (1) required minimum hours and days of operation of dealers;

11 (2) physical location requirements of dealers;

12 (3) the required number of sales to qualify as a dealer and the types of
13 sales and relationships among sellers that should count toward the sales
14 threshold;

15 (4) the permitted uses of dealer plates;

16 (5) whether residents of other states should be allowed to register
17 vehicles in Vermont;

18 (6) the effect any proposed change will have on fees and taxes that
19 dealers collect and consumers pay;

1 (7) the effect any proposed changes will have on the ability of Vermont
2 consumers and law enforcement to obtain information from a dealer selling
3 vehicles or motorboats in Vermont; and

4 (8) other issues as may be necessary to accomplish the purpose of the
5 review as described in subsection (a) of this section.

6 (d) On or before January 15, 2017, the Commissioner shall report his or her
7 findings and recommendations to the Senate and House Committees on
8 Transportation and submit proposed legislation as may be required to
9 implement the recommendations.

10 * * * Motor-Assisted Bicycles * * *

11 Sec. 3. 23 V.S.A. § 4 is amended to read:

12 § 4. DEFINITIONS

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

17 * * *

18 (45)(A) “Motor-driven cycle” means any vehicle equipped with two or
19 three wheels, a power source providing up to a maximum of two brake
20 horsepower and having a maximum piston or rotor displacement of 50 cubic
21 centimeters if a combustion engine is used, which will propel the vehicle,

1 unassisted, at a speed not to exceed 30 miles per hour on a level road surface,
2 and which is equipped with a power drive system that functions directly or
3 automatically only, not requiring clutching or shifting by the operator after the
4 drive system is engaged. As motor vehicles, motor-driven cycles shall be
5 subject to the purchase and use tax imposed under 32 V.S.A. chapter 219
6 rather than to a general sales tax. ~~An~~ Neither an electric personal assistive
7 mobility device nor a motor-assisted bicycle is not a motor-driven cycle.

8 (B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with
9 fully operable pedals and equipped with a motor that:

10 (I) has a power output of not more than 1,000 watts or
11 1.3 horsepower; and

12 (II) in itself is capable of producing a top speed of no more
13 than 20 miles per hour on a paved level surface when ridden by an operator
14 who weighs 170 pounds.

15 (ii) Motor-assisted bicycles shall be regulated in accordance with
16 section 1136 of this title.

17 * * *

18 Sec. 4. 23 V.S.A. § 1136(d) is added to read:

19 (d)(1) Except as provided in this subsection, motor-assisted bicycles shall
20 be governed as bicycles under Vermont law, and operators of motor-assisted
21 bicycles shall be subject to all of the rights and duties applicable to bicyclists

1 under Vermont law. Motor-assisted bicycles and their operators shall be
2 exempt from motor vehicle registration and inspection and operator's license
3 requirements. A person shall not operate a motor-assisted bicycle on a
4 sidewalk in Vermont.

5 (2) A person under 16 years of age shall not operate a motor-assisted
6 bicycle on a highway in Vermont.

7 (3) Nothing in this subsection shall interfere with the right of
8 municipalities to regulate the operation and use of motor-assisted bicycles
9 pursuant to 24 V.S.A. § 2291(1) and (4), as long as the regulations do not
10 conflict with this subsection.

11 * * * Nondriver Identifications Cards; Data Elements * * *

12 Sec. 5. 23 V.S.A. § 115 is amended to read:

13 § 115. NONDRIVER IDENTIFICATION CARDS

14 * * *

15 (b) Every identification card shall expire, unless earlier canceled, on the
16 fourth birthday of the applicant following the date of original issue, and may
17 be renewed every four years upon payment of a ~~\$20.00~~ \$24.00 fee. At least
18 30 days before an identification card will expire, the Commissioner shall mail
19 first class to the cardholder or send the cardholder electronically an application
20 to renew the identification card; a cardholder shall be sent the renewal notice
21 by mail unless the cardholder opts in to receive electronic notification.

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* * *

(i) An identification card issued under this subsection to an ~~individual~~
~~under the age of 30 shall include a magnetic strip that includes only the name,~~
~~date of birth, height, and weight of the individual identified on the card~~ initial
or renewal applicant shall include data elements as prescribed in 6 C.F.R.
§ 37.19.

* * *

* * * Refund When Registration Plates Not Used * * *

Sec. 6. 23 V.S.A. § 327 is amended to read:

§ 327. REFUND WHEN PLATES NOT USED

Subject to the conditions set forth in subdivisions (1), (2), and (3) of this
section, the Commissioner may cancel the registration of a motor vehicle,
snowmobile, or motor boat when the owner returns the number plates, if any,
~~the validation sticker, if issued for that year,~~ and the registration certificate to
the Commissioner. Upon cancellation of the registration, the Commissioner
shall notify the Commissioner of Finance and Management, who shall issue a
refund as follows:

(1) For registrations ~~which are~~ cancelled prior to the beginning of the
registration period, the refund is the full amount of the fee paid, less a fee of
\$5.00. ~~The validation stickers may be affixed to the plates.~~

1 (2) For registrations ~~which are~~ cancelled within 30 days of the date of
2 issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The
3 owner of a motor vehicle must prove to the Commissioner's satisfaction that
4 the number plates have not been used or attached to a motor vehicle, ~~or that the~~
5 ~~current validation sticker has not been affixed to the plate or to the snowmobile~~
6 ~~or motorboat.~~

7 (3) For registrations ~~which are~~ cancelled prior to the beginning of the
8 second year of a two-year registration period, the refund is one-half of the full
9 amount of the two-year fee paid, less a charge of \$5.00. ~~The validation~~
10 ~~stickers may be affixed to the plates.~~

11 * * * Exhibition Vehicles; Year of Manufacture Plates * * *

12 Sec. 7. 23 V.S.A. § 373 is amended to read:

13 § 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

14 (a) The annual fee for the registration of a motor vehicle which is
15 maintained solely for use in exhibitions, club activities, parades, and other
16 functions of public interest and which is not used for the transportation of
17 passengers or property on any highway, except to attend such functions, shall
18 be ~~\$15.00~~ \$21.00, in lieu of fees otherwise provided by law.

19 (b) Pursuant to the provisions of section 304 of this title, one registration
20 plate shall be issued to those vehicles registered under subsection (a) of this
21 section.

1 (c) ~~The~~ Vermont registration plates ~~of any motor vehicle~~ issued prior to
2 ~~1939~~ 1968 may be displayed on a motor vehicle registered under this section
3 instead of the ~~plates~~ plate issued under this section, if the ~~current plates are~~
4 issued plate is maintained within the vehicle and produced upon request of any
5 enforcement officer as defined in subdivision 4(11) of this title.

6 * * * Provisions Common to Registrations and Operator's Licenses * * *

7 Sec. 8. 23 V.S.A. § 208 is added to read:

8 § 208. RECIPROCAL RECOGNITION OF NONRESIDENT

9 REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN

10 VISITORS

11 As determined by the Commissioner, and consistent with section 601 of this
12 title, a motor vehicle owned by a nonresident shall be considered as registered
13 and a nonresident operator shall be considered as licensed or permitted in this
14 State if the nonresident owner or operator has complied with the laws of the
15 foreign country or state of his or her residence relative to the registration of
16 motor vehicles and the granting of operators' licenses or learner's permits.

17 However, these exemptions shall be operative only to the extent that under the
18 laws of the foreign country or state of the owner's or operator's residence like
19 exemptions and privileges are granted to owners of motor vehicles duly
20 registered and to operators duly licensed or permitted under the laws of this
21 State, except that if the owner or operator is a resident of a country not

1 adjoining the United States, the exemptions shall be operative for a period of
2 not more than 30 days for vacation purposes even if the country does not grant
3 like privileges to residents of this State.

4 Sec. 9. 23 V.S.A. § 411 is amended to read:

5 § 411. **RECIPROCAL PROVISIONS**

6 ~~As determined by the Commissioner, a motor vehicle owned by a~~
7 ~~nonresident shall be considered as registered and a nonresident operator shall~~
8 ~~be considered as licensed or permitted in this State if the nonresident owner or~~
9 ~~operator has complied with the laws of the foreign country or state of his or her~~
10 ~~residence relative to the registration of motor vehicles and the granting of~~
11 ~~operators' licenses or learner's permits. Any exemptions provided in this~~
12 ~~section shall, however, be operative as to an owner or operator of a motor~~
13 ~~vehicle only to the extent that under the laws of the foreign country or state of~~
14 ~~his or her residence like exemptions and privileges are granted to operators~~
15 ~~duly licensed or permitted and to owners of motor vehicles duly registered~~
16 ~~under the laws of this State. If the owner or operator is a resident of a country~~
17 ~~not adjoining the United States, such exemptions shall be operative for a period~~
18 ~~of 30 days for vacation purposes, notwithstanding that such country does not~~
19 ~~grant like privileges to residents of this State. [Repealed.]~~

1 * * * Operator’s Licenses * * *

2 Sec. 10. 23 V.S.A. § 601 is amended to read:

3 § 601. LICENSE REQUIRED

4 (a)(1) Except as otherwise provided by law, a resident shall not operate a
5 motor vehicle on a highway in Vermont unless he or she holds a valid license
6 issued by the State of Vermont. A new resident who has moved into the State
7 from another jurisdiction and who holds a valid license to operate motor
8 vehicles under section ~~411~~ 208 of this title shall procure a Vermont license
9 within 60 days of moving to the State. Except as provided in subsection
10 603(d) of this title, licenses shall not be issued to nonresidents.

11 (2) In addition to any other requirement of law, a nonresident as defined
12 in section 4 of this title shall not operate a motor vehicle on a Vermont
13 highway unless:

14 (A) he or she holds a valid license or permit to operate a motor
15 vehicle issued by another U.S. jurisdiction; ~~or~~

16 (B) he or she holds a valid license or permit to operate a motor
17 vehicle from a jurisdiction outside the United States and operates for a period
18 of not more than 30 days for vacation purposes; or

19 (C) he or she holds a valid license or permit to operate a motor
20 vehicle from a jurisdiction outside the United States and:

1 (i) is 18 or more years of age, is lawfully present in the United
2 States, and has been in the United States for less than one year;

3 (ii) the jurisdiction that issued the license is a party to the 1949
4 Convention on Road Traffic or the 1943 Convention on the Regulation of
5 Inter-American Motor Vehicle Traffic; and

6 (iii) he or she possesses an international driving permit.

7 * * *

8 (c) At least 30 days before a license is scheduled to expire, the
9 Commissioner shall mail first class to the licensee or send the licensee
10 electronically an application for renewal of the license; a cardholder shall be
11 sent the renewal notice by mail unless the cardholder opts in to receive
12 electronic notification. A person shall not operate a motor vehicle unless
13 properly licensed.

14 * * *

15 Sec. 11. CONFORMING CHANGES

16 In 23 V.S.A. §§ 614 and 615, “section 411” is hereby replaced with “section
17 208.”

1 * * * Special Examinations; Conforming Changes * * *

2 Sec. 12. 23 V.S.A. § 637 is amended to read:

3 § 637. EXAMINERS OF PHYSICAL AND MENTAL CONDITIONS

4 The Commissioner may designate physicians, certified physician assistants,
5 licensed advance practice registered nurses, ophthalmologists, oculists, and
6 optometrists properly registered and authorized to practice in this State or in an
7 adjoining state as examiners of operators. The Commissioner may refer any
8 matter relative to the issuing, suspending, or reinstating of licenses ~~which~~
9 ~~concern~~ that concerns the physical or mental condition or eyesight of any
10 applicant for or holder of a license or any petitioner for reinstatement to, and
11 require the applicant or other person to be examined by, such examiner in the
12 vicinity of the person's residence as he or she determines to be qualified to
13 examine and report. Such examiner shall report to the Commissioner the true
14 and actual result of examinations made by him or her together with his or her
15 decision as to whether the person examined should be granted or allowed to
16 retain an operator's license or permitted to operate a motor vehicle.

17 Sec. 13. 23 V.S.A. § 638 is amended to read:

18 § 638. ~~DISSATISFACTION WITH PHYSICAL AND MENTAL~~
19 ~~EXAMINATION~~

20 ~~If any person is dissatisfied with the result of an examination given by any~~
21 ~~one examiner, as provided in section 637 of this title, he or she may apply to~~

1 ~~the Commissioner for and shall be granted an examination by two physicians,~~
2 ~~ophthalmologists, oculists, or optometrists selected from a list of examiners~~
3 ~~approved by the Commissioner, and their decision shall be final. The~~
4 ~~Commissioner may designate the area of specialization from which the~~
5 ~~examiners are to be selected in each case, but in no event shall he or she limit~~
6 ~~the choice of an examiner to any one individual within the profession from~~
7 ~~which he or she is to be chosen. [Repealed.]~~

8 Sec. 14. 23 V.S.A. § 639 is amended to read:

9 § 639. FEES FOR PHYSICAL AND MENTAL EXAMINATIONS

10 The compensation of the examiners provided in ~~sections~~ section 637 and
11 ~~638~~ of this title shall be paid by the person examined.

12 * * * State Highway Restrictions and Chain Up Requirements * * *

13 Sec. 15. 23 V.S.A. § 1006b is amended to read:

14 § 1006b. ~~SMUGGLERS~~ SMUGGLERS' NOTCH; WINTER CLOSURE OF
15 VERMONT ROUTE 108; COMMERCIAL VEHICLE
16 OPERATION PROHIBITED

17 (a) The Agency of Transportation may close the ~~Smugglers~~ Smugglers'
18 Notch segment of Vermont Route 108 during periods of winter weather. ~~To~~
19 ~~enforce the winter closure, the Agency shall erect signs conforming to the~~
20 ~~standards established by section 1025 of this title.~~

1 (b)(1) As used in this subsection, “commercial vehicle” means
2 truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.

3 (2) Commercial vehicles are prohibited from operating on the
4 Smugglers’ Notch segment of Vermont Route 108.

5 (3) Either the operator of a commercial vehicle who violates this
6 subsection, or the operator’s employer, shall be subject to a civil penalty of
7 \$1,000.00. If the violation results in substantially impeding the flow of traffic
8 on Vermont Route 108, the penalty shall be \$2,000.00. For a second or
9 subsequent conviction within a three-year period, the penalty shall be doubled.

10 (c) The Agency shall erect signs conforming to the standards established by
11 section 1025 of this title to indicate the closures and restrictions authorized
12 under this section.

13 Sec. 16. 23 V.S.A. § 1006c is amended to read:

14 § 1006c. ~~TRUCKS AND BUSES; CHAINS AND TIRE CHAIN~~

15 REQUIREMENTS FOR VEHICLES WITH WEIGHT RATINGS

16 OF MORE THAN 26,000 POUNDS

17 (a) As used in this section, “chains” means link chains, cable chains, or
18 another device that attaches to a vehicle’s tire or wheel or to the vehicle itself
19 and is designed to augment the traction of the vehicle under conditions of snow
20 or ice.

1 ~~(b)~~ The Traffic Committee Secretary of Transportation, the Commissioner
2 of Motor Vehicles, or the Commissioner of Public Safety, or their designees,
3 may require the use of tire chains ~~or winter tires~~ on specified portions of State
4 highways during periods of winter weather for ~~motor coaches, truck tractor-~~
5 ~~semitrailer combinations, and truck tractor trailer combinations~~ vehicles with a
6 gross vehicle weight rating (GVWR) of more than 26,000 pounds or gross
7 combination weight rating (GCWR) of more than 26,000 pounds.

8 ~~(b)~~(c) When tire chains ~~or winter tires~~ are required, advance notice shall be
9 given to the traveling public through signage and, whenever possible, through
10 public service announcements. In areas where tire chains ~~or winter tires~~ are
11 required, there shall be an adequate area for vehicles to pull off the traveled
12 way to affix any chains that might be required.

13 ~~(e)~~(d) Under 3 V.S.A. chapter 25, the Traffic Committee may adopt such
14 rules as are necessary to administer this section and may delegate this authority
15 to the Secretary.

16 (e) When signs are posted and chains required in accordance with this
17 section, chains shall be affixed as follows on vehicles with a GVWR or a
18 GCWR of more than 26,000 pounds:

19 (1) Solo vehicles. A vehicle not towing another vehicle:

20 (A) that has a single-drive axle shall have chains on one tire on each
21 side of the drive axle; or

1 (B) that has a tandem-drive axle shall have chains on:

2 (i) two tires on each side of the primary drive axle; or

3 (ii) if both axles are powered by the drive line, on one tire on each
4 side of each drive axle.

5 (2) Vehicles with semitrailers or trailers. A vehicle towing one or more
6 semitrailers or trailers:

7 (A) that has a single-drive axle towing a trailer shall have chains on
8 two tires on each side of the drive axle and one tire on the front axle and one
9 tire on one of the rear axles of the trailer;

10 (B) that has a single-drive axle towing a semitrailer shall have chains
11 on two tires on each side of the drive axle and two tires, one on each side, of
12 any axle of the semitrailer;

13 (C) that has a tandem-drive axle towing a trailer shall have:

14 (i) chains on two tires on each side of the primary drive axle, or if
15 both axles of the vehicle are powered by the drive line, one tire on each side of
16 each drive axle; and

17 (ii) chains on one tire of the front axle and one tire on one of the
18 rear axles of the trailer;

1 (D) that has a tandem-drive axle towing a semitrailer shall have:

2 (i) chains on two tires on each side of the primary drive axle, or if
3 both axles of the vehicle are powered by the drive line, one tire on each side of
4 each drive axle; and

5 (ii) chains on two tires, one on each side, of any axle of the
6 semitrailer.

7 (f) Either the operator of a vehicle required to be chained under this section
8 who fails to affix chains as required herein, or the operator’s employer, shall be
9 subject to a civil penalty of \$1,000.00. If the violation results in substantially
10 impeding the flow of traffic on a highway, the penalty shall be \$2,000.00. For
11 a second or subsequent conviction within a three-year period, the penalty shall
12 be doubled.

13 Sec. 17. 23 V.S.A. § 2302 is amended to read:

14 § 2302. TRAFFIC VIOLATION DEFINED

15 (a) As used in this chapter, “traffic violation” means:

16 * * *

17 (11) a violation of subsection 1006b(b), section 1006c, or subsections
18 4120(a) and (b) of this title; or

19 * * *

* * * School Bus Operators * * *

Sec. 18. 23 V.S.A. § 1282(d) is amended to read:

(d)(1) ~~A~~ No less often than every two years, and before the start of a school year, a person licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall ~~annually before the commencement of the school year~~ furnish ~~his or her~~ the employer, ~~where he or she is employed~~ who employs him or her as a school bus driver, the following:

(A) a certificate signed by a licensed physician, ~~or~~ a certified physician assistant, or a nurse practitioner in accordance with written protocols, certifying that ~~he or she~~ the licensee is, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform his or her duties, and that he or she meets or exceeds the minimum hearing standards, based on voice testing, as prescribed by the Commissioner; and

(B) a certificate signed by a properly registered and authorized medical doctor, ophthalmologist, optometrist, or nurse practitioner certifying that he or she meets or exceeds the minimum vision standards as prescribed by the Commissioner.

(2) Upon receipt of a certificate required by this subsection which indicates that the school bus driver is not mentally or physically competent or

1 does not meet the minimum hearing or vision standards, the employer shall
2 immediately notify the Commissioner.

3 (3) The certificates required under this subsection may be valid for up to
4 two years from the examination.

5 * * * Overweight and Overdimension Vehicles * * *

6 Sec. 19. 23 V.S.A. § 1391a(d) is amended to read:

7 (d) Fines imposed for violations of this section shall be deposited in the
8 Transportation Fund, unless the fines are the result of enforcement actions on a
9 town highway by an enforcement officer employed by or under contract with
10 the municipality, in which case the fine shall be paid to the municipality,
11 except for a ~~\$6.00~~ an administrative charge for each case in the amount
12 specified in 13 V.S.A. § 7251, which shall be retained by the State.

13 Sec. 20. 23 V.S.A. § 1400(d) is amended to read:

14 (d) ~~The Commissioner may enter into contracts with an electronic~~
15 ~~permitting service that will allow the service to issue single trip permits to a~~
16 ~~commercial motor vehicle operator, on behalf of the Department of Motor~~
17 ~~Vehicles. The permitting service shall be authorized to issue single trip~~
18 ~~permits for travel to and from a Vermont facility by commercial motor~~
19 ~~vehicles which are not greater than 72 feet in length on routes that have been~~
20 ~~approved by the Agency of Transportation. The permitting service may assess,~~

1 ~~collect, and retain an additional administrative fee which shall be paid by the~~
2 ~~commercial motor vehicle carrier. [Repealed.]~~

3 * * * Motor Vehicle Titles * * *

4 Sec. 21. 23 V.S.A. § 2001 is amended to read:

5 § 2001. DEFINITIONS

6 Except when the context otherwise requires, as used in this chapter:

7 * * *

8 (13) “Salvaged motor vehicle” means a motor vehicle which has been
9 purchased or otherwise acquired as salvage; scrapped, dismantled, or
10 destroyed; or declared a total loss by an insurance company.

11 * * *

12 (17) “Salvage certificate of title” means a title that is stamped or
13 otherwise branded to indicate that the vehicle described thereon is a salvaged
14 motor vehicle ~~or has been scrapped, dismantled, destroyed, or declared a total~~
15 ~~loss by an insurance company, or both.~~

16 * * *

17 Sec. 22. 23 V.S.A. § 2019 is amended to read:

18 § 2019. MAILING OR DELIVERING CERTIFICATE

19 The certificate of title shall be mailed or personally delivered, upon proper
20 identification of the individual, to the first lienholder named in it or, if none, to

1 the owner. However, a person is entitled to a personal delivery of only one
2 title in a single day and of no more than three titles in a calendar month.

3 Sec. 23. 23 V.S.A. § 2091 is amended to read:

4 § 2091. ~~DISMANTLING OR DESTRUCTION OF VEHICLE~~

5 SALVAGE CERTIFICATES OF TITLE; FORWARDING OF

6 PLATES AND TITLES OF CRUSHED VEHICLES

7 (a) Except for vehicles for which no certificate of title is required pursuant
8 to section 2012 of this title and for vehicles which are more than 15 years old,
9 any person who purchases or in any manner acquires a vehicle as salvage; any
10 person who scraps, dismantles, or destroys a motor vehicle; or any insurance
11 company or representative thereof who declares a motor vehicle to be a total
12 loss, shall ~~make application~~ apply to the Commissioner for a salvage certificate
13 of title within 15 days of the time the vehicle is purchased or otherwise
14 acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a
15 total loss. However, an insurance company or representative thereof
16 proceeding under subsection (c) of this section may apply outside this 15-day
17 window to the extent necessary to comply with the requirements of that
18 subsection.

19 (b) ~~The~~ Except as provided in subsection (c) of this section, the application
20 shall be accompanied by:

21 (1) any certificate of title; and

1 (2) any other information or documents that the Commissioner may
2 reasonably require to establish ownership of the vehicle and the existence or
3 nonexistence of any security interest in the vehicle.

4 (c)(1) An insurer required to obtain a salvage certificate of title under this
5 section for a vehicle declared a total loss, or a representative of the insurer,
6 may obtain the title without satisfying the requirements of subsection (b) of
7 this section if the application for the salvage certificate of title is
8 accompanied by:

9 (A) the required fee;

10 (B) evidence that the insurer has made payment for the total loss of
11 the vehicle, and evidence that the payment was made to any lienholder
12 identified in the records of certificates of title of the Department and to the
13 vehicle owner, if applicable; and

14 (C) a copy of the insurer's written request for the certificate of title
15 sent at least 30 days prior to the application to the vehicle owner and to any
16 lienholder identified in the records of certificates of title of the Department,
17 proof that the request was sent by certified mail or was delivered by a courier
18 service that provides proof of delivery, and copies of any responses from the
19 vehicle owner or lienholder.

20 (2) If the Commissioner issues a salvage certificate of title to an eligible
21 person under this subsection, the title shall be issued free and clear of all liens.

1 ~~(b)(d)~~ ~~When~~ Except for vehicles for which no certificate of title is required
2 under this chapter, when a vehicle is destroyed by crushing for scrap, the
3 person causing the destruction shall immediately mail or deliver to the
4 Commissioner the certificate of title, ~~if any,~~ endorsed “crushed” and signed by
5 the person, accompanied by the original plate showing the original vehicle
6 identification number. The plate shall not be removed until such time as the
7 vehicle is crushed.

8 ~~(e)(e)~~ This section shall not apply to, and salvage certificates of title shall
9 not be required for, unrecovered stolen vehicles or vehicles stolen and
10 recovered in an undamaged condition, provided that the original vehicle
11 identification number plate has not been removed, altered, or destroyed and the
12 number thereon is identical with that on the original title certificate.

13 * * * Abandoned Motor Vehicles * * *

14 Sec. 24. 23 V.S.A. chapter 21, subchapter 7 is amended to read:

15 Subchapter 7. Abandoned Motor Vehicles

16 § 2151. ~~ABANDONED MOTOR VEHICLES; DEFINED~~ DEFINITIONS

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

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

20 (i) a motor vehicle that has remained on public or private property
21 or on or along a highway for more than 48 hours without the consent of the

1 owner or person in control of the property ~~for more than 48 hours~~, and has a
2 valid registration plate or public vehicle identification number which has not
3 been removed, destroyed, or altered; or

4 ~~(B)(ii)~~ a motor vehicle that has remained on public or private
5 property or on or along a highway without the consent of the owner or person
6 in control of the property for any period of time if the vehicle does not have a
7 valid registration plate or the public vehicle identification number has been
8 removed, destroyed, or altered.

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

13 (2) “Landowner” means a person who owns or leases or otherwise has
14 authority to control use of real property.

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

20 ~~(b) Construction equipment. A vehicle or other equipment used or to be~~
21 ~~used in construction or in the operation or maintenance of highways or public~~

1 utility facilities, which is left in a manner which does not interfere with the
2 normal movement of traffic, shall not be considered to be an abandoned motor
3 vehicle.

4 § 2152. AUTHORIZED REMOVAL OF ABANDONED MOTOR
5 VEHICLES

6 (a) Public property. A law enforcement officer is authorized to remove or
7 cause removal of an abandoned motor vehicle from public property, and may
8 contact a towing service for its removal of such motor vehicle, based upon
9 personal observation by the officer that the vehicle is an abandoned motor
10 vehicle.

11 (b) Private property.

12 (1) A law enforcement officer is authorized to remove or cause removal
13 of an abandoned motor vehicle from private property, and may contact a
14 towing service for its removal from private property of such vehicle, based
15 upon ~~complaint of the owner or agent of the property~~ the request of the
16 landowner on which whose property the vehicle is located ~~that the~~ and
17 information indicating that the vehicle is an abandoned motor vehicle.

18 (2) ~~An owner or agent of an owner~~ A landowner of private property is
19 authorized to remove or cause removal of an abandoned motor vehicle from
20 that property or to any other place on any property of the landowner, and may
21 contact a towing service for its removal from that property of an abandoned

1 ~~vehicle. If an owner or agent of an owner~~ A landowner who removes or causes
2 removal of an abandoned motor vehicle, ~~the owner or agent~~ shall immediately
3 notify the police agency in the jurisdiction from which the vehicle is removed.
4 ~~Notification shall include identification of~~ and provide the registration plate
5 number, the public vehicle identification number, if available, and the make,
6 model, and color of the vehicle. The ~~owner or agent of an owner of property~~
7 ~~upon which a motor vehicle is abandoned~~ landowner may remove the vehicle
8 from the place where it is discovered to any other place on any property owned
9 by him or her, or cause the vehicle to be removed by a towing service under
10 the provisions of this subsection, without incurring any civil liability to the
11 owner of the abandoned vehicle.

12 § 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

13 (a) ~~Within 30 days of removal of the vehicle, a towing service which has~~
14 ~~removed an abandoned motor vehicle~~ A landowner on whose property an
15 abandoned motor vehicle is located shall apply to the Department for an
16 abandoned motor vehicle certification on forms supplied by the Department of
17 ~~Motor Vehicles~~ within 30 days of the date the vehicle was discovered on or
18 brought to the property unless the vehicle has been removed from the property.
19 An abandoned motor vehicle certification form shall indicate the date of
20 ~~removal,~~ that the abandoned motor vehicle was discovered or brought to the
21 property; the make, color, model, and location found, and of the vehicle; the

1 name, address, and ~~phone~~ telephone number of the ~~towing service,~~ landowner;
2 and a certification of the public vehicle identification number, if any, to be
3 recorded by a law enforcement officer. This subsection shall not be construed
4 as creating a private right of action against the landowner.

5 (b) Upon receipt of an abandoned motor vehicle certification form, the
6 Commissioner of ~~Motor Vehicles~~ shall attempt to identify and notify the owner
7 of the vehicle as required by section 2154 of this title. If no owner can be
8 determined by the Commissioner within the time period allowed by section
9 2154 of this title, the Commissioner shall issue a certificate of abandoned
10 motor vehicle with appropriate title or salvage title, or both, and the vehicle
11 may be disposed of in the manner set forth in section 2156 of this title.

12 § 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED
13 MOTOR VEHICLES

14 (a) The Department of ~~Motor Vehicles~~ shall make a reasonable attempt to
15 locate an owner of an abandoned motor vehicle.

16 (1) If the abandoned motor vehicle is not identifiable by its registration
17 plates or public vehicle identification number, and if no owner can be
18 determined within 21 days of the date of receipt of the abandoned motor
19 vehicle certification form, the Commissioner of ~~Motor Vehicles~~ shall issue a
20 certificate of abandoned motor vehicle with an appropriate title or salvage title.

1 (2) If the abandoned motor vehicle is identifiable by its registration
2 plates or public vehicle identification number, the Department of ~~Motor~~
3 ~~Vehicles~~ shall, within three business days of receipt of the form for
4 certification of abandoned motor vehicle, send notice to the last known
5 registered owner and lienholder of the vehicle. The notice shall be sent by
6 certified mail, return receipt requested, and shall advise the last known
7 registered owner of the motor vehicle's location and a telephone number where
8 additional information about the motor vehicle may be obtained. If the receipt
9 is not returned to the Department within seven business days, the
10 Commissioner shall, by first class mail, send a second notice. Within 21 days
11 of sending the second notice, the last known registered owner or lienholder
12 may reclaim and retrieve the motor vehicle by presenting to the Department of ~~of~~
13 ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or arranging to
14 pay any fees or charges authorized by section 2155 of this title. If the last
15 known registered owner or lienholder fails or refuses to reclaim the motor
16 vehicle within 21 days of the second mailing, the Commissioner of ~~Motor~~
17 ~~Vehicles~~ shall issue a certificate of abandoned motor vehicle with appropriate
18 title or salvage title.

19 (b) An owner or lienholder may reclaim an abandoned motor vehicle by
20 presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of
21 ownership, and paying or reimbursing, or making arrangements to pay or

1 reimburse, the towing agency, the Department of ~~Motor Vehicles~~, or the ~~owner~~
2 ~~or agent of private property~~ landowner, as the case may be, any towing fee or
3 storage charges permitted under section 2155 of this title.

4 § 2155. FEES AND CHARGES

5 (a) Towing fees. For towing an abandoned motor vehicle from private
6 property, a towing service may charge a reasonable fee to be paid by the
7 vehicle owner or ~~agent of the owner~~ landowner of the private property.

8 (b) Storage charges. In addition to any towing fee, an owner or lienholder
9 reclaiming an abandoned motor vehicle may be charged and shall pay a fee for
10 the costs of storage of the vehicle, except that no fee may be charged for
11 storage for any period preceding the date upon which the form for abandoned
12 motor vehicle certification is sent ~~by the towing service~~ to the Department of
13 ~~Motor Vehicles~~.

14 * * *

15 * * * Repeals and Conforming Change * * *

16 Sec. 25. REPEALS

17 The following sections are repealed:

18 (1) 23 V.S.A. § 366 (log-haulers; registration).

19 (2) 23 V.S.A. § 423 (negotiating and entering into an interstate compact
20 regarding truck license fees).

21 (3) 23 V.S.A. § 605 (unsatisfied judgment; suspension).

1 Sec. 26. 23 V.S.A. § 369 is amended to read:

2 § 369. TRACTORS OTHER THAN FARM TRACTORS

3 The annual fee for registration of a tractor, except ~~log haulers on snow~~
4 ~~roads and~~ farm tractors as otherwise provided in this chapter, shall be based on
5 the actual weight of such tractor at the same rate as that provided for trucks of
6 like weight under the provisions of this chapter. The minimum fee for
7 registering any tractor shall be \$20.00.

8 Sec. 27. 23 V.S.A. § 603(a)(2) is amended to read:

9 (2) The Commissioner may, however, in his or her discretion, refuse to
10 issue a license to any person whenever he or she is satisfied from information
11 given him or her by credible persons, and upon investigation, that the person is
12 mentally or physically unfit, or because of his or her habits, or record as to
13 accidents or convictions, is unsafe to be trusted with the operation of motor
14 vehicles. A person refused a license; under the provisions of this subsection ~~or~~
15 ~~section 605 of this title,~~ shall be entitled to hearing as provided in sections
16 105–107 of this title.

17 * * * Chemicals of High Concern to Children; Vehicle Exemptions * * *

18 Sec. 28. 18 V.S.A. § 1772 is amended to read:

19 § 1772. DEFINITIONS

20 As used in this chapter:

21 * * *

1 (8) “Consumer product” means any product that is regularly used or
2 purchased to be used for personal, family, or household purposes. “Consumer
3 product” shall not mean:

4 * * *

5 (G) an aircraft, motor vehicle, wheelchair, or vessel;

6 * * *

7 (13) “Motor vehicle” means ~~every vehicle intended primarily for use~~
8 ~~and operation on the public highways and shall include snowmobiles, all-~~
9 ~~terrain vehicles, and farm tractors and other machinery used in the production,~~
10 ~~harvesting, and care of farm products~~ all vehicles propelled or drawn by power
11 other than muscular power, including snowmobiles, motorcycles, all-terrain
12 vehicles, farm tractors, vehicles running only upon stationary rails or tracks,
13 motorized highway building equipment, road making appliances, or tracked
14 vehicles or electric personal assistive mobility devices.

15 * * *

16 * * * Signage on State Property Regarding Unlawful Idling * * *

17 Sec. 29. INSTALLATION OF SIGNAGE REGARDING UNLAWFUL
18 IDLING OF MOTOR VEHICLE ENGINES

19 (a) Before July 1, 2017, the Department of Buildings and General Services
20 (Department), in consultation with the Agency of Transportation, shall oversee
21 completion of a project to install signs on property owned or controlled by the

1 State where parking is permitted indicating that idling of motor vehicle engines
2 in violation of 23 V.S.A. § 1110 is prohibited. At a minimum, the Department
3 shall install at least one such sign at each rest area, information center, park
4 and ride facility, parking structure, and building owned or controlled by the
5 State with a parking capacity of 25 pleasure cars or more. In its discretion, the
6 Department may install additional signs at each such facility or at other
7 State-owned or -controlled facilities where parking is permitted.

8 (b) On or before January 15, 2017, the Commissioner of Buildings and
9 General Services, after consulting with the Secretary of Transportation, shall
10 submit an interim written report to the House and Senate Committees on
11 Transportation on the Department’s activities and plans to complete the project
12 required under subsection (a) of this section.

13 * * * Driving Under the Influence; Saliva Testing * * *

14 Sec. 30. 23 V.S.A. § 1200 is amended to read:

15 § 1200. DEFINITIONS

16 As used in this subchapter:

17 * * *

18 (3) “Evidentiary test” means a breath, saliva, or blood test which
19 indicates the person’s alcohol concentration or the presence of other drug and
20 which is intended to be introduced as evidence.

21 * * *

1 Sec. 31. 23 V.S.A. § 1201 is amended to read:

2 § 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF
3 INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL
4 REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

5 (a) A person shall not operate, attempt to operate, or be in actual physical
6 control of any vehicle on a highway:

7 (1) when the person's alcohol concentration is:

8 (A) 0.08 or more; or

9 (B) 0.02 or more if the person is operating a school bus as defined in
10 subdivision 4(34) of this title; or

11 (C) 0.04 or more if the person is operating a commercial motor
12 vehicle as defined in subdivision 4103(4) of this title; or

13 (D) 0.05 or more and the person has any detectable amount of
14 delta-9 tetrahydrocannabinol in the person's blood; or

15 (2) when the person is under the influence of intoxicating liquor; or

16 (3) when the person is under the influence of any other drug or under the
17 combined influence of alcohol and any other drug; ~~or~~

18 ~~(4) when the person's alcohol concentration is 0.04 or more if the person~~
19 ~~is operating a commercial motor vehicle as defined in subdivision 4103(4) of~~
20 ~~this title.~~

1 (b) A person who has previously been convicted of a violation of this
2 section shall not operate, attempt to operate, or be in actual physical control of
3 any vehicle on a highway and refuse a law enforcement officer's reasonable
4 request under the circumstances for an evidentiary test where the officer had
5 reasonable grounds to believe the person was in violation of subsection (a) of
6 this section.

7 (c) A person shall not operate, attempt to operate, or be in actual physical
8 control of any vehicle on a highway and be involved in an accident or collision
9 resulting in serious bodily injury or death to another and refuse a law
10 enforcement officer's reasonable request under the circumstances for an
11 evidentiary test where the officer has reasonable grounds to believe the person
12 has any amount of alcohol or drugs in the system.

13 * * *

14 Sec. 32. 23 V.S.A. § 1202 is amended to read:

15 § 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD

16 ALCOHOL CONTENT OR DRUG IMPAIRMENT

17 (a)~~(1)~~ Implied consent.

18 (1) Breath test. Every person who operates, attempts to operate, or is in
19 actual physical control of any vehicle on a highway in this State is deemed to
20 have given consent to an evidentiary test of that person's breath for the purpose
21 of determining the person's alcohol concentration or the presence of other drug

1 in the blood. The test shall be administered at the direction of a law
2 enforcement officer.

3 (2)(A) Blood test. If A person is deemed to have given consent to the
4 taking of an evidentiary sample of blood if:

5 (i) breath testing equipment is not reasonably available; or ~~if~~

6 (ii) the law enforcement officer has ~~reason~~ reasonable grounds to
7 believe that the person;

8 (I) is unable to give a sufficient sample of breath for testing; or
9 ~~if the law enforcement officer has reasonable grounds to believe that the~~
10 ~~person~~

11 (II) is under the influence of a drug other than alcohol; or

12 (III) ~~the person is deemed to have given consent to the taking~~
13 ~~of an evidentiary sample of blood~~ is under the influence of alcohol and a drug.

14 (B) If in the officer's opinion the person is incapable of decision or
15 unconscious or dead, it is deemed that the person's consent is given and a
16 sample of blood shall be taken.

17 (3) Saliva test. If the law enforcement officer has reasonable grounds to
18 believe that the person is under the influence of a drug other than alcohol, the
19 person is deemed to have given consent to the taking of an evidentiary sample
20 of saliva. Any saliva test administered under this section shall be used only for

1 the limited purpose of detecting the presence of a drug in the person's body,
2 and shall not be used to extract DNA information.

3 ~~(3)~~(4) Evidentiary test. The evidentiary test shall be required of a
4 person when a law enforcement officer has reasonable grounds to believe that
5 the person was operating, attempting to operate, or in actual physical control of
6 a vehicle in violation of section 1201 of this title.

7 ~~(4)~~(5) Fatal collision or incident resulting in serious bodily injury. The
8 evidentiary test shall also be required if the person is the surviving operator of
9 a motor vehicle involved in a fatal incident or collision or an incident or
10 collision resulting in serious bodily injury and the law enforcement officer has
11 reasonable grounds to believe that the person has any amount of alcohol or
12 other drug in his or her system.

13 * * *

14 Sec. 33. 23 V.S.A. § 1203 is amended to read:

15 § 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND

16 VIDEOTAPE

17 (a) A breath test shall be administered only by a person who has been
18 certified by the Vermont Criminal Justice Training Council to operate the
19 breath testing equipment being employed. In any proceeding under this
20 subchapter, a person's testimony that he or she is certified to operate the breath
21 testing equipment employed shall be prima facie evidence of that fact.

1 (b) Only a physician, licensed nurse, medical technician, physician
2 assistant, medical technologist, or laboratory assistant acting at the request of a
3 law enforcement officer may withdraw blood for the purpose of determining
4 the presence of alcohol or other drug. This limitation does not apply to the
5 taking of a breath or saliva sample.

6 (c) When a breath test which is intended to be introduced in evidence is
7 taken with a crimper device, or when blood is withdrawn at an officer's
8 request, a sufficient amount of breath, or blood, as the case may be, shall be
9 taken to enable the person to have made an independent analysis of the sample,
10 and shall be held for at least 45 days from the date the sample was taken. At
11 any time during that period, the person may direct that the sample be sent to an
12 independent laboratory of the person's choosing for an independent analysis.
13 The Department of Public Safety shall adopt rules providing for the security of
14 the sample. At no time shall the defendant or any agent of the defendant have
15 access to the sample. A preserved sample of breath shall not be required when
16 an infrared breath-testing instrument is used. A person tested with an infrared
17 breath-testing instrument shall have the option of having a second infrared test
18 administered immediately after receiving the results of the first test.

19 (d) In the case of a breath test administered using an infrared ~~breath-testing~~
20 breath-testing instrument, the test shall be analyzed in compliance with rules
21 adopted by the Department of Public Safety. The analyses shall be retained by

1 the State. A sample is adequate if the infrared ~~breath testing~~ breath-testing
2 instrument analyzes the sample and does not indicate the sample is deficient.
3 Analysis of the person's breath, saliva, or blood which is available to that
4 person for independent analysis shall be considered valid when performed
5 according to methods approved by the Department of Public Safety. The
6 analysis performed by the State shall be considered valid when performed
7 according to a method or methods selected by the Department of Public Safety.
8 The Department of Public Safety shall use rule making procedures to select its
9 method or methods. Failure of a person to provide an adequate breath or saliva
10 sample constitutes a refusal.

11 (e) [Repealed.]

12 (f) When a law enforcement officer has reason to believe that a person may
13 be violating or has violated section 1201 of this title, the officer may request
14 the person to provide a sample of breath or saliva for a preliminary screening
15 test using a device approved by the Commissioner of Public Safety for this
16 purpose. The person shall not have the right to consult an attorney prior to
17 submitting to this preliminary ~~breath alcohol~~ screening test. The results of this
18 preliminary screening test may be used for the purpose of deciding whether an
19 arrest should be made and whether to request an evidentiary test and shall not
20 be used in any court proceeding except on those issues. Following the

1 screening ~~test~~, additional tests may be required of the operator pursuant to the
2 provisions of section 1202 of this title.

3 (g) The Office of the Chief Medical Examiner shall report in writing to the
4 Department of Motor Vehicles the death of any person as the result of an
5 accident involving a vehicle and the circumstances of such accident within five
6 days of such death.

7 (h) A Vermont law enforcement officer shall have a right to request a
8 breath, saliva, or blood sample in an adjoining state or country under this
9 section unless prohibited by the law of the other state or country. If the law in
10 an adjoining state or country does not prohibit an officer acting under this
11 section from taking a breath, saliva, or blood sample in its jurisdiction,
12 evidence of such sample shall not be excluded in the courts of this State solely
13 on the basis that the test was taken outside the State.

14 (i) The Commissioner of Public Safety shall adopt emergency rules relating
15 to the operation, maintenance, and use of preliminary drug or alcohol screening
16 devices for use by law enforcement officers in enforcing the provisions of this
17 title. The ~~commissioner~~ Commissioner shall consider relevant standards of the
18 National Highway Traffic Safety Administration in adopting such rules. Any
19 preliminary alcohol screening device authorized for use under this title shall be
20 on the qualified products list of the National Highway Traffic Safety
21 Administration.

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Sec. 34. 23 V.S.A. § 1203a is amended to read:

§ 1203a. INDEPENDENT CHEMICAL TEST; BLOOD TESTS

(a) A person tested has the right at the person's own expense to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of the law enforcement officer under section 1203 of this title. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of an enforcement officer unless the additional test was prevented or denied by the enforcement officer.

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary ~~breath test~~ chemical analysis, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

* * *

1 Sec. 35. 23 V.S.A. § 1204 is amended to read:

2 § 1204. PERMISSIVE INFERENCES

3 (a) Upon the trial of any civil or criminal action or proceeding arising out
4 of acts alleged to have been committed by a person while operating, attempting
5 to operate or in actual physical control of a vehicle on a highway, the person's
6 alcohol concentration or alcohol concentration and evidence of delta-9
7 tetrahydrocannabinol shall give rise to the following permissive inferences:

8 (1) If the person's alcohol concentration at that time was less than 0.08,
9 such fact shall not give rise to any presumption or permissive inference that the
10 person was or was not under the influence of intoxicating liquor, but such fact
11 may be considered with other competent evidence in determining whether the
12 person was under the influence of intoxicating liquor.

13 (2) If the person's alcohol concentration at that time was 0.08 or more, it
14 shall be a permissive inference that the person was under the influence of
15 intoxicating liquor in violation of subdivision 1201(a)(2) or (3) of this title.

16 (3) If the person's alcohol concentration at that time was 0.05 or more
17 and the person had any detectable amount of delta-9 tetrahydrocannabinol in
18 the person's blood, it shall be a permissive inference that the person was under
19 the combined influence of alcohol and any other drug in violation of
20 subdivision 1201(a)(3) of this title.

