

1 H.876

2 Representatives Brennan of Colchester and Corcoran of Bennington move
3 that the House concur in the Senate Proposal of Amendment with further
4 amendment thereto by striking out all after the enacting clause and inserting in
5 lieu thereof the following:

6 * * * Adoption of Proposed Transportation Program as Amended;

7 Definitions * * *

8 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

9 (a) The Agency of Transportation’s proposed fiscal year 2017
10 Transportation Program appended to the Agency of Transportation’s proposed
11 fiscal year 2017 budget, as amended by this act, is adopted to the extent
12 federal, State, and local funds are available.

13 (b) As used in this act, unless otherwise indicated:

14 (1) “Agency” means the Agency of Transportation.

15 (2) “Secretary” means the Secretary of Transportation.

16 (3) The table heading “As Proposed” means the Transportation Program
17 referenced in subsection (a) of this section; the table heading “As Amended”
18 means the amendments as made by this act; the table heading “Change” means
19 the difference obtained by subtracting the “As Proposed” figure from the “As
20 Amended” figure; and the term “change” or “changes” in the text refers to the

1 project- and program-specific amendments, the aggregate sum of which equals
2 the net “Change” in the applicable table heading.

3 (4) “TIB funds” or “TIB” refers to monies deposited in the
4 Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

5 * * * Program Development Program * * *

6 Sec. 2. PROGRAM DEVELOPMENT; SPENDING AUTHORITY

7 (a) Reduction in spending authority. Spending authority in the Program
8 Development Program within the fiscal year 2017 Transportation Program
9 hereby is reduced by:

10 (1) \$1,461,136.00 in transportation funds;

11 (2) \$86,204.00 in TIB funds;

12 (3) \$6,189,360.00 in federal funds.

13 (b) Selection of projects; notification of delays. In his or her discretion, the
14 Secretary shall select the projects for which spending will be reduced under
15 subsection (a) of this section. In exercising his or her discretion, the Secretary
16 shall not delay a project that otherwise would proceed in fiscal year 2017,
17 unless the full amount of the reduction cannot be achieved from cost savings or
18 the delay of projects due to unforeseen circumstances. If a project that
19 otherwise would have proceeded in fiscal year 2017 is delayed, the Secretary
20 shall promptly notify:

1 (1) the House and Senate Committees on Transportation when the
2 General Assembly is in session; or

3 (2) the Joint Transportation Oversight Committee and the Joint Fiscal
4 Office when the General Assembly is not in session.

5 (c) Contingent restoration of spending authority.

6 (1) As used in this subsection:

7 (A) “Transportation Fund balance” means a positive balance of
8 unreserved monies remaining in the Transportation Fund at the end of fiscal
9 year 2016.

10 (B) “TIB Fund balance” means a positive balance of unreserved
11 monies remaining in the Transportation Infrastructure Bond Fund at the end of
12 fiscal year 2016.

13 (2) Subject to the funding of the Transportation Fund Stabilization
14 Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19
15 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding
16 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if a Transportation
17 Fund balance, TIB Fund balance, or balance in both funds exists at the end of
18 fiscal year 2016, spending authority reduced in subsection (a) of this section in
19 the fiscal year 2017 Program Development Program shall be restored to the
20 extent of the balance or balances, up to a total of \$1,547,340.00 in

1 Transportation Funds or TIB funds, and by up to \$6,189,360 in matching
2 federal funds.

3 * * * FY17 Town Highway Aid Program * * *

4 Sec. 3. TOWN HIGHWAY AID PROGRAM

5 Spending authority for the fiscal year 2017 Town Highway Aid Program is
6 amended as follows:

7	<u>FY17</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
8	Grants	25,982,744	26,982,744	1,000,000
9	Total	25,982,744	26,982,744	1,000,000
10	<u>Sources of funds</u>			
11	State	25,982,744	26,982,744	1,000,000
12	Federal	0	0	0
13	Total	25,982,744	26,982,744	1,000,000

14 * * * Appropriation of Transportation Funds * * *

15 Sec. 4. 19 V.S.A. § 11a is amended to read:

16 § 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE
17 DEPARTMENT OF PUBLIC SAFETY

18 (a) No transportation funds shall be appropriated for the support of
19 government other than for the Agency, the Board, Transportation Pay Act
20 Funds, construction of transportation capital facilities, transportation debt
21 service, the operation of information centers by the Department of Buildings

1 and General Services, and the Department of Public Safety. The amount of
2 transportation funds appropriated to the Department of Public Safety shall not
3 exceed:

4 (1) \$25,250,000.00 in fiscal year 2014;

5 (2) \$22,750,000.00 in fiscal years 2015 and 2016; and

6 (3) ~~\$20,250,000.00~~ \$21,550,000.00 in fiscal year 2017; and ~~in~~

7 ~~succeeding fiscal years~~

8 (4) \$20,000,000.00 in fiscal year 2018 and in succeeding fiscal years.

9 (b) In fiscal year 2017 and in succeeding fiscal years, of the funds
10 appropriated to the Department of Public Safety pursuant to subsection (a) of
11 this section, the amount of \$2,100,000.00 is allocated exclusively for the
12 purchase, outfitting, assignment, and disposal of State Police vehicles. Any
13 unexpended and unencumbered funds remaining in this allocation at the close
14 of a fiscal year shall revert to the Transportation Fund. The Department of
15 Public Safety may periodically recommend to the General Assembly that this
16 allocation be adjusted to reflect market conditions for the vehicles and
17 equipment.

1 * * * Future TH Aid Program Appropriations * * *

2 Sec. 5. PERMANENT INCREASE TO TOWN HIGHWAY AID
3 PROGRAM; LEGISLATIVE INTENT

4 The General Assembly intends that at least \$1,000,000.00 of the
5 \$1,550,000.00 reduction in the amount of transportation funds appropriated to
6 the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a in
7 fiscal year 2018 be allocated to fund a permanent increase of at least
8 \$1,000,000.00 in transportation funds appropriated to the Town Highway Aid
9 Program. This allocation shall be in addition to the \$25,982,744.00 in
10 transportation funds allocated to the Town Highway Aid Program between
11 fiscal years 2013 and 2016.

12 Sec. 6. 19 V.S.A. § 306 is amended to read:

13 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

14 (a) General State aid to town highways. An annual appropriation to class
15 1, 2, and 3 town highways shall be made. This appropriation shall ~~increase or~~
16 ~~decrease over the previous year's appropriation by the same percentage as any~~
17 ~~increase or decrease in the Transportation Agency's total appropriations~~
18 ~~funded by Transportation Fund revenues, excluding the town highway~~
19 ~~appropriations for that year~~ not be less than \$26,982,744.00. The funds
20 appropriated shall be distributed to towns as follows:

1 (1) Six percent of the State’s annual town highway appropriation shall
2 be apportioned to class 1 town highways. The apportionment for each town
3 shall be that town’s percentage of class 1 town highways of the total class 1
4 town highway mileage in the State.

5 (2) Forty-four percent of the State’s annual town highway appropriation
6 shall be apportioned to class 2 town highways. The apportionment for each
7 town shall be that town’s percentage of class 2 town highways of the total class
8 2 town highway mileage in the State.

9 (3) Fifty percent of the State’s annual town highway appropriation shall
10 be apportioned to class 3 town highways. The apportionment for each town
11 shall be that town’s percentage of class 3 town highways of the total class 3
12 town highway mileage in the State.

13 (4) Monies apportioned under subdivisions (1), (2), and (3) of this
14 subsection shall be distributed to each town in quarterly payments beginning
15 July 15 in each year.

16 (5) Each town shall use the monies apportioned to it solely for town
17 highway construction, improvement, and maintenance purposes or as the
18 nonfederal share for public transit assistance. These funds may also be used for
19 the establishment and maintenance of bicycle routes. The members of the
20 selectboard shall be personally liable to the State, in a civil action brought by

1 the Attorney General, for making any unauthorized expenditures from money
2 apportioned to the town under this section.

3 * * *

4 Sec. 7. PROGRAM DEVELOPMENT; ALLOCATION FOR
5 EDUCATION INITIATIVES

6 Within authorized spending in the Program Development Program, the
7 Secretary shall allocate up to \$100,000.00 in federal National Highway
8 Transportation Safety Administration grant funds to the Share the Road
9 Program and to other highway safety educational initiatives. These monies
10 shall be used to educate the users of the State's transportation system on how
11 to improve the safety of all users, including bicyclists and operators of motor
12 vehicles.

13 * * * Roadway Program * * *

14 Sec. 8. ROADWAY PROGRAM; PROJECT CANCELLATION

15 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
16 projects), the General Assembly approves cancellation of the following project
17 from the candidate list within the Roadway Program within the fiscal year
18 2017 Transportation Program: Colchester STP 0207().

1 * * * Traffic and Safety Program * * *

2 Sec. 9. TRAFFIC AND SAFETY PROGRAM; PROJECTS ADDED

3 The following projects are added to the candidate list of the Traffic and
4 Safety Program within the fiscal year 2017 Transportation Program:

5 (1) Derby – US 5/I-91 Exit 28 – intersection improvements.

6 (2) Derby – US 5/VT 105 – intersection improvements.

7 (3) St. Albans – VT 104/I-89 Exit 19 – intersection improvements.

8 * * * Municipal Mitigation Grant Program * * *

9 Sec. 10. MUNICIPAL MITIGATION GRANT PROGRAM

10 Notwithstanding 2015 Acts and Resolves No. 40, Sec. 21a, funding sources
11 for the fiscal year 2017 Municipal Mitigation Grant Program are amended as
12 follows:

13	<u>FY17</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
14	State	1,440,000	1,240,000	-200,000
15	Federal	0	200,000	200,000
16	Clean Water Fund	1,465,000	1,465,000	0
17	Total	2,905,000	2,905,000	0

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* * * Central Garage * * *

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2017, the amount of \$1,283,215.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Positions * * *

Sec. 12. POSITIONS

(a) The Agency is authorized to establish two (2) new permanent classified positions related to water quality improvements.

(b) Seven (7) of the twenty-one (21) limited service positions authorized in 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and Resolves No. 95, Sec. 64, hereby are converted to permanent classified positions.

(c) Nine (9) of the seventeen (17) limited service positions authorized in 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and Resolves No. 95, Sec. 65, hereby are converted to permanent classified positions.

(d) One (1) limited service position, number 861864 (Civil Engineer VII), created on May 6, 2012 and due to expire on December 31, 2016, hereby is converted to a permanent classified position.

1 (e) Three (3) of the seventeen (17) limited service positions authorized in
2 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
3 Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency
4 may use these three positions for activities that are not related to the response
5 to Tropical Storm Irene and the spring 2011 flooding.

6 (f) The following two (2) limited service positions hereby are extended
7 through June 30, 2019: number 861837 (Administrative Services Coordinator
8 I), created on March 11, 2012 and due to expire on June 30, 2016, and number
9 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on
10 December 31, 2016.

11 * * * Rail Program * * *

12 Sec. 13. FISCAL YEAR 2016 RAIL PROGRAM; PROJECT ADDED

13 The following project is added to the candidate list of the Rail Program
14 within the fiscal year 2016 Transportation Program: Rutland – Burlington –
15 TIGERVII () (Western VT Freight–Passenger Rail).

16 * * * Sale of State-Owned Railroad Property * * *

17 Sec. 14. APPROVAL OF SALE OF STATE-OWNED RAILROAD

18 PROPERTY

19 Upon receiving satisfactory evidence of release of the leasehold interest of
20 Vermont Railway, Inc., the Secretary as agent for the State is authorized to
21 convey to the Town of Bennington, in consideration of the sum of \$1.00, a

1 parcel of land of approximately 2.5 acres (the “property”) in the Town of
2 Bennington located south of River Street and west of the 150 Depot Street
3 parcel now or formerly owned by Station Realty, LLC. The conveyance must
4 require that the Town’s interest automatically will terminate in the event the
5 property ceases to be used for public purposes, in which event the property will
6 revert to the State. However, the Secretary and the Town may enter into a
7 boundary adjustment agreement with the owner of the 150 Depot Street parcel
8 in order to cure any title defect that may exist, and the Secretary as agent for
9 the State may disclaim any reversionary interest in the boundary adjustment
10 area.

11 * * * Rail Trespassing * * *

12 Sec. 15. 5 V.S.A. § 3734 is amended to read:

13 § 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY

14 ~~A person who, without right, loiters or remains in a depot, or upon the~~
15 ~~platform, approaches, or grounds adjacent thereto, after being requested to~~
16 ~~leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman,~~
17 ~~shall be fined not more than \$20.00 nor less than \$2.00.~~

18 (a) Definitions. As used in this section:

19 (1) “Passenger” means a person traveling by train with lawful authority
20 and who does not participate in the train’s operation. The term “passenger”
21 does not include a stowaway.

1 (2) “Railroad” means any form of nonhighway ground transportation
2 that runs on rails or electromagnetic guideways. “Railroad” does not include
3 rapid transit operations in an urban area that are not connected to the general
4 railroad system of transportation.

5 (3) “Railroad carrier” means a person providing railroad transportation.

6 (4)(A) “Railroad property” means the following property owned, leased,
7 or operated by a railroad carrier or used in its rail operations:

8 (i) a right-of-way, track, yard, station, shed, or depot;

9 (ii) a train, locomotive, engine, car, work equipment, rolling stock,
10 or safety device; and

11 (iii) a “railroad structure,” which means a bridge, tunnel, viaduct,
12 trestle, culvert, abutment, communication tower, or signal equipment.

13 (B) “Railroad property” does not include inactive railroad property of
14 the Twin State Railroad.

15 (5) “Right-of-way” means the track and roadbed owned, leased, or
16 operated by a railroad carrier and property located on either side of the tracks
17 that is readily recognizable to a reasonable person as being railroad property or
18 is reasonably identified as such by fencing or appropriate signs.

19 (6) “Yard” means a system of parallel tracks, crossovers, and switches
20 where railroad cars are switched and made up into trains, and where railroad

1 cars, locomotives, and other rolling stock are kept when not in use or when
2 awaiting repairs.

3 (b) Trespassing on railroad property prohibited. Except for the purpose of
4 crossing railroad property at a public highway or other authorized crossing, a
5 person shall not, without lawful authority or the railroad carrier's written
6 permission, knowingly enter or remain upon railroad property by an act
7 including:

8 (1) standing, sitting, resting, walking, jogging, or running, or operating a
9 recreational or nonrecreational vehicle, including a bicycle, motorcycle,
10 snowmobile, car, or truck; or

11 (2) engaging in recreational activity, including bicycling, hiking,
12 camping, or cross-country skiing.

13 (c) Stowaways prohibited. A person shall not, without lawful authority or
14 the railroad carrier's written permission, ride on the outside of a train or inside
15 a passenger car, locomotive, or freight car, including a box car, flatbed, or
16 container.

17 (d) Persons not subject to ticketing. The following is a nonexhaustive list
18 of persons who, for the purposes of this section, are not subject to ticketing for
19 trespass under subsections (b) and (c) of this section:

20 (1) passengers on trains, or employees of a railroad carrier while
21 engaged in the performance of their official duties;

1 (2) police officers, firefighters, peace officers, and emergency response
2 personnel, while engaged in the performance of their official duties;

3 (3) a person going upon railroad property in an emergency to rescue
4 from harm a person or animal such as livestock, pets, or wildlife, or to remove
5 an object that the person reasonably believes to pose an imminent hazard;

6 (4) a person on the station grounds or in the depot of the railroad carrier
7 as a passenger or for the purpose of transacting lawful business;

8 (5) a person, or the person's family or invitee, or the person's employee
9 or independent contractor going upon a railroad's right-of-way for the purpose
10 of crossing at a private crossing site approved by the railroad carrier or
11 authorized by law in order to obtain access to land that the person owns, leases,
12 or operates;

13 (6) a person who has permission from the owner, lessee, or operator of
14 land served by a private crossing site approved by the railroad carrier or
15 authorized by law, to use the crossing for recreational purposes and who enters
16 upon the crossing for such purposes;

17 (7) a person having written permission from the railroad carrier to go
18 upon the railroad property in question;

19 (8) representatives of the Transportation Board or Agency of
20 Transportation while engaged in the performance of their official duties;

1 (9) representatives of the Federal Railroad Administration while
2 engaged in the performance of their official duties;

3 (10) representatives of the National Transportation Safety Board while
4 engaged in the performance of their official duties; or

5 (11) a person who enters or remains in a railroad right-of-way, but not
6 within a rail yard or on a railroad structure, while lawfully engaged in hunting,
7 fishing, or trapping; however, a person shall not be exempt from ticketing
8 under this subdivision if he or she enters within an area extending eight feet
9 outward from either side of the rail and within the rail unless he or she crosses
10 and leaves this area quickly, safely, and at an angle of approximately 90
11 degrees to the direction of the rail.

12 (e) Nothing in this section is intended to modify the rights, duties,
13 liabilities, or defenses available to any person under any other law or under a
14 license or agreement.

15 (f) Penalty. A violation of this section is a traffic violation as defined
16 in 23 V.S.A. chapter 24 and an action under this section shall be brought in
17 accordance with 4 V.S.A. chapter 29. A person who violates this section shall
18 be subject to a civil penalty of not more than \$200.00.

1 Sec. 16. 5 V.S.A. § 3735 is amended to read:

2 § 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~

3 ~~PROPERTY; PENALTY~~

4 ~~A person boarding or riding without permission on a train, car, or~~
5 ~~locomotive, other than a passenger train, or a person boarding or riding on a~~
6 ~~passenger train without paying fare, or a person loitering in or about a railroad~~
7 ~~yard, station or car without permission, shall be imprisoned not more than~~
8 ~~90 days, or fined not more than \$25.00, or both. [Repealed.]~~

9 Sec. 17. 23 V.S.A. § 2302(a) is amended to read:

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

11 * * *

12 (7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain
13 State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on
14 railroad property;

15 * * *

16 * * * Transportation Capital Program; Prioritization System * * *

17 Sec. 18. 19 V.S.A. § 10g(1) is amended to read:

18 (1) The Agency shall develop a numerical grading system to assign a
19 priority rating to all Program Development Paving, Program Development
20 Roadway, Program Development Safety and Traffic Operations, Program
21 Development State and Interstate Bridge, Town Highway Bridge, and Bridge

1 Maintenance projects. The rating system shall consist of two separate, additive
2 components as follows:

3 (1) One component shall be limited to asset ~~management-based~~
4 management- and performance-based factors which are objective and
5 quantifiable and shall consider, without limitation, the following:

6 (A) the existing safety conditions in the project area and the impact
7 of the project on improving safety conditions;

8 (B) the average, seasonal, peak, and nonpeak volume of traffic in the
9 project area, including the proportion of traffic volume relative to total volume
10 in the region, and the impact of the project on congestion and mobility
11 conditions in the region;

12 (C) the availability, accessibility, and usability of alternative routes;

13 (D) the impact of the project on future maintenance and
14 reconstruction costs; ~~and~~

15 (E) the relative priority assigned to the project by the relevant
16 regional planning commission ~~or the Chittenden County Metropolitan Planning~~
17 ~~Organization;~~

18 (F) the resilience of the transportation infrastructure to floods and
19 other extreme weather events.

20 (2) The second component of the priority rating system shall consider,
21 without limitation, the following factors:

1 (A) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
2 infrastructure as a ~~link~~ factor in the local, regional, or State economy; and

3 (B) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
4 infrastructure in the health, social, and cultural life of the surrounding
5 communities.

6 (3) The priority rating system for Program Development Roadway
7 projects shall award as bonus points an amount equal to 10 percent of the total
8 base possible rating points to projects within a designated downtown
9 development district established pursuant to 24 V.S.A. § 2793.

1 * * * Adjustments to Existing Projects * * *

2 Sec. 19. 19 V.S.A. § 10h is amended to read:

3 § 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF~~
4 ~~OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~

5 (a) ~~The agency shall report to the transportation board each project for~~
6 ~~which the current construction cost estimate exceeds the last approved~~
7 ~~construction cost estimate by a substantial level, as substantial level is defined~~
8 ~~by the transportation board. The transportation board shall review such a~~
9 ~~project, and may grant approval to proceed. If not approved by the~~
10 ~~transportation board, the project shall not proceed to contract award until~~
11 ~~approved by the general assembly. [Repealed.]~~

12 (b) In connection with any authorized construction project in the state State
13 of Vermont which extends into or affects an adjoining state, the ~~agency~~
14 Agency, on behalf of the state State of Vermont, may enter into a cooperative
15 agreement with the adjoining state or any political subdivision of an adjoining
16 state which apportions duties and responsibilities for planning preliminary
17 engineering, including environmental studies, right-of-way acquisition,
18 construction, and maintenance.

19 Sec. 20. 19 V.S.A. § 10g(h) is amended to read:

20 (h) Should capital projects in the Transportation Program be delayed
21 because of unanticipated problems with permitting, right-of-way acquisition,

1 construction, local concern, or availability of federal or State funds, the
2 Secretary is authorized to advance projects in the approved Transportation
3 Program. The Secretary is further authorized to undertake projects to resolve
4 emergency or safety issues. Upon authorizing a project to resolve an
5 emergency or safety issue, the Secretary shall give prompt notice of the
6 decision and action taken to the Joint Fiscal Office and to the House and
7 Senate Committees on Transportation when the General Assembly is in
8 session, and when the General Assembly is not in session, to the Joint
9 Transportation Oversight Committee. Should an approved project in the
10 current Transportation Program require additional funding to maintain the
11 approved schedule, the Agency is authorized to allocate the necessary
12 resources. However, the Secretary shall not delay or suspend work on
13 approved projects to reallocate funding for other projects except when other
14 funding options are not available. In such case, the Secretary shall notify the
15 members of the Joint Transportation Oversight Committee and the Joint Fiscal
16 Office. With respect to projects in the approved Transportation Program, the
17 Secretary shall notify, in the district affected, the regional planning
18 commission, the municipality, Legislators, members of the Senate and House
19 Committees on Transportation, and the Joint Fiscal Office of ~~any significant~~
20 ~~change in design, change in construction cost estimates requiring referral to the~~
21 ~~Transportation Board under section 10h of this title, or any change which~~

1 likely will affect the fiscal year in which the project is planned to go to
2 construction. No project shall be cancelled without the approval of the General
3 Assembly.

4 * * * Reporting Required in Proposed Transportation Program * * *

5 Sec. 21. 19 V.S.A. § 10g(g) is amended to read:

6 (g) The Agency's annual proposed Transportation Program shall include a
7 ~~separate report~~ project updates referencing this section ~~describing and listing~~
8 the following:

9 (1) all proposed projects in the Program ~~which~~ that would be new to the
10 State Transportation Program if adopted;

11 (2) all projects for which total estimated costs have increased by more
12 than \$8,000,000.00 or by more than 100 percent from the estimate in the prior
13 fiscal year's approved Transportation Program;

14 (3) all projects funded for construction in the prior fiscal year's
15 approved Transportation Program that are no longer funded in the proposed
16 Transportation Program submitted to the General Assembly, the projected
17 costs for such projects in the prior fiscal year's approved Transportation
18 Program, and the total costs incurred over the life of each such project.

1 * * * Joint Transportation Oversight Committee * * *

2 Sec. 22. 19 V.S.A. § 12b is amended to read:

3 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

4 (a) There is created a Joint Transportation Oversight Committee composed
5 of the Chairs of the House and Senate Committees on Appropriations, the
6 House and Senate Committees on Transportation, the House Committee on
7 Ways and Means, and the Senate Committee on Finance. The Committee shall
8 be chaired alternately by the Chairs of the House and Senate Committees on
9 Transportation, and the two-year term shall run concurrently with the biennial
10 session of the Legislature. The Chair of the Senate Committee on
11 Transportation shall chair the Committee during the 2009–2010 legislative
12 session.

13 (b) The Committee shall meet during adjournment for official duties.
14 Meetings shall be convened by the Chair and when practicable shall be
15 coordinated with the regular meetings of the Joint Fiscal Committee. Members
16 shall be entitled to compensation and reimbursement pursuant to 2 V.S.A.
17 § 406. The Committee shall have the assistance of the staff of the Office of
18 Legislative Council and the Joint Fiscal Office.

19 (c) The Committee shall provide legislative ~~overview~~ oversight of the
20 Transportation Fund revenues collection and the operation and administration
21 of the Agency of Transportation construction, paving, and rehabilitation

1 programs. The Secretary of Transportation shall report to the Oversight
2 Committee upon request.

3 ~~(d)(1) In coordination with the regular meetings of the Joint Fiscal~~
4 ~~Committee in mid-November, the Secretary shall prepare a report on the status~~
5 ~~of the State's transportation finances and transportation programs. If a meeting~~
6 ~~of the Committee is not convened on the scheduled dates of the Joint Fiscal~~
7 ~~Committee meetings, the Secretary in advance shall transmit the report~~
8 ~~electronically to the Joint Fiscal Office for distribution to Committee members.~~
9 ~~The report shall list contract bid awards versus project estimates and all known~~
10 ~~or projected cost overruns, project savings, and funding availability from~~
11 ~~delayed projects with respect to:~~

12 ~~(A) all paving projects other than statewide maintenance~~
13 ~~programs; and~~

14 ~~(B) all projects in the Roadway, State Bridge, Interstate Bridge, or~~
15 ~~Town Bridge programs with authorized spending in the fiscal year of~~
16 ~~\$500,000.00 or more with a cost overrun equal to 20 percent or more of the~~
17 ~~authorized spending or generating project savings or delayed project available~~
18 ~~funding equal to 20 percent or more of the authorized spending.~~

19 ~~(2) The report required under subdivision (1) of this subsection also~~
20 ~~shall describe the Agency's actions taken or planned to cover the cost overruns~~
21 ~~and to reallocate the project savings and delayed project funds, and shall~~

1 discuss the Agency's plans to adjust spending to any changes in the consensus
2 forecast for Transportation Fund revenues.

3 (3) If and when applicable, the Secretary shall submit electronically to
4 the Joint Fiscal Office for distribution to members of the Joint Transportation
5 Oversight Committee a report summarizing any plans or actions taken to delay
6 project schedules as a result of:

7 (A)(1) a generalized increase in bids relative to project estimates;

8 (B)(2) changes in the consensus revenue forecast of the Transportation
9 Fund or Transportation Infrastructure Bond Fund; or

10 (C)(3) changes in the availability of federal funds.

11 * * * Appropriation; State Aid for Town Highways * * *

12 Sec. 23. 19 V.S.A. § 306 is amended to read:

13 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

14 * * *

15 (d) State aid for nonfederal disasters. There shall be an annual
16 appropriation for emergency aid in repairing, building, ~~or rebuilding or~~
17 reconstructing class 1, 2, or 3 town highways ~~and bridges~~ and for repairing or
18 replacing drainage structures including bridges on class 1, 2, 3, and 4 town
19 highways damaged by natural or man-made disasters. Eligibility for use of
20 emergency aid under this appropriation shall be subject to the following
21 criteria:

1 (1) The Secretary of Transportation shall determine that the disaster is of
2 such magnitude that State aid is both reasonable and necessary to preserve the
3 public good. If total cumulative damages to town highways and drainage
4 structures are less than the value of 10 percent of the town's overall total
5 highway budget excluding the town's winter maintenance budget, the disaster
6 shall not qualify for assistance under this subsection.

7 (2) The disaster shall not qualify for major disaster assistance from the
8 Federal Emergency Management Agency (FEMA) under the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121
10 et seq., or from the Federal Highway Administration (FHWA) under the
11 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

12 (3) Towns shall be eligible for reimbursement for repair or replacement
13 costs of either up to 90 percent of the eligible repair or replacement costs or the
14 eligible repair or replacement costs, minus an amount equal to 10 percent of
15 the overall total highway budget, minus the town's winter maintenance budget,
16 whichever is greater.

17 (4) For towns that have adopted road and bridge standards, eligibility for
18 reimbursement for repair or replacement of infrastructure shall be to those
19 standards. For towns that have not adopted these standards, eligibility for
20 reimbursement for repair or replacement of infrastructure shall be limited to
21 the specifications of the infrastructure that preexisted the emergency event;

1 however, the repair or replacement shall be to standards approved by the
2 Agency of Transportation.

3 (5) For a drainage structure on a class 4 town highway to be eligible for
4 repair or replacement under this subsection, the town must document that it
5 maintained the structure prior to the nonfederal disaster.

6 (6) Such additional criteria as may be adopted by the Agency of
7 Transportation through rulemaking under 3 V.S.A. chapter 25.

8 * * *

9 * * * Highways; Alterations; Quasi-Judicial Process * * *

10 Sec. 24. 19 V.S.A. § 923 is amended to read:

11 § 923. QUASI-JUDICIAL PROCESS

12 In order to protect the rights of ~~property owners~~ interested persons and the
13 public, the process described in this section shall be used whenever so
14 provided by other provisions of this title. As used in this section, “interested
15 person” means a person who has a legal interest of record in the property that
16 would be affected by the proposed action.

17 (1) ~~Notice~~ ~~Written notice by certified mail shall be given~~ Notice. The
18 selectboard shall give written notice by certified mail or by one of the methods
19 allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of
20 original process to the property owner or any interested person describing the
21 proposed activity affecting the property. The notice shall include a date and

1 time when the selectboard shall inspect the premises. The notice shall precede
2 the inspection by 30 days or more except in the case of an emergency.

3 (2) Inspection of premises—~~The selectmen~~ selectboard shall view the
4 area and receive any testimony pertinent to the problem including suggested
5 awards for damages, if any.

6 (3) Necessity—~~The selectmen~~ selectboard shall decide on the
7 necessity for the activity or work proposed and establish any conditions for
8 accomplishing it. This includes the award of damages, if applicable. The
9 selectboard shall announce the decision and the reason for it ~~shall be~~
10 ~~announced~~ within 10 days of the inspection unless the selectboard formally
11 ~~delayed by the selectboard~~ delays the proceeding in order to receive more
12 testimony.

13 (4) Notifying parties—~~The selectmen~~ selectboard shall notify the
14 ~~property owner~~ interested persons and other interested parties of their decision.
15 They shall file a copy of their decision with the town clerk within 10 days of
16 its announcement.

17 (5) Appeal—~~If an owner~~ interested person is dissatisfied with the
18 award for damages, he or she may appeal using any of the procedures listed in
19 chapter 5 of this title. Notice or petition for appeal shall not delay the
20 proposed work or activity.

1 Sec. 25. 19 V.S.A. § 518 is amended to read:

2 § 518. MINOR ALTERATIONS TO EXISTING FACILITIES

3 (a) ~~For purposes of~~ As used in this section, the term “minor alterations to
4 existing facilities” means any of the following activities involving existing
5 facilities, provided the activity does not require a permit under 10 V.S.A.
6 chapter 151 (Act 250):

7 (1) Activities which qualify as “categorical exclusions” under 23 C.F.R.
8 § 771.117 and the National Environmental Policy Act of 1969, as amended,
9 42 U.S.C. §§ 4321–4347.

10 (2) Activities involving emergency repairs to or emergency replacement
11 of an existing bridge, culvert, highway, or State-owned railroad, even if the
12 need for repairs or replacement does not arise from damage caused by a natural
13 disaster or catastrophic failure from an external cause. Any temporary rights
14 under this subdivision shall be limited to 10 years from the date of taking.

15 (b) In cases involving minor alterations to existing facilities, the Agency,
16 following the procedures of section 923 of this title, may exercise the powers
17 of a selectboard. However, if an interested person has not provided the
18 Agency with identification information necessary to process payment, or if an
19 owner refuses an offer of payment, payment shall be deemed to be tendered
20 when the Agency makes payment into an escrow account that is accessible by
21 the owner upon his or her providing any necessary identification information.

1 If Further, if an appeal is taken under subdivision 923(5) of this title, the
2 person taking the appeal shall follow the procedure specified in section 513 of
3 this title.

4 Sec. 26. [Reserved.]

5 * * * Water Quality * * *

6 Sec. 27. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER
7 CREDIT

8 For the purposes of this section and Secs. 28–33 of this act (Agency of
9 Transportation stormwater credit), the General Assembly finds and declares
10 that:

11 (1) the federal Clean Water Act, State water quality requirements under
12 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit
13 for transportation infrastructure, require the treatment and control of
14 stormwater from State highway rights-of-way and other property owned,
15 controlled, or managed by the Agency; and

16 (2) because of the traditional and continuing expenditures of the Agency
17 for the construction, operation, and maintenance of stormwater control
18 infrastructure designed to control stormwater runoff from State highway
19 rights-of-way and developed lands owned, controlled, or managed by the
20 Agency, it is fair and equitable to provide the Agency with a uniform credit
21 against fees assessed by municipalities for the management of stormwater.

1 Sec. 28. 24 V.S.A. § 3501(7) is amended to read:

2 (7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or~~
3 ~~continuously following therefrom~~ shall have the same meaning as “stormwater
4 runoff” under 10 V.S.A. § 1264.

5 Sec. 29. 24 V.S.A. § 3615 is amended to read:

6 § 3615. RENTS; RATES

7 (a) Such municipal corporation, through its board of sewage disposal
8 commissioners, may establish charges to be called “sewage disposal charges,”
9 to be paid at such times and in such manner as the commissioners may
10 prescribe. The commissioners may establish annual charges separately for
11 bond repayment, fixed operations and maintenance costs (not dependent on
12 actual use), and variable operations and maintenance ~~cost~~ costs dependent on
13 flow. Such charges may be based upon:

14 (1) the metered consumption of water on premises connected with the
15 sewer system, however, the commissioners may determine no user will be
16 billed for fixed operations and maintenance costs and bond payment less than
17 the average single family charge;

18 (2) the number of equivalent units connected with or served by the
19 sewage system based upon their estimated flows compared to the estimated
20 flows from a single family dwelling however, the commissioners may
21 determine no user will be billed less than the minimum charge determined for

1 the single family dwelling charge for fixed operations and maintenance costs
2 and bond payment;

3 (3) the strength and flow where wastes stronger than household wastes
4 are involved;

5 (4) the appraised value of premises, in the event that the commissioners
6 shall determine the sewage disposal plant to be of general benefit to the
7 municipality regardless of actual connection with the same;

8 (5) the commissioners' determination developed using any other
9 equitable basis such as the number and kind of plumbing fixtures, the number
10 of persons residing on or frequenting the premises served by those sewers, the
11 topography, size, type of use, or impervious area of any premises; or

12 (6) any combination of these bases, so long as the combination is
13 equitable.

14 (b) The basis for establishing sewer disposal charges shall be reviewed
15 annually by sewage disposal commissioners. No premises otherwise exempt
16 from taxation, including premises owned by the ~~state~~ State of Vermont, shall,
17 by virtue of any such exemption, be exempt from charges established
18 hereunder. The commissioners may change the rates of such charges from
19 time to time as may be reasonably required. Where one of the bases of such
20 charge is the appraised value and the premises to be appraised are tax exempt,
21 the commissioners may cause the listers to appraise such property, including

1 ~~state~~ State property, for the purpose of determining the sewage disposal
2 charges. The right of appeal from such appraisal shall be the same as provided
3 in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
4 ~~management~~ Commissioner of Finance and Management is authorized to issue
5 his or her warrants for sewage disposal charges against ~~state~~ State property and
6 transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in
7 payment thereof. No charge so established and no tax levied under the
8 provisions of section 3613 of this title shall be considered to be a part of any
9 tax authorized to be assessed by the legislative body of any municipality for
10 general purposes, but shall be in addition to any such tax so authorized to be
11 assessed. Sewage disposal charges established in accord with this section may
12 be assessed by the board of sewage disposal commissioners as provided in
13 section 3614 of this title to derive the revenue required to pay pollution charges
14 assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of
15 Title 10.

16 (c) When a sewage disposal charge established under this section for the
17 management of stormwater is applied to property owned, controlled, or
18 managed by the Agency of Transportation, the charge shall not exceed the
19 highest rate category applicable to other properties in the municipality, and the
20 Agency of Transportation shall receive a 30 percent credit on the charge. The

1 Agency of Transportation shall receive no other credit on the charge from the
2 municipal corporation.

3 Sec. 29a. 24 V.S.A. § 3615(c) is amended to read:

4 (c) When a sewage disposal charge established under this section for the
5 management of stormwater is applied to property owned, controlled, or
6 managed by the Agency of Transportation, the charge shall not exceed the
7 highest rate category applicable to other properties in the municipality, and the
8 Agency of Transportation shall receive a ~~30~~ 35 percent credit on the charge.

9 The Agency of Transportation shall receive no other credit on the charge from
10 the municipal corporation.

11 Sec. 29b. 24 V.S.A. § 3615(c) is amended to read:

12 (c) When a sewage disposal charge established under this section for the
13 management of stormwater is applied to property owned, controlled, or
14 managed by the Agency of Transportation, the charge shall not exceed the
15 highest rate category applicable to other properties in the municipality, and the
16 Agency of Transportation shall receive a ~~35~~ 40 percent credit on the charge.

17 The Agency of Transportation shall receive no other credit on the charge from
18 the municipal corporation.

1 Sec. 30. 24 V.S.A. § 3507 is amended to read:

2 § 3507. DUTIES

3 (a) Such sewage system commissioners shall have the supervision of such
4 municipal sewage system and shall make and establish all needed rates for
5 rent, with rules and regulations for its control and operation. Such
6 commissioners may appoint or remove a superintendent at their pleasure. The
7 rents and receipts for the use of such sewage system shall be used and applied
8 to pay the interest and principal of the sewage system bonds of such municipal
9 corporation, the expense of maintenance and operation of the sewage system,
10 as well as dedicated fund payments provided for in section 3616 of this title.

11 (b) When a rate established under this section for the management of
12 stormwater is applied to property owned, controlled, or managed by the
13 Agency of Transportation, the rate shall not exceed the highest rate category
14 applicable to other properties in the municipality, and the Agency of
15 Transportation shall receive a 30 percent credit on the rate. The Agency of
16 Transportation shall receive no other credit on the rate from the municipal
17 corporation.

18 Sec. 30a. 24 V.S.A. § 3507(b) is amended to read:

19 (b) When a rate established under this section for the management of
20 stormwater is applied to property owned, controlled, or managed by the
21 Agency of Transportation, the rate shall not exceed the highest rate category

1 applicable to other properties in the municipality, and the Agency of
2 Transportation shall receive a ~~30~~ 35 percent credit on the rate. The Agency of
3 Transportation shall receive no other credit on the rate from the municipal
4 corporation.

5 Sec. 30b. 24 V.S.A. § 3507(b) is amended to read:

6 (b) When a rate established under this section for the management of
7 stormwater is applied to property owned, controlled, or managed by the
8 Agency of Transportation, the rate shall not exceed the highest rate category
9 applicable to other properties in the municipality, and the Agency of
10 Transportation shall receive a ~~35~~ 40 percent credit on the rate. The Agency of
11 Transportation shall receive no other credit on the rate from the municipal
12 corporation.

13 Sec. 31. 24 V.S.A. § 3679(c) is added to read:

14 (c) When a rate established under this section for the management of
15 stormwater is applied to property owned, controlled, or managed by the
16 Agency of Transportation, the rate shall not exceed the highest rate category
17 applicable to other properties in the municipality, and the Agency of
18 Transportation shall receive a 30 percent credit on the rate. The Agency of
19 Transportation shall receive no other credit on the rate from the consolidated
20 sewer district.

1 Sec. 31a. 24 V.S.A. § 3679(c) is added to read:

2 (c) When a rate established under this section for the management of
3 stormwater is applied to property owned, controlled, or managed by the
4 Agency of Transportation, the rate shall not exceed the highest rate category
5 applicable to other properties in the municipality, and the Agency of
6 Transportation shall receive a ~~30~~ 35 percent credit on the rate. The Agency of
7 Transportation shall receive no other credit on the rate from the consolidated
8 sewer district.

9 Sec. 31b. 24 V.S.A. § 3679(c) is added to read:

10 (c) When a rate established under this section for the management of
11 stormwater is applied to property owned, controlled, or managed by the
12 Agency of Transportation, the rate shall not exceed the highest rate category
13 applicable to other properties in the municipality, and the Agency of
14 Transportation shall receive a ~~35~~ 40 percent credit on the rate. The Agency of
15 Transportation shall receive no other credit on the rate from the consolidated
16 sewer district.

17 Sec. 32. 10 V.S.A. § 1251(18) is added to read:

18 (18) “Stormwater utility” means a system adopted by a municipality or
19 group of municipalities under 24 V.S.A. chapter 97, 101, or 105 for the
20 management of stormwater runoff.

1 Sec. 33. 10 V.S.A. § 1389(e) is amended to read:

2 (e) Priorities.

3 (1) In making recommendations under subsection (d) of this section
4 regarding the appropriate allocation of funds from the Clean Water Fund, the
5 Board shall prioritize:

6 * * *

7 (H) Funding to municipalities for the establishment and operation of
8 stormwater utilities.

9 (2) In developing its recommendations under subsection (d) of this
10 section regarding the appropriate allocation of funds from the Clean Water
11 Fund, the Clean Water Fund Board shall, during the first three years of its
12 existence and within the priorities established under subdivision (1) of this
13 subsection (e), prioritize awards or assistance to municipalities for municipal
14 compliance with water quality requirements, and to municipalities for the
15 establishment and operation of stormwater utilities.

16 * * *

17 Sec. 34. STORMWATER UTILITY REPORT

18 On or before January 15, 2017, and annually thereafter until January 15,
19 2021, the Agency shall report to the House and Senate Committees on
20 Transportation, the House Committee on Fish, Wildlife and Water Resources,
21 and the Senate Committee on Natural Resources and Energy regarding the

1 status of municipal establishment and implementation of stormwater utilities in
2 the State. The report shall include:

3 (1) the number of municipal stormwater utilities in existence at the time
4 of each report, as indicated by the number of unique municipal rate structures
5 for stormwater mitigation under which the Agency was invoiced in the
6 calendar year preceding a report submitted under this section;

7 (2) the number of new municipal stormwater utilities established in the
8 State in the calendar year preceding a report submitted under this section;

9 (3) the amount of fees paid by the Agency to stormwater utilities in the
10 calendar year preceding a report submitted under this section; and

11 (4) a list of the stormwater projects or programs implemented by the
12 Agency in municipalities with stormwater utilities in the calendar year
13 preceding a report submitted under this section.

14 * * * Statewide Property Parcel Mapping Program * * *

15 Sec. 35. DEVELOPMENT OF STATEWIDE PROPERTY PARCEL

16 DATA LAYER

17 (a) The General Assembly finds that the State has an interest in creating a
18 statewide property parcel data layer. The data layer will include all property
19 parcels in each Vermont town, city, incorporated village, gore, and grant in a
20 standard format and integrate all municipal property parcel maps into one
21 property parcel map for the State.

- 1 (b) The General Assembly further finds that a statewide property parcel
2 data layer will be useful to the Agency for the following applications:
- 3 (1) mapping highway centerlines that end at property boundaries;
4 (2) enabling the Agency to evaluate properties for alternative energy and
5 other possible uses;
- 6 (3) providing right-of-way data to analyze Transportation Separate
7 Storm Sewer System (TS4) assessments;
- 8 (4) streamlining title searches during the project development phase of
9 transportation projects;
- 10 (5) providing linkages between grand list and property parcel data in
11 order to enable the identification of all public land;
- 12 (6) locating encroachments on highways and providing notice to
13 adjoining landowners;
- 14 (7) mapping the locations of surplus and excess property;
- 15 (8) assisting in the appraisal of land and acquisition of rights for
16 transportation projects;
- 17 (9) improving emergency response capabilities;
- 18 (10) identifying encroachments on State-owned railroads and providing
19 notice to adjoining landowners;
- 20 (11) evaluating applications for highway access under 19 V.S.A. § 1111,
21 including utility installations and driveways; and

1 (12) improving the State's ability to identify its assets by accurately
2 cataloguing the location and extent of State-owned rights-of-way.

3 (c)(1) Consistent with Secs. 36–37 of this act, starting in fiscal year 2017,
4 the Agency shall commence development of the statewide digital parcel data
5 layer as part of the Statewide Property Parcel Mapping Program.

6 (2) According to the Agency:

7 (A) development of the data layer is expected to take three years;

8 (B) 80 percent of development costs and future operating costs are
9 expected to be funded with Federal Highway Administration funds and 20
10 percent with State matching funds; and

11 (C) transportation funds will cover the 20 percent State match in
12 fiscal year 2017.

13 (3) The Agency shall continue to work with State agencies and external
14 partners benefited by the data layer, including private funding partners, to
15 develop a memorandum of understanding to address funding sources other
16 than the Transportation Fund for the 20 percent State match for fiscal year
17 2018 and in succeeding fiscal years.

18 Sec. 36. 19 V.S.A. § 10 is amended to read:

19 § 10. DUTIES

20 The Agency shall, except where otherwise specifically provided by law:

21 * * *

1 (17) Administer the Statewide Property Parcel Mapping Program.

2 Sec. 37. 19 V.S.A. § 44 is added to read:

3 § 44. STATEWIDE PROPERTY PARCEL MAPPING PROGRAM

4 (a) Purpose. The purpose of the Statewide Property Parcel Mapping
5 Program is to:

6 (1) develop a statewide property parcel data layer;

7 (2) ensure regular maintenance, including updates, of the data layer; and

8 (3) make property parcel data available to State agencies and
9 departments, regional planning commissions, municipalities, and the public.

10 (b) Property Parcel Data Advisory Board. A Property Parcel Data
11 Advisory Board (Board) is created for the purpose of monitoring the Statewide
12 Property Parcel Mapping Program and making recommendations to the
13 Agency of how the Program can be improved to enhance the usefulness of
14 statewide property parcel data for State agencies and departments, regional
15 planning commissions, municipalities, and the public. The Board shall
16 comprise:

17 (1) the Secretary of Transportation or designee, who shall serve as chair;

18 (2) the Secretary of Natural Resources or designee;

19 (3) the Secretary of Commerce and Community Development
20 or designee;

21 (4) the Commissioner of Taxes or designee;

1 (5) a representative of the Vermont Association of Planning and
2 Development Agencies;

3 (6) a representative of the Vermont League of Cities and Towns; and

4 (7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by
5 the Vermont Society of Land Surveyors.

6 (c) Meetings of Board. The Board shall meet at the call of the Chair or at
7 the request of a majority of its members. The Agency shall provide
8 administrative assistance to the Board and such other assistance as the Board
9 may require to carry out its duties.

10 (d) Standards. The Agency shall update the statewide property parcel data
11 layer in accordance with the standards of the Vermont Geographic Information
12 System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of
13 Vermont Center for Geographic Information).

14 (e) Funding sources. Federal transportation funds shall be used for the
15 development and operation of the Program. In fiscal year 2018 and in
16 succeeding fiscal years, the Agency shall make every effort to ensure that all
17 State matching funds are provided by other State agencies or external partners
18 or both that benefit from the Program.

1 * * * Quechee Gorge Bridge Safety Issues * * *

2 Sec. 38. QUECHEE GORGE BRIDGE SAFETY ISSUES

3 (a) On or before July 1, 2016, or as soon as practicable thereafter if a longer
4 period is required to obtain necessary permits or satisfy federal requirements,
5 the Agency shall complete a project on or proximate to Bridge 61 on
6 US Route 4 in the town of Hartford (Quechee Gorge Bridge) to install a
7 structure providing information and resources, signs, or communication
8 devices, or some combination of these, aimed at preventing suicides at the
9 Quechee Gorge Bridge.

10 (b) In consultation with the Agency of Commerce and Community
11 Development, the Department of Health, the Department of Mental Health, the
12 Department of Public Safety, local officials, local emergency personnel, the
13 Hartford Area Chamber of Commerce, mental health practitioners, local
14 business owners, and other interested stakeholders, the Agency of
15 Transportation shall thoroughly review suicide prevention as well as
16 pedestrian, first responder, and other safety measures that could be taken, and
17 the merits of taking such measures, at the Quechee Gorge Bridge. In
18 conducting this review, the Agency shall identify:

19 (1) short- and long-term suicide prevention as well as pedestrian, first
20 responder, and other safety measures for all users that could be taken at the

1 Quechee Gorge Bridge in addition to the measures taken pursuant to
2 subsection (a) of this section, including:

3 (A) providing information and resources, including emergency
4 contact information and means of emergency communication; and

5 (B) physical improvements to the bridge structure and the
6 surrounding area;

7 (2) estimated costs and benefits and an expected timeline associated
8 with implementing the measures identified in subdivision (1) of this
9 subsection; and

10 (3) economic, community, and tourism concerns associated with
11 implementing the measures identified in subdivision (1) of this subsection.

12 (c) On or before January 10, 2017, the Agency shall report the results of the
13 review required under subsection (b) of this section to the House and Senate
14 Committees on Transportation.

15 * * * Vulnerable Users * * *

16 Sec. 39. 23 V.S.A. § 1033 is amended to read:

17 § 1033. PASSING MOTOR VEHICLES AND VULNERABLE USERS

18 (a) Passing motor vehicles. Motor vehicles proceeding in the same
19 direction may be overtaken and passed only as follows:

20 (1) The driver of a motor vehicle overtaking another motor vehicle
21 proceeding in the same direction may pass to its left at a safe distance, and

1 when so doing shall exercise due care, shall not pass to the left of the center of
2 the highway ~~unless the way ahead is clear of approaching traffic~~ except as
3 authorized in section 1035 of this title, and shall not again drive to the right
4 side of the roadway until safely clear of the overtaken vehicle.

5 (2) Except when overtaking and passing on the right is permitted, the
6 driver of an overtaken motor vehicle shall give way to the right in favor of the
7 overtaking motor vehicle ~~on audible signal~~ and shall not increase the speed of
8 his or her vehicle until completely passed by the overtaking vehicle.

9 (b) Passing vulnerable users. The operator of a motor vehicle approaching
10 or passing a vulnerable user as defined in subdivision 4(81) of this title shall
11 exercise due care, which includes increasing clearance to at least four feet, to
12 pass the vulnerable user safely, and shall cross the center of the highway only
13 as provided in ~~subdivision (a)(1) of this section~~ 1035 of this title. A person
14 who violates this subsection shall be subject to a civil penalty of not less than
15 \$200.00.

16 Sec. 40. 23 V.S.A. § 1035 is amended to read:

17 § 1035. LIMITATIONS

18 (a) ~~No~~ A vehicle shall not be driven to the left side of the center of the
19 roadway in overtaking and passing another vehicle or a vulnerable user
20 proceeding in the same direction unless authorized by the provisions of this
21 chapter and unless the left side is clearly visible and free of oncoming traffic

1 and vulnerable users for a sufficient distance ahead to permit overtaking and
2 passing to be completed without interfering with the operation of any vehicle
3 or with any vulnerable user approaching from the opposite direction or with
4 the operation of any vehicle or with any vulnerable user overtaken. In every
5 event, the overtaking vehicle shall return to an authorized lane of travel as soon
6 as practicable and, if the passing movement involves the use of a lane
7 authorized for vehicles approaching from the opposite direction, before coming
8 within 200 feet of any approaching vehicle or a vulnerable user.

9 (b) A vehicle shall not pass another from the rear under any of the
10 following conditions:

11 (1) when approaching or upon the crest of a grade or upon a curve in the
12 highway where the driver's view is in any way obstructed;

13 (2) when approaching within 100 feet of, or traversing, any intersection
14 or railroad grade crossing unless otherwise indicated by official traffic control
15 devices; or

16 (3) when the view is obstructed upon approaching within 100 feet of any
17 bridge, viaduct, or tunnel.

18 (c) The foregoing limitations do not apply upon a one-way roadway, or
19 when subdivision 1031(a)(2) of this title applies, or where a vehicle is turning
20 left into an alley, private road, or driveway.

1 Sec. 41. 23 V.S.A. § 1049 is amended to read:

2 § 1049. VEHICLE ENTERING FROM PRIVATE ROAD

3 The driver of a vehicle about to enter or cross a highway from an alley,
4 building, private road, or driveway shall yield the right of way to all vehicles
5 and vulnerable users approaching on the highway.

6 Sec. 42. 23 V.S.A. § 1049a is added to read:

7 § 1049a. OBLIGATIONS TO VULNERABLE USERS WHEN
8 TURNING

9 Notwithstanding any provision of this title to the contrary, a person
10 operating a vehicle shall not turn right or left unless the turn can be made at a
11 safe distance from a vulnerable user. A person who violates this section shall
12 be subject to a civil penalty of not less than \$200.00.

13 Sec. 43. 23 V.S.A. § 1064 is amended to read:

14 § 1064. SIGNALS REQUIRED; GENERAL OBLIGATION TO TURN AND
15 MOVE SAFELY

16 (a) Before changing direction or materially slackening speed, a driver shall
17 give warning of his or her intention with the hand signals as provided in
18 section 1065 of this title, or with a mechanical or lighting device approved by
19 the Commissioner of Motor Vehicles. A bicyclist shall give such hand signals
20 unless he or she cannot do so safely.

1 (b) ~~No person may~~ A person shall not turn a vehicle at an intersection
2 unless the vehicle is in proper position upon the roadway as required in section
3 1061 of this title, or turn a vehicle to enter an alley, private road, or driveway,
4 or otherwise turn a vehicle from a direct course or move right or left upon a
5 roadway unless such movement can be made with reasonable safety.

6 (c) No person shall stop or suddenly decrease the speed of a vehicle
7 without first giving an appropriate signal in the manner provided herein to the
8 driver of any vehicle immediately to the rear when there is opportunity to give
9 such signal.

10 (d) A signal of intention to turn right or left when required shall be given
11 continuously during not less than the last 100 feet traveled by the vehicle
12 before turning. A bicyclist shall comply with this subsection unless he or she
13 cannot do so safely.

14 (e) The signals provided for in section 1065 of this title shall be used to
15 indicate an intention to turn, change lanes, or start from a parked position and
16 may not be flashed on one side only on a parked or disabled vehicle, or flashed
17 as a courtesy or “do pass” signal to operators of other vehicles approaching
18 from the rear.

1 Sec. 44. 23 V.S.A. chapter 13, subchapter 12 is amended to read:

2 Subchapter 12. Operation of Bicycles, Electric Personal Assistive Mobility
3 Devices, and Play Vehicles

4 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

5 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

6 (a) The parent of any child and the guardian of any ward may not authorize
7 or knowingly permit any such child or ward to violate any of the provisions of
8 this subchapter.

9 (b) This subchapter applies whenever a bicycle is operated upon any
10 highway or upon any path set aside for the exclusive use of bicycles subject to
11 those exceptions stated herein.

12 (c) Every person riding a bicycle is granted all of the rights and is subject
13 to all of the duties applicable to operators of vehicles, except as to those
14 provisions ~~which~~ that:

15 (1) are inconsistent with provisions that specifically address the rights
16 and duties of vulnerable users generally or bicyclists specifically; or

17 (2) by their very nature can have no application.

18 (d) Except as otherwise may be required under subdivision 1139(a)(1) of
19 this chapter, and notwithstanding any provision of this title to the contrary, a
20 bicyclist riding consistent with the obligations of subsection 1139(a) of this
21 chapter may keep to the right when passing a motor vehicle, regardless of

1 whether the passing movement results from the motor vehicle's slowing down,
2 the bicyclist's continuing forward, or other circumstances that result in the
3 passing.

4 * * *

5 § 1139. RIDING ON ROADWAYS AND BICYCLE PATHS

6 (a) A person operating a bicycle upon a roadway shall exercise due care
7 when passing a standing vehicle or one proceeding in the same direction ~~and~~.
8 Bicyclists generally shall ride as near to the right side of the ~~roadway~~ as
9 ~~practicable, but shall ride to the left or in a left lane~~ improved area of the
10 highway right-of-way as is safe, except that a bicyclist:

11 (1) Shall ride to the left or in a left lane when:

12 ~~(1)(A)~~ preparing for a left turn at an intersection or into a private
13 roadway or driveway;

14 ~~(2)(B)~~ approaching an intersection with a right-turn lane if not turning
15 right at the intersection; or

16 ~~(3)(C)~~ overtaking another ~~highway~~ vulnerable user; or.

17 ~~(4)(2)~~ May ride to the left or in a left lane when taking reasonably
18 necessary precautions to avoid hazards or road conditions. Examples include
19 objects on the road, parked or moving vehicles, pedestrians, animals, surface
20 conditions that may impair the bicyclist's stability, or safety hazards caused by

1 a narrow road or steep embankment, road geometry, or unfavorable
2 atmospheric conditions.

3 * * *

4 * * * Ignition Interlock Devices * * *

5 Sec. 45. 23 V.S.A. § 1200 is amended to read:

6 § 1200. DEFINITIONS

7 As used in this subchapter:

8 * * *

9 (9)(A) “Ignition interlock restricted driver’s license” or “ignition
10 interlock RDL” or “RDL” means a restricted license or privilege to operate a
11 motor vehicle issued by the Commissioner allowing a ~~person~~ resident whose
12 license or privilege to operate has been suspended or revoked for operating
13 under the influence of intoxicating liquor or in excess of legal limits of alcohol
14 concentration, or for refusing an enforcement officer’s reasonable request for
15 an evidentiary test, to operate a motor vehicle, other than a commercial motor
16 vehicle as defined in section 4103 of this title, installed with an approved
17 ignition interlock device.

18 (B) “Ignition interlock certificate” means a restricted privilege to
19 operate a motor vehicle issued by the Commissioner allowing a nonresident
20 whose privilege to operate a motor vehicle in Vermont has been suspended or
21 revoked for operating under the influence of intoxicating liquor or in excess of

1 legal limits of alcohol concentration, or for refusing an enforcement officer's
2 reasonable request for an evidentiary test, to operate a motor vehicle, other
3 than a commercial motor vehicle as defined in section 4103 of this title,
4 installed with an approved ignition interlock device.

5 * * *

6 Sec. 46. 23 V.S.A. § 1209a is amended to read:

7 § 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND
8 DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

9 (a) Conditions of reinstatement. No license or privilege to operate
10 suspended or revoked under this subchapter, except a license or privilege to
11 operate suspended under section 1216 of this title, shall be reinstated except as
12 follows:

13 (1) In the case of a first suspension, a license or privilege to operate
14 shall be reinstated only:

15 (A) after the person has successfully completed an Alcohol and
16 Driving Education Program, at the person's own expense, followed by an
17 assessment of the need for further treatment by a State-designated counselor, at
18 the person's own expense, to determine whether reinstatement should be
19 further conditioned on satisfactory completion of a therapy program agreed to
20 by the person and the Drinking Driver Rehabilitation Program Director;

1 (B) if the screening indicates that therapy is needed, after the person
2 has satisfactorily completed or shown substantial progress in completing a
3 therapy program at the person's own expense agreed to by the person and the
4 Driver Rehabilitation Program Director;

5 (C) if the person elects to operate under an ignition interlock RDL or
6 ignition interlock certificate, after:

7 (i) ~~a period of nine months (plus any extension of this period~~
8 ~~arising from a violation of section 1213 of this title) if the person's license or~~
9 ~~privilege to operate is suspended after a refusal to consent to a law~~
10 ~~enforcement officer's reasonable request for an evidentiary test; or~~

11 (ii) ~~a period of six months (the person operates under the RDL or~~
12 ~~certificate for the applicable period set forth in subsection 1205(a) or section~~
13 ~~1206 of this title, plus any extension of this period arising from a violation of~~
14 ~~section 1213 of this title) in all other cases; and~~

15 (D) if the person has no pending criminal charges, civil citations, or
16 unpaid fines or penalties for a violation under this chapter.

17 (2) In the case of a second suspension, a license or privilege to operate
18 shall not be reinstated until:

19 (A) the person has successfully completed an alcohol and driving
20 rehabilitation program;

1 (B) the person has completed or shown substantial progress in
2 completing a therapy program at the person's own expense agreed to by the
3 person and the Driver Rehabilitation Program Director;

4 (C) ~~if the person elects to operate~~ after the person operates under an
5 ignition interlock RDL, ~~after:~~

6 (i) ~~a period of two years (plus any extension of this period arising~~
7 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
8 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
9 ~~reasonable request for an evidentiary test; or~~

10 (ii) ~~a period of 18 months (~~ or ignition interlock certificate for 18
11 months or, in the case of a person subject to the one year hard suspension
12 prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any
13 extension of this the relevant period arising from a violation of section 1213 of
14 this title) in all other cases, except if otherwise provided in subdivision (a)(4)
15 of this section; and

16 (D) the person has no pending criminal charges, civil citations, or
17 unpaid fines or penalties for a violation under this chapter.

18 (3) In the case of a third or subsequent suspension or a revocation, a
19 license or privilege to operate shall not be reinstated until:

20 (A) the person has successfully completed an alcohol and driving
21 rehabilitation program;

1 (B) the person has completed or shown substantial progress in
2 completing a therapy program at the person's own expense agreed to by the
3 person and the Driver Rehabilitation Program Director;

4 (C) the person has satisfied the requirements of subsection (b) of this
5 section; and

6 ~~(D) if the person elects to operate under an ignition interlock RDL,~~
7 ~~after:~~

8 ~~(i) a period of four years (plus any extension of this period arising~~
9 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
10 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
11 ~~reasonable request for an evidentiary test; or~~

12 ~~(ii) a period of three years (plus any extension of this period arising~~
13 ~~from a violation of section 1213 of this title) in all other cases; and~~

14 ~~(E) the person has no pending criminal charges, civil citations, or~~
15 ~~unpaid fines or penalties for a violation under this chapter.~~

16 (4) The Commissioner shall waive a requirement under subdivision (2)
17 of this subsection or subsection (b) of this section that a person operate under
18 an ignition interlock RDL or certificate prior to eligibility for reinstatement if:

19 (A) the person furnishes sufficient proof as prescribed by the
20 Commissioner that he or she is incapable of using an ignition interlock device
21 because of a medical condition that will persist permanently or at least for the

1 term of the suspension or, in the case of suspensions or revocations for life, for
2 a period of at least three years; or

3 (B) the underlying offenses arose solely from being under the
4 influence of a drug other than alcohol.

5 (b) Abstinence.

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

1 (2) If the Commissioner, or a medical review board convened by the
2 Commissioner, is satisfied by a preponderance of the evidence that the
3 applicant has abstained for the required number of years immediately
4 preceding the application and hearing, has successfully completed a therapy
5 program as required under this section, has operated under a valid ignition
6 interlock RDL or under an ignition interlock certificate for at least three years
7 following the suspension or revocation, and the person appreciates that he or
8 she cannot drink any amount of alcohol and drive safely, the person's license
9 or privilege to operate shall be reinstated immediately, subject to the condition
10 that the person's suspension or revocation will be put back in effect in the
11 event any further investigation reveals a return to the consumption of alcohol
12 or drugs and to such additional conditions as the Commissioner may impose
13 ~~and, if the person has not previously operated for three years under an ignition~~
14 ~~interlock RDL, subject to the additional condition that the person shall operate~~
15 ~~under an ignition interlock restricted driver's license for a period of at least one~~
16 ~~year following reinstatement under this subsection. However, the~~
17 ~~Commissioner may waive this one-year requirement to operate under an~~
18 ~~ignition interlock restricted driver's license if the person furnishes proof as~~
19 ~~prescribed by the Commissioner that he or she is incapable of using an ignition~~
20 ~~interlock device because of a medical condition that will persist permanently or~~
21 ~~at least for one year.~~ The requirement to operate under an ignition interlock

1 RDL or ignition interlock certificate shall not apply if the person is exempt
2 under subdivision (a)(4) of this section.

3 (3) If after notice and hearing the Commissioner later finds that the
4 person was violating the conditions of the person's reinstatement under this
5 subsection, the person's operating license or privilege to operate shall be
6 immediately suspended or revoked for ~~the period of the original suspension~~
7 life.

8 (4) If the Commissioner finds that a person reinstated under this
9 subsection was suspended pursuant to section 1205 of this title, or was
10 convicted of a violation of section 1201 of this title, the person shall be
11 conclusively presumed to be in violation of the conditions of his or her
12 reinstatement.

13 (5) A person shall be eligible for reinstatement under this subsection
14 only once following a suspension or revocation for life.

15 (6)(A) If an applicant for reinstatement under this subsection resides in a
16 jurisdiction other than Vermont, the Commissioner may elect not to conduct an
17 investigation. If the Commissioner elects not to conduct an investigation, he or
18 she shall provide a letter to the applicant's jurisdiction of residence stating that
19 Vermont does not object to the jurisdiction issuing the applicant a license if the
20 applicant is ~~authorized~~ required to operate only vehicles equipped with an
21 ignition interlock device for at least a three-year period, unless exempt under

1 subdivision (a)(4) of this section, and is required to complete any alcohol
2 rehabilitation or treatment requirements of the licensing jurisdiction.

3 (B) If the applicant's jurisdiction of residence is prepared to issue or
4 has issued a license in accordance with subdivision (A) of this subdivision (6)
5 and the applicant satisfies the requirements of section 675 of this title, the
6 Commissioner shall update relevant State and federal databases to reflect that
7 the applicant's lifetime suspension or revocation in Vermont under chapter 13,
8 subchapter 13 of this title has terminated.

9 * * *

10 Sec. 47. 23 V.S.A. § 1213 is amended to read:

11 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
12 CERTIFICATE; PENALTIES

13 (a)(1) ~~First offense.~~ A person whose license or privilege to operate is
14 suspended ~~for a first offense~~ or revoked under this subchapter ~~shall be~~
15 ~~permitted to~~ may operate a motor vehicle, other than a commercial motor
16 vehicle as defined in section 4103 of this title, if issued a valid ignition
17 interlock RDL or ignition interlock certificate. ~~The~~ Upon application, the
18 Commissioner shall issue an ignition interlock RDL ~~to a person eligible under~~
19 ~~section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title upon receipt~~
20 ~~of~~ or ignition interlock certificate to a person otherwise licensed or eligible to
21 be licensed to operate a motor vehicle if:

1 (A) the person submits a \$125.00 application fee, and upon
2 receipt of;

3 (B) the person submits satisfactory proof of installation of an
4 approved ignition interlock device in any motor vehicle to be operated; and of
5 financial responsibility as provided in section 801 of this title; ~~and enrollment~~
6 ~~in an Alcohol and Driving Education Program. The RDL shall be valid after~~
7 ~~expiration of the applicable shortened period specified in section 1205(a)(1),~~
8 ~~1205(a)(2), 1206(a), or 1216(a)(1) of this title;~~

9 (C) at least one year has passed since the suspension or revocation
10 was imposed if the offense involved death or serious bodily injury to a person
11 other than the operator; and

12 (D) the applicable period set forth below has passed since the
13 suspension or revocation was imposed if the offense involved refusal of an
14 enforcement officer's reasonable request for an evidentiary test:

15 (i) 30 days for a first offense;

16 (ii) 90 days for a second offense;

17 (iii) one year for a third or subsequent offense.

18 (2) A new ignition interlock RDL or ignition interlock certificate shall
19 expire at midnight on the eve of the second birthday of the applicant following
20 the date of issue, and may be renewed for one-year terms. The Commissioner
21 shall send by first class mail an application for renewal of the RDL or

1 certificate at least 30 days prior to the day renewal is required and shall impose
2 the same conditions for renewal as are required for initial issuance ~~of an~~
3 ~~ignition interlock RDL~~. The renewal fee shall be \$125.00.

4 (b) ~~Second offense. A person whose license or privilege to operate is~~
5 ~~suspended for a second offense under this subchapter shall be permitted to~~
6 ~~operate a motor vehicle, other than a commercial motor vehicle as defined in~~
7 ~~section 4103 of this title, if issued a valid ignition interlock RDL. The~~
8 ~~Commissioner shall issue an ignition interlock RDL to a person eligible under~~
9 ~~section 1205(m), 1208(a), or 1216(a)(2) of this title upon receipt of a \$125.00~~
10 ~~application fee, and upon receipt of satisfactory proof of installation of an~~
11 ~~approved ignition interlock device in any motor vehicle to be operated,~~
12 ~~financial responsibility as provided in section 801 of this title, and enrollment~~
13 ~~in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid~~
14 ~~after expiration of the applicable shortened period specified in section~~
15 ~~1205(m), 1208(a), or 1216(a)(2) of this title. A new ignition interlock RDL~~
16 ~~shall expire at midnight on the eve of the second birthday of the applicant~~
17 ~~following the date of issue, and may be renewed for one-year terms. The~~
18 ~~Commissioner shall send by first class mail an application for renewal of the~~
19 ~~RDL at least 30 days prior to the day renewal is required and shall impose the~~
20 ~~same conditions for renewal as are required for initial issuance of an ignition~~
21 ~~interlock RDL. The renewal fee shall be \$125.00. [Repealed.]~~

1 (c) ~~Third or subsequent offense. A person whose license or privilege to~~
2 ~~operate is suspended or revoked for a third or subsequent offense under this~~
3 ~~subchapter shall be permitted to operate a motor vehicle, other than a~~
4 ~~commercial motor vehicle as defined in section 4103 of this title, if issued a~~
5 ~~valid ignition interlock RDL. The Commissioner shall issue an ignition~~
6 ~~interlock RDL to a person eligible under section 1205(a)(3), 1205(m), 1208(b),~~
7 ~~or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon~~
8 ~~receipt of satisfactory proof of installation of an approved ignition interlock~~
9 ~~device in any motor vehicle to be operated, financial responsibility as provided~~
10 ~~in section 801 of this title, and enrollment in an Alcohol and Driving~~
11 ~~Rehabilitation Program. The RDL shall be valid after expiration of the~~
12 ~~applicable shortened period specified in section 1205(a)(3), 1205(m), 1208(b),~~
13 ~~or 1216(a)(2) of this title. A new ignition interlock RDL shall expire at~~
14 ~~midnight on the eve of the second birthday of the applicant following the date~~
15 ~~of issue, and may be renewed for one year terms. The Commissioner shall~~
16 ~~send by first class mail an application for renewal of the RDL at least 30 days~~
17 ~~prior to the day renewal is required and shall impose the same conditions for~~
18 ~~renewal as are required for initial issuance of an ignition interlock RDL. The~~
19 ~~renewal fee shall be \$125.00. [Repealed.]~~

20 (d) If a fine is to be imposed for a conviction of a violation of section 1201
21 of this title, upon receipt of proof of installation of an approved ignition

1 interlock device, the Court may order that the fine of an indigent person
2 conditionally be reduced by one-half to defray the costs of the ignition
3 interlock device, subject to the person's ongoing operation under, and
4 compliance with the terms of, a valid ignition interlock RDL or ignition
5 interlock certificate as set forth in this section. In considering whether a
6 person's fine should be reduced under this subsection, the Court shall take into
7 account any discount already provided by the device manufacturer or provider.

8 (e) ~~The~~ Except as provided in subsection (m) of this section, the holder of
9 an ignition interlock RDL or ignition interlock certificate shall pay the costs of
10 installing, purchasing or leasing, and removing the ignition interlock device as
11 well as calibrating the device and retrieving data from it periodically as may be
12 specified by the Commissioner.

13 (f)(1) Prior to the issuance of an ignition interlock RDL or ignition
14 interlock certificate under this section, the Commissioner shall notify the
15 applicant ~~of the applicable~~ that the period prior to eligibility for reinstatement
16 ~~under section 1209a or 1216 of this title, and that the reinstatement period~~ may
17 be extended under this subsection (f) or subsections (g)–(h) of this section.

18 (2)(A) Prior to any such extension of the reinstatement period, the
19 ignition interlock RDL or certificate holder shall be given notice and
20 opportunity for a hearing. Service of the notice shall be sent by first class mail
21 to the last known address of the person. The notice shall include a factual

1 description of the grounds for an extension, a reference to the particular law
2 allegedly violated, and a warning that the right to a hearing will be deemed
3 waived, and an extension of the reinstatement period will be imposed, if a
4 written request for a hearing is not received at the Department of Motor
5 Vehicles within 15 days after the date of the notice.

6 * * *

7 (3)(A) A holder of an ignition interlock RDL or certificate who, prior to
8 eligibility for reinstatement under section 1209a or 1216 of this title, is
9 prevented from starting a motor vehicle because the ignition interlock device
10 records a blood alcohol concentration of 0.04 or above, shall be subject to a
11 three-month extension of the applicable reinstatement period in the event of
12 three such recorded events, and to consecutive three-month extensions for
13 every additional three recorded events thereafter. The Commissioner shall
14 disregard a recording of 0.04 or above for the purposes of this subdivision if
15 the Commissioner in his or her discretion finds, based on a pattern of tests or
16 other reliable information, that the recording does not indicate the consumption
17 of intoxicating liquor by the holder. The Commissioner shall notify the holder
18 in writing after every recording of 0.04 or above that indicates the consumption
19 of intoxicating liquor by the holder and, prior to any extension under this
20 subdivision, the holder shall have the opportunity to be heard pursuant to
21 subdivision (2) of this subsection (f).

1 (B) A holder of an ignition interlock RDL or certificate who, prior to
2 eligibility for reinstatement under section 1209a or 1216 of this title, fails a
3 random retest because the ignition interlock device records a blood alcohol
4 concentration of 0.04 or above and below 0.08, shall be subject to consecutive
5 three-month extensions of the applicable reinstatement period for every such
6 recorded event. A holder who fails a random retest because of a recording of
7 0.08 or above shall be subject to consecutive six-month extensions of the
8 applicable reinstatement period for every such recorded event. The
9 Commissioner shall disregard a recording of 0.04 or above for the purposes of
10 this subdivision if the Commissioner in his or her discretion finds, based on a
11 pattern of tests or other reliable information, that the recording does not
12 indicate the consumption of intoxicating liquor by the holder. The
13 Commissioner shall notify the holder in writing after every recording of 0.04
14 or above that is indicative of the consumption of intoxicating liquor by the
15 holder and, prior to any extension under this subdivision, the holder shall have
16 the opportunity to be heard pursuant to subdivision (2) of this subsection (f).

17 (g) The holder of an ignition interlock RDL or certificate shall operate only
18 motor vehicles equipped with an ignition interlock device, shall not attempt or
19 take any action to tamper with or otherwise circumvent an ignition interlock
20 device, and, after failing a random retest, shall pull over and shut off the
21 vehicle's engine as soon as practicable. A person who violates any provision

1 of this section commits a criminal offense, shall be subject to the sanctions and
2 procedures provided for in subsections 674(b)–(i) of this title, and, upon
3 conviction, the applicable period prior to eligibility for reinstatement under
4 section 1209a or 1216 of this title shall be extended by six months.

5 (h) A person who violates a rule adopted by the Commissioner pursuant to
6 subsection (l) of this section shall, after notice and an opportunity to be heard
7 is provided pursuant to subdivision (f)(2) of this section, be subject to an
8 extension of the period prior to eligibility for reinstatement under section
9 1209a or 1216 of this title in accordance with rules adopted by the
10 Commissioner.

11 (i) Upon receipt of notice that the holder of an ignition interlock RDL or
12 certificate has been ~~adjudicated~~ convicted of an offense under this title that
13 would result in suspension, revocation, or recall of a license or privilege to
14 operate, the Commissioner shall suspend, revoke, or recall the person's
15 ignition interlock RDL or certificate for the same period that the license or
16 privilege to operate would have been suspended, revoked, or recalled. The
17 Commissioner may impose a reinstatement fee in accordance with section 675
18 of this title and require, prior to reinstatement, satisfactory proof of installation
19 of an approved ignition interlock device, and of financial responsibility as
20 provided in section 801 of this title, ~~and enrollment in or completion of an~~
21 ~~alcohol and driving education or rehabilitation program.~~

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(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic signaling by the vehicle if the operator fails such a retest. The Commissioner shall certify devices that meet these standards, specify any periodic calibration that may be required to ensure accuracy of the devices, and specify the means and frequency of the retrieval and sharing of data collected by ignition interlock devices. Persons who elect to obtain an ignition interlock RDL or certificate following a conviction under this subchapter when the person's blood alcohol concentration is proven to be 0.16 or more shall be required to install an ignition interlock device with a Global Positioning System feature.

1 The rules also shall establish a schedule of extensions of the period prior to
2 eligibility for reinstatement as authorized under subsection (h) of this section.

3 Sec. 48. [Reserved.]

4 Sec. 49. 23 V.S.A. § 1205 is amended to read:

5 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

6 (a) Refusal; alcohol concentration above legal limits; suspension periods.

7 (1) Upon affidavit of a law enforcement officer that the officer had
8 reasonable grounds to believe that the person was operating, attempting to
9 operate, or in actual physical control of a vehicle in violation of section 1201
10 of this title and that the person refused to submit to a test, the Commissioner
11 shall suspend the person's operating license, or nonresident operating
12 privilege, or the privilege of an unlicensed operator to operate a vehicle for a
13 period of six months and until the person complies with section 1209a of this
14 title. However, ~~a~~ during the suspension, an eligible person may operate under
15 the terms of an ignition interlock RDL or ignition interlock certificate issued
16 pursuant to section 1213 of this title ~~after 30 days of this six-month period~~
17 ~~unless the alleged offense involved a collision resulting in serious bodily injury~~
18 ~~or death to another.~~

19 (2) Upon affidavit of a law enforcement officer that the officer had
20 reasonable grounds to believe that the person was operating, attempting to
21 operate, or in actual physical control of a vehicle in violation of section 1201

1 of this title and that the person submitted to a test and the test results indicated
2 that the person's alcohol concentration was above a limit specified in
3 subsection 1201(a) of this title, at the time of operating, attempting to operate,
4 or being in actual physical control, the Commissioner shall suspend the
5 person's operating license, or nonresident operating privilege, or the privilege
6 of an unlicensed operator to operate a vehicle for a period of 90 days and until
7 the person complies with section 1209a of this title. However, a during the
8 suspension, an eligible person may operate under the terms of an ignition
9 interlock RDL or ignition interlock certificate issued pursuant to section 1213
10 of this title ~~after 30 days of this 90-day period unless the alleged offense~~
11 ~~involved a collision resulting in serious bodily injury or death to another.~~

12 (3) Upon affidavit of a law enforcement officer that the officer had
13 reasonable grounds to believe that the person was operating, attempting to
14 operate, or in actual physical control of a vehicle in violation of subdivision
15 1201(d)(2) of this title and that the person submitted to a test and the test
16 results indicated that the person's alcohol concentration was 0.02 or more at
17 the time of operating, attempting to operate, or being in actual physical control,
18 the Commissioner shall suspend the person's operating license, or nonresident
19 operating privilege, or the privilege of an unlicensed operator to operate a
20 vehicle for life. However, a during the suspension, an eligible person may
21 ~~operate under the terms of an ignition interlock RDL issued pursuant to section~~

1 ~~1213 of this title after one year of this lifetime suspension unless the alleged~~
2 ~~offense involved a collision resulting in serious bodily injury or death to~~
3 ~~another~~ operate under the terms of an ignition interlock RDL or ignition
4 interlock certificate issued under section 1213 of this title.

5 * * *

6 (d) Form of notice. The notice of intention to suspend and of suspension
7 shall be in a form prescribed by the Supreme Court. The notice shall include
8 an explanation of rights, a form to be used to request a hearing, and, if a
9 hearing is requested, the date, time, and location of the Criminal Division of
10 the Superior Court where the person must appear for a preliminary hearing.

11 The notice shall also contain, in boldface print, the following:

12 (1) You have the right to ask for a hearing to contest the suspension of
13 your operator's license.

14 (2) This notice shall serve as a temporary operator's license and is valid
15 until 12:01 a.m. of the date of suspension. If this is your first violation of
16 section 1201 of this title and if you do not request a hearing, your license will
17 be suspended as provided in this notice. If this is your second or subsequent
18 violation of section 1201 of this title, your license will be suspended on the
19 11th day after you receive this notice. It is a crime to drive while your license
20 is suspended unless you have been issued an ignition interlock restricted
21 driver's license or ignition interlock certificate.

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(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall be 18 months and until the person complies with section 1209a of this title. However, a during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title ~~after 90 days of this 18-month period unless the alleged offense involved a collision resulting in serious bodily injury or death to another.~~ For a third or subsequent suspension under this subchapter, the period of suspension shall be life. However, ~~a person may operate under the terms of an ignition interlock RDL issued pursuant to section 1213 of this title after one year of~~ during this lifetime suspension ~~unless the alleged offense involved a collision resulting in serious bodily injury or death to another,~~ an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.

* * *

Sec. 50. 23 V.S.A. § 1206 is amended to read:

§ 1206. SUSPENSION OF LICENSE FOR DRIVING WHILE UNDER
INFLUENCE; FIRST CONVICTIONS

(a) First conviction—generally. Except as otherwise provided, upon conviction of a person for violating a provision of section 1201 of this title, or

1 upon final determination of an appeal, the Court shall forward the conviction
2 report forthwith to the Commissioner of Motor Vehicles. The Commissioner
3 shall immediately suspend the person's operating license; or nonresident
4 operating privilege; or the privilege of an unlicensed operator to operate a
5 vehicle for a period of 90 days and until the defendant complies with section
6 1209a of this title. ~~However, a person may operate under the terms of an~~
7 ~~ignition interlock RDL issued pursuant to section 1213 of this title after 30~~
8 ~~days of this 90 day period unless the offense involved a collision resulting in~~
9 ~~serious bodily injury or death to another.~~

10 (b) Extended suspension—fatality or serious bodily injury. In cases
11 resulting in a fatality or serious bodily injury to a person other than the
12 defendant, the period of suspension shall be one year and until the defendant
13 complies with section 1209a of this title.

14 (c) ~~Extended suspension—refusal; serious bodily injury~~. ~~Upon conviction of~~
15 ~~a person for violating a provision of subsection 1201(c) of this title involving a~~
16 ~~collision in which serious bodily injury resulted, or upon final determination of~~
17 ~~an appeal, the Court shall forward the conviction report forthwith to the~~
18 ~~Commissioner of Motor Vehicles. The Commissioner shall immediately~~
19 ~~suspend the person's operating license or nonresident operating privilege or the~~
20 ~~privilege of an unlicensed operator to operate a vehicle for a period of six~~
21 ~~months, and until the defendant complies with section 1209a of this title.~~

1 During a suspension under this section, an eligible person may operate a motor
2 vehicle under the terms of an ignition interlock RDL or ignition interlock
3 certificate issued under section 1213 of this title.

4 Sec. 51. 23 V.S.A. § 1208 is amended to read:

5 § 1208. SUSPENSIONS FOR SUBSEQUENT CONVICTIONS

6 (a) Second conviction. Upon a second conviction of a person violating a
7 provision of section 1201 of this title and upon final determination of an
8 appeal, the Court shall forward the conviction report forthwith to the
9 Commissioner of Motor Vehicles. The Commissioner shall immediately
10 suspend the person's operating license, or nonresident operating privilege or
11 the privilege of an unlicensed operator to operate a vehicle for 18 months and
12 until the defendant complies with section 1209a of this title. However, a
13 during the suspension, an eligible person may operate under the terms of an
14 ignition interlock RDL or ignition interlock certificate issued pursuant to
15 section 1213 of this title ~~after 90 days of this 18-month period unless the~~
16 ~~alleged offense involved a collision resulting in serious bodily injury or death~~
17 ~~to another.~~

18 (b) Third conviction. Upon a third or subsequent conviction of a person
19 violating a provision of section 1201 of this title and upon final determination
20 of any appeal, the Court shall forward the conviction report forthwith to the
21 Commissioner of Motor Vehicles. The Commissioner shall immediately

1 revoke the person's operating license, or nonresident operating privilege or the
2 privilege of an unlicensed operator to operate a motor vehicle for life.

3 However, ~~a person may operate under the terms of an ignition interlock RDL~~
4 ~~issued pursuant to section 1213 of this title after one year of~~ during this
5 lifetime suspension ~~unless the alleged offense involved a collision resulting in~~
6 ~~serious bodily injury or death to another~~ revocation, an eligible person may
7 operate under the terms of an ignition interlock RDL or ignition interlock
8 certificate issued under section 1213 of this title.

9 Sec. 52. 23 V.S.A. § 1216 is amended to read:

10 § 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
11 CONCENTRATION OF 0.02 OR MORE

12 (a) A person under ~~the age of~~ 21 years of age who operates, attempts to
13 operate, or is in actual physical control of a vehicle on a highway when the
14 person's alcohol concentration is 0.02 or more, commits a civil traffic violation
15 subject to the jurisdiction of the Judicial Bureau and subject to the following
16 sanctions:

17 (1) For a first violation, the person's license or privilege to operate shall
18 be suspended for six months and until the person complies with subdivision
19 1209a(a)(1) of this title. However, ~~a~~ during the suspension, an eligible person
20 may operate under the terms of an ignition interlock RDL or ignition interlock
21 certificate issued pursuant to section 1213 of this title ~~after 30 days of this six-~~

1 ~~month period unless the offense involved a collision resulting in serious bodily~~
2 ~~injury or death to another. A person who elects to operate under an RDL or~~
3 ~~certificate shall not be eligible for reinstatement unless he or she operates~~
4 ~~under the RDL or certificate for six months plus any extension of this period~~
5 ~~arising from a violation of section 1213 of this title.~~

6 (2) For a second or subsequent violation, the person's license or
7 privilege to operate shall be suspended until the person reaches ~~the age of~~
8 21 years of age or for one year, whichever is longer, and complies with
9 subdivision 1209a(a)(2)(A), (B), and (D) of this title. However, ~~a~~ during the
10 suspension, an eligible person may operate under the terms of an ignition
11 interlock RDL or ignition interlock certificate issued pursuant to section 1213
12 of this title ~~after 90 days of the applicable suspension period unless the offense~~
13 ~~involved a collision resulting in serious bodily injury or death to another. A~~
14 ~~person who elects to operate under an RDL or certificate shall not be eligible~~
15 ~~for reinstatement unless he or she operates under the RDL or certificate for one~~
16 ~~year or until the person reaches 21 years of age, whichever is longer, plus any~~
17 ~~extension of this period arising from a violation of section 1213 of this title.~~

18 (b) ~~A person's license or privilege to operate that has been suspended under~~
19 ~~this section shall not be reinstated until:~~

1 ~~(1) the Commissioner has received satisfactory evidence that the person~~
2 ~~has complied with section 1209a of this title and the provider of the therapy~~
3 ~~program has been paid in full;~~

4 ~~(2) the person has no pending criminal charges, civil citations, or unpaid~~
5 ~~fines or penalties for a violation under this chapter; and~~

6 ~~(3)(A) for persons operating under an ignition interlock RDL for a first~~
7 ~~offense, after:~~

8 ~~(i) a period of one year (plus any extension of this period arising~~
9 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
10 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
11 ~~reasonable request for an evidentiary test; or~~

12 ~~(ii) a period of nine months (plus any extension of this period~~
13 ~~arising from a violation of section 1213 of this title) in all other cases; or~~

14 ~~(B) for persons operating under an ignition interlock RDL for a~~
15 ~~second or subsequent offense, after:~~

16 ~~(i) a period of two years (plus any extension of this period arising~~
17 ~~from a violation of section 1213 of this title) or until the person is 21,~~
18 ~~whichever is longer, if the person's license or privilege to operate is suspended~~
19 ~~after a refusal to consent to a law enforcement officer's reasonable request for~~
20 ~~an evidentiary test; or~~

1 meets the requirements of this subdivision may refer to a census-designated
2 place within a town rather than the town itself. As used in this subdivision,
3 “census-designated place” means a statistical entity consisting of a settled
4 concentration of population that is identifiable by name, is not legally
5 incorporated under the laws of the State, and is delineated as such a place by
6 the U.S. Census Bureau according to its guidelines.

7 * * *

8 * * * Dealers * * *

9 Sec. 54. 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. 55. 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. 56. 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. 57. 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. 58. 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. 59. 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. 60. 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. 61. 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. 62. 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.]~~

* * * Operator's Licenses * * *

Sec. 63. 23 V.S.A. § 601 is amended to read:

§ 601. LICENSE REQUIRED

(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section ~~414~~ 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

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

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

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

(C) he or she holds a valid license or permit to operate a motor 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. 64. 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. 65. 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. 66. 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. 67. 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. 68. 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. 69. 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;

* * * School Bus Operators * * *

1
2 Sec. 71. 23 V.S.A. § 1282(d) is amended to read:

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

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

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

20 (2) Upon receipt of a certificate required by this subsection which
21 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. 72. 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. 73. 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. 74. 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. 75. 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. 76. 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. 77. 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~~ the 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. 78. 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. 79. 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. 80. 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. 81. 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. 82. 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. 83. 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. 84. 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 1.5 nanograms per milliliter 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. 85. 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. 86. 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~~ rulemaking procedures
9 to select its method or methods. Failure of a person to provide an adequate
10 breath or saliva 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~~ the accident within
6 five days of ~~such~~ the 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. 87. 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 or saliva test, 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. 88. 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 1.5 nanograms per milliliter of delta-9
18 tetrahydrocannabinol in the person's blood, it shall be a permissive inference
19 that the person was under the combined influence of alcohol and any other
20 drug in violation of subdivision 1201(a)(3) of this title.

1 (4) If the person's alcohol concentration at any time within two hours of
2 the alleged offense was 0.10 or more, it shall be a permissive inference that the
3 person was under the influence of intoxicating liquor in violation of
4 subdivision 1201(a)(2) or (3) of this title.

5 (b) The foregoing provisions shall not be construed as limiting the
6 introduction of any other competent evidence bearing upon the question
7 whether the person was under the influence of intoxicating liquor, nor shall
8 they be construed as requiring that evidence of the amount of alcohol in the
9 person's blood, breath, urine, or saliva must be presented.

10 * * * Colored Lights on Fire Department and EMS Vehicles * * *

11 Sec. 89. 23 V.S.A. § 1252 is amended to read:

12 § 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
13 OR BOTH; USE OF AMBER LAMPS

14 (a) When satisfied as to the condition and use of the vehicle, the
15 Commissioner shall issue and may revoke, for cause, permits for sirens or
16 colored signal lamps in the following manner:

17 (1)(A) Sirens or blue or blue and white signal lamps, or a combination
18 of these, may be authorized for all law enforcement vehicles owned or leased
19 by a law enforcement agency, a certified law enforcement officer, or the
20 Vermont Criminal Justice Training Council. If the applicant is a constable, the
21 application shall be accompanied by a certification by the town clerk that the

1 applicant is the duly elected or appointed constable and attesting that the town
2 has not voted to limit the constable's authority to engage in enforcement
3 activities under 24 V.S.A. § 1936a.

4 (B) One blue signal lamp may be authorized for use on a vehicle
5 owned or leased by a fire department or on an emergency medical service
6 (EMS) vehicle, provided that the Commissioner shall require the lamp to be
7 mounted so as to be visible primarily from the rear of the vehicle.

8 (2) Sirens and red or red and white signal lamps may be authorized for
9 all ambulances and other EMS vehicles, fire apparatus department vehicles,
10 vehicles used solely in rescue operations, or vehicles owned or leased by, or
11 provided to, volunteer firefighters and voluntary rescue squad members,
12 including a vehicle owned by a volunteer's employer when the volunteer has
13 the written authorization of the employer to use the vehicle for emergency fire
14 or rescue activities.

15 ~~(3) No vehicle may be authorized a permit for more than one of the~~
16 ~~combinations described in subdivisions (1) and (2) of this subsection.~~

17 [Repealed.]

18 (4) No motor vehicle, other than one owned by the applicant, shall be
19 issued a permit until the Commissioner has recorded the information regarding
20 both the owner of the vehicle and the applicant for the permit.

1 operator of vehicles used in a rescue operation, is operating a motor vehicle
2 equipped as provided in subdivision 1252(a)(2) of this title, the colored signal
3 lamps shall be either removed, covered, or hooded unless the operator holds a
4 senior operator license.

5 * * * Effective Dates and Transition Provision * * *

6 Sec. 91. EFFECTIVE DATES; CONTINGENT EFFECTIVE DATES;

7 APPLICABILITY TO DUI MATTERS

8 (a) This section and Secs. 12 (positions); 13 (Rail Program); 14 (sale of
9 State-owned rail property); Secs. 26, 27, 28, 29, 30, 31, 32, and 33 (stormwater
10 utilities; rates; incentives); 35 (statewide property parcel data layer; findings);
11 38 (Quechee Gorge Bridge safety issues); Sec. 81 (chemicals of high concern
12 to children); and 82 (prohibited idling of motor vehicles; signs) shall take
13 effect on passage.

14 (b) Secs. 29a, 30a, and 31a shall take effect if and when two stormwater
15 utilities, as defined in 10 V.S.A. § 1251(18), are adopted by municipalities
16 after the effective date of Secs. 29, 30, and 31 of this act.

17 (c) Sec. 29b, 30b, and 31b shall take effect if and when three stormwater
18 utilities, as defined in 10 V.S.A. § 1251(18), are adopted by municipalities
19 after the effective date of Secs. 29, 30, and 31 of this act.

20 (d) The requirement for a second or subsequent DUI offender to operate
21 under an ignition interlock RDL or certificate as a condition of eligibility for

1 reinstatement of the offender's regular operator's license or privilege to
2 operate, created under Sec. 46, amending 23 V.S.A. § 1209a, shall apply only
3 in connection with a second or subsequent DUI offense that occurs on or after
4 July 1, 2016.