

DMV Miscellaneous Motor Vehicle Bill

Dr. 5.4, voted out of SCOT 2/27/16

Sec #	Topic	Description
1	Snowmobile, motorboat, ATV, trailer, and motorcycle dealers	<p><u>Subdiv. (8)(A)(ii)</u> amends the definition of “dealer” so that to qualify as a dealer “engaged in the business” of selling snowmobiles, motorboats, or ATVs; or of selling trailers; or of selling motorcycles or motor-driven cycles, a person must have sold at least 6 such vehicles in the immediately preceding year or 12 in the two immediately preceding years.</p> <p><u>Subdiv. (8)(A)(ii)(III)</u> exempts small trailers with a gross vehicle weight rating of 3,500 pounds or less from counting toward the sales threshold to qualify as a dealer.</p>
2	Review of dealer regulations	Directs the Commissioner of Motor Vehicles, in consultation with new and used dealers and other interested persons, to review Vermont’s regulation of dealers and the regulation of dealers by other states in order to determine whether Vermont’s system of dealer regulation should be updated. The Commissioner is directed to report back to the Committees on Transportation on or before January 15, 2017, with findings, recommendations, and any proposed legislation.
3–4	Motor-assisted bicycles	<p><u>Sec. 3</u> creates a definition for the phrase “motor-assisted bicycle,” which is a bicycle or tricycle with fully operable pedals that is equipped with a motor capable of generating a maximum power or producing a maximum top speed prescribed by the Commissioner of Motor Vehicles.</p> <p><u>Sec. 4</u> provides that motor-assisted bicycles are to be governed by Vermont laws applicable to bicycles, and are exempt from registration, licensing, and inspection requirements.</p>
5	Nondriver identification cards	<p><u>Subsec. (b)</u> increases the renewal fee for a four-year nondriver identification card from \$20 to \$24 (consistent with the Governor’s fee bill proposal), and authorizes the Commissioner of Motor Vehicles to send renewal notices electronically.</p> <p><u>Subsec. (i)</u> strikes outmoded language regarding data storage technology used in nondriver identification cards and the data elements required to be stored, in order to cross-reference the current federal standards.</p> <p><u>Further explanation if needed:</u> Federal standards governing licenses and id cards require use of bar codes that store 10 minimum data elements.</p>
6	Refunds when registration plates are not used	<p>Eliminates references to returning registration validation stickers and requirements that such stickers not be affixed to license plates in the statute that authorizes the Commissioner of Motor Vehicles to issue full or partial refunds when motor vehicle, snowmobile, or motorboat registrations are cancelled. These changes clean up language that is outmoded or unnecessary.</p> <p><u>Further explanation if needed:</u> Under current practice, registration validation stickers include the vehicle’s registration number. In the past, this was not the case, and validation stickers were generic; as a result, it used to be important for a registrant to return the validation sticker in order to qualify for a refund so that the registrant could not use the generic validation sticker on another vehicle. DMV’s position is that under current practice, the return of validation stickers is not a concern.</p>

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7	Refunds of overpayments	Increases from \$1.00 to \$5.00 the amount of an overpayment to the Department of Motor Vehicles that the Commissioner of Motor Vehicles will not refund.
8–11	Recognition of out-of-state licenses, permits, and registrations; sending of license renewal notice	<p>Sec. 8 reenacts with some stylistic modifications an existing statute that is repealed in Sec. 9 of the bill, and adds a cross-reference to a related law in Title 23. Because the statute addresses Vermont’s recognition of motor vehicle registrations and operator’s licenses and permits issued by other jurisdictions, the language is moved from the chapter of law that addresses registrations only to the chapter that contains provisions common to registrations and operator’s licenses.</p> <p>Sec. 9 repeals the existing statute that is reenacted in Sec. 8.</p> <p>Sec. 10 amends a law that addressees license requirements in Vermont. Subdiv. (a)(1) updates a cross-reference. Subdiv. (a)(2)(B) is added to reflect a provision of existing law that authorizes operation of a motor vehicle in Vermont under a foreign country license for up to 30 days for vacation purposes. Subsec. (c) authorizes the Commissioner of Motor Vehicles to send license renewal notices electronically.</p> <p>Sec. 11 makes conforming changes for consistency with the changes made in Secs. 8–9 of the bill.</p>
12	Special examinations of motor vehicle operators	Expands the list of persons who are eligible to conduct special examinations of motor vehicle operators in order to include certified physician assistants and licensed advance practice registered nurses and to include health care providers authorized to practice in adjoining states.
13–14	Additional special examinations of motor vehicle operators	<p>Sec. 13 repeals a law that allows a person dissatisfied with the results of a special examination to have 2 additional examinations by health care providers approved by the Commissioner and that provides for the decision of the additional examiners to be final.</p> <p>Further explanation if needed:</p> <ul style="list-style-type: none"> - According to DMV, the procedure authorized in this section has not been used in many years (no one in management at DMV recalls when it was last used), and it is inconsistent with DMV’s practice of using the individual’s primary care provider for the initial examination and DMV’s experience that an individual’s primary health care provider is best situated to opine on the individual’s ability to drive. - Under a separate provision of law (23 V.S.A. § 671), an individual is entitled to a hearing prior to a suspension arising from the results of a special examination and is entitled to appeal the outcome of the hearing. <p>Sec. 14 is a conforming change needed because of the repeal in Sec. 13 of the bill.</p>
15	Examinations of school bus operators	Allows school bus operators to submit medical certificates to the schools that employ them every two years instead of every year.
16	Allocation of overweight and overdimension vehicle fines	Makes a technical correction in order to cross-reference the appropriate section of law that governs the administrative charge retained by the State when overweight and overdimension vehicle fines are collected. Currently, this administrative charge is \$12.50.

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17	Overlength vehicle permitting	Repeals a provision that grants the Commissioner of Motor Vehicles authority to enter into contracts with third parties for the permitting of motor vehicles over 72' in length for operation on preapproved routes. DMV testified that this authority is unused and unnecessary.
18	Certificates of title; definitions	Updates the definitions of "salvaged motor vehicle" and "salvage certificate of title" for consistency with each other and for consistency with other provisions of law governing salvage certificates of title.
19	Delivery of certificates of title	Establishes that a person is entitled to personal delivery of no more than one certificate of title in a day and of no more than three titles in a month. <i>Further explanation if needed:</i> This section does <u>not</u> set a limit on the number of titles that a person may receive through the mail.
20	Salvage certificates of title	Authorizes the Commissioner of Motor Vehicles to issue a salvage certificate of title to an insurance company required to obtain such a title for a vehicle declared a total loss, when the insurer is unable to furnish the original title or proof of ownership to the Department of Motor Vehicles, as long as the insurance company provides evidence of payment for the total loss and of its prior attempt to obtain the original title.
21	Abandoned motor vehicle law	Amends several sections in the abandoned motor vehicle law, which governs the rights and duties of persons on whose property a motor vehicle is abandoned, in order to add a definition of "landowner," to expand the law to provide for persons other than a towing service to file an abandoned motor vehicle certification form and potentially obtain title to an abandoned motor vehicle, and to make stylistic and clarifying changes. <i>Further explanation if needed:</i> § 2151 adds a definition of the term "landowner" to the abandoned motor vehicle law, and reorganizes the definition of "abandoned motor vehicle" for clarity. § 2152 makes various clarifying and stylistic changes to a provision governing removal of abandoned motor vehicles on property, and substitutes the new defined term "landowner" for the phrase "owner or agent of the property" in several places. § 2153 requires a "landowner" on whose property an abandoned motor vehicle is located, and not just a "towing service," to file an abandoned motor vehicle certification form within a 30-day time period, unless the vehicle has been removed from the property, and makes clear that this requirement does not create a private right of action against the landowner. § 2154 substitutes the new defined term "landowner" for the phrase "owner or agent of the property" in a provision governing the obligation of a person who reclaims an abandoned motor vehicle to reimburse certain fees. § 2155 adds language to allow a towing fee to be charged directly to the vehicle owner and eliminates a reference to a "towing service" sending the abandoned motor vehicle certification form to DMV (since it is a "landowner" who sends the form to DMV, and a "landowner" may be, but is not necessarily, a towing service).
22–24	Repeals and conforming changes	Sec. 22: Subdiv. (1) repeals a special registration provision for log-haulers, as DMV has not registered any of these vehicles in recent memory.

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		<p>Subdiv. (2) repeals a statute providing a special discounted registration rate for diesel-powered pleasure cars (\$26 for one year and \$48 for two years). The result of the repeal is that diesel-powered pleasure cars will be subject to the same registration rates as other pleasure cars (currently \$69 for one year and \$127 for two years).</p> <p>Subdiv. (3) repeals an outmoded, unused statute that requires the Secretary of Transportation to negotiate an interstate compact regarding truck user license fees.</p> <p>Subdiv. (4) repeals a law that requires the Commissioner of Motor Vehicles to suspend the driver's license or privilege to operate of a person against whom there is an outstanding judgment for damages arising from a motor vehicle accident cause by violation of a traffic law.</p> <p>Secs. 23 and 24 are conforming changes needed because of the repeals in Sec. 22 of the bill.</p>
25	Chemicals of high concern to children; exemption for motor vehicles	<p>Amends the definition of "motor vehicle" in the chapter of law regulating chemicals of high concern to children, in order to exempt from regulation under the chapter all vehicles propelled by power other than muscular power, regardless of whether a vehicle is intended primarily for use on public highways.</p> <p><i>Further explanation if needed:</i> This amendment is made in order to exempt certain motor vehicles, such as off-road motorcycles, that were not included in the original definition of motor vehicle and, consequently, were subject to the reporting requirements for chemicals of high concern to children.</p>
26	Effective dates	The effective dates section itself and Sec. 25 take effect on passage, and all other sections take effect on July 1, 2016.