

DMV Miscellaneous Motor Vehicle Proposals

Dr. 1.5, 1/30/15

Sec #	Topic	Description
1	Snowmobile, motorboat, and ATV dealers	<p>(1) Amends the general definition of “dealer” to include snowmobile, motorboat, and ATV dealers. The effect of this change is that such dealers will have to meet certain minimum requirements to qualify as dealers, including having sold at least 12 snowmobiles, motorboats, or ATVs in the prior year.</p> <p>(2) Amends the existing definition of a person “engaged in the business” as a new or used car dealer, to clarify that the person must have sold at least 12 motor vehicles in the immediately preceding registration year.</p> <p><u>Policy rationale:</u> Because dealers are exempt from paying registration fees, and registration as a dealer helps a person avoid paying sales and use taxes [?], DMV recommended imposing standards of who is a dealer.</p>
2	Snowmobile, motorboat, and ATV dealers	Makes conforming changes to provisions of law regulating dealers so as to clarify their applicability to snowmobile, motorboat, and ATV dealers.
3	Snowmobile dealers	<p>(1) In <u>subdiv. (b)(1)</u>, makes a technical correction to eliminate a cross-reference to an exemption that doesn’t exist, and makes a conforming change to specify that snowmobile dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill (23 V.S.A. § 4(8)).</p> <p>(2) In <u>subdiv. (b)(2)</u>, raises the fee for temporary snowmobile number plates from \$1.00 to \$3.00, to match up with the same \$3.00 fees for temporary motorboat registrations and temporary ATV number plates.</p>
4	Motorboat dealers	Makes a conforming change to specify that motorboat dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill.
5	ATV dealers	Makes a conforming change to specify that ATV dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill.
6	Insurance identification cards	Authorizes the Commissioner of DMV to require that insurance identification cards include machine-readable technology.
7	Railroad grade crossings; duty to stop	<p>Adds “multifunction school activity buses” to the list of vehicles required to stop at railroad grade crossings. A “multifunction school activity bus” (MFSAB) is a vehicle which is not a school bus, but is used to transport students on trips other than on a fixed route between home and school.</p> <p><u>Policy rationale:</u> Because the duty to stop at RR grade crossings already extends to school buses, and MFSABs also carry school children and are built like school buses (except that they do not have special lights or stop arms), DMV recommends extending the duty to stop to MFSABs.</p>
8	Use of portable electronic devices while driving; <i>junior operators</i>	<p><u>Subsec. (a)</u> adds a definition of the term “operating” to an existing law that prohibits <i>junior operators</i> from using a portable electronic device while “operating” a motor vehicle on a highway.</p> <p>→ The new definition of “operating” includes a vehicle temporarily stationary because of traffic or a traffic control device or another temporary delay, but does not include a stationary vehicle moved to a location on the side of or off a highway where it can lawfully and safely remain stationary.¹</p>

¹ The new definition of “operating” is consistent with a similar definition in federal law which governs commercial motor vehicle operators.

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		<p><u>Subsec. (b)</u> deletes the word “moving” before the word “motor vehicle.”</p> <p>→ The effect of these two changes is to extend the law prohibiting junior operators from using a portable electronic device while driving to some situations not covered under the current law (such as using a device when the vehicle is temporarily stopped in traffic or at a traffic light).</p>
9	Handheld use of portable electronic devices; all drivers	<p>(1) Sec. 9 amends the law that prohibits the handheld use of portable electronic devices by all drivers, making the same changes just described with regard to Sec. 8.</p> <p>The effect of these changes is to extend the law to some situations not covered under the current law (such as using a device when the vehicle is temporarily stopped in traffic or at a traffic light).</p> <p>(2) Sec. 9 also eliminates the requirement that a portable electronic device be in a cradle or otherwise securely mounted, in order for the driver to qualify for an exception for activating or deactivating hands-free use of the device.</p>
10	Texting while driving	<p>(1) Sec. 10 amends the existing law prohibiting texting while driving in order to make the same changes described in Sec. 8. Similarly, the effect of these changes is to extend the texting law to some situations not covered under the current law, such as texting when the vehicle is temporarily stopped in traffic or at a traffic light.</p> <p>(2) <u>Subsec. (a)(1)</u> also limits the current exception for use of GPS systems, by requiring that the GPS device be installed by the manufacturer or securely mounted.</p>
11	Notification regarding towed vehicles	Substitutes the Department of Motor Vehicles for the Transportation Board, and for the Agency of Transportation, in a law that requires enforcement officers to collect and forward information regarding towed vehicles and ownership of towed vehicles. These changes reflect a shift in responsibility to DMV for maintaining this information.
12	Obstructions on windshields, windows	<p>(1) Reorganizes the law prohibiting obstructions on windshields and side windows, in order to clarify the law and correct a grammatical error.</p> <p>(2) Creates a new exception for electronic toll-collection transponders (i.e. EZ Passes).</p> <p>(3) In the new subsec. (c), replaces the word “sale” with “transfer” to fully cover the circumstances when medical exemptions should terminate.</p>
13	Total abstinence program	Requires an applicant for reinstatement of an operator’s license through the total abstinence program to authorize a urinalysis as part of the application process.
14–15	Multifunction school activity buses; endorsement test	<p><u>Sec. 14</u> authorizes the use of a multifunction school activity bus (MFSAB) in a road test for a school bus license endorsement. The resulting endorsement would be restricted to MFSABs (i.e. it would not extend to regular school buses).</p> <p><u>Sec. 15</u> makes a conforming change to the commercial driver license law.</p>
16	Motor vehicle titles; legends regarding lienholders and lemon vehicles	<p>Eliminates requirements that the Commissioner use specific language on motor vehicle titles with regard to lienholders and the return of a vehicle under a lemon law, and gives the Commissioner flexibility to determine appropriate title legends in these circumstances.</p> <p><u>Policy rationale:</u> Giving the Commissioner this flexibility will allow</p>

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		Vermont to adopt title legends and brands that are consistent with other jurisdictions.
17	Motor vehicle titles; legend indicating the title is a duplicate	Eliminates a specific requirement that duplicate titles include a special legend indicating that the title is a duplicate. <u>Policy rationale:</u> DMV believes the special legend is unnecessary because the title is already labeled “duplicate.”
18	Motor vehicles titles; rebuilt vehicles	Amends the language of a title brand for rebuilt vehicles to eliminate the unnecessary word “vehicle” from the brand.
19–21	Snowmobile, motorboat, and ATV titles	Secs. 19–21 make the same changes as in Secs. 16, 17, and 18, except with regard to titles for snowmobiles, motorboats, and ATVs.
22	Abandoned motor vehicles; definition of “towing service.”	Reorganizes the definition section of the abandoned motor vehicle law, and adds a new definition for the term “towing service.” Under the new definition, “towing service” means any person moving an abandoned motor vehicle by any means allowed by law. The phrase “towing service” is used throughout the abandoned motor vehicle law, 23 V.S.A. §§ 2151–58. <ul style="list-style-type: none"> • In § 2152, law enforcement officers and private property owners are authorized to contact a towing service to remove an abandoned motor vehicle. • Under § 2153, a towing service is required to apply to the Department for a certificate of abandoned motor vehicle within 30 days of removal of the vehicle. <ul style="list-style-type: none"> → After receipt of the application, DMV is required to attempt to find the vehicle’s owner but, if it fails to find the owner within the time periods specified in § 2154, it is required to issue a certificate of abandoned motor vehicle and an appropriate title. Under § 2156, the holder of the certificate and the title takes ownership free from all claims of the prior owner. • Under § 2155, a towing service is entitled to charge a private property owner a “reasonable fee” for towing an abandoned vehicle. Under § 2158, a towing service may charge a fee of up to \$40.00 for towing an abandoned vehicle from public property.
23	ATVs; trail access decal	Authorizes an ATV operator to pay for a Trail Access Decal electronically and allows receipts of electronic transactions to be used as proof of payment for a 10-day period. <u>Rationale:</u> VASA (the Vermont All-Terrain Vehicles Sportsman’s Association) requested this section. Last year’s miscellaneous motor vehicle bill included the same provision for snowmobile TMAs.
24	Commercial driver licenses; skills test waiver for military drivers	Extends from 90 days to one year the skills test waiver period for former military drivers applying for a commercial driver license. This change is consistent with federal regulations governing CDLs.
25	Lists of registrations and suspensions	Repeals a statute requiring the Commissioner to prepare lists of registered motor vehicles and persons under suspensions.