

H.240 (Misc MV Technical Corrections) Summary

Sec. No.	General Topic	Explanation
1	Definitions--“fresh pursuit”	Eliminates language that limits application of the definition of “fresh pursuit” to just one chapter of Title 23, chapter 1. Chapter 1 does not even use the phrase “fresh pursuit”, so this limitation makes no sense. HG: “Fresh pursuit” is only used in one other place in Title 23: in § 1015 (which is in ch. 23), with regard to the power of enforcement officers to disobey certain traffic laws. The phrase is not used in 20 V.S.A. part 5
2	Definitions - “jitney”.	Corrects an incorrect cross-reference to a provision in Title 16 which grants authority to school boards. HG: The cross-reference used to be correct, but became incorrect when 16 V.S.A. §§ 562 and 563 were substantially amended. The relevant language is at 16 V.S.A. § 563(30), which empowers school boards to “make available school facilities and equipment for specified public purposes if such purposes appear, in the judgment of the board, to be in the best interests of the district and are an efficient, economical, and appropriate use of the facilities and equipment.”
3	Nondriver identification cards; color coding to indicate age of cardholder	Corrects errors in the nondriver identification card statute in order to address the color coding of such cards for persons 18 years of age and 21 years of age.
4	Notification of change of name, address	Corrects an error in a cross-reference by striking a reference to a chapter of law that was repealed in 1986, and by inserting the correct cross-reference. HG: Act 207 of 1986 repealed 32 V.S.A. chapter 217, and replaced it with 23 V.S.A. chapter 28.
5–6	Repeal of provision relating to the registration of motor carriers.	Sec. 5 repeals a section of law related to the proportional registration of motor carriers that transport freight between terminals in Vermont and outside Vermont. This section of law became obsolete when Vermont joined the International Registration Plan in 1988. Sec. 6 makes a conforming change to a provision that references the section repealed in Sec. 5. HG: Sec. 5 was enacted in 1961, and was last amended in 1978. According to Donna Earle at DMV, Vermont joined the IRP on May 1, 1988.
7	Registration periods	Eliminates misleading cross-reference language and corrects an incorrect cross-reference related to the default registration period for motor vehicles. HG: § 361 references a biannual fee for registration of pleasure cars; § 452 references two-year renewal registrations for dealers. The cross-reference to 376(e) is to a section repealed in 1997. According to Mike Smith, under § 376(b) and (c), municipal and fire vehicles are registered for 5–year periods; vehicles registered under § 376(g) (excess gov’t property) are registered for a 1-year period.
8–10	Refund for fees erroneously paid	Secs. 8–10 relate to refunds for erroneously paid license and registration fees, and should be read together. Sec. 8 repeals the existing statute, which is ungrammatical and was not placed in the most appropriate chapter in Title 23. Sec. 9 reenacts the repealed language with grammatical corrections, and places it in the most appropriate chapter of Title 23. Sec. 10 makes a conforming change to a section that cross-references the repealed section.

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		HG: 23 V.S.A. chapter 5 addresses provisions common to registration and operators' licenses.
11–13	Temporary registration plates, validation stickers, and decals	Secs. 11–13 amend provisions related to the issuance of temporary registration plates and validation stickers to eliminate grammatical errors and ambiguities. HG: Authority to display Bicentennial plates expired 12/31/95; to use Masonic plates also expired 12/31/95; and to use Lake Champlain Quadricentennial plates expired 6/30/10.
14	Illumination of rear license plates	Inserts a correct cross-reference to a requirement of law regarding the illumination of rear license plates.
15	Repeal of special license plate provisions	Repeals three provisions related to the issuance of special license plates which are no longer authorized to be sold or to be displayed on motor vehicles.
16	Driver's license examinations	Corrects grammatical errors in a statute which addresses driver's license examinations, and clarifies the required and discretionary components of a driver's license examination.
17	Special examinations of holders of driver's licenses	Clarifies what types of special examinations must be paid for by the holder of a driver's license, to conform to another provision of law which states that license holders are required to pay for a component of a special examination consisting of an examination by a medical professional.
18	Procedure for suspending licenses	(1) Subsec. (a) corrects an inconsistency in a section of law dealing with the procedure for suspending licenses with existing practice, by eliminating a reference to requiring at least 5 days' notice prior to a suspension and replacing it with the standard 15-day pre-suspension notice period. This change is consistent with subsec. (f) of the section, which cross-references the standard DMV hearing procedures that provide for a 15-day notice period. Language in the subsection is also moved in order to make it flow more logically. (2) Subsec. (f) corrects ungrammatical language regarding the discretion of the Commissioner of DMV to grant a hearing when no hearing is required. (3) Subsec. (g), which relates to the authority of the Commissioner to suspend the licenses of operators for convictions prior to July 1, 1979, is repealed because it is obsolete.
19	Driver training school definition	Corrects the definition of "driver training school" to accurately reflect the joint authority of the Commissioner of DMV and the Secretary of Education to approve driver training courses. HG: 16 V.S.A. § 1045 vests the Department of Motor Vehicles and Agency of Education with joint authority to approve the courses.
20	Proof of financial responsibility	Redrafts awkwardly drafted subdivision cross-references, without making any substantive change to a provision that addresses when a driver otherwise required to prove financial responsibility is not required to do so.
21	Jitneys; minimum levels of financial responsibility	Corrects an anomaly in a provision requiring minimum levels of insurance to be carried by operators of jitneys. Prior to this correction, operators of jitneys with a seating capacity of more than 30 passengers were authorized to carry less insurance than operators of jitneys with a seating capacity of 21-30 passengers.
22	Motor buses; financial responsibility	Corrects ungrammatical language in a provision related to required financial responsibility for motor buses.

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23–24	Motor buses; amount and type of financial responsibility	Secs. 23–24 substitute the Transportation Board for references to the Public Service Board, in provisions related to the authority to establish the levels and forms of financial responsibility required to be carried on motor buses. HG: The Transportation Board gained jurisdiction over motor buses, and the Public Services Board was divested of jurisdiction, via Act 204 of 1980. Act 224 of 1986 moved this authority to Title 5 (see 5 V.S.A. §§ 1822-23).
25–26	Double penalties for special worksite speed restrictions.	Secs. 25–26 delete cross-references to a repealed provision of law, and replace them with the correct cross-references, in provisions related to double penalties for worksite speeding violations. HG: 23 V.S.A. § 2302(d) was repealed in 2000 by Sec. 22 of Act 160. Sec. 6 of Act 160 added 4 V.S.A. § 1102(d), which vested the authority to establish waiver penalties in three hearing officers appointed by the Court Administrator.
27	Municipal signs	Corrects an incorrect cross-reference in a provision related to signs that municipalities are authorized to install.
28	Child restraint systems	Eliminates a reference to the year of a federal regulation and adds language to indicate that the correct reference is to the federal regulation as it may be amended. This correction avoids an interpretation of the statute locking in child passenger restraining system safety standards at the standards as they existed in 1993.
29	School bus identification	Corrects an incorrect cross-reference in a provision related to identification and equipment of school buses. HG: 1281(9) was repealed by Act 102 of 1977. It required the words “school bus” to be displayed on school buses.
30	School bus equipment	Substitutes the word “subdivision” for “subsection” in order to correct a drafting error.
31	Brake equipment	Replaces the word “moped” with the term “motor-driven cycle” to reflect a 2010 change in the law.
32	Vehicle weight limits	Deletes language in section 1393 of Title 23 regarding the process for setting Class 1 town highway weight limits at less than State highway limits, because this same language is duplicated in section 1396 of Title 23. ¹
33	Vehicle height and width limits	Updates language related to vehicle height and width limits to conform it to prior changes in the law increasing the maximum height and width limits. HG: The maximum width limit was amended from eight feet to eight and one-half feet, and the maximum height limit was amended from 12 and a half to 13 and half feet, via Act 55 of 1971.
34	Vehicle height and width limits; penalties	Eliminates outmoded and unnecessary “notwithstanding” language in a section that addresses penalties for violating vehicle height and width limits, and clarifies the penalty language itself. HG: The “notwithstanding” language was needed prior to 1998, because prior to that year, the maximum penalty for a traffic violation was \$175. In 1998, the maximum penalty was raised to \$1,000.
35	Interstate highway system; reasonable access	Corrects an incorrect cross-reference in a section related to reasonable access for truck tractors operating in certain authorized configurations on or within a certain distance from interstate highways and qualifying federal aid primary highways. HG: 1302(c) authorizes a truck tractor to operate with two trailing units;

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

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		1432 authorizes tractor-semitrailer and tractor-semitrailer-trailer combinations that exceed the overall length limits of Vermont law.
36	Powers of enforcement officers	Adds a definition to the chapter of law which addresses the power of enforcement officers, in order to correctly identify that the Commissioner referenced in the chapter is the Commissioner of Public Safety—not the Commissioner of Motor Vehicles.
37	Crimes related to motor vehicle titles	Reorganizes and thereby clarifies a poorly organized provision of law related to penalties for crimes related to motor vehicle titles.
38–39	Repeal of traffic offense chapter, and effect of repeal.	Sec. 38 repeals the chapter of law governing traffic offenses, which were replaced in 1990 with “traffic violations” governed under 23 V.S.A. chapter 24. Sec. 39 explains the effect of the repeal of the traffic offense chapter on old traffic offense tickets that may be outstanding. Repeal of the traffic offense chapter does not extinguish the enforceability of traffic offense tickets. However, such tickets are civil, not criminal, violations, and are enforced in accordance with current procedures.
40–42	Repeal of traffic offense chapter; conforming changes	To eliminate possible confusion, Secs. 40–42 make conforming changes to strike references to the phrase “traffic offense.”
43	Motor vehicle points system	Eliminates a reference to a statute which was repealed in 2010.
44	Diesel fuel tax; definition of user	Eliminates a cross-reference to a statute relating to motor bus identification markers, since that statute was repealed in 2014.
45	Diesel fuel tax; penalties	Eliminates a reference to a penalty for operating a diesel vehicle without carrying a telegram as an alternative to a diesel fuel user’s license, since the provision referencing such telegrams was repealed in 2014.
46	Snowmobile registration	Eliminates references in section and subsection headings to an exemption to the snowmobile registration requirement, because the relevant law does not actually create an exemption. HG: The Vermont Association of Snow Travelers (VAST) confirmed that it does not want the exemption alluded to in the section and subsection headings but not actually created in the text.
47	Snowmobiles; display of TMA decals	Makes a conforming change regarding the ability of a person to lawfully operate a snowmobile without displaying a Trails Maintenance Assessment (TMA) decal, if he or she possesses a completed TMA form. This change is made to be consistent with a 2014 change in the law governing TMAs.
48–49	Motorboats; exemptions from numbering provisions	Sec. 48 clarifies and eliminates an incorrect cross-reference in a provision which generally requires motorboats to be numbered. Sec. 49 reorganizes a provision which creates exemptions to the requirement that motorboats display Vermont numbers, in order to correct a grammatical error.
50	Operation rules as between vessels	Corrects an incorrect citation to federal law. The federal law currently cited was repealed in 2004.
51	Commercial motor vehicles; definition of serious traffic violation; texting	Clarifies that the definition of “serious traffic violation” in the commercial motor vehicle chapter includes <u>texting while operating a commercial motor vehicle</u> . This clarification is consistent with the Federal Motor Carrier Safety Regulations. HG: CDL holders convicted of 2 serious traffic violations in a 3-year period are disqualified from operating a CDL for 60 days. Under federal law, a texting violation <u>in a passenger car</u> is not a “serious traffic violation”

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		for purposes of disqualification from commercial motor vehicle operation.
52	Contents of commercial learner's permits	Regarding the information displayed on learner's permits, clarifies the requirement that the name of Vermont as the issuing state must be displayed.
53	Commercial motor vehicles; disqualification	(1) In subdiv. (a)(6), makes a conforming change to correctly reference the standard for a drugged driving in effect since the 2014 amendment to the drugged driving statute. (See 2014 Acts and Resolves No. 169). (2) In subsec. (d), eliminates the specific references to disqualifications for the offenses of texting or using a handheld mobile telephone while operating a commercial motor vehicle, as these offenses are already listed as serious traffic violations and therefore trigger a disqualification when combined with any other serious traffic violation in a 3-year period.
54	Effective date	The entire act is effective on the standard effective date, July 1, 2015.