

1 ~~provide the Commissioner with the hours of operation of the business which the person shall~~
2 ~~maintain during the registration period.~~

3 ~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or~~
4 ~~has a lease with an expiration date not earlier than the last day of the registration year for which~~
5 ~~registration is sought under the provisions of subchapter 4 of chapter 7 of this title which~~
6 ~~includes a building of at least 1,200 square feet in size used primarily for the business of the~~
7 ~~dealership. The building shall have adequate facilities for the maintenance of the records~~
8 ~~required by law to be kept including those required by section 466 of this title and for the transfer~~
9 ~~of motor vehicles or motorboats. “Dealer” shall not include a finance or auction dealer or a~~
10 ~~transporter.~~

11 (ii)(I) For a dealer in new or used cars or motor trucks, “engaged in the business”
12 means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the
13 immediately preceding year, or 24 in the two immediately preceding years.

14 (II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, “engaged in
15 the business” means having sold or exchanged at least one snowmobile, motorboat, or all-terrain
16 vehicle, respectively, in the immediately preceding year or two in the two immediately preceding
17 years.

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

22 (IV) For a dealer in motorcycles or motor-driven cycles, “engaged in the
23 business” means having sold or exchanged at least one motorcycle or motor-driven cycle in the

1 immediately preceding year or a combination of two such vehicles in the two immediately
2 preceding years.

3 (V) For the purposes of this subdivision (8)(A)(ii), the sale or exchange of
4 vehicles or motorboats owned but not registered by the dealer, or that have been in lease or rental
5 services, shall count as sales or exchanges. Vehicles or motorboats that are to be scrapped,
6 dismantled, or destroyed shall not count as sales or exchanges.

7 (B) ~~“New car dealer” shall mean a person, in addition to satisfying all of the~~
8 ~~requirements set forth in subdivision (8)(A) of this section, has a valid sales and service~~
9 ~~agreement, franchise, or contract with a manufacturer, assembler, importer, or distributor of new~~
10 ~~motor vehicles for the retail sale of new motor vehicles. [Repealed.]~~

11 * * *

12 (E) As used in this subdivision (8), “person” shall include any individual or, in the case
13 of partnerships, corporations, or other entities, the directors, shareholders, officers, or partners in
14 these entities. ~~The term “business use of the dealer” shall only mean the motor vehicle business~~
15 ~~of the motor vehicle dealer to which number plates have been issued pursuant to section 453 of~~
16 ~~this title.~~

17 (F) ~~For new and used car dealers, “engaged in the business” means selling 12 or more~~
18 ~~pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to~~
19 ~~be scrapped, dismantled, or destroyed. “Engaged in the business” shall also mean selling, during~~
20 ~~the immediately preceding registration year, 12 or more pleasure cars or motor trucks which~~
21 ~~have been in lease or rental services, and persons so engaged shall meet all obligations required~~
22 ~~of dealers. [Repealed.]~~

23 * * *

1 (42)(A) “Transporter” ~~shall mean~~ means:

2 (i) a person engaged in the business of delivering vehicles of a type required to be
3 registered ~~hereunder~~ from a manufacturing, assembling, or distributing plant to dealers or sales
4 agents of a manufacturer, ~~and includes persons~~;

5 (ii) a person regularly engaged in the business of towing trailer coaches, owned by
6 them or temporarily in their custody, on their own wheels over public highways, ~~persons or~~
7 towing office trailers owned by them or temporarily in their custody, on their own wheels over
8 public highways, ~~persons~~;

9 (iii) a person regularly engaged and properly licensed for the short-term rental of
10 “storage trailers” owned by them and who move these storage trailers on their own wheels over
11 public highways, ~~and persons~~;

12 (iv) a person regularly engaged in the business of moving modular homes over
13 public highways ~~and shall also include~~;

14 (v) dealers, owners of motor vehicle auction sites, and automobile repair shop
15 owners when engaged in the transportation of motor vehicles to and from their place of business
16 for repair purposes. ~~“Transporter” shall also include~~;

17 (vi) the following, provided that the transportation and delivery of motor vehicles is
18 a common and usual incident to their business:

19 (I) persons towing overwidth trailers owned by them in connection with their
20 business;

21 (II) persons whose business is the repossession of motor vehicles; and

22 (III) persons whose business involves moving vehicles from the place of business
23 of a registered dealer to another registered dealer, or between a motor vehicle auction site and a

1 registered dealer or another motor vehicle auction site, leased vehicles to the lessor at the
2 expiration of the lease, or vehicles purchased at the place of auction of an auction dealer to the
3 purchaser.

4 (B) As used in this subdivision, 4(42):

5 (i) ~~“short term~~ “Short-term rental” shall mean means a period of less than one year.

6 ~~Additionally, as used in this subdivision, “repossession” shall include~~

7 (ii) “Repossession” includes the transport of a repossessed vehicle to a location
8 specified by the lienholder or owner at whose direction the vehicle was repossessed. ~~Before a~~
9 ~~person may become licensed as a transporter, he or she shall present proof of compliance with~~
10 ~~section 800 of this title. He or she shall also either own or lease a permanent place of business~~
11 ~~located in this State where business shall be conducted during regularly established business~~
12 ~~hours and the required records stored and maintained.~~

13 * * *

14 Sec. 2. 23 V.S.A. chapter 7, subchapter 4 is amended to read:

15 Subchapter 4. Registration of Dealers and Transporters

16 ARTICLE 1.

17 DEALERS

18 § 450. DEFINITION

19 As used in this subchapter, “vehicle or motorboat” means a motor vehicle, snowmobile,
20 motorboat, or all-terrain vehicle.

21 § 450a. DEALER REGISTRATION; ELIGIBILITY

22 (a) A person shall not be eligible to register as dealer unless the person:

1 (1) Has no previous record of willful violations of dealer laws or regulations in this or any
2 other jurisdiction.

3 (2) For initial and renewal applicants, has not had a conviction or been incarcerated for a
4 conviction for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction
5 within the 10 years prior to the application.

6 (3) Has no unsatisfied judgments against the person arising out of violations of consumer
7 protection laws in Vermont or any other jurisdiction.

8 (4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a
9 lease with an expiration date not earlier than the last day of the registration year for which
10 registration is sought under the provisions of this subchapter, which includes a building of at
11 least 1,200 square feet in size used primarily for the business of the dealership. The building
12 shall have adequate facilities for the maintenance of the records required by law to be kept
13 including those required by section 466 of this title.

14 (b) In addition to the requirements of subsection (a) of this section, a person shall not be
15 eligible to register as a dealer in cars, motor trucks, motorcycles, or motor-driven cycles unless
16 the person presents proof of compliance with the provisions of section 800 of this title at the time
17 application for registration is made.

18 (c) In addition to the requirements of subsections (a) and (b) of this section, a person shall not
19 be eligible to register as a dealer in cars or motor trucks unless the person is open for business at
20 least 146 days during the calendar year. The applicant shall provide the Commissioner with the
21 hours of operation of the business which the person shall maintain during the registration period
22 at the time of the application.

1 § 451. DEALER'S CERTIFICATE

2 (a) Instead of registering each motor vehicle owned by him or her, a dealer may ~~make~~
3 ~~application~~ apply under oath to the Commissioner, upon forms prescribed and furnished by the
4 Commissioner for that purpose, and accompanied by such additional information and
5 certifications as the Commissioner may reasonably require, for a general distinguishing number
6 for such motor vehicles. If the Commissioner is satisfied that the applicant meets all the
7 requirements of section 4 and chapter 7 of this title and is qualified to engage in such business,
8 the Commissioner may issue to the applicant a certificate of registration containing the name,
9 place of residence, and address of such applicant, the general distinguishing number assigned,
10 and such additional information as the Commissioner may determine. If a dealer has a place of
11 business or agency in more than one city or town, he or she shall file an application and secure a
12 certificate of registration for each place of business or agency. The place of business or agency
13 shall mean a place in any town where motor vehicles owned by a dealer are regularly kept or
14 exposed for sale in the custody or control of the dealer or a salesman, employee, or agent of such
15 dealer. In his or her discretion, the Commissioner may assign the same distinguishing number
16 with more than one certificate to any dealer who has separate places of business within the same
17 or an adjacent city or town within Vermont. The Commissioner may allow a dealer having one
18 distinguishing number with more than one certificate to maintain only one central area for the
19 maintenance of records required by law to be kept, including those required by section 466 of
20 this title and for the transfer of motor vehicles. This location must be in Vermont and must be
21 disclosed on the application prior to approval and may be changed only with the approval of the
22 Commissioner or his or her agent. Dealer registration plates shall contain letters indicating the
23 type of dealer certificate issued before the distinguishing number.

1 (b) With the prior approval of the Commissioner, a Vermont dealer may display vehicles on a
2 temporary basis, but in no instance for more than 14 consecutive days, at ~~fairs, shows,~~
3 ~~exhibitions, and other off-site locations~~ a fair, show, exhibition, or other off-site location. New
4 vehicles may only be displayed off-site within the manufacturer's stated area of responsibility in
5 the franchise agreement. No sales may be transacted at these off-site locations. A dealer
6 desiring to display vehicles temporarily at an off-site location shall notify the Commissioner in a
7 manner prescribed by the Commissioner no less than two days prior to the first day for which
8 approval is requested.

9 (c) A ~~new or used car~~ dealer in new or used motor vehicles may temporarily transfer
10 possession of a vehicle owned by the dealer on consignment to a registered auction dealer or
11 Vermont licensed auctioneer to be sold at public or private wholesale auction by the auction
12 dealer or Vermont licensed auctioneer.

13 (d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer registrations are
14 governed by this chapter and sections 3204, 3305, and 3504 of this title, respectively.

15 * * *

16 § 453. FEES AND NUMBER PLATES

17 (a)(1) An application for ~~dealer's~~ registration as a dealer in new or used cars or motor trucks
18 shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The
19 Commissioner shall furnish free of charge with each dealer's registration certificate three number
20 plates showing the distinguishing number assigned such dealer. The Commissioner may furnish
21 additional plates according to the volume of the dealer's sales in the prior year or, in the case of
22 an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

23 * * *

1 (b) Application by a “dealer in farm tractors or other self-propelled farm implements,” which
2 shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling; or
3 exchanging new or ~~secondhand~~ used farm tractors or other self-propelled farm implements, for
4 such dealer registration shall annually be accompanied by a fee of \$40.00. The Commissioner
5 shall furnish free of charge with each such dealer registration certificate two sets of number
6 plates showing the distinguishing number assigned such dealer and in his or her discretion may
7 furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, only be
8 displayed upon a farm tractor or other self-propelled farm implement.

9 (c) Application by a “dealer in motorized highway building equipment and road making
10 appliances,” which shall mean a person actively engaged in the business of ~~manufacturing,~~
11 ~~buying,~~ selling; or exchanging new or ~~secondhand~~ used motorized highway building equipment
12 or road making appliances, for such dealer registration shall annually be accompanied by a fee of
13 \$90.00. The Commissioner shall furnish free of charge with each such dealer registration
14 certificate two sets of number plates showing the distinguishing number assigned such dealer and
15 in his or her discretion may furnish further sets of plates at a fee of \$30.00 per set; such number
16 plates may, however, only be displayed upon motorized highway building equipment or road
17 making appliances.

18 (d) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling; or
19 exchanging ~~of~~ motorcycles or motor-driven cycles, the registration fee shall be \$45.00, which
20 shall include three ~~sets of~~ number plates. The Commissioner may, in his or her discretion,
21 furnish further sets of plates at a fee of \$10.00 for each set.

22 (e) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling; or
23 exchanging ~~of~~ trailers, semi-trailers, or trailer coaches, the registration fee shall be \$90.00 which

1 shall include three number plates; such number plates may, however, only be displayed upon a
2 trailer, semi-trailer, or trailer coach. The Commissioner may, in his or her discretion, furnish
3 further plates at a fee of \$10.00 for each such plate.

4 * * *

5 (g) The Commissioner of Motor Vehicles shall not issue a dealer's certificate of registration
6 to a ~~new or used car~~ dealer in new or used motor vehicles, unless the dealer has provided the
7 Commissioner with a surety bond, letter of credit, or certificate of deposit issued by an entity
8 authorized to transact business in the same state. The amount of such surety bond, letter of
9 credit, or certificate of deposit shall be between \$20,000.00 and \$35,000.00 based on the number
10 of new or used units sold in the previous year; such schedule is to be determined by the
11 Commissioner of Motor Vehicles. In the case of a certificate of deposit, it shall be issued in the
12 name of the dealer and assigned to the Commissioner or his or her designee. The bond, letter of
13 credit, or certificate of deposit shall serve as indemnification for any monetary loss suffered by
14 the State or by a purchaser of a motor vehicle by reason of the dealer's failure to remit to the
15 Commissioner any fees collected by the dealer under the provisions of chapters 7 and 21 of this
16 title or by a dealer's failure to remit to the Commissioner any tax collected by the dealer under
17 32 V.S.A. chapter 219. This State or the motor vehicle owner who suffers such loss or damage
18 shall have the right to claim against the surety upon the bond or against the letter of credit or
19 certificate of deposit. The bond, letter of credit, or certificate of deposit shall remain in effect for
20 the pending registration year and one year thereafter. The liability of any such surety or claim
21 against the letter of credit or certificate of deposit shall be limited to the amount of the fees or tax
22 collected by the dealer under chapters 7 and 21 of this title or 32 V.S.A. chapter 219 and not
23 remitted to the Commissioner.

1 In his or her discretion, the Commissioner may suspend a dealer's registration without hearing
2 for a period not exceeding 15 days whenever he or she finds upon full reports submitted by an
3 enforcement officer or motor vehicle inspector that the safety of the public has been or will be
4 imperiled as a result of the dealer's business activities. A dealer whose ~~certificate~~ registration
5 has been canceled, revoked, or suspended shall forthwith return to the Commissioner the
6 registration certificate and any and all number plates, or numbers or decals furnished him or her
7 by the Commissioner, and the privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or
8 motorboats under his or her dealer's number shall cease. An application for a new dealer's
9 ~~license~~ registration for that dealer will not be considered until ~~the suspension~~ a revocation period
10 has been served.

11 (b) A fee of \$30.00 shall be paid to the Commissioner prior to the reinstatement of any
12 dealer's ~~license or registration certificate canceled, revoked, or~~ that has been suspended for
13 cause.

14 * * *

15 § 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS

16 PROHIBITED

17 A dealer shall not lend or lease registration certificates, validation stickers, numbers, ~~or~~
18 decals, or number plates which have been assigned to him or her under the provisions of this
19 chapter, nor shall he or she lend or lease a ~~motor~~ vehicle or motorboat to which his or her
20 dealer's decals, numbers, or number plates have been attached, nor lend or lease his or her
21 dealer's decals, numbers, or number plates to a subagent.

22 § 466. RECORDS; CUSTODIAN

1 (a) On a form prescribed or approved by the Commissioner, every licensed dealer shall
2 maintain and retain for six years a record containing the following information, which shall be
3 open to inspection by any law enforcement officer or motor vehicle inspector or other agent of
4 the Commissioner during reasonable business hours:

5 (1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or exchanged by the licensee
6 or received or accepted by the licensee for sale or exchange.

7 (2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise acquired and
8 dismantled by the licensee.

9 (3) The name and address of the person from whom such ~~motor~~ vehicle or motorboat was
10 purchased or acquired, the date thereof, the name and address of the person to whom any such
11 ~~motor~~ vehicle or motorboat was sold or otherwise disposed of and the date thereof, and a
12 sufficient description of every such ~~motor~~ vehicle or motorboat by name and identifying
13 numbers thereon to identify the same.

14 (4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a consumer, the
15 cash price. ~~For purposes of~~ As used in this section, “consumer” shall be as defined in 9 V.S.A.
16 § 2451a(a) and “cash price” shall be as defined in 9 V.S.A. § 2351(6).

17 (b) Every licensed dealer shall designate a custodian of documents who shall have primary
18 responsibility for administration of documents required to be maintained under this title. In the
19 absence of the designated custodian, the dealer shall have an ongoing duty to make such records
20 available for inspection by any law enforcement officer or motor vehicle inspector or other agent
21 of the Commissioner during reasonable business hours.

22 * * *

23 § 467. ~~FAILURE OF DEALER DUTY TO REPORT PURCHASE AND~~

1 ~~registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed.~~
2 ~~“Engaged in the business” shall also mean selling, during the immediately preceding registration~~
3 ~~year, 12 or more pleasure cars or trucks which have been in lease or rental service and persons so~~
4 ~~engaged shall meet all obligations required of dealers.~~

5 (b) A person who misrepresents himself or herself as a dealer in the purchase, sale, or
6 exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining a license~~ registering as a dealer, or
7 after the cancellation, suspension, or revocation of the dealer’s ~~license~~ registration, or who makes
8 misrepresentations to the Department in order to qualify for registration, shall be subject to the
9 penalties established pursuant to section 475 of this title.

10 * * *

11 ARTICLE 3.

12 TRANSPORTERS

13 § 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF
14 TRANSPORTER PLATES

15 (a) A transporter may apply for and the Commissioner of Motor Vehicles, in his or her
16 discretion, may issue a certificate of registration and a general distinguishing number plate.

17 Before a person may be registered as a transporter, he or she shall present proof:

18 (1) of compliance with section 800 of this title, and

19 (2) that he or she either owns or leases a permanent place of business located in this State
20 where business will be conducted during regularly established business hours and the required
21 records stored and maintained.

22 (b) When he or she displays thereon his or her transporter’s registration plate, a transporter or
23 his or her employee or contractor may transport a motor vehicle owned by ~~him or her~~ the

1 transporter, repossessed, or temporarily in ~~his or her~~ the transporter's custody, and it shall be
2 considered to be properly registered under this title. Transporter's registration plates shall not be
3 used for any other purposes and shall not be used by the holder of such number plates for
4 personal purposes.

5 * * *

6 Sec. 3. 23 V.S.A. § 3204 is amended to read:

7 § 3204. REGISTRATION FEES AND DEALER PLATES

8 (a) Fees. Annual registration fees for snowmobiles other than as provided for in subsection
9 (b) of this section are \$25.00 for residents and \$32.00 for nonresidents. Duplicate registration
10 certificates may be obtained upon payment of \$5.00.

11 (b)(1) Dealer registration and plates; manufacturer ~~and repair~~ plates; fees. ~~Unless exempted~~
12 ~~pursuant to subsection 3205(f) of this title, any~~ A person engaged in the ~~manufacture or sale of~~
13 business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall
14 register as a dealer and obtain registration certificates and identifying number plates, subject to
15 such rules as may be adopted by the Commissioner ~~which~~ and to the requirements of chapter 7
16 this title. A manufacturer of snowmobiles may register and obtain registration certificates and
17 identifying number plates under this section. Plates shall be valid for the following purposes
18 only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed
19 14 days; private business or pleasure use of such person or members of his or her immediate
20 family; and use at fairs, shows, or races when no charge is made for such use.

21 (2) Fees. Fees for dealer registration certificates shall be \$40.00 for the first certificate
22 issued to any person and \$5.00 for any additional certificate issued to the same person within the

1 current registration period. Fees for temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate
2 issued.

3 * * *

4 Sec. 4. 23 V.S.A. § 3305 is amended to read:

5 § 3305. FEES

6 (c) A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging
7 motorboats as defined in subdivision 4(8) of this title, of a type otherwise required to be
8 registered by this subchapter, ~~upon application to the Commissioner upon forms prescribed by~~
9 ~~him or her, may~~ shall register and obtain registration certificates for use as described under
10 subdivision (1) of this subsection, subject to the requirements of chapter 7 this title. A
11 manufacturer of motorboats may register and obtain registration certificates under this section.

12 * * *

13 (3) An application for a dealer motorboat registration and registration number shall be
14 accompanied by the following fees:

15 (A) for the registration and first number applied for, \$25.00 and a surcharge of \$5.00;

16 (B) for each additional number applied for in the current registration period, \$5.00 and
17 a surcharge of \$5.00.

18 * * *

19 (j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the
20 issuance of temporary registrations of motorboats pending issuance of the permanent
21 registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee
22 for the temporary registrations shall be \$3.00 for each registration purchased from the
23 Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while

1 being operated and shall authorize operation without the registration number being affixed for a
2 period not to exceed ~~30~~ 60 days from the date of issue.

3 * * *

4 Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

5 (b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-
6 terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration
7 certificates and identifying number plates subject to rules which may be adopted by the
8 Commissioner ~~which~~ and to the requirements of chapter 7 of this title. A manufacturer of all-
9 terrain vehicles may register and obtain registration certificates and identifying number plates
10 under this section. Plates shall be valid for the following purposes only: testing; adjusting;
11 demonstrating; temporary use of customers for a period not to exceed seven days; private
12 business or pleasure use of the person or members of his or her immediate family; and use at
13 fairs, shows, or races when no charge is made. Fees for registration and registration certificates
14 shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional
15 certificate issued to the same person within the current registration period. Fees for temporary
16 number plates shall be \$3.00 for each plate issued.

17 * * * Parking for Persons with Disabilities * * *

18 Sec. 6. 23 V.S.A. § 304a is amended to read:

19 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
20 PEOPLE WITH DISABILITIES

21 (a) The following definitions shall apply to this section:

22 * * *

1 (3) “Special registration plates” means a registration plate for people with disabilities that
2 displays the International Symbol of Access:

3 (A) in a color that contrasts with the background; and

4 (B) in the same size as the letters or numbers on the plate.

5 (4) “Removable windshield placard” means a two-sided, hanger style placard which
6 includes on each side:

7 (A) the International Symbol of Access, which is at least three inches in height,
8 centered on the placard, and is ~~white on a blue shield~~ a color that contrasts with the placard’s
9 background color;

10 (B) an identification number;

11 (C) a date of expiration; and

12 (D) the seal or other identification of the issuing authority.

13 (5) “Temporary removable windshield placard” means a two-sided hanger style placard
14 which includes on each side:

15 (A) the International Symbol of Access, which is at least three inches in height,
16 centered on the placard, and is ~~white on a red shield~~ a color that contrasts with the placard’s
17 background color;

18 (B) an identification number;

19 (C) a date of expiration; and

20 (D) the seal or other identification of the issuing authority.

21 (6) “Eligible person” means:

22 (A) a person who is blind or has an ambulatory disability and has been issued a special
23 registration plate or a windshield placard by this State or another state;

1 ~~before~~ Before crossing at grade any track or tracks of a railroad, the drivers of the following
2 vehicles shall stop within 50 feet, but not less than 15 feet, from the nearest rail of the railroad
3 and while so stopped shall look and listen in both directions along the track for any approaching
4 train and for signals indicating the approach of a train, and may not proceed until he or she can
5 do so safely;

6 (A) any motor vehicle carrying passengers for hire except for jitneys designed to carry
7 not more than seven passengers including the driver;

8 (B) any school bus or multifunction school activity bus; and

9 (C) any vehicle carrying explosive substances or flammable liquids as cargo or part of
10 its cargo.

11 (2) After stopping as required herein and upon proceeding when it is safe to do so, the
12 driver of any ~~said~~ such vehicle shall cross so that there will be no necessity for changing gears
13 while traversing the crossing, and the driver may not shift gears while crossing the track or
14 tracks.

15 Sec. 8. 23 V.S.A. § 1287 is amended to read:

16 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

17 (a) A “multifunction school activity bus” is a vehicle which is used to transport students on
18 trips other than on a fixed route between home and school, and which meets the construction and
19 safety standards for a “multifunction school activity bus” adopted by rule by the National
20 Highway Traffic Safety Administration.

21 (b) If a school owns a multifunction school activity bus or leases one other than as provided
22 in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which
23 includes a school bus driver’s endorsement. ~~The~~ A school bus endorsement road test may be

1 taken in a multifunction school activity bus, but the resulting endorsement shall be restricted to
2 the operation of the appropriately sized multifunction school activity bus. Otherwise, the
3 endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

4 (c) A multifunction school activity bus may be a color other than national school bus yellow.

5 Sec. 9. 23 V.S.A. § 4121 is amended to read:

6 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

7 (a) An applicant for a school bus endorsement shall satisfy the following requirements:

8 (1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;

9 (2) ~~have~~ Have knowledge covering the following topics, at minimum:

10 (A) ~~loading~~ Loading and unloading children, including the safe operation of stop signal
11 devices, external mirror systems, flashing lights, and other warning and passenger safety devices
12 required for school buses by State or federal law or regulation;

13 (B) ~~emergency~~ Emergency exits and procedures for safely evacuating passengers in an
14 emergency;

15 (C) State and federal laws and regulations related to traversing safely highway rail
16 grade crossings;

17 (D) ~~a~~ A skills test in a school bus of the same vehicle group as the applicant will
18 operate. As used in this subdivision (a)(2)(D), “school bus” may include a “multifunction school
19 activity bus” as defined in section 1287 of this title.

20 * * *

1 Sec. 10. 23 V.S.A. § 1095b is amended to read:

2 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

3 PROHIBITED

4 * * *

5 (b) Use of handheld portable electronic device prohibited. A person shall not use a portable
6 electronic device while operating a moving motor vehicle on a highway in Vermont. The
7 prohibition of this subsection shall not apply:

8 (1) to hands-free use;

9 (2) to activation or deactivation of hands-free use, as long as ~~the device is in a cradle or~~
10 ~~otherwise securely mounted in the vehicle and the cradle or other~~ any accessory for secure
11 mounting the device is not affixed to the windshield in violation of section 1125 of this title;

12 (3) when use of a portable electronic device is necessary for a person to communicate with
13 law enforcement or emergency service personnel under emergency circumstances; ~~or~~

14 (4) to use of an ignition interlock device, as defined in section 1200 of this title; or

15 (5) to use of a global positioning or navigation system if it is installed by the manufacturer
16 or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As
17 used in this subdivision (b)(5), “securely mounted” means the device is placed in an accessory or
18 location in the vehicle, other than the operator’s hands, where the device will remain stationary
19 under typical driving conditions.

20 * * *

1 Sec. 11. 23 V.S.A. § 1099 is amended to read:

2 § 1099. TEXTING PROHIBITED

3 (a) As used in this section, “texting” means the reading or the manual composing or sending
4 of electronic communications, including text messages, instant messages, or e-mails, using a
5 portable electronic device as defined in subdivision 4(82) of this title, ~~but shall not be construed~~
6 ~~to include use.~~ Use of a global positioning or navigation system shall be governed by section
7 1095b of this title.

8 (b) A person shall not engage in texting while operating a moving motor vehicle on a
9 highway.

10 (c) A person who violates this section commits a traffic violation as defined in section 2302
11 of this title and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00
12 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00
13 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

14 * * * Obstructing Windshields, Windows * * *

15 Sec. 12. LEGISLATIVE INTENT

16 (a) In *State v. Hurley*, 2015 VT 46 (March 5, 2015), the Vermont Supreme Court held that
17 the prohibition of 23 V.S.A. § 1125 on objects hanging behind a windshield extends only to an
18 object that “materially obstructs the driver’s view.”

19 (b) In adding the second sentence to 23 V.S.A. § 1125(a) as provided in Sec. 13 of this bill,
20 the General Assembly intends to codify the holding of the *Hurley* decision and to codify the
21 logical extension of the Court’s holding to objects hanging behind a vent or side window
22 immediately to the left or right of the driver. In only addressing hanging objects in 23 V.S.A.
23 § 1125(a), the General Assembly takes no position on whether the Court’s reasoning should

1 extend further to the statute's prohibition on painting or adhering material or items to such
2 windows or the windshield.

3 Sec. 13. 23 V.S.A. § 1125 is amended to read:

4 § 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

5 (a) ~~No person shall paste, stick, or paint advertising matter or other things~~ Except as
6 otherwise provided in this section, a person shall not operate a motor vehicle on which material
7 or items have been painted or adhered on or over, or hung in back of, any transparent part of a
8 motor vehicle windshield, vent windows, or side windows located immediately to the left and
9 right of the operator, ~~nor hang any object, other than a rear view mirror, in back of the~~
10 ~~windshield except as follows.~~ The prohibition of this section on hanging items shall apply only
11 when a hanging item materially obstructs the driver's view.

12 (b) Notwithstanding subsection (a) of this section, a person may operate a motor vehicle with
13 material or items painted or adhered on or over, or hung in back of, the windshield, vent
14 windows, or side windows:

15 (1) ~~It~~ is in a space not over four inches high and 12 inches long in the lower right-hand
16 corner of the windshield;

17 (2) ~~It~~ is in such space as the Commissioner of Motor Vehicles may specify for location of
18 any sticker required by governmental regulation;

19 (3) ~~It~~ is in a space not over two inches high and two and one-half inches long in the upper
20 left-hand corner of the windshield;

21 (4) ~~By persons~~ if the operator is a person employed by the federal, ~~state~~ State, or local
22 government ~~and or a~~ and or a volunteer emergency ~~responders~~ responder operating an authorized
23 emergency ~~vehicles~~ vehicle, who ~~may place~~ places any necessary equipment in back of the

1 windshield of the vehicle, provided the equipment does not interfere with the operator's control
2 of the driving mechanism of the vehicle;

3 (5) ~~On~~ on a motor vehicle that is for sale by a licensed automobile dealer prior to the sale
4 of the vehicle, in a space not over three inches high and six inches long in the upper left-hand
5 corner of the windshield, and in a space not over four inches high and 18 inches long in the upper
6 right-hand corner of the windshield; or

7 (6) if the object is a rearview mirror, or is an electronic toll-collection transponder located
8 either between the roof line and the rearview mirror post or behind the rearview mirror.

9 ~~(6)(c)~~ The Commissioner may grant an exemption to the prohibition of this section upon
10 application from a person required for medical reasons to be shielded from the rays of the sun
11 and who attaches to the application a document signed by a licensed physician or optometrist
12 certifying that shielding from the rays of the sun is a medical necessity. The physician or
13 optometrist certification shall be renewed every four years. However, when a licensed physician
14 or optometrist has previously certified to the Commissioner that an applicant's condition is both
15 permanent and stable, the exemption may be renewed by the applicant without submission of a
16 form signed by a licensed physician or optometrist. Additionally, the window shading or tinting
17 permitted under this ~~subdivision~~ subsection shall be limited to the vent windows or side windows
18 located immediately to the left and right of the operator. The exemption provided in this
19 ~~subdivision~~ subsection shall terminate upon the ~~sale~~ transfer of the approved vehicle and at that
20 time the applicable window tinting shall be removed by the seller. Furthermore, if the material
21 described in this ~~subdivision~~ subsection tears or bubbles or is otherwise worn to prohibit clear
22 vision, it shall be removed or replaced.

1 ~~(b)~~(d) The rear side windows and the back window may be obstructed only if the motor
2 vehicle is equipped on each side with a securely attached mirror, which provides the operator
3 with a clear view of the roadway in the rear and on both sides of the motor vehicle.

4 * * * Total Abstinence Program; Application Requirements * * *

5 Sec. 14. 23 V.S.A. § 1209a(b)(1) is amended to read:

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

17 * * * Authorized Use of Colored Signal Lamps * * *

18 Sec. 15. 23 V.S.A. § 1252 is amended to read:

19 § 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
20 OR BOTH; USE OF AMBER LAMPS

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

1 (1)(A) ~~Sirens or blue or blue and, red, amber, or white~~ signal lamps, or a combination of
2 these, may be authorized for all law enforcement vehicles owned or leased by a law enforcement
3 agency, a certified law enforcement officer, or the Vermont Criminal Justice Training Council.
4 If the applicant is a constable, the application shall be accompanied by a certification by the town
5 clerk that the applicant is the duly elected or appointed constable and attesting that the town has
6 not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. §
7 1936a.

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

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

17 (3) ~~No vehicle may be authorized a permit for more than one of the combinations~~
18 ~~described in subdivisions (1) and (2) of this subsection.~~ [Repealed.]

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

22 (5) Upon application to the Commissioner, the Commissioner may issue a single permit
23 for all the vehicles owned or leased by the applicant.

1 (6) Sirens and red or red and white signal lamps, or sirens and blue or blue and white
2 signal lamps, may be authorized for restored emergency or enforcement vehicles used for
3 exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated
4 during an exhibition, such as a car show or parade.

5 * * *

6 Sec. 16. 23 V.S.A. § 1255 is amended to read:

7 § 1255. EXCEPTIONS

8 ~~(1)(a)~~ The provisions of section 1251 of this title shall not apply to directional signal lamps of
9 a type approved by the ~~commissioner of motor vehicles~~ Commissioner.

10 ~~(2)(b)~~ All persons with motor vehicles equipped as provided in ~~subdivision~~ subdivisions
11 1252(a)(1) and (2) of this title, shall use the sirens or colored signal lamps, or both, only in the
12 direct performance of their official duties. When any person other than a law enforcement
13 officer, firefighter, or emergency medical service (EMS) responder is operating a motor vehicle
14 equipped as provided in subdivision 1252(a)(1) of this title, the colored signal lamp shall be
15 either removed, covered, or hooded. When any person, other than an authorized ~~ambulance~~
16 EMS vehicle operator, firefighter, or authorized operator of vehicles used in a rescue operation,
17 is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the
18 colored signal lamps shall be either removed, covered, or hooded unless the operator holds a
19 senior operator license.

20 * * * Information on Motor Vehicle Certificates of Title * * *

21 Sec. 17. 23 V.S.A. § 2018 is amended to read:

22 § 2018. INFORMATION ON CERTIFICATE

23 (a) Each certificate of title issued by the Commissioner shall contain:

1 (1) The date issued.

2 (2) The name and address of the owner.

3 (3) The names and addresses of any lienholders, in the order of priority as shown on the
4 application or, if the application is based on a certificate of title, as shown on the certificate;

5 however, no more than two lienholders may appear on a certificate. In the event that there are

6 more than two lienholders on the vehicle, the certificate of title shall contain ~~the~~ an appropriate

7 legend ~~“There are more than two lienholders on this vehicle. Contact the Vermont Department of~~

8 ~~Motor Vehicles for details.”~~ as determined by the Commissioner.

9 (4) The title number assigned to the vehicle.

10 (5) A description of the vehicle including, so far as the following data exist, its make,

11 model, identification number, odometer reading, or hubometer reading or clock meter reading on

12 all vehicles, type of body, number of cylinders, whether new or used, and, if a new vehicle, the

13 date of the first sale of the vehicle for use.

14 (6) Any other data the Commissioner prescribes.

15 (b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a distinctive

16 certificate of title shall be issued for a vehicle last previously registered in another state or

17 country the laws of which do not require that lienholders be named on a certificate of title to

18 perfect their security interests. The certificate shall contain ~~the~~ an appropriate legend ~~“This~~

19 ~~vehicle may be subject to an undisclosed lien”~~ as determined by the Commissioner and may

20 contain any other information the Commissioner prescribes. If no notice of a security interest in

21 the vehicle is received by the Commissioner within four months from the issuance of the

22 distinctive certificate of title, he or she shall, upon application and surrender of the distinctive

23 certificate, issue a certificate of title in ordinary form.

1 * * *

2 (f) If a vehicle has been returned to the manufacturer after final determination, adjudication,
3 or settlement pursuant to the provisions of 9 V.S.A. chapter 115 or after final determination,
4 adjudication, or settlement under similar laws of any other state, any certificate of title for the
5 vehicle shall contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the~~
6 ~~manufacturer pursuant to motor vehicle arbitration board, or similar proceedings, 9 V.S.A. §~~
7 ~~4181” as determined by the Commissioner.~~

8 Sec. 18. 23 V.S.A. § 2022(a) is amended to read:

9 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first
10 lienholder or, if none, the owner or legal representative of the owner named in the certificate, as
11 shown by the records of the Commissioner, shall promptly make application for and may obtain
12 a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate~~
13 ~~certificate of title shall contain the legend “This is a duplicate certificate and may be subject to~~
14 ~~the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder
15 named in it or, if none, to the owner.

16 Sec. 19. 23 V.S.A. § 2093(a) is amended to read:

17 (a) If a vehicle upon which a salvage certificate of title, a parts-only certificate, or other
18 document indicating the vehicle is not sold for re-registration purposes has been or should have
19 been issued by the Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle
20 that has been declared a totaled motor vehicle is rebuilt and restored for highway operation, the
21 owner thereof shall not apply for a certificate of title or registration, and none shall be issued
22 until the vehicle has been inspected by the Commissioner or his or her authorized representative.
23 The inspection of the vehicle shall be conducted in the manner prescribed by the Commissioner

1 and shall include verification of the vehicle identification number and bills of sale or titles for
2 major component parts used to rebuild the vehicle. When necessary, a new vehicle identification
3 number shall be attached to the vehicle as provided by section 2003 of this title. Any new title
4 issued for such vehicles shall contain the legend “rebuilt ~~vehicle.~~”

5 * * * Information on Snowmobile, Motorboat, and

6 All-Terrain Vehicle Titles * * *

7 Sec. 20. 23 V.S.A. § 3811 is amended to read:

8 § 3811. INFORMATION ON CERTIFICATE

9 (a) Each certificate of title issued by the Commissioner shall contain:

10 (1) The date issued.

11 (2) The name and address of the owner.

12 (3) The names and addresses of any lienholders, in the order of priority as shown on the
13 application or, if the application is based on a certificate of title, as shown on the certificate;
14 however, no more than two lienholders may appear on a certificate. In the event that there are
15 more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title
16 shall contain ~~the~~ an appropriate legend ~~“There are more than two lienholders on this vessel,
17 snowmobile, or all-terrain vehicle. Contact the Vermont Department of Motor Vehicles for
18 details”~~ as determined by the Commissioner.

19 * * *

20 (b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive
21 certificate of title shall be issued for a vessel, snowmobile, or all-terrain vehicle last previously
22 registered in another state or country the laws of which do not require that lienholders be named
23 on a certificate of title to perfect their security interests, or for which a title had not been issued

1 by such other state or country. The certificate shall contain ~~the~~ an appropriate legend “~~This~~
2 ~~vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien~~” as determined
3 by the Commissioner and may contain any other information the Commissioner prescribes. If no
4 notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the
5 Commissioner within four months from the issuance of the distinctive certificate of title, he or
6 she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in
7 ordinary form.

8 * * *

9 Sec. 21. 23 V.S.A. § 3815(a) is amended to read:

10 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first
11 lienholder or, if none, the owner or legal representative of the owner named in the certificate, as
12 shown by the records of the Commissioner, shall promptly make application for and may obtain
13 a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate~~
14 ~~certificate of title shall contain the legend, “This is a duplicate certificate and may be subject to~~
15 ~~the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder
16 named in it or, if none, to the owner.

17 Sec. 22. 23 V.S.A. § 3835(a) is amended to read:

18 (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, a
19 parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle
20 is not sold for reregistration purposes has been or should have been issued by the Commissioner,
21 or by any other jurisdiction or person ~~or both~~, or if a vessel, snowmobile, or all-terrain vehicle
22 that has been declared totaled is rebuilt and restored for operation, the owner shall not apply for a
23 certificate of title or registration, and none shall be issued until the vessel, snowmobile, or ~~all~~

1 ~~terrain~~ all-terrain vehicle has been inspected by the Commissioner or his or her authorized
2 representative. The inspection of the vessel, snowmobile, or all-terrain vehicle shall be
3 conducted in the manner prescribed by the Commissioner and shall include verification of the
4 identification number and bills of sale or titles for major component parts used to rebuild the
5 vessel, snowmobile, or all-terrain vehicle. When necessary, a new identification number shall be
6 attached to the vessel, snowmobile, or all-terrain vehicle as provided by section 2003 of this
7 title. Any new title issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the
8 legend “rebuilt ~~vessel, snowmobile, or all-terrain vehicle.~~”

9 * * * Towed Vehicles * * *

10 Sec. 23. 23 V.S.A. § 1102 is amended to read:

11 § 1102. REMOVAL OF STOPPED VEHICLES

12 (a) Any enforcement officer is authorized to:

13 (1) move a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to
14 require the driver or other person in charge to move the vehicle to a position off the paved or
15 main-traveled part of the highway;

16 (2) remove an unattended vehicle which is an obstruction to traffic or to maintenance of
17 the highway to a garage or other place of safety;

18 (3) remove any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or
19 other place of safety when:

20 (A) the officer is informed by a reliable source that the vehicle has been stolen or taken
21 without the consent of its owner; or

22 (B) the person in charge of the vehicle is unable to provide for its removal; or

1 (C) the person in charge of the vehicle has been arrested under circumstances which
2 require his or her immediate removal from control of the vehicle.

3 (b) Any enforcement officer causing the removal of a motor vehicle under this section shall
4 notify the ~~Agency of Transportation~~ Department as to the location and date of discovery of the
5 vehicle, date of removal of the vehicle, name of the wrecker towing service removing the
6 vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible,
7 any information which might aid the ~~Transportation Board~~ Department in ascertaining the
8 ownership of the vehicle. ~~All information shall be forwarded and forward it to the Transportation~~
9 ~~Board in accordance with the provisions of 24 V.S.A. chapter 61~~ Department. A motor vehicle
10 towed under authority of this section may qualify as an abandoned motor vehicle under
11 subchapter 7 of chapter 21 of this title.

12 Sec. 24. 24 V.S.A. § 2272 is amended to read:

13 § 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

14 (a) A junk motor vehicle discovered in violation of section 2271 of this title shall be removed
15 from view of the main traveled way of the highway by the owner of the land upon which it is
16 discovered, upon receiving written notice from the ~~agency of transportation~~ Agency of
17 Transportation to do so, if such owner holds title to the motor vehicle.

18 (b) If the owner of the land upon which a junk motor vehicle is discovered in violation of
19 section 2271 of this title; does not hold or disclaims title; and the true owner of the motor vehicle
20 is known or can be ascertained, the motor vehicle owner shall dispose of such motor vehicle in
21 such a manner that it is no longer visible from the main traveled way of the highway upon
22 receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so.

1 (c) The owner of land upon which a motor vehicle is left in violation of this section or section
2 2271 of this title may, without incurring any civil liability or criminal penalty to the owner or
3 lienholders of such vehicles vehicle, remove cause the vehicle to be removed from the place
4 where it is discovered to any other place on any property owned by him, ~~and if so removed, he~~
5 ~~shall notify the agency of transportation and local or state police, in writing, forthwith. Within~~
6 ~~ten days after notification, the agency of transportation shall cause the vehicle to be taken under~~
7 ~~its control and disposed of as hereafter provided~~ or her, or from the property, in accordance with
8 23 V.S.A. § 2152. The provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor
9 vehicles) shall govern the identification, reclamation, and disposal of such vehicles.

10 (d) [Repealed.]

11 * * * All-Terrain Vehicles * * *

12 Sec. 25. 23 V.S.A. § 3501(5) is amended to read:

13 (5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except
14 snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not
15 wider than ~~60~~ 64 inches with two-wheel ATVs having permanent, full-time power to both
16 wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel
17 on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh,
18 swampland, and natural terrain. An ATV on a public highway shall be considered a motor
19 vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in
20 subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B);
21 (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of
22 this title. An ATV shall not include an electric personal assistive mobility device.

23 Sec. 26. 23 V.S.A. § 3502 is amended to read:

1 § 3502. REGISTRATION

2 (a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or
3 any other section of this title by the State of Vermont and unless the all-terrain vehicle displays a
4 valid Vermont ATV Sportsman’s Association (VASA) Trail Access Decal (TAD) when
5 operating on a VASA trail, except when operated:

6 (1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~or,~~

7 (2) ~~off~~ Off the highway, in a ski area while being used for the purpose of grooming snow,
8 maintenance, or in rescue operations;~~or,~~

9 (3) ~~for~~ For official use by a federal, State, or municipal agency and only if the all-terrain
10 vehicle is identified with the name or seal of the agency in a manner approved by the
11 Commissioner;~~or,~~

12 (4) ~~solely~~ Solely on privately owned land when the operator is specifically invited to do so
13 by the owner of that property and has on his or her person the written consent of the owner.

14 (5) By a person who possesses a completed TAD form processed electronically and either
15 printed out or displayed on a portable electronic device. The printed or electronic TAD form
16 shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to
17 display a completed TAD form does not in itself constitute consent for an enforcement officer to
18 access other contents of the device.

19 * * *

20 (e) An all-terrain vehicle owned by a person who is a resident of any other state or province
21 shall be deemed to be properly registered for the purposes of this chapter if it is registered in
22 accordance with the laws of the state or province in which its owner resides,~~but only to the~~

1 ~~extent that a similar exemption or privilege is granted under the laws of that state or province for~~
2 ~~all terrain vehicles registered in this State by a resident of this State.~~

3 * * * Commercial Driver Licenses; Skills Test Waivers * * *

4 Sec. 27. 23 V.S.A. § 4108(d) is amended to read:

5 (d) At the discretion of the Commissioner, the skills test required under 49 C.F.R. § 383.113
6 may be waived for a commercial motor vehicle driver with military commercial motor vehicle
7 experience who is currently licensed at the time of his or her application for a commercial driver
8 license, if the test is substituted with an applicant's driving record in combination with the
9 driving experience specified in this subsection. The Commissioner shall impose conditions and
10 limitations to restrict the applicants from whom alternative requirements for the skills test may
11 be accepted. Such conditions shall include the following:

12 (1) the applicant must certify that, during the two-year period immediately prior to
13 applying for a commercial driver license, he or she:

14 (A) has not had more than one license in addition to a military license;

15 (B) has not had any license suspended, revoked, or cancelled;

16 (C) has not had any convictions for any type of motor vehicle for the disqualifying
17 offenses specified in subsection 4116(a) of this title;

18 (D) has not had more than one conviction for any type of motor vehicle for serious
19 traffic violations specified in subdivision 4103(16) of this title; and

20 (E) has not had any conviction for a violation, other than a parking violation, of
21 military, ~~state~~ State, or local law relating to motor vehicle traffic control arising in connection
22 with any traffic accident, and has no record of an accident in which he or she was at fault; and

23 (2) the applicant must provide evidence and certify that he or she:

1 (A) is regularly employed or was regularly employed within the last ~~90 days~~ 12 months
2 in a military position requiring operation of a commercial motor vehicle;

3 (B) was exempted from the commercial driver license requirements in 49 C.F.R.
4 § 383.3(c); and

5 (C) was operating for at least the two years immediately preceding discharge from the
6 military a vehicle representative of the commercial motor vehicle the driver applicant operates or
7 expects to operate.

8 * * * Lists of Registrations and Suspensions * * *

9 Sec. 28. 23 V.S.A. § 109 is amended to read:

10 § 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS AND OTHERS;~~

11 ~~LISTS OF SUSPENSIONS~~

12 (a) ~~Annually, the Commissioner shall cause to be prepared a list of registered motor vehicles,~~
13 ~~arranged serially according to the registration numbers assigned thereto which shall contain in~~
14 ~~addition the names and addresses of registered owners and a brief description of the vehicle~~
15 ~~registered, and the name and address of each person to whom is assigned a dealer's registration~~
16 ~~number. One copy of such list shall be furnished, in such form as the Commissioner may~~
17 ~~determine, free to each inspector of the Motor Vehicle Department, sheriff, State's Attorney,~~
18 ~~district judge, and police department in the State. The list may be also furnished to any person~~
19 ~~on request and upon the payment of the required fee. [Repealed.]~~

20 (b) ~~Each month, the Commissioner shall cause to be prepared a list of all persons whose~~
21 ~~operating license, nonresident operating privileges, or privilege of an unlicensed operator to~~
22 ~~operate a vehicle, is suspended or revoked in this State at the time the list is prepared. Names on~~
23 ~~the list shall be arranged by county of residence or zip code. Notwithstanding 1 V.S.A. chapter~~

1 5, subchapter 3, ~~the~~ a list of all persons whose operating license, nonresident operating
2 privileges, or privilege of an unlicensed operator to operate a vehicle is suspended or revoked in
3 this State shall be available on request in such form as the Commissioner may determine. The
4 list shall be available in an electronic format for law enforcement officers with computer access
5 through the Department of Public Safety.

6 * * * Nonresident Motor Truck Registration * * *

7 Sec. 29. REPEAL

8 23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

9 Sec. 30. 23 V.S.A. § 411 is amended to read:

10 § 411. RECIPROCAL PROVISIONS

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

1 ~~any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of~~
2 ~~motor fuel over and above that provided in the standard equipment of such vehicle.~~

3 * * * New Motor Vehicle Arbitration; Uncontested Matters * * *

4 Sec. 31. 9 V.S.A. § 4173 is amended to read:

5 § 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

6 * * *

7 (c)(1) Arbitration of the consumer's complaint, either through the manufacturer's dispute
8 settlement mechanism or the Board, must be held within 45 days of receipt by the manufacturer
9 or the Board of the consumer's notice, electing the remedy of arbitration unless:

10 (A) the consumer or the manufacturer ~~has~~ shows good cause for an extension of time,
11 not to exceed an additional 30-day period; or

12 (B) the manufacturer does not contest the consumer's complaint, in which case an
13 arbitration hearing is not required.

14 (2) ~~the an~~ If an extension of time is requested by the manufacturer, the manufacturer shall
15 provide free use of a vehicle to the consumer if the consumer's vehicle is out of service.

16 (3) ~~In the event~~ If the consumer elects to proceed in accordance with the manufacturer's
17 dispute settlement mechanism, the matter is contested, and the arbitration of the dispute is not
18 held within 45 days of the manufacturer's receipt of the consumer's notice and the manufacturer
19 is not able to establish good cause for the delay, the consumer shall be entitled to receive the
20 relief requested under this chapter.

21 (d) Within the 45-day period set forth in subsection (c) of this section but at least five days
22 prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect
23 which the consumer claims entitles him or her to a refund or replacement vehicle. Any right to a

1 final repair attempt is waived if the manufacturer does not complete it at least five days prior to
2 hearing. If the consumer is satisfied with the corrective work done by the manufacturer or his or
3 her delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's
4 right to request arbitration be recommenced if the repair proves unsatisfactory for the duration of
5 the express warranty.

6 (e) ~~The~~ If an arbitration hearing is required under this section, the vehicle must be presented
7 at the hearing site for an inspection or test drive, or both, by members of the Board.

8 * * *

9 Sec. 32. 9 V.S.A. § 4174(d) is amended to read:

10 (d) The Board shall render a decision within 30 days of the conclusion of a hearing ~~and~~ in a
11 contested matter, and within 30 days of the manufacturer's answer in an uncontested matter. The
12 Board has authority to issue any and all damages as are provided by this chapter.

13 * * * Biobus Pilot Extension * * *

14 Sec. 33. 2013 Acts and Resolves No. 12, Sec. 30a is amended to read:

15 Sec. 30a. SCHOOL BUS PILOT PROGRAM

16 (a) Definitions. As used in this section, the term "person" shall have the same meaning as in
17 1 V.S.A. § 128, and the term "Type II school bus" shall have the same meaning as in 23 V.S.A.
18 § 4(34)(C).

19 (b) Pilot program. Upon application, the Commissioner of Motor Vehicles shall approve up
20 to three persons who satisfy the requirements of this section to participate in a pilot program.
21 Pilot program participants shall be authorized to operate on Vermont highways Type II school
22 buses registered in this State that are retrofitted with an auxiliary fuel tank to enable the use of
23 biodiesel, waste vegetable oil, or straight vegetable oil, provided the school bus has passed

1 inspection in accordance with subdivision (c)(3) of this section and the bus and its auxiliary tank
2 comply with the Federal Motor Vehicle Safety Standards applicable to Type II school buses. If
3 more than three persons apply to participate in the pilot program, the Commissioner shall give
4 priority to applicants who seek to install the auxiliary fuel tank in connection with a student-led
5 or student-generated school project.

6 (c) Documentation; requirements. The Commissioner may prescribe that applicants furnish
7 information necessary to implement the pilot program. After an applicant furnishes such
8 information and is approved, the Commissioner shall provide the person with documentation of
9 the person's selection under the pilot program and the expiration date of the program. If the
10 approved person is a municipality or another legal entity, the Commissioner's documentation
11 shall list the specific individuals authorized to operate the Type II school bus. The
12 Commissioner's documentation shall:

13 (1) be carried in the school bus while it is operated on a highway;
14 (2) constitute and be recognized by enforcement officers in Vermont as a waiver, until
15 expiration of the pilot program, of those provisions of 23 V.S.A. §§ 4(37), 1221, and 1283(a)(6)
16 and of any rule that would prohibit school buses retrofitted with auxiliary fuel tanks from
17 lawfully operating on Vermont highways; and

18 (3) be recognized by authorized inspection stations as a waiver of the prohibition on
19 auxiliary or added fuel tanks, and of the requirement that buses only be equipped with such
20 motor fuel tanks as are regularly installed by the manufacturer, specified in the School Bus
21 Periodic Inspection Manual ("Inspection Manual"); provided, however, that no school bus
22 equipped with an auxiliary or added fuel tank shall pass inspection unless all other requirements
23 of the Inspection Manual regarding fuel systems are satisfied.

1 (d) Expiration. The pilot program established and the waivers granted under this section
2 shall expire on September 1, ~~2015~~ 2017.

3 * * * Exempt Vehicle Title * * *

4 Sec. 34. 23 V.S.A. chapter 21 is amended to read:

5 CHAPTER 21. TITLE TO MOTOR VEHICLES

6 Subchapter 1. General Provisions

7 § 2001. DEFINITIONS

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

9 * * *

10 (15) “Title or certificate of title” means a written instrument or document that certifies
11 ownership of a vehicle and is issued by the Commissioner or equivalent official of another
12 jurisdiction. These terms do not include an exempt vehicle title authorized to be issued under
13 subdivision 2013(a)(2) of this chapter.

14 * * *

15 § 2002. FEES

16 (a) The Commissioner shall be paid the following fees:

17 (1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle
18 title, \$33.00;

19 * * *

20 § 2012. EXEMPTED VEHICLES

21 No certificate of title need be obtained for:

22 (1) ~~A~~ a vehicle owned by the United States, unless it is registered in this State;

1 (2) ~~A~~ a vehicle owned by a manufacturer or dealer and held for sale, even though
2 incidentally moved on the highway or used for purposes of testing or demonstration, or used by
3 an educational institution approved by the Agency of Education for driver training purposes, or a
4 vehicle used by a manufacturer solely for testing;

5 (3) ~~A~~ a vehicle owned by a nonresident of this State and not required by law to be
6 registered in this State;

7 (4) ~~A~~ a vehicle regularly engaged in the interstate transportation of persons or property
8 for which a currently effective certificate of title has been issued in another state;

9 (5) ~~A~~ a self-propelled ~~wheel chair~~ wheelchair or invalid tricycle;

10 (6) ~~A~~ a motorcycle which has less than 300 cubic centimeters of engine displacement or a
11 motorcycle powered by electricity with less than 20 kilowatts of engine power;

12 (7) ~~Any~~ any trailer with an unladen weight of 1,500 pounds or less;

13 (8) ~~A~~ a motor-driven cycle;

14 (9) ~~Any~~ any other type of vehicle designed primarily for off-highway use and deemed
15 exempt by the Commissioner; or

16 (10) a vehicle that is more than 15 years old.

17 § 2013. WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT

18 VEHICLE TITLE UPON REQUEST

19 (a)(1) Except as provided in section 2012 of this title, the provisions of this chapter shall
20 apply to and a title must be obtained for all motor vehicles at the time of first registration or
21 when a change of registration is required under the provisions of section 321 of this title by
22 reason of a sale for consideration, ~~except for vehicles that are more than 15 years old.~~

1 (2) In addition, a Vermont resident may apply at any time to the Commissioner to obtain
2 an “exempt vehicle title” for a vehicle that is more than 25 years old. Such titles shall be in a
3 form prescribed by the Commissioner and shall include a legend indicating that the title is issued
4 under the authority of this subdivision. The Commissioner shall issue an exempt vehicle title if
5 the applicant pays the applicable fee and fulfills the requirements of this section, and if the
6 Commissioner is satisfied that:

7 (A) the applicant is the owner of the vehicle;

8 (B) the applicant is a Vermont resident; and

9 (C) the vehicle is not subject to any liens or encumbrances.

10 (3) Prior to issuing an exempt vehicle title pursuant to subdivision (2) of this subsection,
11 the Commissioner shall require all of the following:

12 (A) The applicant to furnish one of the following proofs of ownership, in order of
13 preference:

14 (i) a previous Vermont or out-of-state title indicating the applicant’s ownership;

15 (ii) an original or a certified copy of a previous Vermont or out-of-state registration
16 indicating the applicant’s ownership;

17 (iii) sufficient evidence of ownership as determined by the Commissioner, including
18 bills of sale or original receipts for major components of homebuilt vehicles; or

19 (iv) a notarized affidavit certifying that the applicant is the owner of the vehicle and
20 is unable to produce the proofs listed in subdivisions (i)–(iii) of this subdivision (3)(A) despite
21 reasonable efforts to do so.

22 (B) A notarized affidavit certifying:

23 (i) the date the applicant purchased or otherwise took ownership of the vehicle;

1 discretion of the Commissioner, by any other method he or she determines. The original records
2 may be maintained on microfilm or electronic imaging.

3 * * *

4 § 2021. REFUSAL OF CERTIFICATE

5 The Commissioner shall refuse issuance of a certificate of title or an exempt vehicle title if
6 any required fee is not paid or if he or she has reasonable grounds to believe that:

7 (1) the applicant is not the owner of the vehicle;

8 (2) the application contains a false or fraudulent statement; or

9 (3) the applicant fails to furnish required information or documents or any additional
10 information the Commissioner reasonably requires.

11 * * *

12
13 § 2029. SUSPENSION OR REVOCATION OF CERTIFICATE

14 (a) The Commissioner shall suspend or revoke a certificate of title or exempt vehicle title,
15 upon notice and reasonable opportunity to be heard in accordance with section 2004 of this
16 chapter, if he or she finds:

17 (1) the certificate of title or exempt vehicle title was fraudulently procured or erroneously
18 issued; or

19 (2) the vehicle has been scrapped, dismantled, or destroyed.

20 (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a
21 security interest noted on it.

1 (c) When the Commissioner suspends or revokes a certificate of title or exempt vehicle title,
2 the owner or person in possession of it shall, immediately upon receiving notice of the
3 suspension or revocation, mail or deliver the certificate to the Commissioner.

4 (d) The Commissioner may seize and impound any certificate of title or exempt vehicle title
5 which has been canceled, suspended, or revoked.

6 * * *

7 Subchapter 5: Anti-theft Provisions and Penalties

8 § 2081. APPLICATION OF SUBCHAPTER

9 (a) This subchapter does not apply to a self-propelled wheelchair or invalid tricycle.

10 (b) The provisions of this subchapter that apply to certificates of title shall also apply to
11 salvage certificates of title, exempt vehicle titles, certificates of origin, and secure assignments of
12 title.

13 * * *

14 * * * Effective Dates * * *

15 Sec. 35. EFFECTIVE DATES; APPLICABILITY

16 (a)(1) This section, Sec. 26 (all-terrain vehicles), Sec. 27 (CDL skills test waiver for military
17 drivers), and Secs. 31–32 (new motor vehicle arbitration; uncontested matters) shall take effect
18 on passage.

19 (2) Secs. 31–32 shall apply to any matters pending on passage of this act.

20 (b) Sec. 34 shall take effect on January 1, 2016.

21 (c) All other sections shall take effect on July 1, 2015.