

1 S.122

2 Senators Flory, Degree, Kitchel, Mazza, and Westman move that the Senate  
3 concur in the House proposal of amendment with further proposal of  
4 amendment as follows:

5 By striking out all after the enacting clause and inserting in lieu thereof the  
6 following:

7 \* \* \* Dealers and Transporters \* \* \*

8 Sec. 1. 23 V.S.A. § 4 is amended to read:

9 § 4. DEFINITIONS

10 Except as may be otherwise provided herein, and unless the context  
11 otherwise requires in statutes relating to motor vehicles and enforcement of the  
12 law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the  
13 following definitions shall apply:

14 \* \* \*

15 (8)(A)(i) “Dealer” ~~shall mean~~ means a person, partnership, or  
16 corporation ~~who is,~~ or other entity engaged in the business of ~~buying,~~ selling,  
17 or exchanging new or used motor vehicles, ~~as well as other types of motor~~  
18 ~~vehicle dealers, except a finance and auction dealer and transporter:~~

19 ~~(A) Who~~ snowmobiles, motorboats, or all-terrain vehicles. A dealer  
20 may, as part of or incidental to such business, repair such vehicles or

1 motorboats, sell parts and accessories, or lease or rent ~~motor~~ such vehicles and  
2 ~~who:~~

3 (i) ~~Has had no previous record of willful violations of dealer laws~~  
4 ~~or regulations in this or any other jurisdiction.~~

5 (ii) ~~For initial applications only, has had no previous record of~~  
6 ~~criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in~~  
7 ~~this or any other jurisdiction.~~

8 (iii) ~~Has no unsatisfied judgments against him or her arising out of~~  
9 ~~violations of consumer protection laws in this or any other jurisdiction.~~

10 (iv) ~~Presents proof of compliance with the provisions of section~~  
11 ~~800 of this title at the time application for registration is made.~~

12 (v) ~~Is open for business at least 146 days during the calendar year.~~

13 ~~When the application for registration as a new car dealer or used car dealer is~~  
14 ~~made, the applicant shall provide the Commissioner with the hours of~~  
15 ~~operation of the business which the person shall maintain during the~~  
16 ~~registration period.~~

17 (vi) ~~Owns real estate (as defined in 1 V.S.A. § 132) as his or her~~  
18 ~~place of business or has a lease with an expiration date not earlier than the last~~  
19 ~~day of the registration year for which registration is sought under the~~  
20 ~~provisions of subchapter 4 of chapter 7 of this title which includes a building~~  
21 ~~of at least 1,200 square feet in size used primarily for the business of the~~

1 ~~dealership. The building shall have adequate facilities for the maintenance of~~  
2 ~~the records required by law to be kept including those required by section 466~~  
3 ~~of this title and for the transfer of motor vehicles or motorboats. “Dealer” shall~~  
4 ~~not include a finance or auction dealer or a transporter.~~

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

9 (II) For a dealer in snowmobiles, motorboats, or all-terrain  
10 vehicles, “engaged in the business” means having sold or exchanged at least  
11 three snowmobiles, motorboats, or all-terrain vehicles, respectively, in the  
12 immediately preceding year or six in the two immediately preceding years.

13 (III) For a dealer in trailers, semi-trailers, or trailer coaches,  
14 “engaged in the business” means having sold or exchanged a combination of at  
15 least three trailers, semi-trailers, or trailer coaches in the immediately  
16 preceding year or six in the two immediately preceding years.

17 (IV) For a dealer in motorcycles or motor-driven cycles,  
18 “engaged in the business” means having sold or exchanged a combination of at  
19 least three motorcycles or motor-driven cycles in the immediately preceding  
20 year or six in the two immediately preceding years.



1 ~~preceding registration year, 12 or more pleasure cars or motor trucks which~~  
2 ~~have been in lease or rental services, and persons so engaged shall meet all~~  
3 ~~obligations required of dealers. [Repealed.]~~

4 \* \* \*

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

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

10 (ii) a person regularly engaged in the business of towing trailer  
11 coaches, owned by them or temporarily in their custody, on their own wheels  
12 over public highways, ~~persons~~ or towing office trailers owned by them or  
13 temporarily in their custody, on their own wheels over public highways,  
14 ~~persons;~~

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

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

20 (v) dealers, owners of motor vehicle auction sites, and automobile  
21 repair shop owners when engaged in the transportation of motor vehicles to

1 and from their place of business for repair purposes. ~~“Transporter” shall also~~  
2 ~~include;~~

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

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

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

9 (III) persons whose business involves moving vehicles from  
10 the place of business of a registered dealer to another registered dealer, or  
11 between a motor vehicle auction site and a registered dealer or another motor  
12 vehicle auction site, leased vehicles to the lessor at the expiration of the lease,  
13 or vehicles purchased at the place of auction of an auction dealer to the  
14 purchaser.

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

16 (i) ~~“short-term~~ “Short-term rental” shall mean means a period of  
17 less than one year. ~~Additionally, as used in this subdivision, “repossession”~~  
18 ~~shall include~~

19 (ii) “Repossession” includes the transport of a repossessed vehicle  
20 to a location specified by the lienholder or owner at whose direction the  
21 vehicle was repossessed. ~~Before a person may become licensed as a~~

1 ~~transporter, he or she shall present proof of compliance with section 800 of this~~  
2 ~~title. He or she shall also either own or lease a permanent place of business~~  
3 ~~located in this State where business shall be conducted during regularly~~  
4 ~~established business hours and the required records stored and maintained.~~

5 \* \* \*

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

7 Subchapter 4. Registration of Dealers and Transporters

8 ARTICLE 1.

9 DEALERS

10 § 450. DEFINITION

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

13 § 450a. DEALER REGISTRATION; ELIGIBILITY

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

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

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

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

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

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

15          (c) In addition to the requirements of subsections (a) and (b) of this section,  
16          a person shall not be eligible to register as a dealer in cars or motor trucks  
17          unless the person is open for business at least 146 days during the calendar  
18          year. The applicant shall provide the Commissioner with the hours of  
19          operation of the business which the person shall maintain during the  
20          registration period 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  
3 may ~~make application~~ apply under oath to the Commissioner, upon forms  
4 prescribed and furnished by the Commissioner for that purpose, and  
5 accompanied by such additional information and certifications as the  
6 Commissioner may reasonably require, for a general distinguishing number for  
7 such motor vehicles. If the Commissioner is satisfied that the applicant meets  
8 all the requirements of section 4 and chapter 7 of this title and is qualified to  
9 engage in such business, the Commissioner may issue to the applicant a  
10 certificate of registration containing the name, place of residence, and address  
11 of such applicant, the general distinguishing number assigned, and such  
12 additional information as the Commissioner may determine. If a dealer has a  
13 place of business or agency in more than one city or town, he or she shall file  
14 an application and secure a certificate of registration for each place of business  
15 or agency. The place of business or agency shall mean a place in any town  
16 where motor vehicles owned by a dealer are regularly kept or exposed for sale  
17 in the custody or control of the dealer or a salesman, employee, or agent of  
18 such dealer. In his or her discretion, the Commissioner may assign the same  
19 distinguishing number with more than one certificate to any dealer who has  
20 separate places of business within the same or an adjacent city or town within  
21 Vermont. The Commissioner may allow a dealer having one distinguishing

1 number with more than one certificate to maintain only one central area for the  
2 maintenance of records required by law to be kept, including those required by  
3 section 466 of this title and for the transfer of motor vehicles. This location  
4 must be in Vermont and must be disclosed on the application prior to approval  
5 and may be changed only with the approval of the Commissioner or his or her  
6 agent. Dealer registration plates shall contain letters indicating the type of  
7 dealer certificate issued before the distinguishing number.

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

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



1 his or her discretion may furnish further sets of plates at a fee of \$12.00 per set;  
2 such number plates may, however, only be displayed upon a farm tractor or  
3 other self-propelled farm implement.

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

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

20 (e) If a dealer is engaged only in the ~~manufacturing, buying, business of~~  
21 ~~selling, or exchanging of~~ trailers, semi-trailers, or trailer coaches, the

1 registration fee shall be \$90.00 which shall include three number plates; such  
2 number plates may, however, only be displayed upon a trailer, semi-trailer, or  
3 trailer coach. The Commissioner may, in his or her discretion, furnish further  
4 plates at a fee of \$10.00 for each such plate.

5 \* \* \*

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

1 damage shall have the right to claim against the surety upon the bond or  
2 against the letter of credit or certificate of deposit. The bond, letter of credit,  
3 or certificate of deposit shall remain in effect for the pending registration year  
4 and one year thereafter. The liability of any such surety or claim against the  
5 letter of credit or certificate of deposit shall be limited to the amount of the fees  
6 or tax collected by the dealer under chapters 7 and 21 of this title or 32 V.S.A.  
7 chapter 219 and not remitted to the Commissioner.

8 (h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer  
9 shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504  
10 of this title, respectively.

11 § 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

12 \* \* \*

13 (c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a  
14 dealer's number plate or dealer registration number in accordance with  
15 sections 3204, 3305, and 3504 of this title, respectively.

16 \* \* \*

17 § 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

18 Employees of a dealer shall not operate, and a dealer shall not permit them  
19 to operate, ~~motor~~ vehicles, or motorboats, ~~snowmobiles, and all-terrain~~  
20 ~~vehicles~~ with dealer's registration number plates or registration numbers

1 displayed thereon, except for business purposes of the dealer, or in traveling  
2 directly between their homes and the place of their employer's business.

3 \* \* \*

4 § 462. CANCELLATION, REVOCATION, OR SUSPENSION OF  
5 DEALER'S REGISTRATION

6 (a) The Commissioner may cancel, revoke, or suspend a the registration  
7 ~~certificate issued to~~ of a dealer under the provisions of this chapter or section  
8 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded  
9 the opportunity of a hearing before the Commissioner or upon conviction in  
10 any court in any jurisdiction, it appears that the dealer has willfully violated  
11 any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of  
12 the Commissioner, applying to dealers, or when it appears that the dealer has  
13 engaged in fraudulent or unlawful practices related to the purchase, sale, or  
14 exchange of ~~motor~~ vehicles or motorboats. A dealer whose ~~certificate~~  
15 registration has been canceled, revoked, or suspended shall forthwith return to  
16 the Commissioner the registration certificate and any and all number plates, or  
17 numbers or decals furnished him or her by the Commissioner, and the  
18 privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or motorboats  
19 under his or her dealer's number shall cease. An application for a new dealer's  
20 license registration for that dealer will not be considered until ~~the suspension a~~  
21 revocation period has been served.

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

4 \* \* \*

5 § 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS

6 PROHIBITED

7 A dealer shall not lend or lease registration certificates, validation stickers,  
8 numbers, ~~or~~ decals, or number plates which have been assigned to him or her  
9 under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~  
10 vehicle or motorboat to which his or her dealer's decals, numbers, or number  
11 plates have been attached, nor lend or lease his or her dealer's decals, numbers,  
12 or number plates to a subagent.

13 § 466. RECORDS; CUSTODIAN

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

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



1 § 467. ~~FAILURE OF DEALER DUTY TO REPORT PURCHASE AND~~  
2 ~~SALE OF VEHICLES~~ SALES, RETURN EXPIRED PLATES

3 On a form prescribed by the Commissioner, a dealer shall send the reports  
4 of sale to the Commissioner upon the sale and relative to his or her sale or  
5 exchange of new or ~~secondhand motor~~ used vehicles or motorboats, and return  
6 to the Commissioner number plates coming into his or her possession through  
7 the sale or exchange of a motor vehicle, the registration of which has expired  
8 under the provisions of section 321 of this title.

9 § 468. GENERAL PROHIBITION

10 A dealer shall not operate a ~~motor~~ vehicle or motorboat nor permit the same  
11 to be operated under dealer's registration numbers, except as specifically  
12 permitted in this chapter or under section 3204, 3305, or 3504 of this title. No  
13 charge shall be made for any permitted use.

14 \* \* \*

15 § 473. WHEN REGISTRATION IS ALLOWED, REQUIRED; PENALTIES

16 (a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or~~  
17 ~~offering for sale motor~~ or exchanging vehicles or motorboats, as defined in ~~this~~  
18 ~~subchapter except for vehicles that are to be scrapped, dismantled, or destroyed~~  
19 subdivision 4(8) of this title, without a dealer registration and obtaining dealer  
20 plates or motorboat registrations in accordance with the provisions of this  
21 subchapter and, if applicable, section 3204, 3305, or 3504 of this title. A

1 person may register as a dealer only if he or she is engaged in the business of  
2 selling or exchanging vehicles or motorboats, as defined in subdivision 4(8) of  
3 this title or, in the case of an initial registration, if the person's reasonable  
4 estimate of expected sales or exchanges satisfies the minimum thresholds  
5 under subdivision 4(8) of this title. A person who violates this section shall be  
6 subject to the penalties established pursuant to section 475 of this title. ~~For the~~  
7 ~~purpose of the subchapter, "engaged in the business" means selling 12 or more~~  
8 ~~pleasure cars or motor trucks owned but not registered by the seller except for~~  
9 ~~vehicles that are to be scrapped, dismantled, or destroyed. "Engaged in the~~  
10 ~~business" shall also mean selling, during the immediately preceding~~  
11 ~~registration year, 12 or more pleasure cars or trucks which have been in lease~~  
12 ~~or rental service and persons so engaged shall meet all obligations required of~~  
13 ~~dealers.~~

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

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ARTICLE 3.

TRANSPORTERS

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

(a) A transporter may apply for and the Commissioner of Motor Vehicles, in his or her discretion, may issue a certificate of registration and a general distinguishing number plate. Before a person may be registered as a transporter, he or she shall present proof:

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

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

(b) When he or she displays thereon his or her transporter’s registration plate, a transporter or his or her employee or contractor may transport a motor vehicle owned by ~~him or her~~ the transporter, repossessed, or temporarily in ~~his or her~~ the transporter’s custody, and it shall be considered to be properly registered under this title. Transporter’s registration plates shall not be used for any other purposes and shall not be used by the holder of such number plates for personal purposes.

\* \* \*

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

2 § 3204. REGISTRATION FEES AND DEALER PLATES

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

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

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

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

3 \* \* \*

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

5 § 3305. FEES

6 \* \* \*

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

15 \* \* \*

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

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

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

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(j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the issuance of temporary registrations of motorboats pending issuance of the permanent registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee for the temporary registrations shall be \$3.00 for each registration purchased from the Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while being operated and shall authorize operation without the registration number being affixed for a period not to exceed ~~30~~ 60 days from the date of issue.

\* \* \*

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

(b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules which may be adopted by the Commissioner ~~which~~ and to the requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or

1 members of his or her immediate family; and use at fairs, shows, or races when  
2 no charge is made. Fees for registration and registration certificates shall be  
3 \$45.00 for the first certificate issued to any person and \$5.00 for any additional  
4 certificate issued to the same person within the current registration period.

5 Fees for temporary number plates shall be \$3.00 for each plate issued.

6 \* \* \* Insurance Identification Cards \* \* \*

7 Sec. 6. 23 V.S.A. § 800(a) is amended to read:

8 (a) No owner of a motor vehicle required to be registered, or operator  
9 required to be licensed or issued a learner's permit, shall operate or permit the  
10 operation of the vehicle upon the highways of the State without having in  
11 effect an automobile liability policy or bond in the amounts of at least  
12 \$25,000.00 for one person and \$50,000.00 for two or more persons killed or  
13 injured and \$10,000.00 for damages to property in any one crash. In lieu  
14 thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed  
15 with the Commissioner of Motor Vehicles, and shall be maintained and  
16 evidenced in a form prescribed by the Commissioner. The Commissioner may  
17 adopt rules governing the standards for insurance identification cards. The  
18 Commissioner may also require that evidence of financial responsibility be  
19 produced before motor vehicle inspections are performed pursuant to the  
20 requirements of section 1222 of this title.



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

4 (B) an identification number;

5 (C) a date of expiration; and

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

7 (6) "Eligible person" means:

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

11 (B) a person who is transporting a person described in subdivision  
12 (A) of this subdivision (6); or

13 (C) a person transporting a person who is blind or has an ambulatory  
14 disability on behalf of an organization that has been issued a special  
15 registration plate or a windshield placard by this State or another state for the  
16 purpose of transporting a person who is blind or has an ambulatory disability.

17 \* \* \*

18 (c) ~~Vehicles~~ Eligible persons may park vehicles with special registration  
19 plates or removable windshield placards ~~from~~ issued by any state ~~may use the~~  
20 in special parking spaces when:

21 (1) the placard is displayed:

1 (A) by hanging it from the front windshield rearview mirror in such a  
2 manner that it may be viewed from the front and rear of the vehicle; or

3 (B) if the vehicle has no rearview mirror, on the dashboard;

4 (2) the plate is mounted as provided in section 511 of this title; or

5 (3) the plate is mounted or the placard displayed as provided by the law  
6 of the jurisdiction where the vehicle is registered.

7 (d)(1) ~~A person who has an ambulatory disability or an individual~~  
8 ~~transporting a person who is blind~~ Except as otherwise provided in this  
9 subsection, an eligible person shall be permitted to park, and to park without  
10 fee, for at least 10 continuous days in a parking space or area which is  
11 restricted as to the length of time parking is permitted or where parking fees  
12 are assessed, ~~except that this minimum period shall be,~~

13 (2) 24 continuous hours for parking in Notwithstanding the 10-day  
14 period in subdivision (1) of this subsection, in the case of a State- or  
15 municipally operated parking garage, an eligible person shall be permitted to  
16 park, and to park without fee, for at least 24 continuous hours.

17 (3) ~~This section~~ subsection shall not apply to spaces or areas in which  
18 parking, standing, or stopping of all vehicles is prohibited by law or by any  
19 parking ban, or which are reserved for special vehicles. As a condition to ~~this~~  
20 the privilege conferred by this subsection, the vehicle shall display the  
21 registration plate or placard issued by the Commissioner, or a special

1 registration license plate or placard issued by any other jurisdiction, in  
2 accordance with subsection (c) of this section.

3 (e) A person, other than a an eligible person ~~with a disability~~, who for his  
4 or her own purposes parks a vehicle in a space for persons with disabilities  
5 shall be fined not less than \$200.00 for each violation and shall be liable for  
6 towing charges. He or she shall also be liable for storage charges not to exceed  
7 \$12.00 per day, and an artisan's lien may be imposed against the vehicle for  
8 payment of the charges assessed. The person in charge of the parking space or  
9 spaces for persons with a disability or any duly authorized law enforcement  
10 officer shall cause the removal of a vehicle parked in violation of this section.  
11 A violation of this section shall be considered a traffic violation within the  
12 meaning of 4 V.S.A. chapter 29.

13 \* \* \*

14 \* \* \* Multifunction School Activity Buses \* \* \*

15 Sec. 8. 23 V.S.A. § 1072(a) is amended to read:

16 (a)(1) ~~The driver of any motor vehicle carrying passengers for hire except~~  
17 ~~for jitneys designed to carry not more than seven passengers including the~~  
18 ~~driver, of any school bus, or of any vehicle carrying explosive substances or~~  
19 ~~flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade  
20 any track or tracks of a railroad, the drivers of the following vehicles shall stop  
21 within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and

1 while so stopped shall look and listen in both directions along the track for any  
2 approaching train and for signals indicating the approach of a train, and may  
3 not proceed until he or she can do so safely;

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

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

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

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

13 Sec. 9. 23 V.S.A. § 1287 is amended to read:

14 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

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

20 (b) If a school owns a multifunction school activity bus or leases one other  
21 than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be

1 required to hold a license which includes a school bus driver's endorsement.

2 ~~The~~ A school bus endorsement road test may be taken in a multifunction  
3 school activity bus, but the resulting endorsement shall be restricted to the  
4 operation of the appropriately sized multifunction school activity bus.

5 Otherwise, the endorsement shall be a Type I or Type II endorsement as  
6 appropriate to the size of the vehicle.

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

9 Sec. 10. 23 V.S.A. § 4121 is amended to read:

10 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

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

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

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

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

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

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

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

7 \* \* \*

8 \* \* \* Distracted Driving \* \* \*

9 Sec. 11. 23 V.S.A. § 1095a is amended to read:

10 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
11 DEVICES

12 (a) As used in this section, “operating” means operating a motor vehicle on  
13 a public highway, including while temporarily stationary because of traffic, a  
14 traffic control device, or other temporary delays. “Operating” does not include  
15 operating a motor vehicle with or without the motor running when the operator  
16 has moved the vehicle to the side of or off a highway and has halted in a  
17 location where the vehicle can safely and lawfully remain stationary.

18 (b) A person under 18 years of age shall not use any portable electronic  
19 device as defined in subdivision 4(82) of this title while operating a ~~moving~~  
20 motor vehicle on a highway. This prohibition shall not apply when use of a

1 portable electronic device is necessary for a person to communicate with law  
2 enforcement or emergency service personnel under emergency circumstances.

3 Sec. 12. 23 V.S.A. § 1095b is amended to read:

4 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

5 PROHIBITED

6 (a) ~~Definition~~ Definitions. As used in this section:

7 (1) ~~“hands-free~~ Hands-free use” means the use of a portable electronic  
8 device without use of either hand by employing an internal feature of, or an  
9 attachment to, the device.

10 (2) “Operating” means operating a motor vehicle on a public highway,  
11 including while temporarily stationary because of traffic, a traffic control  
12 device, or other temporary delays. “Operating” does not include operating a  
13 motor vehicle with or without the motor running when the operator has moved  
14 the vehicle to the side of or off a highway and has halted in a location where  
15 the vehicle can safely and lawfully remain stationary.

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

19 (1) ~~to~~ To hands-free use;

20 (2) ~~to~~ To activation or deactivation of hands-free use, as long as ~~the~~  
21 ~~device is in a cradle or otherwise securely mounted in the vehicle and the~~

1 ~~cradle or other~~ any accessory for ~~secure~~ securely mounting the device is not  
2 affixed to the windshield in violation of section 1125 of this title;

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

6 (4) ~~to~~ To use of an ignition interlock device, as defined in section 1200  
7 of this title.

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

14 \* \* \*

15 Sec. 13. 23 V.S.A. § 1099 is amended to read:

16 § 1099. TEXTING PROHIBITED

17 (a) As used in this section:

18 (1) ~~“texting~~ Texting” means the reading or the manual composing or  
19 sending of electronic communications, including text messages, instant  
20 messages, or e-mails, using a portable electronic device as defined in  
21 subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of

1 a global positioning or navigation system shall be governed by section 1095b  
2 of this title.

3 (2) “Operating” means operating a motor vehicle on a public highway,  
4 including while temporarily stationary because of traffic, a traffic control  
5 device, or other temporary delays. “Operating” does not include operating a  
6 motor vehicle with or without the motor running when the operator has moved  
7 the vehicle to the side of or off a highway and has halted in a location where  
8 the vehicle can safely and lawfully remain stationary.

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

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

16 \* \* \* Obstructing Windshields, Windows \* \* \*

17 Sec. 14. LEGISLATIVE INTENT

18 (a) In *State v. Hurley*, 2015 VT 46 (March 6, 2015), the Vermont Supreme  
19 Court held that the prohibition of 23 V.S.A. § 1125 on objects hanging behind  
20 a windshield extends only to an object that “materially obstructs the driver’s  
21 view.”

1        (b) In adding the second sentence to 23 V.S.A. § 1125(a) as provided in  
2        Sec. 15 of this bill, the General Assembly intends to codify the holding of the  
3        Hurley decision and to codify the logical extension of the Court’s holding to  
4        objects hanging behind a vent or side window immediately to the left or right  
5        of the driver. In only addressing hanging objects in 23 V.S.A. § 1125(a), the  
6        General Assembly takes no position on whether the Court’s reasoning should  
7        extend further to the statute’s prohibition on painting or adhering material or  
8        items to such windows or the windshield.

9        Sec. 15. 23 V.S.A. § 1125 is amended to read:

10        § 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

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

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

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

3           (2) ~~In~~ in such space as the Commissioner of Motor Vehicles may  
4 specify for location of any sticker required by governmental regulation;

5           (3) ~~In~~ in a space not over two inches high and two and one-half inches  
6 long in the upper left-hand corner of the windshield;

7           (4) ~~By persons~~ if the operator is a person employed by the federal, state  
8 State, or local government ~~and~~ or a volunteer emergency responders responder  
9 operating an authorized emergency ~~vehicles~~ vehicle, who ~~may place~~ places any  
10 necessary equipment in back of the windshield of the vehicle, provided the  
11 equipment does not interfere with the operator's control of the driving  
12 mechanism of the vehicle;

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

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

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

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

1           \* \* \* Total Abstinence Program; Application Requirements \* \* \*

2           Sec. 16. 23 V.S.A. § 1209a(b)(1) is amended to read:

3           (1) Notwithstanding any other provision of this subchapter, a person  
4           whose license has been suspended for life under this subchapter may apply to  
5           the Driver Rehabilitation School Director and to the Commissioner for  
6           reinstatement of his or her driving privilege. The person shall have completed  
7           three years of total abstinence from consumption of alcohol or drugs, or both.

8           The beginning date for the period of abstinence shall be no sooner than the  
9           effective date of the suspension from which the person is requesting  
10          reinstatement and shall not include any period during which the person is  
11          serving a sentence of incarceration to include furlough. The application shall  
12          include the applicant's authorization for a urinalysis examination to be  
13          conducted prior to reinstatement under this subdivision. The application to the  
14          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  
16          determines that payment of the fee would present a hardship to the applicant.

17          \* \* \* Information on Motor Vehicle Certificates of Title \* \* \*

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

19          § 2018. INFORMATION ON CERTIFICATE

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

21               (1) The date issued.

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

2           (3) The names and addresses of any lienholders, in the order of priority  
3 as shown on the application or, if the application is based on a certificate of  
4 title, as shown on the certificate; however, no more than two lienholders may  
5 appear on a certificate. In the event that there are more than two lienholders on  
6 the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend  
7 ~~“There are more than two lienholders on this vehicle. Contact the Vermont~~  
8 ~~Department of Motor Vehicles for details.”~~ as determined by the  
9 Commissioner.

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

11          (5) A description of the vehicle including, so far as the following data  
12 exist, its make, model, identification number, odometer reading, or hubometer  
13 reading or clock meter reading on all vehicles, type of body, number of  
14 cylinders, whether new or used, and, if a new vehicle, the date of the first sale  
15 of the vehicle for use.

16          (6) Any other data the Commissioner prescribes.

17          (b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a  
18 distinctive certificate of title shall be issued for a vehicle last previously  
19 registered in another state or country the laws of which do not require that  
20 lienholders be named on a certificate of title to perfect their security interests.  
21 The certificate shall contain ~~the~~ an appropriate legend ~~“This vehicle may be~~

1 ~~subject to an undisclosed lien~~” as determined by the Commissioner and may  
2 contain any other information the Commissioner prescribes. If no notice of a  
3 security interest in the vehicle is received by the Commissioner within four  
4 months from the issuance of the distinctive certificate of title, he or she shall,  
5 upon application and surrender of the distinctive certificate, issue a certificate  
6 of title in ordinary form.

7 \* \* \*

8 (f) If a vehicle has been returned to the manufacturer after final  
9 determination, adjudication, or settlement pursuant to the provisions of  
10 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement  
11 under similar laws of any other state, any certificate of title for the vehicle shall  
12 contain ~~the following~~ an appropriate legend: “This vehicle was returned to the  
13 ~~manufacturer pursuant to motor vehicle arbitration board, or similar~~  
14 ~~proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

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

16 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes  
17 illegible, the first lienholder or, if none, the owner or legal representative of the  
18 owner named in the certificate, as shown by the records of the Commissioner,  
19 shall promptly make application for and may obtain a duplicate upon  
20 furnishing information satisfactory to the Commissioner. ~~The duplicate~~  
21 ~~certificate of title shall contain the legend “This is a duplicate certificate and~~

1 ~~may be subject to the rights of a person under the original certificate.~~<sup>22</sup> It shall  
2 be mailed to the first lienholder named in it or, if none, to the owner.

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

4 (a) If a vehicle upon which a salvage certificate of title, a parts-only  
5 certificate, or other document indicating the vehicle is not sold for  
6 re-registration purposes has been or should have been issued by the  
7 Commissioner or by any other jurisdiction or person ~~and or both~~, or a vehicle  
8 that has been declared a totaled motor vehicle is rebuilt and restored for  
9 highway operation, the owner thereof shall not apply for a certificate of title or  
10 registration, and none shall be issued until the vehicle has been inspected by  
11 the Commissioner or his or her authorized representative. The inspection of  
12 the vehicle shall be conducted in the manner prescribed by the Commissioner  
13 and shall include verification of the vehicle identification number and bills of  
14 sale or titles for major component parts used to rebuild the vehicle. When  
15 necessary, a new vehicle identification number shall be attached to the vehicle  
16 as provided by section 2003 of this title. Any new title issued for such vehicles  
17 shall contain the legend “rebuilt ~~vehicle~~.”



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

9 \* \* \*

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

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

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

20 (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage  
21 certificate of title, a parts-only certificate, or other document indicating the

1 vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes  
2 has been or should have been issued by the Commissioner, or by any other  
3 jurisdiction or person ~~or both, or if~~ a vessel, snowmobile, or all-terrain vehicle  
4 that has been declared totaled is rebuilt and restored for operation, the owner  
5 shall not apply for a certificate of title or registration, and none shall be issued  
6 until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been  
7 inspected by the Commissioner or his or her authorized representative. The  
8 inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted  
9 in the manner prescribed by the Commissioner and shall include verification of  
10 the identification number and bills of sale or titles for major component parts  
11 used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary,  
12 a new identification number shall be attached to the vessel, snowmobile, or  
13 all-terrain vehicle as provided by section 2003 of this title. Any new title  
14 issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the  
15 legend “rebuilt vessel, snowmobile, or all-terrain vehicle.”

16 \* \* \* Towed Vehicles \* \* \*

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

18 § 1102. REMOVAL OF STOPPED VEHICLES

19 (a) Any enforcement officer is authorized to:

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

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

6           (3) remove any vehicle found upon a highway, as defined in  
7 19 V.S.A. § 1, to a garage or other place of safety when:

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

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

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

15           (b) Any enforcement officer causing the removal of a motor vehicle under  
16 this section shall notify the ~~Agency of Transportation~~ Department as to the  
17 location and date of discovery of the vehicle, date of removal of the vehicle,  
18 name of the ~~wrecker~~ towing service removing the vehicle, and place of storage.

19           The officer shall record and remove from the vehicle, if possible, any  
20 information which might aid the ~~Transportation Board~~ Department in  
21 ascertaining the ownership of the vehicle. ~~All information shall be forwarded~~

1 and forward it to the Transportation Board in accordance with the provisions of  
2 24 V.S.A. chapter 61 Department. A motor vehicle towed under authority of  
3 this section may qualify as an abandoned motor vehicle under subchapter 7 of  
4 chapter 21 of this title.

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

6 § 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

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

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

19 (c) The owner of land upon which a motor vehicle is left in violation of this  
20 section or section 2271 of this title may, without incurring any civil liability or  
21 criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, ~~remove~~

1 cause the vehicle to be removed from the place where it is discovered to any  
2 other place on any property owned by him, ~~and if so removed, he shall notify~~  
3 ~~the agency of transportation and local or state police, in writing, forthwith.~~  
4 ~~Within ten days after notification, the agency of transportation shall cause the~~  
5 ~~vehicle to be taken under its control and disposed of as hereafter provided or~~  
6 ~~her, or from the property, in accordance with 23 V.S.A. § 2152. The~~  
7 provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles)  
8 shall govern the identification, reclamation, and disposal of such vehicles.

9 (d) [Repealed.]

10 \* \* \* All-Terrain Vehicles \* \* \*

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

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

1 (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.

2 An ATV shall not include an electric personal assistive mobility device.

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

4 § 3502. REGISTRATION

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

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

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

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

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

19 (5) By a person who possesses a completed TAD form processed  
20 electronically and either printed out or displayed on a portable electronic  
21 device. The printed or electronic TAD form shall be valid for 10 days after the

1 electronic transaction. Use of a portable electronic device to display a  
2 completed TAD form does not in itself constitute consent for an enforcement  
3 officer to access other contents of the device.

4 \* \* \*

5 (e) An all-terrain vehicle owned by a person who is a resident of any other  
6 state or province shall be deemed to be properly registered for the purposes of  
7 this chapter if it is registered in accordance with the laws of the state or  
8 province in which its owner resides, ~~but only to the extent that a similar~~  
9 ~~exemption or privilege is granted under the laws of that state or province for~~  
10 ~~all-terrain vehicles registered in this State by a resident of this State.~~

11 \* \* \* Commercial Driver Licenses; Skills Test Waivers \* \* \*

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

13 (d) At the discretion of the Commissioner, the skills test required under  
14 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver  
15 with military commercial motor vehicle experience who is currently licensed at  
16 the time of his or her application for a commercial driver license, if the test is  
17 substituted with an applicant's driving record in combination with the driving  
18 experience specified in this subsection. The Commissioner shall impose  
19 conditions and limitations to restrict the applicants from whom alternative  
20 requirements for the skills test may be accepted. Such conditions shall include  
21 the following:

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

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

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

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

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

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

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

16 (A) is regularly employed or was regularly employed within the last  
17 ~~90 days~~ 12 months in a military position requiring operation of a commercial  
18 motor vehicle;

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

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

4 \* \* \* Lists of Registrations and Suspensions \* \* \*

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

6 § 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS~~  
7 ~~AND OTHERS;~~ LISTS OF SUSPENSIONS

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

18 (b) ~~Each month, the Commissioner shall cause to be prepared a list of all~~  
19 ~~persons whose operating license, nonresident operating privileges, or privilege~~  
20 ~~of an unlicensed operator to operate a vehicle, is suspended or revoked in this~~  
21 ~~State at the time the list is prepared. Names on the list shall be arranged by~~

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

8 \* \* \* Nonresident Motor Truck Registration \* \* \*

9 Sec. 29. REPEAL

10 23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

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

12 § 411. RECIPROCAL PROVISIONS

13 As determined by the Commissioner, a motor vehicle owned by a  
14 nonresident shall be considered as registered and a nonresident operator shall  
15 be considered as licensed or permitted in this State if the nonresident owner or  
16 operator has complied with the laws of the foreign country or state of his or her  
17 residence relative to the registration of motor vehicles and the granting of  
18 operators' licenses or learner's permits. Any exemptions provided in this  
19 section shall, however, be operative as to an owner or operator of a motor  
20 vehicle only to the extent that under the laws of the foreign country or state of  
21 his or her residence like exemptions and privileges are granted to operators

1       duly licensed or permitted and to owners of motor vehicles duly registered  
2       under the laws of this State. If the owner or operator is a resident of a country  
3       not adjoining the United States, such exemptions shall be operative for a period  
4       of 30 days for vacation purposes, notwithstanding that such country does not  
5       grant like privileges to residents of this State. ~~Such exemptions shall not be~~  
6       ~~operative as to the owner of a motor truck used for the transportation of~~  
7       ~~property for hire or profit between points within the State or to the owner of~~  
8       ~~any motor vehicle carrying an auxiliary fuel tank or tanks providing an~~  
9       ~~additional supply of motor fuel over and above that provided in the standard~~  
10      ~~equipment of such vehicle.~~

11               \* \* \* New Motor Vehicle Arbitration; Uncontested Matters \* \* \*

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

13       § 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

14                               \* \* \*

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

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

1           (B) the manufacturer does not contest the consumer’s complaint, in  
2           which case an arbitration hearing is not required.

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

6           (3) ~~In the event~~ If the consumer elects to proceed in accordance with  
7           the manufacturer’s dispute settlement mechanism, the matter is contested, and  
8           the arbitration of the dispute is not held within 45 days of the manufacturer’s  
9           receipt of the consumer’s notice and the manufacturer is not able to establish  
10          good cause for the delay, the consumer shall be entitled to receive the relief  
11          requested under this chapter.

12          (d) Within the 45-day period set forth in subsection (c) of this section but at  
13          least five days prior to hearing, the manufacturer shall have one final  
14          opportunity to correct and repair the defect which the consumer claims entitles  
15          him or her to a refund or replacement vehicle. Any right to a final repair  
16          attempt is waived if the manufacturer does not complete it at least five days  
17          prior to hearing. If the consumer is satisfied with the corrective work done by  
18          the manufacturer or his or her delegate, the arbitration proceedings shall be  
19          terminated without prejudice to the consumer’s right to request arbitration be  
20          recommenced if the repair proves unsatisfactory for the duration of the express  
21          warranty.



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

7 (c) Documentation; requirements. The Commissioner may prescribe that  
8 applicants furnish information necessary to implement the pilot program.

9 After an applicant furnishes such information and is approved, the  
10 Commissioner shall provide the person with documentation of the person's  
11 selection under the pilot program and the expiration date of the program. If the  
12 approved person is a municipality or another legal entity, the Commissioner's  
13 documentation shall list the specific individuals authorized to operate the  
14 Type II school bus. The Commissioner's documentation shall:

- 15 (1) be carried in the school bus while it is operated on a highway;
- 16 (2) constitute and be recognized by enforcement officers in Vermont as  
17 a waiver, until expiration of the pilot program, of those provisions of 23 V.S.A.  
18 §§ 4(37), 1221, and 1283(a)(6) and of any rule that would prohibit school  
19 buses retrofitted with auxiliary fuel tanks from lawfully operating on Vermont  
20 highways; and

