

1 Introduced by [**DRAFT DMV PROPOSALS, & VASA PROPOSAL**]

2 Referred to Committee on

3 Date:

4 Subject: Motor vehicles; snowmobiles; motorboats; all-terrain vehicles;

5 dealers; insurance cards; multifunction school activity buses; railroad

6 grade crossings; distracted driving; reinstatement; total abstinence

7 program; titles; abandoned motor vehicles; commercial driver

8 licenses; skills tests

9 Statement of purpose of bill as introduced: This bill proposes to:

10 (1) add snowmobile, motorboat, and all-terrain vehicle dealers to the  
11 existing definition of dealers, and make conforming changes to the laws  
12 governing such dealers;

13 (2) authorize the Commissioner of Motor Vehicles to require that  
14 insurance identification cards include machine-readable technology;

15 (3) require multifunction school activity buses to stop at railroad  
16 grade crossings;

17 (4) define “operating” a motor vehicle for the purposes of existing  
18 distracted driving laws, and amend such laws to extend to stationary vehicles  
19 in some circumstances;

20 (5) in connection with the existing law governing handheld use of  
21 portable electronic devices while driving, eliminate the requirement that a

1 device be securely mounted in a cradle in order to qualify for the exemption  
2 for activation or deactivation of hands-free use;

3 (6) reorganize a provision prohibiting the obstruction of windshields and  
4 side windows and amend it to create an exception for electronic toll-collection  
5 transponders;

6 (7) require an applicant for reinstatement of an operator’s license  
7 through the total abstinence program to authorize a urinalysis as part of the  
8 application process;

9 (8) authorize multifunction school activity buses to be used in school  
10 bus endorsement road tests with the resulting endorsement being restricted to  
11 such vehicles;

12 (9) authorize the Commissioner to determine appropriate brands and  
13 legends on motor vehicle, snowmobile, motorboat, and all-terrain vehicle title  
14 certificates; eliminate a special title legend for duplicate titles; and remove the  
15 unnecessary word “vehicle” from titles issued to vehicles and vessels that have  
16 been rebuilt;

17 (10) define the term “towing service” in the context of removing and  
18 disposing of abandoned motor vehicles;

19 (11) authorize an all-terrain vehicle operator to pay for a Trail Access  
20 Decal electronically and for receipts of electronic transactions to be used as  
21 proof of payment for a 10-day period;

1           (12) extend from 90 days to one year the existing skills test waiver  
2 period for former military drivers applying for a commercial driver  
3 license; and

4           (13) repeal a statute requiring the Commissioner to prepare lists of  
5 registered motor vehicles and persons under suspensions.

6           An act relating to miscellaneous changes to the laws related to motor  
7 vehicles and other vehicles

8           It is hereby enacted by the General Assembly of the State of Vermont:

9                     \* \* \* Snowmobile, ATV, and Motorboat Dealers \* \* \*

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

11           (8) “Dealer” shall mean a person, partnership, or corporation other than  
12 a transporter or a finance or auction dealer as defined herein, who is engaged in  
13 the business of buying, selling, or exchanging new or used motor vehicles,  
14 snowmobiles, motorboats, or all-terrain vehicles, as well as other types of  
15 ~~motor vehicle dealers, except a finance and auction dealer and transporter:~~

16           (A) Who may, as part of or incidental to such business, repair such  
17 vehicles or vessels, sell parts and accessories, or lease or rent ~~motor~~ such  
18 vehicles or vessels and who:

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

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

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

6                   (iv) Presents proof of compliance with the provisions of section  
7 800 of this title at the time application for registration is made, except that this  
8 requirement shall not extend to snowmobiles, motorboats, or all-terrain  
9 vehicles.

10                  (v) Is open for business at least 146 days during the calendar year.  
11 When the application for registration as a ~~new car dealer or used car dealer~~ is  
12 made, the applicant shall provide the Commissioner with the hours of  
13 operation of the business which the person shall maintain during the  
14 registration period. This subdivision shall apply only to applicants for  
15 registration as a new car dealer or used car dealer.

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

1 the records required by law to be kept including those required by section 466  
2 of this title and for the transfer of ~~motor~~ vehicles and vessels.

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

8 (C) “Finance dealer” means a person who is authorized to do  
9 business in this State and is actively engaged in and devoting a principal  
10 portion of his or her time to the wholesale and retail financing of motor vehicle  
11 sales by and through direct wholesale loans to those who are registered motor  
12 vehicle dealers under chapter 7 of this title or the purchase of retail conditional  
13 sales contracts from the dealers. A person entitled to dealer registration under  
14 this subdivision shall be deemed a dealer only to the extent of moving or  
15 operating under dealer registration a motor vehicle which he or she is  
16 repossessing in the regular course of his or her business. A person entitled to  
17 dealer registration under this subdivision shall also be entitled to demonstrate  
18 repossessed motor vehicles.

19 (D) “Auction dealer” means a person who is authorized to do  
20 business in this State and is engaged in the sale of motor vehicles at public  
21 auction subject to the provisions of sections 451, 458, 459, 463, and 466–468

1 of this title. A motor vehicle to be sold at public auction by the auction dealer  
2 may be transported to the place of auction for a period of up to 30 days prior to  
3 the date of auction on auction dealer plates and then only by the dealer or his  
4 or her employee. A motor vehicle sold by an auction dealer may only be  
5 operated on auction dealer plates on the date of sale and then only by the dealer  
6 or his or her employee or by the purchaser when accompanied by the dealer or  
7 employee within 10 miles of the place of auction.

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

14 (F) For new and used car dealers, “engaged in the business” means  
15 selling, during the immediately preceding registration year, 12 or more  
16 pleasure cars or motor trucks;

17 (i) owned but not registered by the seller except for vehicles that  
18 are to be scrapped, dismantled, or destroyed. ~~“Engaged in the business” shall~~  
19 ~~also mean selling, during the immediately preceding registration year, 12 or~~  
20 ~~more pleasure cars or motor trucks; or~~

1                   (ii) which have been in lease or rental services, and persons so  
2 engaged shall meet all obligations required of dealers.

3                   (G) For snowmobile, motorboat, or all-terrain vehicle dealers,  
4 “engaged in the business” means selling, during the immediately preceding  
5 registration year, 12 or more snowmobiles, motorboats, or all-terrain vehicles:

6                   (i) owned but not registered by the person except for  
7 snowmobiles, motorboats, or all-terrain vehicles that are to be scrapped,  
8 dismantled, or destroyed; or

9                   (ii) which have been in lease or rental services, and persons so  
10 engaged shall meet all obligations required of dealers.

11 Sec. 2. 23 V.S.A. chapter 7, subchapter 4, article 1 is amended to read:

12   ARTICLE 1.

13   DEALERS

14                   § 450. DEFINITION

15                   As used in this subchapter, “vehicle or vessel” means a motor vehicle,  
16 snowmobile, motorboat, or all-terrain vehicle.

17                   § 451. DEALER’S CERTIFICATE

18                   (a) Instead of registering each motor vehicle owned by him or her, a dealer  
19 may make application under oath to the Commissioner, upon forms prescribed  
20 and furnished by the Commissioner for that purpose, and accompanied by such  
21 additional information and certifications as the Commissioner may reasonably

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



1 Dealer registration plates shall contain letters indicating the type of dealer  
2 certificate issued before the distinguishing number.

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

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

15 (d) Snowmobile, motorboat, and all-terrain vehicle dealers shall obtain  
16 dealer certificates of registration in accordance with sections 3204, 3305, and  
17 3504 of this title, respectively.

18 \* \* \*

19 § 453. FEES AND NUMBER PLATES

20 \* \* \*

1        (h) Applications by a dealer in snowmobiles, motorboats, or all-terrain  
2        vehicles shall be accompanied by the fees prescribed in sections 3204, 3305,  
3        and 3504 of this title, respectively.

4        § 454. DEALER’S USE OF MOTOR VEHICLES

5    \* \* \*

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

9    \* \* \*

10        § 456. EMPLOYEES’ USE OF VEHICLES RESTRICTED

11        Employees of a dealer shall not operate, and a dealer shall not permit them  
12        to operate, motor vehicles, motorboats, snowmobiles, and all-terrain vehicles  
13        with dealer’s registration number plates or registration numbers displayed  
14        thereon, except for business purposes of the dealer, or in traveling directly  
15        between their homes and the place of their employer’s business.

16    \* \* \*

17        § 462. CANCELLATION OF DEALER’S REGISTRATION

18        (a) The Commissioner may cancel, revoke, or suspend a registration  
19        certificate issued to a dealer under the provisions of this chapter, whenever,  
20        after the dealer has been afforded the opportunity of a hearing before the  
21        Commissioner or upon conviction in any court in any jurisdiction, it appears

1 that the dealer has willfully violated any motor vehicle law of this State or any  
2 lawful regulation of the Commissioner, applying to dealers or when it appears  
3 that the dealer has engaged in fraudulent or unlawful practices related to the  
4 purchase, sale, or exchange of ~~motor~~ vehicles or vessels. A dealer whose  
5 certificate has been canceled shall forthwith return to the Commissioner the  
6 registration certificate and any and all number plates, or numbers or decals  
7 furnished him or her by the Commissioner, and the privilege to operate,  
8 purchase, sell, or exchange ~~motor~~ vehicles or vessels under his or her dealer's  
9 number shall cease. An application for a new dealer's license for that dealer  
10 will not be considered until the suspension period has been served.

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

14 \* \* \*

15 § 465. LOANING OF PLATES OR VEHICLES PROHIBITED

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

1 § 466. RECORDS; CUSTODIAN

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

7 (1) Every ~~motor~~ vehicle or vessel which is bought, sold, or exchanged  
8 by the licensee or received or accepted by the licensee for sale or exchange.

9 (2) Every ~~motor~~ vehicle or vessel which is bought or otherwise acquired  
10 and dismantled by the licensee.

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

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

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

7 \* \* \*

8 § 468. GENERAL PROHIBITION

9 A dealer shall not operate a ~~motor~~ vehicle or vessel nor permit the same to  
10 be operated under dealer's registration numbers, except as specifically  
11 permitted in this chapter. No charge shall be made for any permitted use.

12 \* \* \*

13 § 473. PENALTIES

14 (a) No person shall engage in the business of buying, selling, or offering  
15 for sale motor vehicles, snowmobiles, motorboats, or all-terrain vehicles as  
16 defined in ~~this subchapter except for vehicles that are to be scrapped,~~  
17 ~~dismantled, or destroyed~~ subdivision 4(8) of this title without a dealer  
18 registration and obtaining dealer plates in accordance with the provisions of  
19 this subchapter. A person who violates this section shall be subject to the  
20 penalties established pursuant to section 475 of this title. ~~For the purpose of~~  
21 ~~the subchapter, "engaged in the business" means selling 12 or more pleasure~~

1 ~~cars or motor trucks owned but not registered by the seller except for vehicles~~  
2 ~~that are to be scrapped, dismantled, or destroyed. “Engaged in the business”~~  
3 ~~shall also mean selling, during the immediately preceding registration year, 12~~  
4 ~~or more pleasure cars or trucks which have been in lease or rental service and~~  
5 ~~persons so engaged shall meet all obligations required of dealers.~~

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

11 \* \* \*

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

13 § 3204. REGISTRATION FEES AND DEALER PLATES

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

18 (b)(1) Dealer; manufacturer and repair plates; fees. ~~Unless exempted~~  
19 ~~pursuant to subsection 3205(f) of this title, any~~ Any person engaged in the  
20 manufacture or sale of snowmobiles shall obtain registration certificates and  
21 identifying number plates, subject to such rules as may be adopted by the

1 Commissioner ~~which~~ and to the requirements of subdivision 4(8) of this title.

2 The certificates shall be valid for the following purposes only: testing;  
3 adjusting; demonstrating; temporary use of customers for a period not to  
4 exceed 14 days; private business or pleasure use of such person or members of  
5 his or her immediate family; and use at fairs, shows, or races when no charge is  
6 made for such use.

7 (2) Fees. Fees for dealer registration certificates shall be \$40.00 for the  
8 first certificate issued to any person and \$5.00 for any additional certificate  
9 issued to the same person within the current registration period. Fees for  
10 temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

11 \* \* \*

12 Sec. 4. 23 V.S.A. § 3305(c) is amended to read:

13 (c) A person engaged in the manufacture or sale of motorboats of a type  
14 otherwise required to be registered by this subchapter, upon application to the  
15 Commissioner upon forms prescribed by him or her, and if qualified under  
16 subdivision 4(8) of this title, may obtain registration certificates for use as  
17 described under subdivision (1) of this subsection.

18 \* \* \*

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

20 (b) Any person engaged in the manufacture or sale of all-terrain vehicles  
21 shall obtain registration certificates and identifying number plates subject to

1 rules which may be adopted by the Commissioner ~~which~~ and to the  
2 requirements of subdivision 4(8) of this title. The certificates shall be valid for  
3 the following purposes only: testing; adjusting; demonstrating; temporary use  
4 of customers for a period not to exceed seven days; private business or  
5 pleasure use of the person or members of his or her immediate family; and use  
6 at fairs, shows, or races when no charge is made. Fees for registration  
7 certificates shall be \$45.00 for the first certificate issued to any person and  
8 \$5.00 for any additional certificate issued to the same person within the current  
9 registration period. Fees for temporary number plates shall be \$3.00 for each  
10 plate issued.

11 \* \* \* Insurance Identification Cards \* \* \*

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

13 (a) No owner of a motor vehicle required to be registered, or operator  
14 required to be licensed or issued a learner's permit, shall operate or permit the  
15 operation of the vehicle upon the highways of the State without having in  
16 effect an automobile liability policy or bond in the amounts of at least  
17 \$25,000.00 for one person and \$50,000.00 for two or more persons killed or  
18 injured and \$10,000.00 for damages to property in any one crash. In lieu  
19 thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed  
20 with the Commissioner of Motor Vehicles, and shall be maintained and  
21 evidenced in a form prescribed by the Commissioner. The Commissioner may



1 require that an insurance identification card employ machine-readable  
2 technology and that the readable data include the same information as on the  
3 card. The Commissioner may also require that evidence of financial  
4 responsibility be produced before motor vehicle inspections are performed  
5 pursuant to the requirements of section 1222 of this title.

6 \* \* \* Railroad Grade Crossings; Duty to Stop \* \* \*

7 Sec. 7. 23 V.S.A. § 1072(a) is amended to read:

8 (a)(1) ~~The driver of any motor vehicle carrying passengers for hire except~~  
9 ~~for jitneys designed to carry not more than seven passengers including the~~  
10 ~~driver, of any school bus, or of any vehicle carrying explosive substances or~~  
11 ~~flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade  
12 any track or tracks of a railroad, the drivers of the following vehicles shall stop  
13 within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and  
14 while so stopped shall look and listen in both directions along the track for any  
15 approaching train and for signals indicating the approach of a train, and may  
16 not proceed until he or she can do so safely;

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

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

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



1 Sec. 9. 23 V.S.A. § 1095b is amended to read:

2 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

3 PROHIBITED

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

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

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

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

17 (1) to hands-free use;

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

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

4 (4) to use of an ignition interlock device, as defined in section 1200 of  
5 this title.

6 \* \* \*

7 Sec. 10. 23 V.S.A. § 1099 is amended to read:

8 § 1099. TEXTING PROHIBITED

9 (a) As used in this section:

10 (1) ~~“texting~~ Texting” means the reading or the manual composing or  
11 sending of electronic communications, including text messages, instant  
12 messages, or e-mails, using a portable electronic device as defined in  
13 subdivision 4(82) of this title, ~~but~~. Texting shall not be construed to include  
14 use of a global positioning or navigation system if installed by the  
15 manufacturer or securely mounted in the vehicle in a manner that does not  
16 violate section 1125 of this title.

17 (2) “Operating” means operating a motor vehicle on a public highway,  
18 including while temporarily stationary because of traffic, a traffic control  
19 device, or other temporary delays. “Operating” does not include operating a  
20 motor vehicle with or without the motor running when the operator has moved

1 the vehicle to the side of or off a highway and has halted in a location where  
2 the vehicle can safely and lawfully remain stationary.

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

5 (c) A person who violates this section commits a traffic violation as defined  
6 in section 2302 of this title and shall be subject to a penalty of not less than  
7 \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation,  
8 and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~  
9 for a second or subsequent violation within any two-year period.

10 \* \* \* Towed Vehicles \* \* \*

11 Sec. 11. 23 V.S.A. § 1102 is amended to read:

12 § 1102. REMOVAL OF STOPPED VEHICLES

13 (a) Any enforcement officer is authorized to:

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

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

19 (3) remove any vehicle found upon a highway, as defined in  
20 19 V.S.A. § 1, to a garage or other place of safety when:

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

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

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

8 (b) Any enforcement officer causing the removal of a motor vehicle under  
9 this section shall notify the Agency of Transportation as to the location and  
10 date of discovery of the vehicle, date of removal of the vehicle, name of the  
11 wrecker service removing the vehicle, and place of storage. The officer shall  
12 record and remove from the vehicle, if possible, any information which might  
13 aid the ~~Transportation Board~~ Department in ascertaining the ownership of the  
14 vehicle. ~~All information shall be forwarded and forward it to the~~  
15 ~~Transportation Board in accordance with the provisions of 24 V.S.A. chapter~~  
16 ~~64~~ Department.

17 \* \* \* Obstructions to Windshields, Windows \* \* \*

18 Sec. 12. 23 V.S.A. § 1125 is amended to read:

19 § 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

20 (a) ~~No person shall paste, stick, or paint advertising matter or other things~~  
21 Except as otherwise provided in this section, a person shall not operate a motor

1 vehicle on which material or items have been painted or adhered on or over, or  
2 hung from, any transparent part of a motor vehicle windshield, vent windows,  
3 or side windows located immediately to the left and right of the operator, ~~nor~~  
4 ~~hang any object, other than a rear view mirror, in back of the windshield~~  
5 except as follows.

6 (b) Notwithstanding subsection (a) of this section, a person may operate a  
7 motor vehicle with material or items painted or adhered on or over, or hung  
8 from, the windshield, vent windows, or side windows:

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

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

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

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

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

6           (6) if the object is a rearview mirror or an electronic toll-collection  
7 transponder.

8           ~~(6)(c)~~ The Commissioner may grant an exemption to the prohibition of  
9 this section upon application from a person required for medical reasons to be  
10 shielded from the rays of the sun and who attaches to the application a  
11 document signed by a licensed physician or optometrist certifying that  
12 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  
14 licensed physician or optometrist has previously certified to the Commissioner  
15 that an applicant's condition is both permanent and stable, the exemption may  
16 be renewed by the applicant without submission of a form signed by a licensed  
17 physician or optometrist. Additionally, the window shading or tinting  
18 permitted under this ~~subdivision~~ subsection shall be limited to the vent  
19 windows or side windows located immediately to the left and right of the  
20 operator. The exemption provided in this ~~subdivision~~ subsection shall  
21 terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the



1 applicable window tinting shall be removed by the seller. Furthermore, if the  
2 material described in this ~~subdivision~~ subsection tears or bubbles or is  
3 otherwise worn to prohibit clear vision, it shall be removed or replaced.

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

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

9 Sec. 13. 23 V.S.A. § 1209a(b)(1) is amended to read:

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

1 application fee if the Commissioner determines that payment of the fee would  
2 present a hardship to the applicant.

3 \* \* \* Multifunction School Activity Buses \* \* \*

4 Sec. 14. 23 V.S.A. § 1287 is amended to read:

5 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

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

11 (b) If a school owns a multifunction school activity bus or leases one other  
12 than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be  
13 required to hold a license which includes a school bus driver’s endorsement.  
14 The A school bus endorsement road test may be taken in a multifunction  
15 school activity bus, but the resulting endorsement shall be restricted to the  
16 operation of the appropriately sized multifunction school activity bus.  
17 Otherwise, the endorsement shall be a Type I or Type II endorsement as  
18 appropriate to the size of the vehicle.

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

1 Sec. 15. 23 V.S.A. § 4121 is amended to read:

2 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

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

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

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

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

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

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

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

20 \* \* \*

1                   \* \* \* Motor Vehicle Titles; Brands and Legends \* \* \*

2           Sec. 16. 23 V.S.A. § 2018 is amended to read:

3           § 2018. INFORMATION ON CERTIFICATE

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

5                   (1) The date issued.

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

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

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

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

21                   (6) Any other data the Commissioner prescribes.

1 (b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a  
2 distinctive certificate of title shall be issued for a vehicle last previously  
3 registered in another state or country the laws of which do not require that  
4 lienholders be named on a certificate of title to perfect their security interests.  
5 The certificate shall contain ~~the~~ an appropriate legend ~~“This vehicle may be~~  
6 ~~subject to an undisclosed lien”~~ as determined by the Commissioner and may  
7 contain any other information the Commissioner prescribes. If no notice of a  
8 security interest in the vehicle is received by the Commissioner within four  
9 months from the issuance of the distinctive certificate of title, he or she shall,  
10 upon application and surrender of the distinctive certificate, issue a certificate  
11 of title in ordinary form.

12 \* \* \*

13 (f) If a vehicle has been returned to the manufacturer after final  
14 determination, adjudication, or settlement pursuant to the provisions of  
15 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement  
16 under similar laws of any other state, any certificate of title for the vehicle shall  
17 contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the~~  
18 ~~manufacturer pursuant to motor vehicle arbitration board, or similar~~  
19 ~~proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

1 Sec. 17. 23 V.S.A. § 2022(a) is amended to read:

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

10 Sec. 18. 23 V.S.A. § 2093(a) is amended to read:

11 (a) If a vehicle upon which a salvage certificate of title, a parts-only  
12 certificate, or other document indicating the vehicle is not sold for  
13 re-registration purposes has been or should have been issued by the  
14 Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle  
15 that has been declared a totaled motor vehicle is rebuilt and restored for  
16 highway operation, the owner thereof shall not apply for a certificate of title or  
17 registration, and none shall be issued until the vehicle has been inspected by  
18 the Commissioner or his or her authorized representative. The inspection of  
19 the vehicle shall be conducted in the manner prescribed by the Commissioner  
20 and shall include verification of the vehicle identification number and bills of  
21 sale or titles for major component parts used to rebuild the vehicle. When

1 necessary, a new vehicle identification number shall be attached to the vehicle  
2 as provided by section 2003 of this title. Any new title issued for such vehicles  
3 shall contain the legend “rebuilt ~~vehicle.~~”

4 \* \* \* Snowmobile, Motorboat, and All Terrain Vehicle Titles; Brands \* \* \*

5 Sec. 19. 23 V.S.A. § 3811 is amended to read:

6 § 3811. INFORMATION ON CERTIFICATE

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

8 (1) The date issued.

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

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

18 \* \* \*

19 (b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a  
20 distinctive certificate of title shall be issued for a vessel, snowmobile, or  
21 all-terrain vehicle last previously registered in another state or country the laws

1 of which do not require that lienholders be named on a certificate of title to  
2 perfect their security interests, or for which a title had not been issued by such  
3 other state or country. The certificate shall contain ~~the~~ an appropriate legend  
4 ~~“This vessel, snowmobile, or all-terrain vehicle may be subject to an~~  
5 ~~undisclosed lien”~~ as determined by the Commissioner and may contain any  
6 other information the Commissioner prescribes. If no notice of a security  
7 interest in the vessel, snowmobile, or all-terrain vehicle is received by the  
8 Commissioner within four months from the issuance of the distinctive  
9 certificate of title, he or she shall, upon application and surrender of the  
10 distinctive certificate, issue a certificate of title in ordinary form.

11 \* \* \*

12 Sec. 20. 23 V.S.A. § 3815(a) is amended to read:

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



1 Sec. 21. 23 V.S.A. § 3835(a) is amended to read:

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

19 \* \* \* Abandoned Motor Vehicles \* \* \*

20 Sec. 22. 23 V.S.A. § 2151 is amended to read:

21 § 2151. ABANDONED MOTOR VEHICLES; ~~DEFINED~~ DEFINITIONS

1           (a)(1) ~~For the purposes of~~ As used in this subchapter, an “abandoned motor  
2 vehicle” means:

3           (1)(A) “Abandoned motor vehicle” means:

4                   ~~(A)~~(i) a motor vehicle that has remained on public or private property  
5 or on or along a highway without the consent of the owner or person in control  
6 of the property for more than 48 hours, and has a valid registration plate or  
7 public vehicle identification number which has not been removed, destroyed,  
8 or altered; or

9                   ~~(B)~~(ii) a motor vehicle that has remained on public or private  
10 property or on or along a highway without the consent of the owner or person  
11 in control of the property for any period of time if the vehicle does not have a  
12 valid registration plate or the public vehicle identification number has been  
13 removed, destroyed, or altered.

14           (B) “Abandoned motor vehicle” does not include a vehicle or other  
15 equipment used or to be used in construction or in the operation or  
16 maintenance of highways or public utility facilities, which is left in a manner  
17 which does not interfere with the normal movement of traffic.

18           (2) “Towing service” means any person moving an abandoned motor  
19 vehicle over a public highway by any means allowed by law.

20           (b) ~~For purposes of this subsection~~ As used in this section, “public vehicle  
21 identification number” means the public vehicle identification number which is

1 usually visible through the windshield and attached to the driver’s side of the  
2 dashboard, instrument panel, or windshield pillar post or on the doorjamb on  
3 the driver’s side of the vehicle.

4 ~~(b) Construction equipment. A vehicle or other equipment used or to be~~  
5 ~~used in construction or in the operation or maintenance of highways or public~~  
6 ~~utility facilities, which is left in a manner which does not interfere with the~~  
7 ~~normal movement of traffic, shall not be considered to be an abandoned motor~~  
8 ~~vehicle.~~

9 \* \* \* All-terrain Vehicles; Trail Access Decals \* \* \*

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

11 § 3502. REGISTRATION

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

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

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



1 conditions and limitations to restrict the applicants from whom alternative  
2 requirements for the skills test may be accepted. Such conditions shall include  
3 the following:

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

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

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

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

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

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

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

19 (A) is regularly employed or was regularly employed within the ~~last~~  
20 ~~90 days~~ previous year in a military position requiring operation of a  
21 commercial motor vehicle;

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

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

6                           \* \* \* Lists of Registrations and Suspensions \* \* \*

7       Sec. 25. REPEAL

8           23 V.S.A. § 109 (lists of registrations and suspensions) is repealed.

9       Sec. 26. EFFECTIVE DATE

10           This act shall take effect on July 1, 2015.