

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 address the requirements to qualify as such
12 dealers, and make related changes to the laws governing such dealers;

13 (2) authorize the Commissioner of Motor Vehicles to regulate the
14 contents of insurance identification cards under certain circumstances;

15 (3) require multifunction school activity buses to stop at railroad
16 grade crossings, and authorize multifunction school activity buses to be used in
17 school bus endorsement road tests with the resulting endorsement being
18 restricted to such vehicles;

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

1 (5) in connection with the existing law governing handheld use of
2 portable electronic devices while driving, eliminate the requirement that a
3 device be securely mounted in a cradle in order to qualify for the exemption
4 for activation or deactivation of hands-free use;

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

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

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

16 (9) define the term “towing service” as used in the abandoned motor
17 vehicle law, make technical changes for consistent use of that phrase, and
18 clarify the applicability of the law to vehicles towed under for standing or
19 stopping in violation of law or under the authority of the law governing savage
20 yards;

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

4 (11) extend from 90 days to one year the existing skills test waiver
5 period for former military drivers applying for a commercial driver
6 license; and

7 (12) repeal a provision requiring the Commissioner to prepare lists of
8 registered motor vehicles, and amend a provision regarding lists of persons
9 under suspensions;

10 (13) repeal a provision regarding registration of nonresident motor
11 trucks, and make a conforming change arising out of that repeal.

12 An act relating to miscellaneous changes to laws related to motor vehicles,
13 motorboats, and other vehicles

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

15 * * * Snowmobile, ATV, and Motorboat Dealers * * *

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

17 (8)(A) “Dealer” shall mean a person, partnership, or corporation, other
18 than a transporter or a finance or auction dealer as defined herein, who is
19 engaged in the business of ~~buying, selling, or exchanging~~ new or used motor
20 vehicles, snowmobiles, motorboats, or all-terrain vehicles, as well as other

1 types of ~~motor~~ vehicle dealers, ~~except a finance and auction dealer and~~
2 ~~transporter~~;

3 ~~(A) Who.~~ A dealer may, as part of or incidental to such business,
4 repair such vehicles or motorboats, sell parts and accessories, or lease or rent
5 ~~motor~~ such vehicles ~~and who~~ or motorboats. To qualify to register as a dealer,
6 a dealer shall:

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

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

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

14 (iv) ~~Presents~~ Present proof of compliance with the provisions of
15 section 800 of this title at the time application for registration is made, except
16 that this requirement shall not extend to snowmobile, motorboat, or all-terrain
17 vehicle dealers.

18 (v) ~~Is~~ Be open for business at least 146 days during the calendar
19 year. When the application for registration ~~as a new car dealer or used car~~
20 ~~dealer~~ is made, the applicant shall provide the Commissioner with the hours of
21 operation of the business which the person shall maintain during the

1 registration period. This subdivision shall apply only to applicants for
2 registration as a new car dealer or used car dealer.

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

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

16 (C) “Finance dealer” means a person who is authorized to do
17 business in this State and is actively engaged in and devoting a principal
18 portion of his or her time to the wholesale and retail financing of motor vehicle
19 sales by and through direct wholesale loans to those who are registered motor
20 vehicle dealers under chapter 7 of this title or the purchase of retail conditional
21 sales contracts from the dealers. A person entitled to dealer registration under

1 this subdivision shall be deemed a dealer only to the extent of moving or
2 operating under dealer registration a motor vehicle which he or she is
3 repossessing in the regular course of his or her business. A person entitled to
4 dealer registration under this subdivision shall also be entitled to demonstrate
5 repossessed motor vehicles.

6 (D) “Auction dealer” means a person who is authorized to do
7 business in this State and is engaged in the sale of motor vehicles at public
8 auction subject to the provisions of sections 451, 458, 459, 463, and 466–468
9 of this title. A motor vehicle to be sold at public auction by the auction dealer
10 may be transported to the place of auction for a period of up to 30 days prior to
11 the date of auction on auction dealer plates and then only by the dealer or his
12 or her employee. A motor vehicle sold by an auction dealer may only be
13 operated on auction dealer plates on the date of sale and then only by the dealer
14 or his or her employee or by the purchaser when accompanied by the dealer or
15 employee within 10 miles of the place of auction.

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

1 (F)(i) ~~For new and used car dealers, To be~~ “engaged in the business”
2 ~~means selling 12 or more as a new or used car dealer, a person must have sold~~
3 ~~the following number of~~ pleasure cars or motor trucks owned but not registered
4 by the seller ~~except for vehicles that are to be scrapped, dismantled, or~~
5 destroyed. “Engaged in the business” shall also mean selling, ~~during the~~
6 ~~immediately preceding registration year, 12 or more pleasure cars or motor~~
7 ~~trucks which have been~~ person or that were in lease or rental services, ~~and~~
8 ~~persons so engaged shall meet all obligations required of dealers:~~

9 (I) 12 or more during the immediately preceding registration
10 year; or

11 (II) 24 or more during the two immediately preceding
12 registration years.

13 (ii) To be “engaged in the business” as a snowmobile, motorboat,
14 or all-terrain vehicle dealer, a person must have sold or exchanged the
15 following number of snowmobiles, motorboats, or all-terrain vehicles owned
16 but not registered by the person or that were in lease or rental services:

17 (I) six or more during the immediately preceding registration
18 year; or

19 (II) 12 or more during the two immediately preceding
20 registration years.

1 (iii) For the purposes of this subdivision (F), vehicles or
2 motorboats that are to be scrapped, dismantled, or destroyed shall not count
3 as sales.

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

5 ARTICLE 1.

6 DEALERS

7 § 450. DEFINITION

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

10 § 451. DEALER’S CERTIFICATE

11 (a) Instead of registering each motor vehicle owned by him or her, a dealer
12 may make application under oath to the Commissioner, upon forms prescribed
13 and furnished by the Commissioner for that purpose, and accompanied by such
14 additional information and certifications as the Commissioner may reasonably
15 require, for a general distinguishing number for such motor vehicles. If the
16 Commissioner is satisfied that the applicant meets all the requirements of
17 section 4 and chapter 7 of this title and is qualified to engage in such business,
18 the Commissioner may issue to the applicant a certificate of registration
19 containing the name, place of residence, and address of such applicant, the
20 general distinguishing number assigned, and such additional information as the
21 Commissioner may determine. If a dealer has a place of business or agency in

1 more than one city or town, he or she shall file an application and secure a
2 certificate of registration for each place of business or agency. The place of
3 business or agency shall mean a place in any town where motor vehicles
4 owned by a dealer are regularly kept or exposed for sale in the custody or
5 control of the dealer or a salesman, employee, or agent of such dealer. In his
6 or her discretion, the Commissioner may assign the same distinguishing
7 number with more than one certificate to any dealer who has separate places of
8 business within the same or an adjacent city or town within Vermont. The
9 Commissioner may allow a dealer having one distinguishing number with
10 more than one certificate to maintain only one central area for the maintenance
11 of records required by law to be kept, including those required by section 466
12 of this title and for the transfer of motor vehicles. This location must be in
13 Vermont and must be disclosed on the application prior to approval and may
14 be changed only with the approval of the Commissioner or his or her agent.
15 Dealer registration plates shall contain letters indicating the type of dealer
16 certificate issued before the distinguishing number.

17 (b) With the prior approval of the Commissioner, a Vermont dealer may
18 display vehicles on a temporary basis, but in no instance for more than
19 14 days, at fairs, shows, exhibitions, and other off-site locations within the
20 manufacturer's stated area of responsibility in the franchise agreement. No
21 sales may be transacted at these off-site locations. A dealer desiring to display

1 vehicles temporarily at an off-site location shall notify the Commissioner in a
2 manner prescribed by the Commissioner no less than two days prior to the first
3 day for which approval is requested.

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

8 (d) Snowmobile, motorboat, and all-terrain vehicle dealers shall obtain
9 dealer certificates of registration in accordance with sections 3204, 3305, and
10 3504 of this title, respectively.

11 * * *

12 § 453. FEES AND NUMBER PLATES

13 * * *

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

17 § 454. DEALER'S USE OF MOTOR VEHICLES

18 * * *

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

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§ 456. EMPLOYEES' USE OF VEHICLES RESTRICTED

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

* * *

§ 462. CANCELLATION OF DEALER'S REGISTRATION

(a) The Commissioner may cancel, revoke, or suspend a registration certificate issued to a dealer under the provisions of this chapter or sections 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded the opportunity of a hearing before the Commissioner or upon conviction in any court in any jurisdiction, it appears that the dealer has willfully violated any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of the Commissioner, applying to dealers, or when it appears that the dealer has engaged in fraudulent or unlawful practices related to the purchase, sale, or exchange of ~~motor~~ vehicles or motorboats. A dealer whose certificate has been canceled shall forthwith return to the Commissioner the registration certificate and any and all number plates, or numbers or decals furnished him or her by the Commissioner, and the privilege to operate, purchase, sell, or exchange

1 ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An
2 application for a new dealer's license for that dealer will not be considered
3 until the suspension period has been served.

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

7 * * *

8 § 465. LOANING OF PLATES OR VEHICLES PROHIBITED

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

15 § 466. RECORDS; CUSTODIAN

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

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

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

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

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

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

1 * * *

2 § 468. GENERAL PROHIBITION

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

7 * * *

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

9 (a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or~~
10 ~~offering for sale or exchanging~~ motor vehicles, snowmobiles, motorboats, or
11 all-terrain vehicles as defined in ~~this subchapter except for vehicles that are to~~
12 ~~be scrapped, dismantled, or destroyed~~ subdivision 4(8) of this title without a
13 dealer registration and obtaining dealer plates or temporary motorboat
14 registrations in accordance with the provisions of this subchapter. A person
15 may register as a dealer only if he or she is engaged in the business of selling
16 or exchanging motor vehicles, snowmobiles, motorboats, or all-terrain vehicles
17 as defined in subdivision 4(8) of this title or, in the case of an initial
18 registration, if the person's reasonable estimate of expected sales satisfies the
19 minimum requirements of subdivision 4(8) of this title. A person who violates
20 this section shall be subject to the penalties established pursuant to section 475
21 of this title. ~~For the purpose of the subchapter, "engaged in the business"~~

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

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

12 * * *

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

14 § 3204. REGISTRATION FEES AND DEALER PLATES

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

19 (b)(1) Dealer; manufacturer and repair plates; fees. ~~Unless exempted~~
20 ~~pursuant to subsection 3205(f) of this title, any~~ Any person engaged in the
21 manufacture or ~~sale of~~ in the business of selling or exchanging snowmobiles

1 shall obtain registration certificates and identifying number plates, subject to
2 such rules as may be adopted by the Commissioner ~~which~~ and to the
3 requirements of subdivision 4(8) of this title. The certificates shall be valid for
4 the following purposes only: testing; adjusting; demonstrating; temporary use
5 of customers for a period not to exceed 14 days; private business or pleasure
6 use of such person or members of his or her immediate family; and use at fairs,
7 shows, or races when no charge is made for such use.

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

12 * * *

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

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

20 * * *

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

10 * * *

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

12 (b) Any person engaged in the manufacture or ~~sale of~~ in the business of
13 selling or exchanging all-terrain vehicles shall obtain registration certificates
14 and identifying number plates subject to rules which may be adopted by the
15 Commissioner ~~which~~ and to the requirements of subdivision 4(8) of this title.
16 The plates shall be valid for the following purposes only: testing; adjusting;
17 demonstrating; temporary use of customers for a period not to exceed seven
18 days; private business or pleasure use of the person or members of his or her
19 immediate family; and use at fairs, shows, or races when no charge is made.
20 Fees for registration certificates shall be \$45.00 for the first certificate issued to
21 any person and \$5.00 for any additional certificate issued to the same person

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

3 * * * Insurance Identification Cards * * *

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

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

18 * * * Multifunction School Activity Buses * * *

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

20 (a)(1) ~~The driver of any motor vehicle carrying passengers for hire except~~
21 ~~for jitneys designed to carry not more than seven passengers including the~~

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

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

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

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

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

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

18 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

19 (a) A “multifunction school activity bus” is a vehicle which is used to
20 transport students on trips other than on a fixed route between home and
21 school, and which meets the construction and safety standards for a

1 “multifunction school activity bus” adopted by rule by the National Highway
2 Traffic Safety Administration.

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

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

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

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

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

14 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

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

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

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

20 (A) ~~loading~~ Loading and unloading children, including the safe
21 operation of stop signal devices, external mirror systems, flashing lights, and

1 other warning and passenger safety devices required for school buses by State
2 or federal law or regulation;

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

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

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

11 * * *

12 * * * Distracted Driving * * *

13 Sec. 10. 23 V.S.A. § 1095a is amended to read:

14 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
15 DEVICES

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

1 **(b)** A person under 18 years of age shall not use any portable electronic
2 device as defined in subdivision 4(82) of this title while operating a ~~moving~~
3 motor vehicle on a highway. This prohibition shall not apply when use of a
4 portable electronic device is necessary for a person to communicate with law
5 enforcement or emergency service personnel under emergency circumstances.

6 Sec. 11. 23 V.S.A. § 1095b is amended to read:

7 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

8 PROHIBITED

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

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

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

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

1 (1) to hands-free use;

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

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

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

11 * * *

12 Sec. 12. 23 V.S.A. § 1099 is amended to read:

13 § 1099. TEXTING PROHIBITED

14 (a) As used in this section:

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

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

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

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

14 * * * Obstructions to Windshields, Windows * * *

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

16 § 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

17 (a) ~~No person shall paste, stick, or paint advertising matter or other things~~
18 Except as otherwise provided in this section, a person shall not operate a motor
19 vehicle on which material or items have been painted or adhered on or over, or
20 hung from, any transparent part of a motor vehicle windshield, vent windows,
21 or side windows located immediately to the left and right of the operator, ~~nor~~

1 ~~hang any object, other than a rear view mirror, in back of the windshield~~
2 ~~except as follows.~~

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

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

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

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

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

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

1 not over four inches high and 18 inches long in the upper right-hand corner of
2 the windshield; or

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

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

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

5 * * * Total Abstinence Program; Application Requirements * * *

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

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

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

2 Sec. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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.

21 Sec. 20. 23 V.S.A. § 3835(a) is amended to read:

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

18 * * * Towed and Abandoned Motor Vehicles * * *

19 Sec. 21. 23 V.S.A. § 1102 is amended to read:

20 § 1102. REMOVAL OF STOPPED VEHICLES

21 (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. 22. 23 V.S.A. § 2151 is amended to read:

6 § 2151. ABANDONED MOTOR VEHICLES; ~~DEFINED~~ DEFINITIONS

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

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

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

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

20 (B) “Abandoned motor vehicle” does not include a vehicle or other
21 equipment used or to be used in construction or in the operation or

1 maintenance of highways or public utility facilities, which is left in a manner
2 which does not interfere with the normal movement of traffic.

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

5 (3) ~~For purposes of this subsection, “public~~ “Public vehicle
6 identification number” means the public vehicle identification number which is
7 usually visible through the windshield and attached to the driver’s side of the
8 dashboard, instrument panel, or windshield pillar post or on the doorjamb on
9 the driver’s side of the vehicle.

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

15 Sec. 23. 23 V.S.A. § 2153 is amended to read:

16 § 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

17 (a) Within 30 days of removal of ~~the~~ a vehicle pursuant to section 1102 or
18 2152 of this title or pursuant to 24 V.S.A. § 2272, a towing service which has
19 removed an abandoned motor vehicle shall apply to the Department for an
20 abandoned motor vehicle certification on forms supplied by the Department of
21 Motor Vehicles. An abandoned motor vehicle certification form shall indicate

1 the date of removal, make, color, model, location found, and the name,
2 address, and phone number of the towing service, and a certification of the
3 public vehicle identification number, if any, to be recorded by a law
4 enforcement officer.

5 (b) Upon receipt of an abandoned motor vehicle certification form, the
6 Commissioner of Motor Vehicles shall attempt to identify and notify the owner
7 of the vehicle as required by section 2154 of this title. If no owner can be
8 determined by the Commissioner within the time period allowed by section
9 2154, the Commissioner shall issue a certificate of abandoned motor vehicle
10 with appropriate title or salvage title, or both, and the vehicle may be disposed
11 of in the manner set forth in section 2156 of this title.

12 Sec. 24. 23 V.S.A. § 2154(b) is amended to read:

13 (b) An owner or lienholder may reclaim an abandoned motor vehicle by
14 presenting to the Department of Motor Vehicles satisfactory evidence of
15 ownership, and paying or reimbursing, or making arrangements to pay or
16 reimburse, the towing ~~agency~~ service, the Department of Motor Vehicles, or
17 the owner or agent of private property, as the case may be, any towing fee or
18 storage charges permitted under section 2155 of this title.

19 Sec. 25. 23 V.S.A. § 2158(a) is amended to read:

20 (a) A towing service may charge a fee of up to \$40.00 for towing an
21 abandoned motor vehicle from public property under the provisions of sections

1 2151–2157 of this title. This fee shall be paid to the towing service upon the
2 issuance by the Department of Motor Vehicles of a certificate of abandoned
3 motor vehicles under section 2156 of this title. The Commissioner of Motor
4 Vehicles shall notify the Commissioner of Finance and Management who shall
5 issue payment to the towing service for vehicles removed from public
6 property. Payments under this section shall terminate upon the payment of a
7 total of \$16,000.00 for towing abandoned motor vehicles from public property
8 in any fiscal year. A towing ~~company~~ service shall not be eligible for more
9 than 50 percent of this annual allocation.

10 Sec. 26. 24 V.S.A. § 2272 is amended to read:

11 § 2272. TAKING TITLE TO JUNK MOTOR VEHICLES

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

17 (b) If the owner of the land upon which a junk motor vehicle is discovered
18 in violation of section 2271 of this title, does not hold or disclaims title, and
19 the true owner of the motor vehicle is known or can be ascertained, the motor
20 vehicle owner shall dispose of such motor vehicle in such a manner that it is no
21 longer visible from the main traveled way of the highway upon receiving

1 written notice from the ~~agency of transportation~~ Agency of Transportation to
2 do so.

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

14 (d) [Repealed.]

15 * * * All-Terrain Vehicles; Trail Access Decals * * *

16 Sec. 27. 23 V.S.A. § 3502 is amended to read:

17 § 3502. REGISTRATION

18 (a) An all-terrain vehicle may not be operated unless registered pursuant to
19 this chapter or any other section of this title by the State of Vermont and unless
20 the all-terrain vehicle displays a valid Vermont ATV Sportsman's Association

1 (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except
2 when operated:

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

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

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

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

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

18 * * *

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

20 Sec. 28. 23 V.S.A. § 4108(d) is amended to read:

1 (d) At the discretion of the Commissioner, the skills test required under
2 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver
3 with military commercial motor vehicle experience who is currently licensed at
4 the time of his or her application for a commercial driver license, if the test is
5 substituted with an applicant’s driving record in combination with the driving
6 experience specified in this subsection. The Commissioner shall impose
7 conditions and limitations to restrict the applicants from whom alternative
8 requirements for the skills test may be accepted. Such conditions shall include
9 the following:

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

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

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

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

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

20 (E) has not had any conviction for a violation, other than a parking
21 violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic

1 control arising in connection with any traffic accident, and has no record of an
2 accident in which he or she was at fault; and

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

4 (A) is regularly employed or was regularly employed within the ~~last~~
5 ~~90 days~~ previous year in a military position requiring operation of a
6 commercial motor vehicle;

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

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

12 * * * Lists of Registrations and Suspensions * * *

13 Sec. 29. 23 V.S.A. § 109 is amended to read:

14 § 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS~~
15 ~~AND OTHERS; LISTS OF SUSPENSIONS~~

16 (a) ~~Annually, the Commissioner shall cause to be prepared a list of~~
17 ~~registered motor vehicles, arranged serially according to the registration~~
18 ~~numbers assigned thereto which shall contain in addition the names and~~
19 ~~addresses of registered owners and a brief description of the vehicle registered,~~
20 ~~and the name and address of each person to whom is assigned a dealer's~~
21 ~~registration number. One copy of such list shall be furnished, in such form as~~

1 ~~the Commissioner may determine, free to each inspector of the Motor Vehicle~~
2 ~~Department, sheriff, State's Attorney, district judge, and police department in~~
3 ~~the State. The list may be also furnished to any person on request and upon the~~
4 ~~payment of the required fee. [Repealed.]~~

5 (b) ~~Each month, the Commissioner shall cause to be prepared a list of all~~
6 ~~persons whose operating license, nonresident operating privileges, or privilege~~
7 ~~of an unlicensed operator to operate a vehicle, is suspended or revoked in this~~
8 ~~State at the time the list is prepared. Names on the list shall be arranged by~~
9 ~~county of residence or zip code. Notwithstanding 1 V.S.A. chapter 5,~~
10 ~~subchapter 3, the a list of all persons whose operating license, nonresident~~
11 ~~operating privileges, or privilege of an unlicensed operator to operate a vehicle~~
12 ~~is suspended or revoked in this State shall be available on request in such form~~
13 ~~as the Commissioner may determine. The list shall be available in an~~
14 ~~electronic format for law enforcement officers with computer access through~~
15 ~~the Department of Public Safety.~~

16 * * * Nonresident Motor Truck Registration * * *

17 Sec. 30. REPEAL

18 23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

19 Sec. 31. 23 V.S.A. § 411 is amended to read:

20 § 411. RECIPROCAL PROVISIONS

1 As determined by the Commissioner, a motor vehicle owned by a
2 nonresident shall be considered as registered and a nonresident operator shall
3 be considered as licensed or permitted in this State if the nonresident owner or
4 operator has complied with the laws of the foreign country or state of his or her
5 residence relative to the registration of motor vehicles and the granting of
6 operators' licenses or learner's permits. Any exemptions provided in this
7 section shall, however, be operative as to an owner or operator of a motor
8 vehicle only to the extent that under the laws of the foreign country or state of
9 his or her residence like exemptions and privileges are granted to operators
10 duly licensed or permitted and to owners of motor vehicles duly registered
11 under the laws of this State. If the owner or operator is a resident of a country
12 not adjoining the United States, such exemptions shall be operative for a period
13 of 30 days for vacation purposes, notwithstanding that such country does not
14 grant like privileges to residents of this State. ~~Such exemptions shall not be
15 operative as to the owner of a motor truck used for the transportation of
16 property for hire or profit between points within the State or to the owner of
17 any motor vehicle carrying an auxiliary fuel tank or tanks providing an
18 additional supply of motor fuel over and above that provided in the standard
19 equipment of such vehicle.~~

20 * * * Effective Dates * * *

21 Sec. 32. EFFECTIVE DATES

- 1 (a) This section and Sec. 28 (CDL skills test waiver for military drivers)
- 2 shall take effect on passage.
- 3 (b) All other sections shall take effect on July 1, 2015.