

H.909

An act relating to technical and clarifying changes in transportation-related laws

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

* * * Title 5 Changes * * *

Sec. 1. 5 V.S.A. § 36 is amended to read:

§ 36. SERVICE OF PROCESS

(a) All processes and hearing notices issued by the Board shall state the time and place of return and at least 12 days' notice shall be given as the Board directs by certified or registered mail or publication, unless a shorter period is ordered by the Board as provided in subsection (b) of this section. However, all processes and notices pertaining to and on any hearings on clearances or other matters concerning the safety of ~~trainmen~~ railroad employees shall in addition be sent to the ~~Secretary of the Vermont Legislative Board of the United Transportation Union~~ International Association of Sheet Metal, Air, Rail and Transportation Workers or its successor.

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Sec. 2. 5 V.S.A. § 202 is amended to read:

§ 202. DEFINITIONS

As used in this part of this title, unless the context otherwise requires, the following definitions shall apply:

* * *

(8) ~~“Airman” means an individual who engages in air navigation of aircraft and excepting an individual employed outside the United States or by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with aircraft, aircraft engines, propellers, or appliances, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him or her, an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and an individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator. [Repealed.]~~

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Sec. 3. REPLACEMENTS

(a) In the following sections, including in section headings, wherever it appears, the term “airman” hereby is replaced with the term “pilot”:

(1) 5 V.S.A. § 207a;

(2) 5 V.S.A. § 403;

(3) 5 V.S.A. § 405;

(4) 5 V.S.A. § 425; and

(5) 5 V.S.A. § 480.

(b) In the following sections, wherever it appears, the term “airmen” hereby is replaced with the term “pilots”:

(1) 5 V.S.A. § 211;

(2) 5 V.S.A. § 404; and

(3) 5 V.S.A. § 482.

Sec. 4. 5 V.S.A. § 3454 is amended to read:

§ 3454. INVESTIGATION OF ACCIDENTS; HEARING;
DETERMINATION; PUBLICITY

The Board shall inquire into the cause of every accident on a railroad resulting in loss of life and, in its judgment, into any accident, collision, or derailment of trains not so resulting. When, in its judgment, a public investigation is necessary in the interests of public safety, it shall fix a time and place of holding the same and shall summon the person or corporation operating such railroad, the parties known to have been injured in the accident, and, if known, a representative or friend of a person killed thereby, to appear and give evidence regarding the cause of such accident. The Board shall also notify the State’s Attorney of the county in which the accident occurred, who shall investigate the cause of ~~such~~ the accident, produce witnesses who can give evidence in regard to the same, and attend and represent the State at such hearing. All parties summoned, and other persons interested, may appear and be made parties thereto, may produce witnesses or other evidence, and may be

represented by counsel. On notice from the Board, the person or corporation operating the railroad shall produce all ~~trainmen and other~~ railroad employees who can give pertinent evidence in regard to the cause of the accident, free of expense to the State. The Board shall make public its determination in regard to the cause of the accident so investigated, and cause a permanent record thereof to be made.

Sec. 5. 5 V.S.A. § 3456 is amended to read:

§ 3456. JURISDICTION

Without affecting special provisions of law relating to matters contained ~~herein~~ in this section, the Board shall have jurisdiction on due notice to hear, determine, render judgment, and make orders and decrees in all matters provided for in the charter of any railroad, or in the statutes of this State relating to railroads, and shall have like jurisdiction in all matters respecting:

* * *

(4) to the extent not preempted by federal law, and in order to accommodate the public and ensure safety and compliance with the law:

(A) the maintenance of the tracks, frogs, switches, gates, signals, culverts, bridges, and other structures over openings; and

(B) rolling stock and equipment ~~so as to accommodate the public and be operated with safety and in compliance with law;~~

(5) the connections, time, and times of connection between connecting roads for the accommodation of the traveling public, and the transportation of merchandise;

* * *

(7) any impediment alongside or adjacent to the rights-of-way of railroads, including damaged structures, ~~which~~ that imperils the safe passage of trains.

* * * Title 23 Changes * * *

Sec. 6. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

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

* * *

(17) “Motor bus” shall include any motor vehicle with a seating capacity of more than seven persons, other than a street car, operated upon the public streets and highways along a regular route, and in such operation receiving, discharging, and transporting passengers for hire; ~~provided, that nothing herein contained.~~ However, “motor bus” shall not be construed to apply to include transportation service the route and destination of which are under the direction

and subject to the control of the passengers so transported; ~~nor shall it apply or~~
to ~~cooperative-use~~ include cooperative-use transportation.

* * *

(30)(A) “Resident,” ~~for purposes of~~ as used in this title only, means any person living in the State who intends to make the State his or her principal place of domicile either permanently or for an indefinite number of years. Any foreign partnership, firm, association, or corporation having a place of business in this State shall be deemed to be a resident as to all vehicles owned or leased and that are garaged or maintained in this State.

(B) Without limiting the class of nonresidents under the provisions of this subdivision, persons who live in the State for a particular purpose involving a defined period of time, including students, migrant workers employed in seasonal occupations, and persons employed under a contract with a fixed term, are not residents for purposes of this title only. ~~Also in addition thereto, any foreign partnership, firm, association, or corporation having a place of business in this State shall be deemed to be a resident as to all vehicles owned or leased and which are garaged or maintained in this State.~~

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Sec. 7. 23 V.S.A. § 304a(b)(3) is amended to read:

(3) A person with a disability who abuses such privileges or allows individuals not disabled to abuse the privileges ~~herein~~ provided in this section

may have this privilege revoked after suitable notice and opportunity for hearing has been given him or her by the Commissioner of Motor Vehicles. Hearings under the provisions of this section shall be held in accordance with sections 105-107 of this title and shall be subject to review by the Civil Division of the Superior Court of the county ~~wherein~~ where the person with a disability resides.

Sec. 8. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT
AND CORRECTED CERTIFICATES

(a) A person shall not operate a motor vehicle nor draw a trailer or semi-trailer unless ~~the~~ its registration certificate ~~thereof~~ is carried in some easily accessible place in ~~such~~ the motor vehicle.

(b) In case of the loss, mutilation, or destruction of ~~such~~ the certificate, the owner of the vehicle described ~~therein~~ in it shall forthwith notify the Commissioner and remit a fee of \$16.00 ~~whereupon,~~ upon receipt of which the Commissioner shall furnish ~~such~~ the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of \$16.00.

Sec. 9. 23 V.S.A. § 702 is amended to read:

§ 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

~~No~~ A person shall not operate a driver training school or act as an instructor unless the person has secured a license ~~therefor has been secured~~ from the Commissioner. Applications for such licenses may be filed with the Commissioner and shall contain ~~such~~ the information and shall be on ~~such~~ the forms as the Commissioner may prescribe. Each application for a driver's training school license shall be accompanied by an application fee of \$150.00, which shall not be refunded. If ~~such~~ the application is approved by the Commissioner, the applicant upon payment of an additional fee of \$225.00 shall be granted a license, which shall become void two years ~~from~~ after the first day of the month of issue unless sooner revoked as ~~herein~~ provided in this subchapter. The renewal fee shall be \$225.00. Each application for an instructor's license shall be accompanied by an application fee of \$105.00, which shall not be refunded. If ~~such~~ the application is approved by the Commissioner, the applicant upon payment of an additional fee of \$75.00 shall be granted a license, which shall become void two years ~~from~~ after the first day of the month of issue unless sooner revoked as ~~herein~~ provided in this subchapter. The renewal fee shall be \$75.00.

Sec. 10. 23 V.S.A. § 1006c(f) is amended to read:

(f) Either the operator of a vehicle required to be chained under this section who fails to affix chains as required ~~herein~~ in this section, or the operator's employer, shall be subject to a civil penalty of \$1,000.00. If the violation results in substantially impeding the flow of traffic on a highway, the penalty shall be \$2,000.00. For a second or subsequent conviction within a three-year period, the penalty shall be doubled.

Sec. 11. 23 V.S.A. § 1064(c) is amended to read:

(c) ~~No~~ A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided ~~herein~~ in this section to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 12. 23 V.S.A. § 1072 is amended to read:

§ 1072. CERTAIN VEHICLES MUST STOP

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

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

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

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

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

* * *

Sec. 13. 23 V.S.A. § 1136(b) is amended to read:

(b) This subchapter applies whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to ~~those~~ the exceptions stated ~~herein~~ in this subchapter.

Sec. 14. 23 V.S.A. § 1202(c) is amended to read:

(c) A person who is requested by a law enforcement officer to submit to an evidentiary test or tests has a right as ~~herein~~ limited in this subsection to consult an attorney before deciding whether or not to submit to such a test or tests. The person must decide whether or not to submit to the evidentiary test or tests within a reasonable time and ~~no~~ not later than 30 minutes ~~from~~ after the time of the initial attempt to contact the attorney. The person must make a

decision about whether ~~or not~~ to submit to the test or tests at the expiration of the 30 minutes, regardless of whether a consultation took place.

Sec. 15. 23 V.S.A. § 1431(d) is amended to read:

(d)(1) A person, firm, or corporation whose land is divided by a public highway may operate across the highway, at approximate right angles to the centerline, an unregistered vehicle with or without a load having a width in excess of eight and one-half feet, or a height in excess of 13 feet six inches, and which, if used on highway construction, would be defined as motorized highway building equipment, provided that the person, firm, or corporation shall first:

(A) have applied to and received from the selectboard of the town or the aldermen or city council of the city in which the land and highway are located a permit in writing specifying the vehicle covered and the point where, time when, and under what conditions ~~such~~ the crossing may be made, ~~and provided further that the person, firm, or corporation shall:~~

(B) have applied to and received from the Commissioner of Motor Vehicles a certificate in writing that the vehicle listed in the permit issued by the selectboard or aldermen or city council meets the conditions ~~herein set forth~~ the Commissioner may impose as to type and size and, further, that the operation ~~thereof~~ of it across the highway will not damage the highway.

(2) The Commissioner may impose ~~such~~ conditions regarding size of load or highway surface protection as he or she deems necessary.

(3) A fee of \$35.00 shall be paid to the town or city for each permit and the permit shall not cover more than one vehicle. The permit shall be valid for a period of one year from the date of issue. A similar fee of \$35.00 shall be paid to the State for each certificate issued by the Commissioner and the certificate shall not cover more than one vehicle and shall be valid for a period of one year from the date of issue.

(4) Provided that the terms and conditions are complied with, no registration of the vehicle shall be required under any other section of this title, nor shall permits of any kind or type be required under any other section of this title.

Sec. 16. 23 V.S.A. § 3002 is amended to read:

§ 3002. DEFINITIONS

As used in this chapter:

(1) "Commissioner" means the Commissioner of Motor Vehicles or any officer or employee of the Department duly authorized by him or her to perform the functions ~~herein~~ mentioned or described in this chapter.

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* * * Interpretation * * *

Sec. 17. INTERPRETATION

It is the intent of the General Assembly that the clarifying and technical amendments in this act shall not supersede substantive changes contained in other bills enacted by the General Assembly. Where possible, the amendments in this act shall be interpreted to be supplemental to other amendments to the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the clarifying and technical changes in this act.

* * * Effective Date * * *

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2018.