

1 H.909

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Aeronautics and surface transportation; motor vehicles

5 Statement of purpose of bill as introduced: This bill proposes to make

6 technical and clarifying changes in miscellaneous transportation-related laws.

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

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

10 * * * Title 5 Changes * * *

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

12 § 36. SERVICE OF PROCESS

13 (a) All processes and hearing notices issued by the Board shall state the

14 time and place of return and at least 12 days' notice shall be given as the

15 Board directs by certified or registered mail or publication, unless a shorter

16 period is ordered by the Board as provided in subsection (b) of this section.

17 However, all processes and notices pertaining to and on any hearings on

18 clearances or other matters concerning the safety of ~~trainmen~~ railroad

19 employees shall in addition be sent to the ~~Secretary of the Vermont Legislative~~

20 ~~Board of the United Transportation Union~~ International Association of Sheet

1 Metal, Air, Rail and Transportation Workers or its successor.

2 * * *

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

4 § 202. DEFINITIONS

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

7 * * *

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 [Repealed.]~~

18 * * *

19 Sec. 3. REPLACEMENTS

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

22 (1) 5 V.S.A. § 207a;

1 (2) 5 V.S.A. § 403;

2 (3) 5 V.S.A. § 405;

3 (4) 5 V.S.A. § 425; and

4 (5) 5 V.S.A. § 480.

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

7 (1) 5 V.S.A. § 211;

8 (2) 5 V.S.A. § 404; and

9 (3) 5 V.S.A. § 482.

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

11 § 3454. INVESTIGATION OF ACCIDENTS; HEARING;

12 DETERMINATION; PUBLICITY

13 The Board shall inquire into the cause of every accident on a railroad
14 resulting in loss of life and, in its judgment, into any accident, collision, or
15 derailment of trains not so resulting. When, in its judgment, a public
16 investigation is necessary in the interests of public safety, it shall fix a time and
17 place of holding the same and shall summon the person or corporation
18 operating such railroad, the parties known to have been injured in the accident,
19 and, if known, a representative or friend of a person killed thereby, to appear
20 and give evidence regarding the cause of such accident. The Board shall also
21 notify the State’s Attorney of the county in which the accident occurred, who

1 shall investigate the cause of ~~such~~ the accident, produce witnesses who can
2 give evidence in regard to the same, and attend and represent the State at such
3 hearing. All parties summoned, and other persons interested, may appear and
4 be made parties thereto, may produce witnesses or other evidence, and may be
5 represented by counsel. On notice from the Board, the person or corporation
6 operating the railroad shall produce all ~~trainmen and other~~ railroad employees
7 who can give pertinent evidence in regard to the cause of the accident, free of
8 expense to the State. The Board shall make public its determination in regard
9 to the cause of the accident so investigated, and cause a permanent record
10 thereof to be made.

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

12 § 3456. JURISDICTION

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

18 * * *

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

21 (A) the maintenance of the tracks, frogs, switches, gates, signals,
22 culverts, bridges, and other structures over openings;₂ and

1 apply to include transportation service the route and destination of which are
2 under the direction and subject to the control of the passengers so transported;
3 ~~nor shall it apply or to cooperative use~~ include cooperative-use transportation.

4 * * *

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

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

19 * * *

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

21 (3) A person with a disability who abuses such privileges or allows

1 individuals not disabled to abuse the privileges ~~herein~~ provided in this section
2 may have this privilege revoked after suitable notice and opportunity for
3 hearing has been given him or her by the Commissioner of Motor Vehicles.
4 Hearings under the provisions of this section shall be held in accordance with
5 sections 105-107 of this title and shall be subject to review by the Civil
6 Division of the Superior Court of the county ~~wherein~~ where the person with a
7 disability resides.

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

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

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

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

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

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

21 § 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

22 ~~No~~ A person shall not operate a driver training school or act as an instructor
23 unless the person has secured a license ~~therefor~~ has been secured from the

1 Commissioner. Applications for such licenses may be filed with the
2 Commissioner and shall contain ~~such~~ the information and shall be on ~~such~~ the
3 forms as the Commissioner may prescribe. Each application for a driver's
4 training school license shall be accompanied by an application fee of \$150.00,
5 which shall not be refunded. If ~~such~~ the application is approved by the
6 Commissioner, the applicant upon payment of an additional fee of \$225.00
7 shall be granted a license, which shall become void two years ~~from~~ after the
8 first day of the month of issue unless sooner revoked as ~~herein~~ provided in this
9 subchapter. The renewal fee shall be \$225.00. Each application for an
10 instructor's license shall be accompanied by an application fee of \$105.00,
11 which shall not be refunded. If ~~such~~ the application is approved by the
12 Commissioner, the applicant upon payment of an additional fee of \$75.00 shall
13 be granted a license, which shall become void two years ~~from~~ after the first
14 day of the month of issue unless sooner revoked as ~~herein~~ provided in this
15 subchapter. The renewal fee shall be \$75.00.

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

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

1 period, the penalty shall be doubled.

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

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

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

8 § 1072. CERTAIN VEHICLES MUST STOP

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

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

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

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

20 (2) After stopping as required ~~herein~~ in this subsection and upon
21 proceeding when it is safe to do so, the driver of any such vehicle shall cross
22 so that there will be no necessity for changing gears while traversing the

1 crossing, and the driver ~~may~~ shall not shift gears while crossing the track or
2 tracks.

3 * * *

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

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

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

9 (c) A person who is requested by a law enforcement officer to submit to an
10 evidentiary test or tests has a right as ~~herein~~ limited in this subsection to
11 consult an attorney before deciding whether or not to submit to such a test or
12 tests. The person must decide whether or not to submit to the evidentiary test
13 or tests within a reasonable time and ~~no~~ not later than 30 minutes ~~from~~ after
14 the time of the initial attempt to contact the attorney. The person must make a
15 decision about whether ~~or not~~ to submit to the test or tests at the expiration of
16 the 30 minutes, regardless of whether a consultation took place.

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

18 (d)(1) A person, firm, or corporation whose land is divided by a public
19 highway may operate across the highway, at approximate right angles to the
20 centerline, an unregistered vehicle with or without a load having a width in
21 excess of eight and one-half feet, or a height in excess of 13 feet six inches,

1 and which, if used on highway construction, would be defined as motorized
2 highway building equipment, provided that the person, firm, or corporation
3 shall first:

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

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

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

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

1 Sec. 18. EFFECTIVE DATE

2 This act shall take effect on July 1, 2018.