

1 S.84

2 Introduced by Senator Champion

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; air pollution control; emissions; penalties;
6 enforcement

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

8 (1) prohibit the purposeful release of significant quantities of soot,
9 smoke, or other particulate emissions at a vulnerable user or other vehicle;

10 (2) expand the existing definition of “standard equipment” and
11 “properly equipped” in the motor vehicle laws to include exhaust emission
12 control systems and evaporative emission control systems required under
13 federal or State law, and require enforcement officers and inspection
14 mechanics to share information about exhaust and evaporative emission
15 control system violations with the Commissioner of Environmental
16 Conservation under specified circumstances; and

17 (3) authorize criminal penalties for motor vehicle emission violations.

18 An act relating to motor vehicle emissions

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

2 Sec. 1. 23 V.S.A. § 1039 is amended to read:

3 § 1039. FOLLOWING TOO CLOSELY, CROWDING, AND
4 HARASSMENT

5 (a) The ~~driver~~ operator of a vehicle shall not follow another vehicle more
6 closely than is reasonable and prudent, having due regard for the speed of the
7 vehicles and the traffic upon, and the conditions of, the highway. The operator
8 of a vehicle shall not, in a careless or imprudent manner, approach, pass, or
9 maintain speed unnecessarily close to a vulnerable user as defined in
10 subdivision 4(81) of this title, ~~and an~~. An occupant of a vehicle shall not throw
11 any object or substance at a vulnerable user, or purposely release significant
12 quantities of soot, smoke, or other particulate emissions at a vulnerable user or
13 another vehicle.

14 * * *

15 Sec 2. 23 V.S.A. § 4(37) is amended to read:

16 (37) “Standard equipment” and “properly equipped” as applied to a
17 motor vehicle shall include:

18 (A) adequate tires, head lamps, tail lamps, lenses, reflectors, brakes,
19 muffler, rear view mirror, windshield wiper, horns, windshield, number plate
20 brackets, and only such motor fuel tank or tanks as are regularly installed by

1 the manufacturer. ~~“Standard equipment” and “properly equipped,” as~~
2 ~~applied to;~~

3 (B) for motor vehicles designated by the manufacturer as 1964 or
4 later models, shall also include safety seat belts or harnesses installed in the
5 left and right front seats of pleasure cars and windshield defroster on pleasure
6 cars, motor trucks, and motor buses, both to be of a type approved by the
7 Commissioner of Motor Vehicles; and

8 (C) an operative exhaust emission control system, evaporative
9 emission control system, or other air pollution control device, if installed by
10 the manufacturer as a requirement of federal or State law.

11 Sec. 3. 23 V.S.A. § 1221 is amended to read:

12 § 1221. CONDITION OF VEHICLE

13 (a) A motor vehicle, operated on any highway, shall be in good mechanical
14 condition and shall be properly equipped.

15 (b) A violation of this section is a traffic violation.

16 (c) If a traffic complaint is issued under this section and the violation
17 involves the exhaust or evaporative emission control system as specified in
18 subdivision 4(37)(C) of this title:

19 (1) In a proceeding pursuant to 4 V.S.A. chapter 29, the Judicial Bureau
20 or court may order a suspension of the registration of the motor vehicle as
21 authorized in 10 V.S.A. § 567.

1 (2) The enforcement officer shall furnish the Commissioner of
2 Environmental Conservation a copy of the traffic complaint and further
3 available information as the Commissioner of Environmental Conservation
4 may request. An individual who violates this section may be subject to a civil
5 or administrative monetary penalty under this section, 10 V.S.A. chapter 201,
6 or 10 V.S.A. chapter 211, but shall not be subject to more than one such
7 monetary penalty arising from the same violation.

8 Sec. 4. 23 V.S.A. § 1222 is amended to read:

9 § 1222. INSPECTION OF REGISTERED VEHICLES

10 (a) Except for school buses which shall be inspected as prescribed in
11 section 1282 of this title and motor buses as defined in subdivision 4(17) of
12 this title which shall be inspected twice during the calendar year at six-month
13 intervals, all motor vehicles registered in this State shall be inspected once
14 each year. Any motor vehicle, trailer, or semi-trailer not currently inspected in
15 this State shall be inspected within 15 days from the date of its registration in
16 the State of Vermont.

17 (b)(1) The inspections shall be made at garages or qualified service
18 stations, designated by the Commissioner as inspection stations, for the
19 purpose of determining whether those motor vehicles are properly equipped
20 and maintained in good mechanical condition.

1 Sec. 5. 10 V.S.A. § 567 is amended to read:

2 § 567. MOTOR VEHICLE POLLUTION

3 (a) The ~~secretary~~ Secretary in conjunction with the ~~motor vehicle~~
4 ~~department~~ Commissioner of Motor Vehicles may provide rules for the control
5 of emissions from motor vehicles. Such rules may prescribe requirements for
6 the installation and use of equipment designed to reduce or eliminate emissions
7 and for the proper maintenance of the equipment and the vehicles. Rules
8 pursuant to this section shall be consistent with provisions of federal law, if
9 any, relating to control of emissions from the vehicles concerned and shall not
10 require, as a condition precedent to the initial sale of a vehicle or vehicular
11 equipment, the inspection, certification, or other approval of any feature or
12 equipment designed for the control of emissions from motor vehicles, if the
13 feature or equipment has been certified, approved, or otherwise authorized
14 pursuant to federal law.

15 (b) Except as permitted or authorized by law, no person shall fail to
16 maintain in good working order or remove, dismantle, or otherwise cause to be
17 inoperative any equipment or feature constituting an operational element of the
18 air pollution control system or mechanism of a motor vehicle and required by
19 rules pursuant to this chapter to be maintained in or on the vehicle. ~~Any~~ In
20 addition to other penalties provided under this title, failure to maintain in good
21 working order or removal, dismantling, or causing of inoperability shall

1 subject the owner or operator to suspension or cancellation of the registration
2 for the vehicle by the ~~motor vehicle department~~ Department of Motor
3 Vehicles. The vehicle shall not thereafter be eligible for registration until all
4 parts and equipment constituting operational elements of the motor vehicle
5 have been restored, replaced, or repaired and are in good working order.

6 (c) The ~~secretary~~ Secretary shall consult with the ~~motor vehicle department~~
7 Commissioner of Motor Vehicles and furnish ~~it with~~ technical information,
8 including testing techniques, standards, and instructions for emission control
9 features and equipment.

10 (d) When rules have been issued requiring the maintenance of features or
11 equipment in or on motor vehicles for the purpose of controlling emissions
12 therefrom, no motor vehicle shall be issued an inspection sticker unless all the
13 required features or equipment have been inspected in accordance with the
14 standards, testing techniques, and instructions furnished pursuant to subsection
15 ~~(b) hereof~~ (c) of this section and has been found to meet those standards.

16 (e) ~~The remedies and penalties provided here apply to violations of this~~
17 ~~section and provisions of section 568 of this title shall not apply.~~ [Repealed.]

18 (f) As used in this section, “motor vehicle” shall have the same meaning as
19 ~~defined in section 4 of Title 23 in~~ 23 V.S.A. § 4.

20 Sec. 6. EFFECTIVE DATE

21 This act shall take effect on July 1, 2017.