

1 S.139

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; trailers and semi-trailers; removal of snow and ice

6 Statement of purpose of bill as introduced: This bill proposes to require
7 removal of accumulated snow and ice from a motor vehicle, and any trailer or
8 semi-trailer drawn by the motor vehicle, prior to operation on a public
9 highway, to the extent needed to avoid a threat to persons or property caused
10 by the dislodging of accumulated ice or snow or by obstruction of the
11 operator's view.

12 An act relating to requiring the removal of snow and ice from vehicles
13 operated on public highways

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

15 Sec. 1. 23 V.S.A. § 1126a is amended to read:

16 § 1126a. DEPOSITING SNOW ONTO OR ACROSS CERTAIN

17 HIGHWAYS PROHIBITED; REMOVAL OF SNOW AND ICE

18 PRIOR TO OPERATION

19 (a) No person, other than an employee in the performance of his or her
20 official duties or other person authorized by the Agency of Transportation (in

1 the case of State highways) or selectboard (in the case of town highways), shall
2 plow or otherwise deposit snow onto the traveled way, shoulder, or sidewalk of
3 a State highway or a class 1, 2, or 3 town highway.

4 (b) ~~Nothing in this section should~~ Subsection (a) of this section shall not be
5 construed to be in derogation of any municipal ordinance regulating the deposit
6 of snow within the limits of town highways.

7 (c)(1) Prior to operating a motor vehicle on a public highway, the operator
8 shall cause accumulated ice and snow to be removed from the surfaces of the
9 motor vehicle and any trailer or semi-trailer drawn by the motor vehicle,
10 including the windshield, windows, hood, trunk, and roof of the motor vehicle,
11 and the top of any trailer or semi-trailer, to the extent needed to avoid a threat
12 to persons or property caused by the dislodging of accumulated ice or snow or
13 by obstruction of the operator's view.

14 (2) An operator does not violate subdivision (1) of this subsection if the
15 ice or snow has accumulated on the vehicle during a continuous period of
16 operation, provided he or she uses wipers to clear the windshield.

17 (d)(1) An operator who fails to cause removal of ice and snow as required
18 under subsection (c) of this section while operating a commercial motor
19 vehicle as defined in section 4103 of this title shall be subject to a civil
20 penalty of:

21 (A) not less than \$100.00 for a first violation;

1 (B) not less than \$200.00 for a second violation; and

2 (C) not less than \$500.00 for a third or subsequent violation.

3 (2) An operator who fails to cause removal of ice and snow as required
4 under subsection (c) of this section while operating a motor vehicle other than
5 a commercial motor vehicle shall be subject to a civil penalty of not less than
6 \$25.00 and not more than \$75.00.

7 (3) An operator's failure, without excuse, to cause removal of ice and
8 snow as required under subsection (c) of this section which causes property
9 damage or personal injury shall constitute negligence per se in a civil action to
10 recover for such damage or injury.

11 Sec. 2. EFFECTIVE DATE

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