

Journal of the House

Thursday, February 9, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Kevin Christie of Hartford, VT.

Rep. Krowinski of Burlington in chair.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 216

By Reps. Pugh of South Burlington and Carr of Brandon,

House bill, entitled

An act relating to establishment of the Vermont Lifeline program;

To the committee on Energy and Technology.

H. 217

By Reps. Donovan of Burlington, Bissonnette of Winooski, Briglin of Thetford, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Howard of Rutland City, Lanpher of Vergennes, Macaig of Williston, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, O'Sullivan of Burlington, Ode of Burlington, Pugh of South Burlington, Rachelson of Burlington, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Wood of Waterbury, Yacavone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to an occupancy fee;

To the committee on General, Housing and Military Affairs.

H. 218

By Reps. Bartholomew of Hartland and Viens of Newport City,

House bill, entitled

An act relating to the adequate shelter of dogs and cats;

To the committee on Agriculture & Forestry.

H. 219

By Rep. Bartholomew of Hartland,

House bill, entitled

An act relating to the Vermont spaying and neutering program;

To the committee on Agriculture & Forestry.

H. 220

By Reps. McCullough of Williston, Webb of Shelburne, Belaski of Windsor, Bock of Chester, Browning of Arlington, Brumsted of Shelburne, Christie of Hartford, Dakin of Colchester, Deen of Westminster, Dunn of Essex, Grad of Moretown, Joseph of North Hero, Lucke of Hartford, Macaig of Williston, Masland of Thetford, Mrowicki of Putney, Sharpe of Bristol, Sheldon of Middlebury, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to the sale of ivory or rhinoceros horn;

To the committee on Natural Resources, Fish & Wildlife.

H. 221

By Reps. Till of Jericho, Belaski of Windsor, Brumsted of Shelburne, Deen of Westminster, Emmons of Springfield, Fields of Bennington, Head of South Burlington, Joseph of North Hero, Long of Newfane, Macaig of Williston, McCullough of Williston, Morris of Bennington, Mrowicki of Putney, Noyes of Wolcott, Scheu of Middlebury, Squirrell of Underhill, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Wood of Waterbury and Yacavone of Morristown,

House bill, entitled

An act relating to an income tax deduction for home modifications required by a disability or physical hardship;

To the committee on Ways and Means.

H. 222

By Reps. Marcotte of Coventry, Keenan of St. Albans City, Botzow of

Pownal, Fagan of Rutland City, Helm of Fair Haven, Shaw of Pittsford and Young of Glover,

House bill, entitled

An act relating to Public Service Board investigations of Enhanced 911 system outages;

To the committee on Energy and Technology.

H. 223

By Reps. Poirier of Barre City, Christie of Hartford, Donovan of Burlington, Gonzalez of Winooski, Hill of Wolcott, Macaig of Williston, McCormack of Burlington, Morris of Bennington, O'Sullivan of Burlington, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to employee classification and transitional assistance for beneficiaries of public assistance;

To the committee on Commerce and Economic Development.

H. 224

By Reps. Donovan of Burlington, O'Sullivan of Burlington and Stuart of Brattleboro,

House bill, entitled

An act relating to prohibiting organized retail theft;

To the committee on Judiciary.

H. 225

By Reps. Sabilia of Dover, Burke of Brattleboro, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Condon of Colchester, Donovan of Burlington, Forguites of Springfield, Gannon of Wilmington, Keefe of Manchester, Kimbell of Woodstock, Olsen of Londonderry, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to information on the collection of the local option portion of Vermont's sales and use tax;

To the committee on Ways and Means.

H. 226

By Rep. Joseph of North Hero,

House bill, entitled

An act relating to increasing Probate judge salaries;

To the committee on Government Operations.

H. 227

By Rep. Browning of Arlington,

House bill, entitled

An act relating to the repeal of Vermont's statute permitting alternative forms of regulation for electric and natural gas companies;

To the committee on Energy and Technology.

H. 228

By Reps. Krowinski of Burlington, Chesnut-Tangerman of Middletown Springs and Scheuermann of Stowe,

House bill, entitled

An act relating to freedom from compulsory collection of personal information;

To the committee on Judiciary.

H. 229

By Reps. Sheldon of Middlebury, Graham of Williamstown, McCullough of Williston, Partridge of Windham and Webb of Shelburne,

House bill, entitled

An act relating to regulation of treated article pesticides;

To the committee on Agriculture & Forestry.

Rep. Johnson of South Hero presiding.

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Morris of Bennington** were ordered printed in the Journal:

“Madam Speaker:

This is an important moment. A truly precious moment. Today, we celebrated the courageous, difficult work of local Vermonters who have stood in solidarity with our Black community to declare that Black Lives Matter.

This is not a question of whether some lives matter more than others, but an acknowledgment, honoring and calling out of the disparate treatment of Black Vermonters and Black Americans.

Our state is bold, our state is revolutionary, our state is great and powerfully progressive in its protection of human and civil rights. But we cannot continue to grow unless we are willing to openly speak truth to power and speak with clarity that we have substantial work that is still do be done.

Today, we have gross inequalities in housing, a massive divide between the wealthy and the poor, Healing is needed to solve the rift between law enforcement and our communities, our immigrant community lives in fear, bias within our schools squelches the spirits of Vermont youth and changes our landscape significantly.

The Black lives matter movement has shone a light. A needed light and it is up to us to amplify it today and to ensure that we do not falter, we rise above, we resist hegemony, we rectify our wrongs and work with our communities to get it right. Thank you to all who have done so.

I encourage you all to come to the cafeteria and enjoy the amazing artwork, faces and stories of Vermonters on display.

Some of those individuals are here today as well as activists from throughout the state to celebrate this movement and resolution I would like to yield to the members from Winooski And Hartford To speak their truths and to recognize those guests who are seated in the senate seats at the conclusion.”

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Gonzalez of Winooski** were ordered printed in the Journal:

“Madam Speaker:

Thank you for the wonderful words from the member from Bennington. As a member from Winooski, I am particularly glad to be part of sponsoring this resolution. 7% of those living in Winooski are African-American and Black, ranging from multiple-generation Vermonters to those who have recently found refuge in our welcoming city. Their presence and contribution is part of what makes Winooski great.

Last night I had the privilege to hear from one such community member who fled from war, went through extensive vetting to make his way to Winooski,

has found welcoming and community, as well as challenge and hardship, and is touched by the recent executive orders through family and friends who are stuck in the process abroad or are afraid to return home to Winooski.

Winooski is also the home of much of the BLM leadership and a new store front and community center. A physical location will continue to build this movement and build our community.

As a third generation Mexican-American, I am also particularly glad to be speaking on behalf of the resolution. Nationally, Latinos die in interactions with the police at disproportion rates. The work of BLM has pushed us nationally and in VT to address our policing standards. As we work to reduce bias in policing it assists all Vermonters to live safer lives, including those in or wanting to be in law enforcement.

BLM VT brings individuals and groups together to fight for social justice and equality in our institutions and our day to day lives.

Affirming the basic value of Black Lives assists all of us, black and non-black alike, to affirm our place in a multi-cultural Vermont where we see human rights and equity for all.

Madam. Speaker, may I yield to the member from Hartford to continue to talk about this resolution.”

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Christie of Hartford** were ordered printed in the Journal:

"Madam Speaker

I am humbled to represent my fellow members we heard the reading of the resolution for Vermont Black Lives Matter Movement, and the remarks of the members from Bennington and Williston. I am proud to be a Vermonter because we have committed ourselves to justice. Our work as a body clearly represents that commitment. We still have a lot of work to do and we Vermonter's are up to the task. Another symbol, the tie I am wearing today has black and white Vermont maps stamped over it. Dr. King had a dream and my dream is that we can continue to find solutions to our differences as we in Vermont do so well. Madam Speaker at this time I would like to introduce to you our guests from all over Vermont!"

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 153

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to underwriting motor vehicle insurance and credit history

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 143

Rep. Kimbell of Woodstock, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to automobile insurance requirements and transportation network companies

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. chapter 113, subchapter 5 is added to read:

Subchapter 5. Transportation Network Companies

§ 4256a. TRANSPORTATION NETWORK COMPANIES

(a) Definitions. As used in this subchapter:

(1) “Digital network” or “network” means any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network drivers.

(2) “Personal vehicle” means a vehicle that is:

(A) used by a driver to provide a prearranged ride;

(B) owned, leased, or otherwise authorized for use by the driver; and

(C) not a taxicab, limousine, or other for-hire vehicle.

(3) “Prearranged ride” or “ride” means the provision of transportation by a driver to a transportation network rider, beginning when a driver accepts the rider’s request for a ride through a digital network controlled by a company; continuing while the driver transports the rider; and ending when the last requesting rider departs from the vehicle. The term does not include:

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- (A) shared expense carpool or vanpool arrangements;
 - (B) use of a taxicab, limousine, or other for-hire vehicle; or
 - (C) a regional transportation company.

(4) “Transportation network company” or “company” means a person that uses a digital network to connect riders to drivers who provide prearranged rides. A company shall not be deemed to control, direct, or manage the personal vehicles or drivers that connect to its digital network, except where agreed to by written contract.

(5) “Transportation network company driver” or “driver” means an individual who:

(A) receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

(6) “Transportation network company rider” or “rider” means an individual who uses a company’s digital network to connect with a driver who provides rides in his or her personal vehicle between points chosen by the rider.

(b) Company’s financial responsibility.

(1) Beginning on or before July 1, 2017, a driver, or company on the driver’s behalf, shall maintain primary automobile insurance that recognizes that the driver is a company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver while the driver is logged on to the company’s digital network or while the driver is engaged in a prearranged ride.

(2)(A) The following automobile insurance requirements shall apply while a participating driver is logged on to the transportation network company’s digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(i) primary automobile liability insurance in the amount of at least \$50,000.00 for death and bodily injury per person, \$100,000.00 for death and bodily injury per incident, and \$25,000.00 for property damage; and

(ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision (2) may be

satisfied by any of the following:

- (i) automobile insurance maintained by the driver;
- (ii) automobile insurance maintained by the company; or
- (iii) any combination of subdivisions (i) and (ii) of this subdivision (2)(B).

(3)(A) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

- (i) primary automobile liability insurance that provides at least \$1,000,000.00 for death, bodily injury, and property damage; and
- (ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision may be satisfied by any of the following:

- (i) automobile insurance maintained by the driver;
- (ii) automobile insurance maintained by the company; or
- (iii) any combination of subdivisions (i) and (ii) of this subdivision (3)(B).

(4) If insurance maintained by a driver under subdivision (2) or (3) of this subsection has lapsed or does not provide the required coverage, insurance maintained by a company shall provide such coverage beginning with the first dollar of a claim and shall have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this subsection may be placed with an insurer licensed under chapter 101 (insurance companies generally) or 138 (surplus lines insurance) of this title.

(7) Insurance satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under 23 V.S.A. § 800.

(8) A driver shall carry proof of coverage satisfying this section at all times during use of a vehicle in connection with a company's digital network. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and law enforcement, upon request. Upon such request, a driver shall also disclose whether he or she was logged on to the network or was on a prearranged ride

at the time of an accident.

(c) Disclosures. A transportation network company shall disclose in writing to its drivers the following before they are allowed to accept a request for a prearranged ride on the company's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the company provides while the driver uses a personal vehicle in connection with the company's network; and

(2) that the driver's own automobile insurance policy, depending on its terms, might not provide any coverage while the driver is logged on to the company's network and available to receive transportation requests or engaged in a prearranged ride.

(d)(1) Automobile insurers. Notwithstanding any other provision of law to the contrary, insurers that write automobile insurance in Vermont may exclude any and all coverage afforded under a policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage in an automobile insurance policy including:

(A) liability coverage for bodily injury and property damage;

(B) personal injury protection coverage;

(C) uninsured and underinsured motorist coverage;

(D) medical payments coverage;

(E) comprehensive physical damage coverage; and

(F) collision physical damage coverage.

(2) Nothing in this subsection implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to a company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers for compensation.

(3) Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a company's digital network or while a driver provides a prearranged ride.

(4) Nothing in this subsection is deemed to preclude an insurer from providing primary or excess coverage for the driver's vehicle, if it chooses to

do so by contract or endorsement.

(5) Insurers that exclude the coverage described under subsection (b) of this section shall have no duty to defend or indemnify any claim expressly excluded thereunder.

(6) Nothing in this section is deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Vermont prior to the enactment of this section, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(7) An insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of subsection (b) of this section at the time of loss.

(8) In a claims coverage investigation, transportation network companies shall immediately provide upon request by directly involved parties or any insurer of the transportation network company driver, if applicable, the precise times that a transportation network company driver logged on and off the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers providing coverage under subsection (b) of this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable charges, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements of subsection (b) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

House Ethics Panel Announced

Pursuant to House rule 90a. the House Rules Committee elected the following members to the House Ethics Panel:

Reps. Cupoli of Rutland City

Rep. Deen of Westminster

Rep. Gannon of Wilmington

Rep. Sibia of Dover

Rep. Haas of Rochester

Adjournment

At one o'clock and forty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.