

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred Senate Bill No.
3 272 entitled “An act relating to miscellaneous changes to laws related to motor
4 vehicles and motorboats” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Special Plates and Placards for Persons with Disabilities * * *

8 Sec. 1. 23 V.S.A. § 304a(b) is amended to read:

9 (b) Special registration plates or removable windshield placards, or both,
10 shall be issued by the Vermont Commissioner of Motor Vehicles. The placard
11 shall be issued without a fee to a person who is blind or has an ambulatory
12 disability. One set of plates shall be issued without additional fees for a
13 vehicle registered or leased to a person who is blind or has an ambulatory
14 disability or to a parent or guardian of a person with a permanent disability.

15 The Commissioner shall issue these placards or plates under rules adopted by
16 him or her after proper application has been made to the Commissioner by any
17 person residing within the State of Vermont. Application forms shall be
18 available on request at the Department of Motor Vehicles.

19 * * *

1 * * * Eliminating Requirements to Return License Plates * * *

2 Sec. 2. 23 V.S.A. § 326 is amended to read:

3 § 326. REFUND UPON LOSS OF VEHICLE

4 The Commissioner may cancel the registration of a motor vehicle when the
5 owner thereof proves to his or her satisfaction that it has been totally destroyed
6 by fire, or, through accident or wear, has become wholly unfit for use and has
7 been dismantled. ~~Upon the cancellation of such~~ After the Commissioner
8 cancels the registration and the ~~return~~ owner returns to the Commissioner ~~of~~
9 either the registration certificate, or the number plates and the validation
10 sticker ~~(if issued for that year)~~, the Commissioner shall certify to the
11 Commissioner of Finance and Management the fact of ~~such~~ the cancellation,
12 giving the name of the owner of ~~such~~ the motor vehicle, his or her address, the
13 amount of the registration fee paid, and the date of ~~such~~ cancellation. The
14 Commissioner of Finance and Management shall issue his or her warrant in
15 favor of the owner for such percent of the registration fee paid as the unexpired
16 term of the registration bears to the entire registration period, but in no case
17 shall the Commissioner retain less than \$5.00 of the fee paid.

18 Sec. 3. 23 V.S.A. § 327 is amended to read:

19 § 327. REFUND WHEN PLATES NOT USED

20 Subject to the conditions set forth in subdivisions (1), (2), and (3) of this
21 section, the Commissioner may cancel the registration of a motor vehicle,

1 snowmobile, or ~~motor boat~~ motorboat when the owner returns to the
2 Commissioner either the number plates, if any, ~~and~~ or the registration
3 certificate ~~to the Commissioner~~. Upon cancellation of the registration, the
4 Commissioner shall notify the Commissioner of Finance and Management,
5 who shall issue a refund as follows:

6 (1) For registrations cancelled prior to the beginning of the registration
7 period, the refund is the full amount of the fee paid, less a ~~fee~~ charge of \$5.00.

8 (2) For registrations cancelled within 30 days of the date of issue, the
9 refund is the full amount of the fee paid, less a charge of \$5.00. The owner of
10 a motor vehicle must prove to the Commissioner's satisfaction that the number
11 plates have not been used or attached to a motor vehicle.

12 (3) For registrations cancelled prior to the beginning of the second year
13 of a two-year registration period, the refund is one-half of the full amount of
14 the two-year fee paid, less a charge of \$5.00.

15 * * * Veterans; Fee Exemptions * * *

16 Sec. 4. 23 V.S.A. § 378 is amended to read:

17 § 378. VETERANS' EXEMPTIONS

18 No fees shall be charged an honorably discharged ~~veterans~~ veteran of the
19 U.S. Armed Forces, who ~~are residents~~ is a resident of the State of Vermont for
20 the registration of a motor vehicle ~~granted that~~ the veteran by the Veterans²
21 Administration has acquired with financial assistance from the U.S.

1 Department of Veterans Affairs, or for the registration of a motor vehicle
2 owned by him or her during his or her lifetime obtained as a replacement
3 thereof, when his or her application is accompanied by a ~~certificate~~ copy of an
4 approved VA Form 21-4502 issued by the ~~Veterans' Administration center~~
5 U.S. Department of Veterans Affairs certifying him or her to be entitled to
6 ~~such exemption~~ the financial assistance.

7 Sec. 5. 23 V.S.A. § 609 is amended to read:

8 § 609. VETERANS' EXEMPTION

9 No fees shall be charged an honorably discharged ~~veterans~~ veteran of the
10 U.S. Armed Forces; who ~~are residents~~ is a resident of the State of Vermont; for
11 a license to operate a motor vehicle, when the veteran has ~~received~~ acquired a
12 motor vehicle with financial assistance from the ~~Veterans' Administration~~ U.S.
13 Department of Veterans Affairs and he or she is otherwise eligible to be
14 granted ~~such~~ the license, and when his or her application is accompanied by a
15 ~~certificate~~ copy of an approved VA Form 21-4502 issued by the ~~Veterans'~~
16 ~~Administration center~~ U.S. Department of Veterans Affairs certifying him or
17 her to be entitled to ~~such exemption~~ the financial assistance.

18 Sec. 6. 23 V.S.A. § 2002(a) is amended to read:

19 (a) The Commissioner shall be paid the following fees:

20 (1) for any certificate of title, including a salvage certificate of title, or
21 an exempt vehicle title, \$35.00;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(11) for a certificate of title for a motor vehicle ~~granted~~ acquired by a
veteran ~~by~~ with financial assistance from the Veterans' Administration U.S.
Department of Veterans Affairs and exempt from registration fees pursuant to
section 378 of this title, no fee;

* * *

Sec. 7. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(14) A motor vehicle ~~granted~~ acquired by a veteran by with financial
assistance from the Veterans' Administration U.S. Department of Veterans
Affairs, or a vehicle obtained as a replacement to one ~~granted~~ acquired with
such assistance, when accompanied by a ~~certificate~~ copy of an approved VA
Form 21-4502 issued by the ~~Veterans' Administration Center~~ U.S. Department
of Veterans Affairs certifying the veteran to be entitled to the ~~exemption~~
financial assistance.

* * *

* * * Restoration of Driving Privileges Under Total Abstinence Program * * *

Sec. 8. 23 V.S.A. § 1209a(b) is amended to read:

(b) Abstinence.

1 (1)(A) Notwithstanding any other provision of this subchapter, a person
2 whose license or privilege to operate has been suspended or revoked for life
3 under this subchapter may apply to the ~~Driver Rehabilitation School Director~~
4 ~~and to the~~ Commissioner for reinstatement of his or her driving privilege. The
5 person shall have completed three years of total abstinence from consumption
6 of alcohol ~~or~~ and nonprescription regulated drugs, ~~or both~~. The use of a
7 regulated drug in accordance with a valid prescription shall not disqualify an
8 applicant for reinstatement of his or her driving privileges unless the applicant
9 used the regulated drug in a manner inconsistent with the prescription label.

10 (B) The beginning date for the period of abstinence shall be ~~no~~
11 ~~sooner~~ not earlier than the effective date of the suspension or revocation from
12 which the person is requesting reinstatement and shall not include any period
13 during which the person is serving a sentence of incarceration to include
14 furlough. The application shall include the applicant's authorization for a
15 urinalysis examination, or another examination if it is approved as a
16 preliminary screening test under this subchapter, to be conducted prior to
17 reinstatement under this subdivision. The application to the Commissioner
18 shall be accompanied by a fee of \$500.00. The Commissioner shall have the
19 discretion to waive the application fee if the Commissioner determines that
20 payment of the fee would present a hardship to the applicant.

1 reinstatement under this subsection, the person shall be conclusively presumed
2 to be in violation of the conditions of his or her reinstatement.

3 (5) A person shall be eligible for reinstatement under this subsection
4 only once following a suspension or revocation for life.

5 * * *

6 * * * Means of Transmitting Fuel Tax Payments * * *

7 Sec. 9. 23 V.S.A. § 3015 is amended to read:

8 § 3015. COMPUTATION AND PAYMENT OF TAX

9 Each report required under section 3014 of this title from licensed
10 distributors, dealers, or users shall be accompanied by evidence of an
11 electronic funds transfer payment or a remittance payable to the Department of
12 Motor Vehicles for the amount of tax due, which shall be computed and
13 transmitted in the following manner:

14 * * *

15 (3)(A) Distributors and dealers with a tax liability of more than
16 \$25,000.00 filing a report required under subsection 3014(a) of this title shall
17 transmit payment of taxes due to the Department of Motor Vehicles by means
18 of an electronic funds transfer.

19 (B) Distributors and dealers with a tax liability of \$25,000.00 or less
20 filing a report required under subsection 3014(a) of this title, and users filing a
21 report required under subsection 3014(b) of this title, shall transmit payment of

1 taxes due to the Department of Motor Vehicles by means of an electronic funds
2 transfer payment or by a remittance through the U.S. mail. If a remittance to
3 ~~cover payment of taxes due as shown by a report required by this chapter~~ is
4 sent through the U.S. mail properly addressed to the Department of Motor
5 Vehicles, it shall be deemed received on the date shown by the postmark on the
6 envelope containing the report only for purposes of avoiding penalty and
7 interest. In the event a mailing date is affixed to the envelope by a machine
8 owned or under the control of the person submitting the report, and the U.S.
9 Post Office has corrected or changed the date stamped thereon by causing the
10 official U.S. Post Office postmark to also be imprinted on the envelope, the
11 date shown by the official Post Office postmark shall be the accepted date if
12 different from the original postmark.

13 * * *

14 Sec. 10. 23 V.S.A. § 3015 is amended to read:

15 § 3015. COMPUTATION AND PAYMENT OF TAX

16 Each report required under section 3014 of this title from licensed
17 distributors, dealers, or users shall be accompanied by evidence of an
18 electronic funds transfer payment or a remittance payable to the Department of
19 Motor Vehicles for the amount of tax due, which shall be computed and
20 transmitted in the following manner:

21 * * *

1 Sec. 11. 23 V.S.A. § 3106(b) is amended to read:

2 (b) ~~If a remittance to cover~~ On or before the due date established by section
3 3108 of this title, payment of taxes due as shown by a report required by this
4 chapter ~~is sent through the U.S. mail properly addressed~~ shall be transmitted to
5 the Department of Motor Vehicles, ~~it shall be deemed received on the date~~
6 ~~shown by the postmark on the envelope containing the report only for purposes~~
7 ~~of avoiding penalty and interest. In the event a mailing date is affixed to the~~
8 ~~envelope by a machine owned or under the control of the person submitting the~~
9 ~~report, and the U.S. Post Office has corrected or changed the date stamped by~~
10 ~~causing the official U.S. Post Office postmark to also be imprinted on the~~
11 ~~envelope, the date shown by the official post office postmark shall be the~~
12 ~~accepted date if different from the original postmark;~~

13 (1) if the tax liability is more than \$25,000.00, by means of an electronic
14 funds transfer payment; or

15 (2) if the tax liability is \$25,000.00 or less, by means of an electronic
16 funds transfer payment or by a remittance through the U.S. mail.

17 Sec. 12. 23 V.S.A. § 3106(b) is amended to read:

18 (b) On or before the due date established by section 3108 of this title,
19 payment of taxes due as shown by a report required by this chapter shall be
20 transmitted to the Department of Motor Vehicles:

1 * * * New Motor Vehicle Arbitration * * *

2 Sec. 14. 9 V.S.A. § 4173 is amended to read:

3 § 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT;

4 WAIVER OF RIGHTS VOID

5 (a)(1) After reasonable attempt at repair or correction of the nonconformity,
6 defect, or condition, or after the vehicle is out of service by reason of repair of
7 one or more nonconformities, defects, or conditions for a cumulative total of
8 30 or more calendar days as provided in this chapter, the consumer shall notify
9 the manufacturer and lessor in writing, on forms to be provided by the
10 manufacturer at the time the new motor vehicle is delivered, of the
11 nonconformity, defect, or condition and the consumer’s election to proceed
12 under this chapter. The forms shall be made available by the manufacturer to
13 any public or nonprofit agencies that shall request them. Notice of consumer
14 rights under this chapter shall be conspicuously displayed by all authorized
15 dealers and agents of the manufacturer.

16 (2) The consumer shall in the notice elect whether to use the dispute
17 settlement mechanism or the arbitration provisions established by the
18 manufacturer or to proceed under the Vermont Motor Vehicle Arbitration
19 Board as established under this chapter. Except in the case of a settlement
20 agreement between a consumer and manufacturer, and unless federal law
21 otherwise requires, any provision or agreement that purports to waive, limit, or

1 disclaim the rights set forth in this chapter or that purports to require a
2 consumer not to disclose the terms of the provision or agreement is void as
3 contrary to public policy.

4 (3) The consumer's election of whether to proceed before the Board or
5 the manufacturer's mechanism shall preclude his or her recourse to the method
6 not selected.

7 * * *

8 * * * Three-wheeled Motorcycles * * *

9 Sec. 15. 23 V.S.A. § 601(f) is amended to read:

10 (f) Operators of autocycles shall be exempt from the requirements to obtain
11 a motorcycle learner's permit or a motorcycle endorsement. The
12 Commissioner shall offer operators of three-wheeled motorcycles that are not
13 autocycles the opportunity to obtain a motorcycle endorsement that authorizes
14 the operation of three-wheeled motorcycles only.

15 Sec. 16. 23 V.S.A. § 617 is amended to read:

16 § 617. LEARNER'S PERMIT

17 * * *

18 (b)(1) Notwithstanding the provisions of subsection (a) of this section, any
19 licensed person may apply to the Commissioner of Motor Vehicles for a
20 learner's permit for the operation of a motorcycle in the form prescribed by the
21 Commissioner. The Commissioner shall offer both a motorcycle learner's

1 permit that authorizes the operation of three-wheeled motorcycles only and a
2 motorcycle learner's permit that authorizes the operation of any motorcycle.

3 The Commissioner shall require payment of a fee of \$20.00 at the time
4 application is made.

5 (2) After the applicant has successfully passed all parts of the applicable
6 motorcycle endorsement examination, other than a skill test, the Commissioner
7 may issue to the applicant a learner's permit ~~which~~ that entitles the applicant,
8 subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle
9 only, or to operate any motorcycle, upon the public highways for a period of
10 120 days from the date of issuance. The fee for the examination shall be
11 \$9.00.

12 (3) A motorcycle learner's permit may be renewed only twice upon
13 payment of a \$20.00 fee. If, during the original permit period and two
14 renewals; the permittee has not successfully passed the applicable skill test or
15 ~~the~~ motorcycle rider training course, he or she may not obtain another
16 motorcycle learner's permit for a period of 12 months from the expiration of
17 the permit unless:

18 (A) he or she has successfully completed the applicable motorcycle
19 rider training course; or

1 defined in ~~9 V.S.A. § 2451a(a)~~ and “cash price” shall be as defined in ~~9 V.S.A.~~
2 ~~§ 2351(6)~~. [Repealed.]

3 * * *

4 * * * Effective Dates * * *

5 Sec. 18. EFFECTIVE DATES

6 (a) Secs. 9 and 11 (means of transmitting fuel tax payments) shall take
7 effect on July 1, 2019.

8 (b) Secs. 10 and 12 (means of transmitting fuel tax payments) shall take
9 effect on July 1, 2020.

10 (c) This section, Sec. 14 (new motor vehicle arbitration), and Sec. 17
11 (dealer records) shall take effect on passage.

12 (d) All other sections shall take effect on July 1, 2018.

13 and that after passage the title of the bill be amended to read: “An act relating
14 to miscellaneous changes to laws related to motor vehicles”

15
16 (Committee vote: _____)

17 _____

18 Senator _____

19 FOR THE COMMITTEE