TO THE	HONOR	ARLE	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,
- shall be issued by the Vermont Commissioner of Motor Vehicles. The placard
- shall be issued without a fee to a person who is blind or has an ambulatory
- disability. One set of plates shall be issued without additional fees for a
- vehicle registered or leased to a person who is blind or has an ambulatory
- 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
- him or her after proper application has been made to the Commissioner by any
- person residing within the State of Vermont. Application forms shall be
- available on request at the Department of Motor Vehicles.

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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 Veterans'
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 <u>an</u> honorably discharged <u>veterans</u> 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	(11) for a certificate of title for a motor vehicle granted acquired by a
3	veteran by with financial assistance from the Veterans' Administration U.S.
4	Department of Veterans Affairs and exempt from registration fees pursuant to
5	section 378 of this title, no fee;
6	* * *
7	Sec. 7. 32 V.S.A. § 8911 is amended to read:
8	§ 8911. EXCEPTIONS
9	The tax imposed by this chapter shall not apply to:
10	* * *
11	(14) A motor vehicle granted acquired by a veteran by with financial
12	assistance from the Veterans' Administration U.S. Department of Veterans
13	Affairs, or a vehicle obtained as a replacement to one granted acquired with
14	such assistance, when accompanied by a certificate copy of an approved VA
15	Form 21-4502 issued by the Veterans' Administration Center U.S. Department
16	of Veterans Affairs certifying the veteran to be entitled to the exemption
17	financial assistance.
18	* * *
19	* * * Restoration of Driving Privileges Under Total Abstinence Program * * *
20	Sec. 8. 23 V.S.A. § 1209a(b) is amended to read:
21	(b) Abstinence.

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

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

(2) If the Commissioner or a medical review board convened by the
Commissioner is satisfied by a preponderance of the evidence that the
applicant has abstained for the required number of years immediately
preceding the application and hearing, has successfully completed a therapy
program as required under this section, and has operated under a valid ignition
interlock RDL or under an ignition interlock certificate for at least three years
following the suspension or revocation, and the person appreciates provides a
written acknowledgment that he or she cannot drink any amount of alcohol and
drive safely at all and cannot consume nonprescription regulated drugs under
any circumstances, the person's license or privilege to operate shall be
reinstated immediately, subject to the condition that the person's suspension or
revocation will be put back in effect in the event any further investigation
reveals a return to the consumption of alcohol or drugs and to such additional
conditions as the Commissioner may impose. The requirement to operate
under an ignition interlock RDL or ignition interlock certificate shall not apply
if the person is exempt under subdivision (a)(4) of this section.

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(4) If the Commissioner finds that a person reinstated under this subsection was is suspended pursuant to section 1205 of this title, or was is convicted of a violation of section 1201 of this title subsequent to

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

taxes due to the Department of Motor Vehicles by means of an electronic fun
transfer payment or by a remittance through the U.S. mail. If a remittance to
cover payment of taxes due as shown by a report required by this chapter is
sent through the U.S. mail properly addressed to the Department of Motor
Vehicles, it shall be deemed received on the date shown by the postmark on the
envelope containing the report only for purposes of avoiding penalty and
interest. In the event a mailing date is affixed to the envelope by a machine
owned or under the control of the person submitting the report, and the U.S.
Post Office has corrected or changed the date stamped thereon by causing the
official U.S. Post Office postmark to also be imprinted on the envelope, the
date shown by the official Post Office postmark shall be the accepted date if
different from the original postmark.
* * *
Sec. 10. 23 V.S.A. § 3015 is amended to read:
§ 3015. COMPUTATION AND PAYMENT OF TAX
Each report required under section 3014 of this title from licensed
distributors, dealers, or users shall be accompanied by evidence of an
electronic funds transfer payment or a remittance payable to the Department of
Motor Vehicles for the amount of tax due, which shall be computed and
transmitted in the following manner:
* * *

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

(B) Distributors and dealers with a tax liability of \$25,000.00 or less filing a report required under subsection 3014(a), of this title and users Users filing a report required under subsection 3014(b) of this title; shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer payment or by a remittance through the U.S. mail. If a remittance is sent through the U.S. mail properly addressed to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned or under the control of the person submitting the report and the U.S. Post Office has corrected or changed the date stamped thereon by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official Post Office postmark shall be the accepted date if different from the original postmark.

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	1	Sec. 11.	23 V.S.A.	§ 3106(b)	is amended	to read:
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- (b) If a remittance to cover On or before the due date established by section 3108 of this title, payment of taxes due as shown by a report required by this chapter is sent through the U.S. mail properly addressed shall be transmitted to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned or under the control of the person submitting the report, and the U.S. Post Office has corrected or changed the date stamped by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official post office postmark shall be the accepted date if different from the original postmark:
- (1) if the tax liability is more than \$25,000.00, by means of an electronic funds transfer payment; or
- (2) if the tax liability is \$25,000.00 or less, by means of an electronic 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:
 - (b) On or before the due date established by section 3108 of this title, payment of taxes due as shown by a report required by this chapter shall be transmitted to the Department of Motor Vehicles:

1	(1) if the tax liability is more than \$25,000.00, by means of an electronic
2	funds transfer payment; or
3	(2) if the tax liability is \$25,000.00 or less, by means of an electronic
4	funds transfer payment or by a remittance through the U.S. mail.
5	* * * Motor Vehicle Purchase and Use Tax * * *
6	Sec. 13. 32 V.S.A. § 8911 is amended to read:
7	§ 8911. EXCEPTIONS
8	The tax imposed by this chapter shall not apply to:
9	* * *
10	(8) Motor vehicles transferred to the spouse, mother, father, child,
11	sibling, grandparent, or grandchild of the donor during the donor's life or
12	following his or her death, or to a trust established for the benefit of any such
13	persons or for the benefit of the donor, or subsequently transferred among such
14	persons, including transfers following a death, provided such the motor vehicle
15	has been registered or titled in this State in the name of the original donor.
16	Transfers exempt under this subdivision (8) include eligible transfers resulting
17	by operation of the law governing intestate estates.
18	* * *

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	<u>\$9.00.</u>
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 <u>applicable</u> motorcycle
19	rider training course; or

1	(B) the learner's permit and renewals thereof authorized the
2	operation of any motorcycle and the permittee is seeking a learner's permit for
3	the operation of three-wheeled motorcycles only.
4	(4) This section shall not affect section 602 of this title. The fee for the
5	examination shall be \$9.00.
6	* * *
7	(f)(1) The Commissioner may authorize motorcycle rider training
8	instructors to administer either the a motorcycle endorsement examination for
9	three-wheeled motorcycles only or for any motorcycle, or the a motorcycle
10	skills skill test for three-wheeled motorcycles only or for any motorcycle, or
11	both any of these. Upon successful completion of the applicable examination
12	or test, the instructor shall issue to the applicant either a temporary motorcycle
13	learner learner's permit or notice of motorcycle endorsement, as appropriate.
14	The instructor shall immediately forward to the Commissioner the application
15	and fee together with such additional information as the Commissioner may
16	require.
17	(2) The Commissioner shall maintain a list of approved in-state and
18	out-of-state motorcycle rider training courses, successful completion of which
19	the Commissioner shall deem to satisfy the skill test requirement. This list
20	shall include courses that provide training on three-wheeled motorcycles.

1	* * * Dealer Records of Sales * * *
2	Sec. 17. 23 V.S.A. § 466 is amended to read:
3	§ 466. RECORDS; CUSTODIAN
4	(a) On a form prescribed or approved by the Commissioner, every licensed
5	dealer shall maintain and retain for six years a record containing the following
6	information, which shall be open to inspection by any law enforcement officer
7	or motor vehicle inspector or other agent of the Commissioner during
8	reasonable business hours:
9	(1) Every vehicle or motorboat which that is bought, sold, or exchanged
10	by the licensee or received or accepted by the licensee for sale or exchange.
11	(2) Every vehicle or motorboat which that is bought or otherwise
12	acquired and dismantled by the licensee.
13	(3) The name and address of the person from whom such vehicle or
14	motorboat was purchased or acquired, the date thereof, the name and address
15	of the person to whom any such vehicle or motorboat was sold or otherwise
16	disposed of and the date thereof, and a sufficient description of every such
17	vehicle or motorboat by name and identifying numbers thereon to identify the
18	same.
19	(4) If the vehicle or motorboat is sold or otherwise transferred to a
20	consumer, the cash price. As used in this section, "consumer" shall be as

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