

### S. 272 Strike-all dr 4.1: Misc MV Bill

Sec. No.	Description
1	<p>Authorizes the Commissioner of DMV to issue a set of special registration plates to the parent or guardian of a person with a permanent disability.</p> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• DMV recommended this change and testified that a similar change is not needed with respect to removable windshield placards, as existing law already allows parents and guardians to use removable windshield placards when transporting a personal who is disabled.</li> </ul>
2–3	<p><b>Sec. 2</b> eliminates the requirement that a motor vehicle registrant return license plates to the Commissioner of DMV when the registration is cancelled following total loss of the vehicle; <b>Sec. 3</b> makes the same change when the registration is cancelled because the registration will not be used.</p> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• DMV recommended this change to enable consumers to avoid the expense and inconvenience of mailing plates back to DMV, and to enable DMV to avoid having to dispose of the unneeded plates.</li> </ul>
4–7	<p>In order to reflect the current nature of a federal program that provides financial assistance to veterans to acquire motor vehicles, <b>Secs. 4–7</b> update existing statutes that grant certain fee and tax exemptions to veterans who receive financial assistance from the U.S. Department of Veterans Affairs to acquire a motor vehicle.</p> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• Formerly, the federal program provided assistance to disabled veterans by directly furnishing the vehicles to the veterans. The program now provides financial assistance to the veterans to enable them to acquire motor vehicles.</li> <li>• Sec. 4 amends a statute that exempts veterans receiving such assistance from registration fees.</li> <li>• Sec. 5 amends a statute that exempts such veterans from motor vehicle license fees.</li> <li>• Sec. 6 amends a statute that exempts such veterans from motor vehicle titling fees.</li> <li>• Sec. 7 amends a statute that exempts such veterans from motor vehicle purchase and use taxes.</li> </ul>
8	<p>With regard to the Total Abstinence (TA) Program, this section:</p> <ul style="list-style-type: none"> <li>• Provides that a person who submits an application for reinstatement of his or license under the TA Program shall include in the application authorization for an <u>oral fluid</u> examination (as an alternative to a urinalysis examination, which the applicant is already required to authorize under existing law). <b>See 1209a(b)(1)(B).</b></li> <li>• Obligates a person reinstated under the TA Program to provide the sample needed for a urinalysis or oral fluid examination, or the breath needed for screening with a preliminary alcohol screening device, when an enforcement officer has reasonable grounds to believe that the person has violated a condition of reinstatement. <b>See 1209a(b)(2).</b></li> </ul>

	<ul style="list-style-type: none"> <li>• Authorizes the Commissioner of DMV to undertake annual compliance checks of persons reinstated under the TA Program. <i>See 1209a(b)(3).</i></li> <li>• Provides that after notice and hearing, a person reinstated under the TA Program who refuses to provide a sample for testing <i>when an enforcement officer has reasonable grounds to believe that the person has violated a condition of reinstatement</i> will have his or her license suspended or revoked for life. <i>See 1209a(b)(3).</i></li> <li>• Makes miscellaneous technical and clarifying changes to the TA Program language.</li> </ul> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• The Total Abstinence Program is a program under which a person whose license has been suspended or revoked for life for DUI offenses may obtain reinstatement of his or her license if he or she meets certain requirements, including totally abstaining from alcohol and nonprescription regulated drugs for at least a three-year period prior to applying for reinstatement under the TA Program. After reinstatement under the TA Program, the person must continue to completely abstain from alcohol and drug use.</li> </ul>
9	<p>Transition provision to provide that persons reinstated under the TA Program prior to the effective date of Sec. 8 are not subject to the substantive changes in Sec. 8.</p>
10–11	<p><b>Sec. 10:</b> Effective <b>July 1, 2019</b>, requires diesel tax payments to be transmitted to the Department of Motor Vehicles by means of an electronic funds transfer, <u>except</u> for:</p> <ul style="list-style-type: none"> <li>• distributors and dealers with a tax liability of \$25,000 or less;</li> <li>• persons required to submit diesel tax payments as users.</li> </ul> <p><b>Sec. 11:</b> Effective <b>July 1, 2020</b>, requires diesel tax payments to be transmitted to the Department of Motor Vehicles by means of an electronic funds transfer except for persons required to submit diesel tax payments as users.</p> <p><u>More explanation and information if needed:</u></p> <ul style="list-style-type: none"> <li>• Secs. 10–11 phase in the requirement to submit payments of diesel taxes through an electronic funds transfer (EFT). <ul style="list-style-type: none"> <li>➤ In the first year—from July 1, 2019 to July 1, 2020—distributors and dealers with a tax liability of \$25,000 or less are not required to submit payments by EFT.</li> <li>➤ Starting on July 1, 2020, all distributors and dealers will be required to submit payments by EFT, regardless of the amount of payment.</li> </ul> </li> <li>• Diesel fuel users continue to be exempted on and after July 1, 2020 from the requirement to submit payments via an EFT, because they are individual diesel commercial motor carriers who typically have very low payment obligations under the International Fuel Tax Agreement (of often less than \$10 per month).</li> <li>• According to the <i>Motor Fuel Tax Uniformity Committee of the Federation of Tax Administrators</i>, 18 states already require all motor fuel tax payments to be submitted by EFT.</li> </ul>
12–13	<p><b>Sec. 12:</b> Effective <b>July 1, 2019</b>, requires gasoline distributors to transmit gasoline taxes to the Department of Motor Vehicles by means of an electronic funds transfer, <u>except</u> for distributors with a tax liability of \$25,000 or less.</p> <p><b>Sec. 13:</b> Effective <b>July 1, 2020</b>, requires ALL gasoline distributors to transmit gasoline taxes to the Department of Motor Vehicles by means of an electronic funds transfer.</p>

14	<ul style="list-style-type: none"> <li>• Adds siblings to the class of family members to whom a donor may transfer a motor vehicle without triggering a motor vehicle purchase and use tax obligation.</li> <li>• Adds clarifying language to codify existing practice, which is that qualifying exempt transfers may include transfers following death and transfers that arise by operation of the law governing intestacy.</li> </ul>
15	<p>Provides that an agreement that purports to waive, limit, or disclaim a consumer’s Lemon Law rights—or that purports to require a consumer not to disclose the terms of the provision or agreement—is void as contrary to public policy, <b>except</b>:</p> <ul style="list-style-type: none"> <li>➤ in the case of a settlement agreement between a consumer and manufacturer;</li> <li>➤ or if federal law otherwise requires.</li> </ul> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• Numerous other states with lemon laws have similar provisions.</li> <li>• The Executive Secretary of the Transportation Board, which provides administrative support to the Vermont Motor Vehicle Arbitration Board (aka Lemon Law Board), recommended that this provision be added.</li> </ul>
16–17	<p><b>Sec. 16</b> requires the Commissioner of DMV to offer operators of three-wheeled motorcycles the opportunity to obtain a <u>motorcycle endorsement</u> that authorizes the operation of three-wheeled motorcycles only.</p> <p><b>Sec. 17:</b></p> <ul style="list-style-type: none"> <li>• similarly requires the Commissioner of DMV to offer a <u>motorcycle learner’s permit</u> that authorizes the operation of three-wheeled motorcycles only (§ 617(b)(1)) and makes related conforming changes throughout the section;</li> <li>• requires the Commissioner of DMV to maintain a list of approved in-state and out-of-state motorcycle rider training courses, successful completion of which the Commissioner shall deem to satisfy the skill test requirement for obtaining a motorcycle endorsement.</li> </ul> <p><b>More information if needed:</b></p> <ul style="list-style-type: none"> <li>• Secs. 16–17 incorporate, with one change, a bill introduced by Sen. Benning, S.152.</li> <li>• DMV testified that these provisions codify existing practice (however, the Commissioner has authority to change existing practice and not offer endorsements specific to three-wheeled motorcycles).</li> </ul>
18	<p>Repeals a requirement that motor vehicle and motorboat dealers record the “cash price” of a vehicle or motorboat that is sold or transferred on DMV’s “Dealer’s Vehicle Record” form. The Committee heard testimony that this information is not used by anyone and is available through other means.</p>
19	<p><b>Subsecs. (a) and (b):</b> As noted above, in order to phase in the requirement for diesel and gasoline distributors to transmit tax payments to DMV by electronic funds transfer, Secs. 10 and 12 take effect on <b>July 1, 2019</b>, and Secs. 11 and 13 take effect on <b>July 1, 2020</b>.</p> <p><b>Subsec. (c):</b> The effective dates section itself, Sec. 15 (amending the Lemon Law), and Sec. 18 (related to information required to be reported on the dealer sales form) take effect <b>on passage</b>.</p> <p><b>Subsec. (d):</b> All other sections take effect on the standard effective date of <b>July 1, 2018</b>.</p>