

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 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;

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(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 or oral fluid examination to be conducted prior to reinstatement
16 under this subdivision. The application to the Commissioner shall be
17 accompanied by a fee of \$500.00. The Commissioner shall have the discretion
18 to waive the application fee if the Commissioner determines that payment of
19 the fee would present a hardship to the applicant.

20 (2) If the Commissioner or a medical review board convened by the
21 Commissioner is satisfied by a preponderance of the evidence that the

1 applicant has abstained for the required number of years immediately
2 preceding the application ~~and hearing~~, has successfully completed a therapy
3 program as required under this section, and has operated under a valid ignition
4 interlock RDL or under an ignition interlock certificate for at least three years
5 following the suspension or revocation, and the person appreciates that he or
6 she cannot drink any amount of alcohol ~~and drive safely~~ at all and cannot
7 consume nonprescription regulated drugs under any circumstances, the
8 person's license or privilege to operate shall be reinstated immediately, subject
9 to the condition that the person's suspension or revocation will be put back in
10 effect in the event any further investigation reveals a return to the consumption
11 of alcohol or drugs and to such additional conditions as the Commissioner may
12 impose. When an enforcement officer has reasonable grounds to believe that
13 the person has violated a condition of reinstatement, on request the person shall
14 provide the sample needed for a urinalysis or oral fluid examination or the
15 breath needed for screening with a preliminary alcohol screening device. The
16 requirement to operate under an ignition interlock RDL or ignition interlock
17 certificate shall not apply if the person is exempt under subdivision (a)(4) of
18 this section.

19 (3) The Commissioner may cause to be undertaken annual compliance
20 checks of persons reinstated under this subsection. If after notice and hearing
21 the Commissioner later finds that the person was violating the conditions of the

1 person's reinstatement under this subsection, or that a person has refused to
2 provide a sample for testing requested pursuant to subdivision (2) of this
3 subsection when the enforcement officer has reasonable grounds to believe that
4 the person has violated a condition of reinstatement, the person's operating
5 license or privilege to operate shall be immediately suspended or revoked for
6 life.

7 (4) If the Commissioner finds that a person reinstated under this
8 subsection was is suspended pursuant to section 1205 of this title, or was is
9 convicted of a violation of section 1201 of this title subsequent to
10 reinstatement under this subsection, the person shall be conclusively presumed
11 to be in violation of the conditions of his or her reinstatement.

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

14 * * *

15 Sec. 9. APPLICABILITY OF TOTAL ABSTINENCE PROGRAM

16 AMENDMENTS

17 The following amendments to 23 V.S.A. § 1209a(b) made in Sec. 8 of this
18 act shall not apply to a person whose license or privilege to operate was
19 restored under the Total Abstinence Program prior to the effective date of
20 Sec. 8:

1 (1) the amendment to 23 V.S.A. § 1209a(b)(2) obligating a person
2 reinstated under the Program to provide the sample needed for a urinalysis or
3 oral fluid examination or the breath needed for screening with a preliminary
4 alcohol screening device when an enforcement officer has reasonable grounds
5 to believe that the person has violated a condition of reinstatement;

6 (2) the amendment to 23 V.S.A. § 1209a(b)(3) authorizing the
7 Commissioner of Motor Vehicles to undertake annual compliance checks of
8 persons reinstated under the Program;

9 (3) the amendment to 23 V.S.A. § 1209a(b)(3) providing that a person
10 who refuses to provide a sample for testing in accordance with 23 V.S.A.
11 § 1209a(b)(2) shall be suspended or revoked for life after notice and hearing.

12 * * * Means of Transmitting Fuel Tax Payments * * *

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

14 § 3015. COMPUTATION AND PAYMENT OF TAX

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

20 * * *

1 **Sec. 11. 23 V.S.A. § 3015 is amended to read:**

2 § 3015. COMPUTATION AND PAYMENT OF TAX

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

8 * * *

9 (3)(A) Distributors and dealers ~~with a tax liability of more than~~
10 ~~\$25,000.00~~ filing a report required under subsection 3014(a) of this title shall
11 transmit payment of taxes due to the Department of Motor Vehicles by means
12 of an electronic funds transfer.

13 (B) ~~Distributors and dealers with a tax liability of \$25,000.00 or less~~
14 ~~filing a report required under subsection 3014(a) of this title, and users~~ Users
15 filing a report required under subsection 3014(b) of this title; shall transmit
16 payment of taxes due to the Department of Motor Vehicles by means of an
17 electronic funds transfer payment or by a remittance through U.S. mail. If a
18 remittance is sent through the U.S. mail properly addressed to the Department
19 of Motor Vehicles, it shall be deemed received on the date shown by the
20 postmark on the envelope containing the report only for purposes of avoiding
21 penalty and interest. In the event a mailing date is affixed to the envelope by a

1 machine owned or under the control of the person submitting the report, and
2 the U.S. Post Office has corrected or changed the date stamped thereon by
3 causing the official U.S. Post Office postmark to also be imprinted on the
4 envelope, the date shown by the official Post Office postmark shall be the
5 accepted date if different from the original postmark.

6 * * *

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

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

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

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* * * New Motor Vehicle Arbitration * * *

Sec. 15. 9 V.S.A. § 4172 is amended to read:

§ 4172. ENFORCEMENT OF WARRANTIES

(a) Every new motor vehicle as defined in section 4171 of this title sold in this State must conform to all applicable warranties.

(b) It shall be the manufacturer’s obligation under this chapter to ensure that all new motor vehicles sold, leased, or registered in this State conform with manufacturer’s express warranties, including any warranty applicable to the chassis, chassis cab, and any portion of a recreation vehicle devoted to its propulsion even if purported to be covered under separate warranties of the respective makers of these components. The manufacturer may delegate responsibility to its agents or authorized dealers provided, however, in the event the manufacturer delegates its responsibility under this chapter to its agents or authorized dealers, it shall compensate the dealer for all work performed by the dealer in satisfaction of the manufacturer’s responsibility under this chapter in the manner set forth in chapter 108 of this title known as the “Motor Vehicle Manufacturers, Distributors and Dealers’ Franchising Practices Act” as that act may be from time to time amended.

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Sec. 16. 9 V.S.A. § 4173 is amended to read:

§ 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT;

WAIVER OF RIGHTS VOID

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

(2) The consumer shall in the notice elect whether to use the dispute settlement mechanism or the arbitration provisions established by the manufacturer or to proceed under the Vermont Motor Vehicle Arbitration Board as established under this chapter. Except in the case of a settlement agreement between a consumer and manufacturer, any provision or agreement that purports to waive, limit, or disclaim the rights set forth on this chapter, or

1 that purports to require a consumer not to disclose the terms of the provision or
2 agreement, is void as contrary to public policy.

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

6 * * *

7 * * * Effective Dates * * *

8 Sec. 17. EFFECTIVE DATES

9 (a) Secs. 10 and 12 (means of transmitting fuel tax payments) shall take
10 effect on July 1, 2019.

11 (b) Secs. 11 and 13 (means of transmitting fuel tax payments) shall take
12 effect on July 1, 2020.

13 (c) This section and Secs. 15–16 (new motor vehicle arbitration) shall take
14 effect on passage.

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

16
17 (Committee vote: _____)

18 _____

19 Senator _____

20 FOR THE COMMITTEE