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S.272

Introduced by Senators Mazza and Westman

Referred to Committee on

Date:

Subject: Motor vehicles

Statement of purpose of bill as introduced: This bill proposes to:

(1) require the Commissioner of Motor Vehicles to suspend both the license and the registration of a person who fails to promptly make good on a bad check that the person tendered to the Department of Motor Vehicles, but provide that the person will not be required to pay a fee in order to reinstate the registration;

(2) authorize the Commissioner to issue a set of special registration plates to the parent or guardian of a person with a permanent disability;

(3) eliminate requirements that a motor vehicle registrant return license plates to the Commissioner when his or her registration is cancelled;

(4) update existing provisions granting certain fee and tax exemptions to veterans who receive financial assistance from the U.S. Department of Veterans Affairs to acquire a motor vehicle to reflect the current nature of the financial assistance;

1           (5) make miscellaneous changes to the Total Abstinence Program for  
2 reinstatement of a person's driving privileges following a lifetime suspension  
3 for driving under the influence;

4           (6) require fuel tax payments to be transmitted to the Department of  
5 Motor Vehicles by means of Automated Clearing House payments, except in  
6 the case of persons required to submit diesel tax payments as users;

7           (7) add siblings to the class of persons to whom vehicles may be  
8 transferred without triggering the motor vehicle purchase and use tax.

9           An act relating to miscellaneous changes to laws related to motor vehicles  
10 and motorboats

11 It is hereby enacted by the General Assembly of the State of Vermont:

12           \* \* \* Bad Checks; Suspension of License, Registration \* \* \*

13 Sec. 1. 23 V.S.A. § 110 is amended to read:

14 § 110. BAD CHECKS RECEIVED FOR FEES

15           (a) Whenever any check issued in payment of any fee or for any other  
16 purpose is tendered to the Department of Motor Vehicles and payment is not  
17 honored by the bank on which the check is drawn, the Commissioner shall  
18 send a written notice of its nonpayment to the maker or person presenting the  
19 check, and if the check is not made good forthwith, he or she shall suspend the  
20 license ~~or~~ and registration of the person or persons. In no case shall the license

1 or registration be reinstated until settlement has been made in full. Settlement  
2 in full shall also include the payment of any penalties assessed by the State  
3 Treasurer.

4 \* \* \*

5 Sec. 2. 23 V.S.A. § 308(c) is amended to read:

6 (c) Prior to terminating the revocation of a registration or reinstating a  
7 registration following suspension, the Commissioner shall require payment of  
8 a fee equivalent to the fee prescribed in section 675 of this title, except that no  
9 such fee shall be imposed if the registration was suspended or revoked  
10 following its erroneous issuance by the Commissioner or if the registration was  
11 suspended pursuant to section 110 of this title. This fee shall be in addition to  
12 any other fee that may be required by law.

13 \* \* \* Special Plates and Placards for Persons with Disabilities \* \* \*

14 Sec. 3. 23 V.S.A. § 304a(b) is amended to read:

15 (b) Special registration plates or removable windshield placards, or both,  
16 shall be issued by the Vermont Commissioner of Motor Vehicles. The placard  
17 shall be issued without a fee to a person who is blind or has an ambulatory  
18 disability. One set of plates shall be issued without additional fees for a  
19 vehicle registered or leased to a person who is blind or has an ambulatory  
20 disability or to a parent or guardian of a person with a permanent disability.  
21 The Commissioner shall issue these placards or plates under rules adopted by

1 him or her after proper application has been made to the Commissioner by any  
2 person residing within the State of Vermont. Application forms shall be  
3 available on request at the Department of Motor Vehicles.

4 \* \* \* Eliminating Requirements to Return License Plates \* \* \*

5 Sec. 4. 23 V.S.A. § 326 is amended to read:

6 § 326. REFUND UPON LOSS OF VEHICLE

7 The Commissioner may cancel the registration of a motor vehicle when the  
8 owner thereof proves to his or her satisfaction that it has been totally destroyed  
9 by fire; or, through accident or wear, has become wholly unfit for use and has  
10 been dismantled. Upon the cancellation of such registration and the return to  
11 the Commissioner of the ~~number plates~~ registration certificate, and of the  
12 validation sticker (if issued for that year) if it is not affixed to the number plate,  
13 the Commissioner shall certify to the Commissioner of Finance and  
14 Management the fact of such cancellation, giving the name of the owner of  
15 ~~such~~ the motor vehicle, his or her address, the amount of the registration fee  
16 paid, and the date of ~~such~~ cancellation. The Commissioner of Finance and  
17 Management shall issue his or her warrant in favor of the owner for such  
18 percent of the registration fee paid as the unexpired term of the registration  
19 bears to the entire registration period, but in no case shall the Commissioner  
20 retain less than \$5.00 of the fee paid.

1 Sec. 5. 23 V.S.A. § 327 is amended to read:

2 § 327. REFUND WHEN PLATES NOT USED

3 Subject to the conditions set forth in subdivisions (1), (2), and (3) of this  
4 section, the Commissioner may cancel the registration of a motor vehicle,  
5 snowmobile, or ~~motor boat~~ motorboat when the owner returns the ~~number~~  
6 ~~plates, if any, and the~~ registration certificate, and the validation sticker if it is  
7 not affixed to the number plate, to the Commissioner. Upon cancellation of the  
8 registration, the Commissioner shall notify the Commissioner of Finance and  
9 Management, who shall issue a refund as follows:

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

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

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



1 ~~certificate~~ copy of an approved VA Form 21-4502 issued by the ~~Veterans'~~  
2 ~~Administration center~~ U.S. Department of Veterans Affairs certifying him or  
3 her to be entitled to ~~such exemption~~ the financial assistance.

4 Sec. 8. 23 V.S.A. § 2002(a) is amended to read:

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

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

8 \* \* \*

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

13 \* \* \*

14 Sec. 9. 32 V.S.A. § 8911 is amended to read:

15 § 8911. EXCEPTIONS

16 The tax imposed by this chapter shall not apply to:

17 \* \* \*

18 (14) A motor vehicle ~~granted~~ acquired by a veteran by with financial  
19 assistance from the Veterans' Administration U.S. Department of Veterans  
20 Affairs, or a vehicle obtained as a replacement to one ~~granted~~ acquired with  
21 such assistance, when accompanied by a ~~certificate~~ copy of an approved VA

1 Form 21-4502 issued by the ~~Veterans' Administration Center~~ U.S. Department  
2 of Veterans Affairs certifying the veteran to be entitled to the ~~exemption~~  
3 financial assistance.

4 \* \* \*

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

6 Sec. 10. 23 V.S.A. § 1209a(b) is amended to read:

7 (b) Abstinence.

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

17 (B) The beginning date for the period of abstinence shall be ~~no~~  
18 ~~sooner~~ not earlier than the effective date of the suspension or revocation from  
19 which the person is requesting reinstatement and shall not include any period  
20 during which the person is serving a sentence of incarceration to include  
21 furlough. The application shall include the applicant's authorization for a



1       urinalysis or oral fluid examination to be conducted prior to reinstatement  
2       under this subdivision. The application to the Commissioner shall be  
3       accompanied by a fee of \$500.00. The Commissioner shall have the discretion  
4       to waive the application fee if the Commissioner determines that payment of  
5       the fee would present a hardship to the applicant.

6               (2) If the Commissioner or a medical review board convened by the  
7       Commissioner is satisfied by a preponderance of the evidence that the  
8       applicant has abstained for the required number of years immediately  
9       preceding the application ~~and hearing~~, has successfully completed a therapy  
10       program as required under this section, and has operated under a valid ignition  
11       interlock RDL or under an ignition interlock certificate for at least three years  
12       following the suspension or revocation, and the person appreciates that he or  
13       she cannot drink any amount of alcohol ~~and drive safely at all under any~~  
14       circumstances, the person's license or privilege to operate shall be reinstated  
15       immediately, subject to the condition that the person's suspension or  
16       revocation will be put back in effect in the event any further investigation  
17       reveals a return to the consumption of alcohol or drugs and to such additional  
18       conditions as the Commissioner may impose. The Commissioner may cause to  
19       be undertaken annual compliance checks of persons reinstated under this  
20       subsection. The requirement to operate under an ignition interlock RDL or

1 ignition interlock certificate shall not apply if the person is exempt under  
2 subdivision (a)(4) of this section.

3 (3) When an enforcement officer has reasonable grounds to believe that  
4 the person has violated a condition of reinstatement, on request the person shall  
5 provide the sample needed for a urinalysis or oral fluid examination or the  
6 breath needed for screening with a preliminary alcohol screening device. If  
7 after notice and hearing the Commissioner later finds that the person was  
8 violating the conditions of the person's reinstatement under this subsection, the  
9 person's operating license or privilege to operate shall be immediately  
10 suspended or revoked for life.

11 (4) If the Commissioner finds that a person reinstated under this  
12 subsection was suspended pursuant to section 1205 of this title, ~~or~~ was  
13 convicted of a violation of section 1201 of this title, or refuses to provide a  
14 sample for testing requested pursuant to subdivision (3) of this subsection  
15 when the enforcement officer has reasonable grounds to believe that the person  
16 has violated a condition of reinstatement, the person shall be conclusively  
17 presumed to be in violation of the conditions of his or her reinstatement.

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

20 \* \* \*

1       Sec. 11. APPLICABILITY OF TOTAL ABSTINENCE PROGRAM

2                   AMENDMENTS

3           The following amendments to 23 V.S.A. § 1209a(b) made in Sec. 10 of this  
4       act shall not apply to a person whose license or privilege to operate was  
5       restored under the Total Abstinence Program prior to the effective date of  
6       Sec. 10:

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

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

15          (3) the amendment to 23 V.S.A. § 1209a(b)(4) providing that a person  
16       who refuses to provide a sample for testing in accordance with 23 V.S.A.  
17       § 1209a(b)(3) shall be conclusively presumed to be in violation of the  
18       conditions of his or her reinstatement.



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

5 \* \* \*

6 Sec. 13. 23 V.S.A. § 3106(b) is amended to read:

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

19 \* \* \*

