

H.788

An act relating to technical corrections for the 2020 legislative session

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

Sec. 1. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

\* \* \*

(9) "Employee" shall mean:

\* \* \*

(B) Any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or Group C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor and Lottery who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement

duties, motor vehicle inspectors, full-time deputy sheriffs compensated by the State of Vermont whose primary function is transports, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained Level III law enforcement officer certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont and the Defender General.

\* \* \*

Sec. 2. 1 V.S.A. § 496c is amended to read:

§ 496c. POW-MIA FLAG; FLYING ON STATE FLAGPOLES

The State of Vermont shall fly on State-owned flagpoles, where practicable, the National League of Families Prisoner of War and Missing in Action Flag, as designated in ~~36 U.S.C. § 189~~ 36 U.S.C. § 902, provided the flag is donated.

Sec. 3. 3 V.S.A. § 113 is amended to read:

§ 113. RECORD BY PHOTOSTATIC OR PHOTOGRAPHIC METHOD

The Secretary of State may record by photostatic or photographic method any instrument, paper, or document required by law to be recorded by him or her, and he or ~~her~~ she may give photostatic or photographic copies of the same, required by law to be filed or recorded with him or her, upon tender of his or her legal fees. Such copies, duly certified by him or her, shall be competent evidence in court and have the same force as the originals thereof would have had, if produced in court.

Sec. 4. 3 V.S.A. § 3091(h)(3) is amended to read:

(3) Notwithstanding subsection (f) of this section, only the claimant may appeal a decision of the Secretary to the Supreme Court. Such appeals shall be pursuant to ~~Rule 13 of the Vermont Rules of Appellate Procedure~~ V.R.A.P. 13. The Supreme Court may stay the Secretary's decision upon the claimant's showing of a fair ground for litigation on the merits. The Supreme Court shall not stay the Secretary's order insofar as it relates to a denial of retroactive benefits.

Sec. 5. 3 V.S.A. § 3303(a) is amended to read:

(a) Annual report and budget.

(+) The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an

annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency, and shall include:

~~(A)~~(1) performance metrics and trends, including baseline and annual measurements, for each division of the Agency;

~~(B)~~(2) a financial report of revenues and expenditures to date for the current fiscal year;

~~(C)~~(3) costs avoided or saved as a result of technology optimization for the previous fiscal year;

~~(D)~~(4) an outline summary of information, including scope, schedule, budget, and status for information technology projects with a total costs of \$500,000.00 or greater;

~~(E)~~(5) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;

~~(F)~~(6) a summary of independent reviews as required by subsection (d) of this section; and

~~(G)~~(7) the Agency budget submission.

Sec. 6. 8 V.S.A. § 4798(b)(3) is amended to read:

(3) the licensee prior thereto has filed with the Commissioner, on forms prescribed and furnished by the Commissioner, a request for renewal of such license for an ensuing 24-month period. Such request must be accompanied by payment of the renewal fee as provided in subdivision 4800(2) of this title.

Sec. 7. 8 V.S.A. § 4494(4) is amended to read:

(4)(A) Reserves according to the Commissioners' Reserve Valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided for by the certificates, over the then present value of any future modified net premiums therefor. The modified net premiums for any such certificate shall be such percentage of the respective contract premiums for the benefits that the present value, at the date of issue of the certificate, of all such modified net premiums shall be equal to the sum of the then present value of the benefits provided for by the certificate and the excess of subdivision (i) of this subdivision (4)(A) over subdivision (ii) of this subdivision (4)(A) as follows:

~~(A)~~(i) a net level premium equal to the present value, at the date of issue, of the benefits provided for after the first certificate year, divided by the present value at the date of issue, of an annuity of one percent per annum payable on the first and each subsequent anniversary of the certificate on which a premium falls due; provided however, that the net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of the certificate; and

(ii) a net one-year term premium for the benefits provided for in the first certificate year.

\* \* \*

Sec. 8. 8 V.S.A. § 10403 is amended to read:

§ 10403. PROHIBITION ON DISCRIMINATION BASED ON

SEX, MARITAL STATUS, RACE, COLOR, RELIGION,

NATIONAL ORIGIN, AGE, SEXUAL ORIENTATION, GENDER

IDENTITY, OR DISABILITY

(a) Discrimination prohibited. No financial institution shall discriminate against any applicant for credit services on the basis of the sex, marital status, race, color, religion, national origin, age, sexual orientation, gender identity, or disability of the applicant, provided the applicant has the legal capacity to contract.

(b) Rulemaking. The Department of Financial Regulation shall ~~prescribe~~ adopt rules ~~and regulations~~ necessary to carry out the provisions of this section.

\* \* \*

(d) Notification requirements~~;~~

\* \* \*

(3) For commercial credit only, a statement of reasons meets the requirements of this section only if it contains the specific reasons for the adverse action taken~~;~~ and cites the specific documentation or business

judgment ~~which~~ that supports the adverse decision on the application.

Consumer credit shall be governed by the Equal Credit Opportunity Act  
(15 U.S.C. § 1691 et seq.) and regulations adopted thereunder.

\* \* \*

(e) Civil enforcement. A financial institution that discriminates against an applicant in violation of this section shall be liable to the applicant for punitive damages, for actual damages sustained by the applicant as a result of the discrimination, and for costs and a reasonable attorney's ~~fee~~ fees as determined by the court.

Sec. 9. 9 V.S.A. § 272(b) is amended to read:

(b) This chapter does not apply to:

\* \* \*

(3) a transaction to the extent it is governed by the Uniform Commercial Code, other than ~~9~~ 9A V.S.A. §§ 1-107 and 1-206, Article 2, and Article 2A;

\* \* \*

Sec. 10. 9 V.S.A. § 2481w is redesignated to read:

§ 2481w. UNLICENSED ~~LOAN~~ LOAN TRANSACTIONS

Sec. 11. 9A V.S.A. § 4-105(1) is amended to read:

(1) "Bank" means a person engaged in the business of banking, including a savings bank, savings and loan association, credit union, or trust ~~compan;~~ company;

Sec. 12. 10 V.S.A. § 330(c)(3) is amended to read:

(3) As an ongoing task, the Farm-to-Plate Investment Program shall use the information gathered for the strategic plan and updates to the plan to identify methods and the funding necessary to strengthen the links among producers, processors, and markets, including:

(A) supporting ~~of~~ the work of existing farm-to-school programs to increase the purchase of local foods by Vermont schools, with a particular emphasis on procurement of nutrient-dense animal foods;

\* \* \*

Sec. 13. 10 V.S.A. § 6083a(a)(5) is amended to read:

(5) For projects involving the review of a master plan, a fee equivalent to \$0.10 per \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in subdivision (1) of this subsection for any portion of the project ~~seeing~~ seeking construction approval.

Sec. 14. 10 V.S.A. § 6201(2) is amended to read:

(2) “Mobile home park” means any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. ~~Nothing herein shall be construed to apply to~~ “Mobile home park” does not mean premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who



may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

Sec. 15. 10 V.S.A. § 6204 is amended to read:

§ 6204. APPLICATION OF OTHER LAWS AND ~~REGULATIONS~~ RULES

(a) A municipality may impose more restrictive requirements on mobile home parks and mobile homes than are contained in this chapter to the extent it is authorized to do so under other legislation.

(b) Other applicable laws and ~~regulations which~~ rules that are more restrictive than this chapter shall prevail.

\* \* \*

Sec. 16. 10 V.S.A. chapter 153, subchapter 2 is amended to read:

Subchapter 2. Permits and ~~Regulations~~ Rules

\* \* \*

§ 6242. MOBILE HOME OWNERS' RIGHT TO NOTIFICATION PRIOR  
TO PARK SALE

(a) Content of notice. A park owner shall give to each mobile home owner and to the Commissioner of Housing and Community Development notice by certified mail, return receipt requested, of his or her intention to sell the mobile home park. If the notice is refused by a mobile home owner or is otherwise

undeliverable, the park owner shall send the notice by ~~first-class~~ first-class mail to the mobile home owner's last known mailing address. ~~Nothing herein shall~~  
The requirements of this section shall not be construed to restrict the price at which the park owner offers the park for sale. The notice shall state all the following:

- (1) that the park owner intends to sell the park;
- (2) the price, terms, and conditions under which the park owner offers the park for sale;
- (3) a list of the affected mobile home owners and the number of leaseholds held by each;
- (4) the status of compliance with applicable statutes, ~~regulations~~ rules, and permits, to the park owner's best knowledge, and the reasons for any noncompliance; and
- (5) that for 45 days following the notice the park owner shall not make a final unconditional acceptance of an offer to purchase the park and that if within the 45 days the park owner receives notice pursuant to subsection (c) of this section that a majority of the mobile home owners intend to consider purchase of the park, the park owner shall not make a final unconditional acceptance of an offer to purchase the park for an additional 120 days, starting from the 46th day following notice, except one from a group representing a

majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.

\* \* \*

§ 6244. SECURITY DEPOSITS

\* \* \*

(e) If a park owner fails to return the security deposit with a statement within 14 days, the park owner forfeits the right to withhold any portion of the security deposit. If the failure is ~~wilful~~ willful, the park owner shall be liable for double the amount wrongfully withheld, plus reasonable ~~attorney~~ attorney's fees and costs.

\* \* \*

Sec. 17. 10 V.S.A. § 6261(a) is amended to read:

(a) The resident shall not create or contribute to the noncompliance of the premises with applicable provisions of building, environmental, or housing and health ~~regulations~~ rules. ~~For purposes of~~ As used in this subchapter, the term “premises” ~~shall mean~~ means a mobile home lot and any part of a mobile home park.

Sec. 18. 10 V.S.A. § 6302 is amended to read:

§ 6302. POWER TO ACQUIRE

(a) In order to carry out the purposes set forth in section 6301 of this title, any owner of real property located within this State or of any right or interest

~~therein~~ in real property located within this State may sell, donate, devise, exchange, or transfer that real property or any right or interest ~~therein~~ in real property located within this State to a municipality of this State, a State agency, or a qualified organization. A municipality of this State by the action of its legislative body or a State agency may acquire such real property or any right and interest ~~therein~~ in real property located within this State by purchase with any authorized funds, or by donation, devise, exchange, or transfer, all as herein provided.

\* \* \*

(c) The General Assembly hereby declares that the acquisition of real property or any right and interest ~~therein~~ in real property located within this State, for the purposes expressed in section 6301 of this title, constitutes a public use and a public purpose for which public funds may be expended or advanced.

\* \* \*

Sec. 19. 10 V.S.A. § 6303(a) is amended to read:

(a) The rights and interests in real property ~~which~~ that may be acquired, used, encumbered, and conveyed by a municipality, State agency, or qualified organization shall include the following:

\* \* \*

(4) Fee simple and lease back, which may be defined as the acquisition of real property in fee simple and the lease for the life of a person or for a term of years of rights and interests ~~therein~~ in the real property, subject to the provisions of section 6304 of this title and to specified covenants, restrictions, conditions or affirmative requirements fixed by the legislative body of the municipality, the qualified organization, or the State agency in its discretion and designed to accomplish the purposes set forth in section 6301 of this title.

\* \* \*

(7) Preemptive rights and options to purchase. The acquisition of preemptive rights such as a right of first refusal or an option to purchase land or rights and interests ~~therein~~ in the land.

Sec. 20. 10 V.S.A. § 6304 is amended to read:

§ 6304. SALES OF LAND

In any case where rights and interests in real property have been reconveyed or leased back to a person by a municipality or a department, the use of land subject ~~thereto~~ in the reconveyance or lease back shall not be changed, and no residential, industrial or commercial construction except for the use of the owner or his or her family shall be undertaken, except with the consent of the legislative body of the municipality or the department or except as specifically provided in the instrument evidencing the reconveyance or lease. In the event of the termination of any rights or interests of such person, the legislative body

of the municipality or the department shall pay to such person an amount equal to the fair market value of that portion of such right ~~which~~ that remained unexpired on the date of such termination, unless such termination is caused by the breach by such person of a term of the instrument by which he or she acquired such right or interest. In any case of acquisition subject to a right of occupancy and use, or acquisition and reconveyance, or acquisition and lease, under subsection 6303(a) of this title, the legislative body or department shall give priority to the grantor thereof in selecting the grantee or lessee, as the case may be.

Sec. 21. 10 V.S.A. § 6305 is amended to read:

§ 6305. EXCHANGES OF LAND

In exercising its authority to acquire property by exchange, a department may accept real property and rights and interests ~~therein~~ in the real property, and may convey to the grantor of such real property or rights and interests ~~therein~~ in the real property any State-owned property under the jurisdiction of the department, but only with the favorable advice and recommendation of the interagency committee on natural resources. In effecting such exchanges, the department may also utilize for exchange purposes any privately owned land and rights and interests ~~therein~~ in the land donated or made available to it for such purpose of an exchange. The land and rights and interests thus exchanged shall be approximately equal in fair market value, provided that the department

may accept cash from or pay cash to the grantor in such an exchange, in order to equalize the value of the property and rights and interests ~~therein~~ in the property being exchanged. Notwithstanding any other provisions of law and with the approval of the interagency committee on natural resources, State real property and rights and interests ~~therein~~ in the property may, with the authorization of the department or other agency having custody thereof, be transferred without consideration, to the jurisdiction of a department designated under section 6302 of this title for use in carrying out the provisions of this chapter.

Sec. 22. 10 V.S.A. § 6306(c) is amended to read:

(c) After acquisition by a municipality, State agency or qualified organization of a right or interest in real property under the authority of this chapter, the owner of any remaining right or interest ~~therein~~ in the real property not so acquired shall be taxed, under the applicable provisions of 32 V.S.A. chapter 123, only upon the value of those remaining rights or interests to which he or she retains title. The State agency or qualified organization, and the Department of Taxes, shall cooperate with that owner, and with the town assessing such tax, in the determination of the fair market value of any such remaining right or interest.

Sec. 23. 10 V.S.A. § 6307(b) is amended to read:

(b) Liquidated damages. Any contract or deed establishing or relating to the sale or transfer of rights or interests in real property under the authority of this chapter may provide for specified liquidated damages, actual damages, costs, and reasonable attorney's fees in the event of a violation of the rights of the municipality, State agency, or qualified organization ~~thereunder~~ under the municipality or State agency.

Sec. 24. 10 V.S.A. § 6602(16)(B) is amended to read:

(B) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, State, and local laws, rules, and regulations and according to manufacturer's instructions. Nothing in this subdivision shall affect the authority granted and the limitations imposed by section 6608a of this title.

Sec. 25. 10 V.S.A. § 6603c(b)(1) is amended to read:

(b)(1) A municipality or group of municipalities organized as a solid waste management district or acting through or as a regional planning commission may apply to the Secretary for grants under this section. The Secretary may review and award grants, according to the priorities established in this section to the extent that funds are available. Grants awarded under subdivision (c)(2)~~(C)(iii)~~ of this section shall be made on a quarterly basis to



the extent funds are available. The application shall be in a form prescribed by the Secretary and shall include:

\* \* \*

Sec. 26. 10 V.S.A. § 6603d(a) is amended to read:

(a) The Secretary shall issue a grant to a municipality, or a group of municipalities organized as a solid waste management district, to develop and implement a system of user fees for municipally operated solid waste management facilities. Priority consideration shall be given to ~~the above entities which~~ a municipality or a group of municipalities organized as a solid waste district that use privately owned or operated facilities for disposal of their solid waste. Within the amounts appropriated for this purpose, grants may be made for up to 100 percent of the costs of implementing a system of user fees.

Sec. 27. 10 V.S.A. § 6603i(a) is amended to read:

(a) The Secretary is authorized to award grants to municipalities and solid waste management districts for the portion of the cost of closure of unlined landfills receiving municipal solid waste located within the municipality or district. These grants shall be available to assist in the closure of any existing unlined landfills, accepting solid waste as of ~~the effective date of this act~~ June 9, 1992.

Sec. 28. 10 V.S.A. § 6604c(d) is amended to read:

(d) On or before July 1, 2017, the Secretary shall adopt rules that allow for the management of excavated soils requiring disposal that contain PAHs, arsenic, or lead in a manner that ensures protection of human health and the environment and promotes Vermont's traditional settlement patterns in compact village or city centers. At a minimum, the rules shall:

\* \* \*

(4) in addition to disposal at a certified waste facility, adopt ~~procedures~~ a process for the management or disposal of development soils that have concentration levels that exceed residential soil screening levels, but are below the site-specific maximum development soils concentration levels;

\* \* \*

Sec. 29. 10 V.S.A. § 6605f(a)(1)(Q) is amended to read:

(Q) fraud in the offering, sale, or purchase of securities ~~as defined in~~ under 9 V.S.A. § ~~4224a~~ 5508 and in the U.S. Code;

Sec. 30. 10 V.S.A. § 6606(b) is amended to read:

(b) Certification of all hazardous waste facilities shall include:

(1) Identification of all hazardous waste to be handled at the facility including the expected amounts of each type of waste and the form in which it will be accepted.

(2) Detailed descriptions of all processes and technologies to be utilized by the facility and provisions to ~~insure~~ ensure that the operation of the facility is carried out in accordance with approved design and operation plans.

\* \* \*

(5) Evidence of financial responsibility in such form and amount as the Secretary may determine to be necessary to ~~insure~~ ensure that, upon abandonment, cessation, or interruption of the facility or site, all appropriate measures are taken to prevent present and future damage to public health and safety and the environment including full and proper closure of the facility and, in the case of land treatment or disposal facilities, post closure care of the facility for a period of time to be determined by the Secretary.

\* \* \*

Sec. 31. 10 V.S.A. § 6610a is amended to read:

§ 6610a. ENFORCEMENT

(a) Notwithstanding any other provision of this chapter, the Secretary, upon receipt of information that the storage, transportation, treatment, or disposal of any solid waste or hazardous waste may present a hazard to the health of persons or to the environment or may be in violation of any provision of this chapter, the rules adopted ~~thereunder~~ under this chapter, or the terms or conditions of any order or certification issued under this chapter, may take

such action as the Secretary determines to be necessary. The action the Secretary may take includes:

\* \* \*

(3) ~~Using the assurance of discontinuance procedures under 3 V.S.A. § 2822(c) without making efforts to secure voluntary compliance that would otherwise be required by 3 V.S.A. § 2822(d)~~ Other enforcement action authorized under chapter 201 or 211 of this title.

\* \* \*

(c) This subsection shall apply only to facilities subject to exemption from the provisions of chapter 151 of this title, as provided by the provisions of subsection 6081(h) of this title. With respect to facilities subject to this subsection, notwithstanding any other provision of this chapter, the Secretary may take such action as the Secretary determines to be necessary, upon receipt of information that the storage, transportation, treatment, or disposal of any solid waste or hazardous waste may present a hazard to the health of persons or to the environment or may be in violation of any provision of this chapter, the rules adopted ~~thereunder~~ under this chapter, or the terms or conditions of any order or certification issued under this chapter, or upon receipt of information that a solid waste disposal facility has failed to perform closure and post-closure operations as deemed necessary by the Secretary to preserve and

protect the air, groundwater, surface water, public health, and the environment.

The action the Secretary may take includes:

\* \* \*

Sec. 32. 10 V.S.A. § 6611(a) is amended to read:

(a) Any person who operates a facility approved under this chapter shall provide evidence of an escrow account or other form of financial responsibility in such form and amount as the Secretary may determine to ~~insure~~ ensure that, upon abandonment, cessation, or interruption of the operation of the facility, adequate funds are available to undertake all appropriate measures to prevent present and future damage to the public health and safety and to the environment. Any such financial plan shall include provisions for the equitable distribution of any excess in the escrow account, or other financial security, to communities whose residents made substantial payments into the escrow account or for that security.

Sec. 33. 10 V.S.A. § 6613(d)(2) is amended to read:

(2) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures ~~which~~ that, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Secretary, is requisite for the taking of the necessary measures. A variance granted on the ground specified

~~herein~~ under this section shall contain a time schedule for the taking of action in an expeditious manner and shall be conditioned on adherence to the time schedule.

Sec. 34. 10 V.S.A. § 6615(g)(1)(E) is amended to read:

(E) requiring, through financial documents or otherwise, the management of hazardous materials at a facility in compliance with the requirements of this chapter and the rules adopted ~~thereunder~~ under this chapter;

Sec. 35. 10 V.S.A. § 6620a(f)(5)(D) is amended to read:

(D) a means of transforming returned entities, that are no longer reusable, into recycled materials for manufacturing or into manufacturing wastes ~~which~~ that are subject to existing federal or State laws, rules, or regulations, ~~or both~~, governing those manufacturing wastes, to ensure that these wastes do not enter the commercial or municipal waste stream; and

Sec. 36. 10 V.S.A. § 6622(c) is amended to read:

(c) If necessary, the Secretary of Natural Resources, by rule, shall add or delete materials to the ~~above~~ list set forth under subdivision (b)(3) of this section, after considering the following:

- (1) adequacy of markets;
- (2) availability of process facilities; and

(3) the costs of collecting, processing, and transporting the material to market.

Sec. 37. 10 V.S.A. § 6629(c)(7) is amended to read:

(7) An evaluation of the effects of the chosen toxics use reduction or hazardous waste reduction method on emissions and discharges to air, water, or land, and with respect to whether or not that method adversely affects compliance with applicable laws, rules, and regulations.

Sec. 38. 10 V.S.A. § 6673(a)(4) is amended to read:

(4) Describe the Program and how it will provide for convenient and available Statewide collection of postconsumer architectural paint in urban and rural areas of the State. The producer or stewardship organization shall use the existing household hazardous waste collection infrastructure when selecting collection points for postconsumer architectural paint. A paint retailer shall be authorized as a paint collection point of postconsumer architectural paint for a Paint Stewardship Program if the paint retailer volunteers to act as a paint collection point and complies with all applicable laws, rules, and regulations.

Sec. 39. 10 V.S.A. § 7002 is amended to read:

§ 7002. TIMETABLE AND RESPONSIBILITIES

(a) The following timetable and responsibilities shall be adhered to:

\* \* \*

(9) On or before December 15, 1991, the Authority must decide either to characterize an alternative site or to prepare a draft license application for a facility at a previously characterized site. Then, initially before January 15, 1992, and subsequently within 30 days of any similar decision, the Authority must petition the ~~Legislature~~ General Assembly, under chapter 157 of this title, for approval of its decision.

(10) If the ~~Legislature~~ General Assembly approves a petition to characterize an alternate site or sites or if it directs the characterization of an alternate site or sites, then the Authority must begin characterization and, within 18 months of the legislative decisions, the Authority must complete characterization. Following the completion of characterization, the Authority must again decide whether to characterize another certified site, or sites, or to complete the requirements of subsection 7012(f) for the characterized site. Then, if the requirements of subsection 7012(f) have been completed, the Authority may decide whether to prepare a draft license application for a disposal facility at a characterized site.

(11) If the ~~Legislature~~ General Assembly approves a petition to prepare a draft license application or directs the preparation of a draft license for a disposal facility at a particular characterized site, the Authority shall, within six months of the legislative action or the effective date of the rules required by



sections 7023 and 7024 of this title, whichever is later, after public comment, submit a draft license application to the Agency for review.

(12) Within 18 months of June 29, 1990, based on the results of the study required in subdivision (2) of this subsection and after public comment, the Authority shall:

(A) make recommendations to the Agency for rules on separation and recoverability of long-lived waste;

(B) make recommendations to the Agency for rules on the disposal facility design standards; and

(C) make an initial report to the ~~Legislature~~ General Assembly and to the Public Service Board on the possible appropriate technologies, and their costs, for the permanent disposal of the long-lived waste.

\* \* \*

Sec. 40. 10 V.S.A. § 7011(4)(C) is amended to read:

(C) acquire, construct, reconstruct, purchase, hold, maintain, repair, operate, lease as lessor or lessee, dispose of, and use any real or personal property or any interest ~~therein~~ in real or personal property necessary, convenient, or desirable to carry out the purpose of this chapter and to sell, transfer, and dispose of any property or interest ~~therein~~ in real or personal property at any time required by it in the exercise of its powers;

Sec. 41. 10 V.S.A. § 7012 is amended to read:

§ 7012. RESPONSIBILITIES OF THE AUTHORITY

\* \* \*

(f) Prior to a decision to prepare a draft license application and the submission of that decision to the ~~Legislature~~ General Assembly, the Authority shall:

\* \* \*

(3) negotiate with the municipality, or each municipality, where the proposed site is located any impact fees, other payments, or conditions to be included in the proposal to be submitted to the voters and in the petition to be submitted to the ~~Legislature~~ General Assembly;

(4) hold at least one public hearing near each site; and

\* \* \*

(i) A petition to the ~~Legislature~~ General Assembly to prepare a draft license application must be accompanied by a proposed financing plan for legislative enactment to cover the construction costs of the facility, unless the Authority has opted to raise construction funds under the provisions of section 7015 of this chapter.

\* \* \*

Sec. 42. 10 V.S.A. § 7013(d)(2) is amended to read:

(2) reimburse any State entity for all costs incurred in the issuance and enforcement of ~~regulations~~ rules and adjudications authorized by section 7020 of this title and for all other costs for actions and proceedings authorized by this chapter;

Sec. 43. 10 V.S.A. § 7015 is amended to read:

§ 7015. CONSTRUCTION COSTS

(a) In lieu of proposing a financing plan for the construction costs to the ~~legislature~~ General Assembly under subsection 7012(i) of this title, the Authority may solicit offers to purchase or otherwise commit or contract for disposal capacity in the disposal facility authorized by this chapter. In the solicitation, the Authority should provide an estimate of the proposed design capacity and the expected construction costs.

(b) No offer may be accepted unless the terms of all such commitments or contracts, taken together, provide for the complete prepayment of all construction costs, exhaust the proposed capacity, contain acceptable terms and conditions and are otherwise in the best ~~interest~~ interests of the State.

\* \* \*

(e) The Authority may, for any reason, decide to not accept all offers received under this section and decide to pursue an alternative method of financing the construction costs of the disposal facility. If the Authority

decides not to accept any such offers, it shall propose a financing plan to the ~~legislature~~ General Assembly within 90 days or by the date set out in subdivision 7002(a)(9) of this title, whichever is later.

Sec. 44. 10 V.S.A. § 7024(a)(1) is amended to read:

(1) compliance with the rules ~~promulgated~~ adopted by the Agency under this chapter;

Sec. 45. 10 V.S.A. § 7107(a)(2) is amended to read:

(2) Source separation. Except as otherwise provided by this section, every person who discards solid waste shall separate mercury-added products from that solid waste for management as hazardous waste or universal hazardous waste, according to all applicable State and federal rules or regulations. Any contractor who replaces or removes mercury-added products shall assure that any discarded mercury-added product is subject to proper separation and management as a hazardous waste or universal hazardous waste. Any contractor who replaces a mercury-containing thermostat from a building shall deliver the mercury-containing thermostat to an appropriate collection location for recycling.

Sec. 46. 11A V.S.A. § 15.30 is amended to read:

#### § 15.30. INVOLUNTARY TERMINATION

(a) The Secretary of State shall terminate the certificate of authority of a foreign corporation if:

\* \* \*

(8) the Commissioner of Taxes notifies the Secretary of State that a foreign corporation has failed to make a return, to pay a tax, to file a bond or to do any other act required to be done under the provisions of ~~22~~ 32 V.S.A. chapter 211.

\* \* \*

Sec. 47. 11C V.S.A. § 102(29) is amended to read:

(29) “State” means a state of ~~the~~, the United States, District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 48. 13 V.S.A. § 2635(a) is amended to read:

(a) A person shall not:

(1) induce, entice, or procure a person to come into the State or to go from the State for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the State;

\* \* \*

(5) induce, entice, procure, or compel such person to live a ~~live~~ life of prostitution.

\* \* \*

Sec. 49. 16 V.S.A. § 111 is amended to read:

§ 111. PURPOSE OF COUNCIL

In order to increase the opportunities for Vermonters and visitors to Vermont to view, enjoy, and participate in the visual and performing arts, a group of people devoted to the practices of architecture, painting, sculpture, photography, music, dance, drama, crafts, literature, and other related arts have formed the Vermont Council on the Arts, Inc., (Council). The Council is a nonprofit organization, ~~hereinafter called the Council,~~ formed for the purpose of coordinating and encouraging schools, organizations, and individuals in their several artistic and cultural activities.

Sec. 50. 16 V.S.A. § 112 is amended to read:

§ 112. DESIGNATION AS STATE AGENCY

The Council is ~~hereby~~ designated as the state agency to formulate and apply for grants-in-aid to the State under the National Arts and Cultural Development Act of 1964 ~~and any amendments thereto,~~ as amended.

Sec. 51. 16 V.S.A. § 127 is amended to read:

§ 127. DESIGNATION

The Vermont Humanities Council is designated as the nonprofit organization in the State to apply for funds distributed by the Division of State Programs, or its successor programs, of the National Endowment for the

Humanities under the National Foundation of the Arts and Humanities Act of 1965, ~~and any amendments thereto~~ as amended.

Sec. 52. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF  
MEMBERS; TERM; VACANCY

\* \* \*

(1) Upon the expiration of the respective terms of those members of the Board previously appointed, excluding the student members, the Governor shall, biennially in the month of February with the advice and consent of the Senate, appoint members ~~thereto~~ for terms of six years. The terms shall begin March 1 of the year in which the appointments are made. A member serving a term of six years shall not be eligible for reappointment for successive terms.

\* \* \*

Sec. 53. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

\* \* \*

(3) Examine and determine all appeals that by law are made to it and prescribe rules of practice ~~in respect thereto~~ governing the appeals process, not inconsistent with law.

\* \* \*

(6) ~~Make regulations~~ Adopt rules governing the attendance and records of attendance of all students and the department of students attending public schools.

\* \* \*

Sec. 54. 16 V.S.A. § 166 is amended to read:

§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

(a) Authority. An independent school may operate and provide elementary education or secondary education if it is either approved or recognized as set forth ~~herein~~ in this section.

\* \* \*

Sec. 55. 16 V.S.A. § 166b is amended to read:

§ 166b. HOME STUDY PROGRAM

\* \* \*

(l) A home study program that has successfully completed two consecutive school years of home study as defined in subsection (k) of this section shall not be exempt from any other requirements of this section and shall annually submit a description of special services and adaptations to accommodate any disability of the child consistent with subsection (i) of this section. In addition, the program shall submit a detailed outline or narrative describing the content to be provided in each subject area of the minimum course of study as part of



its enrollment notice for each child who is 12 years ~~old~~ of age at the time the enrollment notice is submitted.

Sec. 56. 16 V.S.A. § 212 is amended to read:

§ 212. SECRETARY'S DUTIES GENERALLY

\* \* \*

(4) Advise the ~~Legislature~~ General Assembly concerning proposed laws affecting the public schools.

\* \* \*

Sec. 57. 16 V.S.A. § 261 is amended to read:

§ 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY

UNIONS

\* \* \*

(b)(1) Any school district that has so voted at its annual school district meeting, if said meeting has been properly warned regarding such a vote, may request that the State Board adjust the existing boundaries of the supervisory union of which it is a member district.

\* \* \*

(3) The State Board shall act on a request made pursuant to this subsection within 75 days of receipt of the request and may regroup the school districts ~~of~~ in the area so as to ensure reasonable supervision of all of these public schools ~~therein~~.

\* \* \*

Sec. 58. 16 V.S.A. § 261a(c) is amended to read:

(c) Noncompliance; tax rate increase. After notice to the boards of a supervisory union and its member districts, the opportunity for a period of remediation, and the opportunity for a hearing, if the Secretary determines that a supervisory union or any one of its member districts is failing to comply with any provision of subsection (a) of this section, then the Secretary shall notify the board of the supervisory union and the board of each of its member districts that the education property tax rates for nonhomestead and homestead property shall be increased by five percent in each district within the supervisory union and the household income percentage shall be adjusted accordingly in the next fiscal year for which tax rates will be calculated. The districts' actual tax rates shall be increased by five percent, and the household income percentage adjusted, in each subsequent fiscal year until the fiscal year following the one in which the Secretary determines that the supervisory union and its districts are in compliance. If the Secretary determines that the failure to comply with the provisions of subsection (a) of this section is solely the result of the actions of the board of one member district, then the tax increase in this subsection (c) shall apply only to the tax rates for that district. Subject to ~~Vermont Rule of Civil Procedure~~ V.R.C.P. 75, the Secretary's determination shall be final.

Sec. 59. 16 V.S.A. § 427 is amended to read:

§ 427. GRAND LIST

The grand list of a town or incorporated school district shall consist of one percent of the listed value of the real and personal estate taxable ~~therein~~ in the town or incorporated school district.

Sec. 60. 16 V.S.A. § 428 is amended to read:

§ 428. BUDGET TO BE VOTED

(a) At each annual town school district meeting, the electorate shall vote such sums of money as it deems necessary for the support of schools. If such sums are not approved or acted upon at the annual meeting, the electorate shall vote such questions at a duly warned special school district meeting. A district may vote money necessary for the support of its schools ~~therein~~ to the end of the full school year next ensuing.

\* \* \*

Sec. 61. 16 V.S.A. § 471 is amended to read:

§ 471. APPLICATION OF OTHER LAWS

(a) The provisions of this title relating to the administration and maintenance of public schools, to school meetings, and voting ~~therein~~, to grand lists, to the raising and expending of school monies, to monies apportioned by the State Board, to sharing in other State aid, to the election, appointment, powers, duties, and liabilities of school officers, to elementary and higher

instruction, to transportation, board, and attendance of students, to truancy and truant officers, to furnishing of textbooks and appliances, and to all other matters pertaining to schools in a town district, unless otherwise provided, and if not inconsistent with the rights granted by their charters, shall apply to schools maintained, similar school officers, and all matters pertaining to schools in incorporated school districts.

\* \* \*

Sec. 62. 16 V.S.A. §472 is amended to read:

§ 472. MEETINGS; WARNINGS

\* \* \*

(b) Meetings shall be warned by the clerk or, in case of his or her inability to act, by the prudential committee, by posting a notice, specifying the time, place, and business of the meeting, in two public places in the district, at least seven days before the ~~time therein specified~~ date of the meeting, and warnings shall be recorded before being posted.

\* \* \*

Sec. 63. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

(a) Cost threshold. When the cost exceeds \$15,000.00, a school board or supervisory union board shall publicly advertise or invite three or more bids

from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

\* \* \*

(b) High-cost construction contracts. When a school construction contract exceeds \$500,000.00:

\* \* \*

Sec. 64. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

The school board of a school district, in addition to other duties and authority specifically assigned by law:

\* \* \*

(8) Shall establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the State Board pursuant to subdivision 164(15) of this title and that ensures that all payments are lawful and in accordance with a budget adopted or amended by the school board. The school board may authorize a subcommittee, the superintendent of schools, or a designated employee of the school board to examine claims against the district for school expenses and draw orders for the payment of those claims ~~such as shall be allowed by it payable to the party entitled thereto~~. Such orders shall state definitely the purpose for which they are drawn and shall serve as full authority

to the treasurer to make such payments. It shall be lawful for a school board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose each payment is to be made by the treasurer, and such certified copy shall serve as full authority to the treasurer to make the payments as thus approved.

\* \* \*

Sec. 65. 16 V.S.A. § 572 is amended to read:

§ 572. JOINT BOARDS FOR JOINT, CONTRACT, OR CONSOLIDATED  
SCHOOLS

(a) The control of joint, contract, or consolidated schools, set up by two or more school districts, shall be vested in a joint school board from ~~such~~ the ~~forming~~ school districts, and ~~such~~ the members of the joint school board shall be chosen in the manner ~~hereinafter~~ provided for in, and for the purpose of this section; ~~a~~ A joint, contract, or consolidated school board shall be referred to as a joint board.

\* \* \*

Sec. 66. 16 V.S.A. § 706g is amended to read:

§ 706g. DESIGNATION OF DISTRICTS AS UNION SCHOOL DISTRICT,  
RECORDING BY SECRETARY OF STATE

Within 45 days after the vote or 15 days after an unsuccessful vote to

reconsider or rescind the original vote under 17 V.S.A. § 2661, whichever is later, the clerk of each district voting on the proposal to establish a union school district shall certify the results of the vote to the Secretary of Education. If a majority of the voters voting in each district that is designated in the final report as necessary to the establishment of the proposed union vote to establish the proposed union district, those districts, together with any district designated in the final report as advisable to be included in the proposed union, which voted by a majority of those voting to establish the proposed union district, shall constitute a union school district. The Secretary of Education shall designate all such districts as a union school district; and shall so certify to the Secretary of State, who shall record such certification. Upon this record, the union school district shall become a body politic and corporate with the powers incident to a municipal corporation, shall be known by the name or number given in the certificate, by that name or number may sue and be sued, and may hold and convey real and personal estate for the use of the district. The record shall be notice to all parties of the establishment of the union school district with all the powers incident to such a district as ~~herein~~ provided in this subchapter. A certified copy of the record in the Office of the Secretary of State shall be filed by him or her in the office of the clerk of each school district to be included within the union school district within 15 days from the date the Secretary of Education certified the existence of the union district to

him or her. This filing shall be prima facie evidence of full compliance with the requirements for the creation of a union school district as set forth in this subchapter.

Sec. 67. 16 V.S.A. § 706p is amended to read:

§ 706p. WARNINGS OF UNION DISTRICT MEETINGS

\* \* \*

(d) When a person whose duty it is to warn a district meeting neglects to do so for ten days after application is made as ~~above~~ provided in this section, he or she shall forfeit to the district \$ 20.00 for each ten days' neglect, to be recovered in an action on this statute.

Sec. 68. 16 V.S.A. § 721 is amended to read:

§ 721. INCLUSION OF ADDITIONAL SCHOOL DISTRICTS

(a) Action initiated by district outside the union. After preliminary study by a district school board and approval by the State Board, and when a majority of voters present and voting at a school district meeting duly warned for that purpose vote to apply to a neighboring union school district for admission as a member of the union district, the vote shall be certified by the clerk of the school district to the clerk of the union school district and to the Secretary of Education. If, within two years from the date of that vote, a majority of those voting at a meeting of the union school district duly warned for that purpose, votes to include the additional school district as a member of



the union, the clerk of the union shall certify the results of that vote to the Secretary of Education. The Secretary of Education shall designate the additional school district a member of the union, and so certify to the Secretary of State. The Secretary of State shall record such certification in accordance with the provisions of section 706g of this title, which shall have the effect as provided ~~therein~~ in that section.

\* \* \*

Sec. 69. 16 V.S.A. § 945 is amended to read:

§ 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL  
DEVELOPMENT PROGRAM

(a) The Secretary shall maintain an Adult Diploma Program (ADP), which shall be an assessment process administered by the Agency through which an individual who is at least 20 years ~~old~~ of age can receive a local high school diploma granted by one of the Program's participating high schools.

(b) The Secretary shall maintain a General Educational Development (GED) Program, which it shall administer jointly with the GED testing service, and approved local testing centers and through which an adult individual who is at least 16 years ~~old~~ of age and who is not enrolled in secondary school can receive a secondary school equivalency certificate based on successful completion of the GED tests.

\* \* \*

Sec. 70. 16 V.S.A. § 1047 is amended to read:

§ 1047. STATE TO PAY COSTS

The State shall pay to each school providing an approved driver education and training course an amount per pupil instructed in driver education to be determined annually by the ~~Legislature~~ General Assembly.

Sec. 71. 16 V.S.A. § 1052 is amended to read:

§ 1052. DEFINITIONS AND CONSTRUCTION

\* \* \*

(b) This chapter shall be construed liberally to carry out the policies stated ~~herein~~ in this chapter.

Sec. 72. 16 V.S.A. § 1073 is amended to read:

§ 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

(a) Definition. “Legal pupil” means an individual who has attained the age of five years on or before January 1 next following the beginning of the school year. However, a school district may require that students admitted to kindergarten have attained the age of five on or before any date between August 31 and January 1.

\* \* \*

(c) Prekindergarten and essential early education. An individual who is not a legal pupil may be enrolled in a public school in a prekindergarten program offered by or through a public school pursuant to rules adopted under section

829 of this title or in a program of essential early education offered pursuant to section 2956 of this title.

Sec. 73. 16 V.S.A. § 1075 is amended to read:

§ 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND  
PAYMENT OF EDUCATION OF STUDENT

\* \* \*

(c) State-placed students.

(1) A State-placed student in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the student's school of origin, unless the student's education team determines that it is not in the student's best ~~interest~~ interests to attend the school of origin. The student's education team shall include, as applicable, the student, the student's parents and foster parents, the student's guardian ad litem and educational surrogate parent, representatives of both the school of origin and potential new school, and a representative of the Family Services Division of the Department for Children and Families. In the case of a dispute about whether it is in the student's best ~~interest~~ interests to attend the school of origin, the Commissioner for Children and Families shall make the final decision. As used in this section, "school of origin" means the school in which the child was enrolled at the time of placement into custody of the

Commissioner for Children and Families, or in the case of a student already in the custody of the Commissioner for Children and Families, the school the student most recently attended.

\* \* \*

Sec. 74. 16 V.S.A. § 1161a is amended to read:

§ 1161a. DISCIPLINE

(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youth. The plan shall include:

\* \* \*

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)–(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined ~~therein~~ in these subdivisions.

\* \* \*

Sec. 75. 16 V.S.A. § 1261a is amended to read:

§ 1261a. DEFINITIONS

As used in this subchapter:

(1) “Food programs” means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq., ~~and any amendment thereto~~, and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., ~~and any amendments thereto~~ each as amended.

\* \* \*

Sec. 76. 16 V.S.A. § 1544 is amended to read:

§ 1544. CAREER TECHNICAL COURSES IN OTHER SCHOOLS

Subject to any direction ~~and regulations~~ as to courses, teachers, or equipment that the State Board may prescribe by rule, high schools may include within their courses of study pretechnical or career technical courses, or both. Before establishing such a program, a high school shall consult with the regional advisory board for its CTE service region.

Sec. 77. 16 V.S.A. § 1576 is amended to read:

§ 1576. EFFECT OF CERTIFICATION; APPLICATION OF OTHER LAWS

(a) Upon certification under section 1575 of this title, the career technical center region shall become a public school district and shall constitute a body politic and corporate, with all the rights and responsibilities pertaining ~~thereto~~

to a public school district, as specified in this subchapter, and as specified in the approval granted by the State Board. The career technical center school district shall also be a supervisory district for the purpose of providing the planning and administrative functions of a supervisory union for the programs offered.

\* \* \*

Sec. 78. 16 V.S.A. § 1577 is amended to read:

§ 1577. DUTIES AND AUTHORITY OF ALTERNATIVE GOVERNANCE  
BOARD

The governance board of a CTE center authorized under this subchapter, in addition to other duties and authority specifically assigned by law to the governing authority of a CTE center, shall have the following duties and authority:

\* \* \*

(6) To establish and maintain a system for receipt, deposit, disbursement, accounting, control, and reporting procedures that meets the criteria established by the State Board pursuant to subdivision 164(15) of this title and that ensures all payments are lawful and in accordance with the budget adopted pursuant to terms approved by the State Board. The Board may authorize a subcommittee, a superintendent of schools, or a designated employee of the Board to examine claims against the district for center

expenses, and draw orders for such as shall be allowed by it payable to the party entitled ~~thereto~~ to the payment. Such orders shall state definitely the purpose for which they are drawn, and shall serve as full authority to the treasurer to make such payments. It shall be lawful for a board to submit to its treasurer a certified copy of those portions of the board minutes, properly signed by the clerk and chair, or a majority of the board, showing to whom, and for what purpose, each payment is to be made by the treasurer, and the certified copy shall serve as full authority to the treasurer to make the approved payments.

\* \* \*

Sec. 79. 16 V.S.A. § 1623 is amended to read:

§ 1623. FREEDOM OF EXPRESSION

(a) ~~Findings.~~

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by ~~Vt. Const. Ch. I, Art. 13~~ Chapter I, Article 13 of the Vermont Constitution.

\* \* \*

(b) ~~Definitions.~~ As used in this chapter:

\* \* \*

Sec. 80. 16 V.S.A. § 1752 is amended to read:

§ 1752. GROUNDS AND PROCEDURES FOR SUSPENSION AND  
DISMISSAL

\* \* \*

(j) No action shall lie on the part of a teacher against any school district for breach of contract by reason of suspension or dismissal unless the procedures ~~herein~~ described in this section have been followed by said teacher.

\* \* \*

Sec. 81. 16 V.S.A. § 1755 is amended to read:

§ 1755. SICK LEAVE

\* \* \*

(c) The use of sick leave as ~~herein~~ provided in this section shall be subject to the rules and regulations of the directors of each school district.

Sec. 82. 16 V.S.A. § 1933 is amended to read:

§ 1933. MEMBERS GENERALLY

\* \* \*

(d) Should any Group A or Group C member who has less than five years of creditable service in any period of seven consecutive years after last becoming a member be absent from service more than six years, or should a member withdraw the member's accumulated contributions or die or retire under the provisions of this chapter, the member shall thereupon cease to be a



member. However, the membership of any teacher granted leave of absence by the member's school board for the purpose of professional study or for the acceptance of an exchange position shall be continued during such leave of absence subject to Board rules ~~relating thereto~~, if the member does not withdraw the member's contributions, if any, and such member shall be considered in the service of the State for the purposes of the System during such leave of absence. In the case of leaves of absence granted by a member's school board for purposes other than for professional study or for an exchange position, service credit shall be granted upon a contribution by the member or the member's school board. Such contribution shall be made at the member's current rate multiplied by the member's earnable compensation for the year preceding the leave of absence.

\* \* \*

Sec. 83. 16 V.S.A. § 1940 is amended to read:

§ 1940. TERMINATION OF SERVICE; DEATH; REFUND; PENSION

\* \* \*

(b)(1) Upon the death of a Group A or Group C member before retirement the member's accumulated contributions will be payable to such primary beneficiary, primary and secondary beneficiaries, or joint beneficiaries, if any, as the member has nominated by written designation duly acknowledged and filed with the Board. In the absence of a written designation of beneficiary or

in the event the designated beneficiary is deceased, the return of accumulated contributions with interest payable as a result of the death of the member prior to retirement shall be payable as follows:

\* \* \*

(2) In addition, if any member was in service at the date of the member's death or on leave of absence granted subject to Board ~~regulations~~ ~~relating thereto~~ rules and had completed one or more years of creditable service, or if the member's death was the result of an accident while in service or on leave of absence under Board rules, a pension equal to ten percent of the member's average final compensation, but not less than \$50.00 per month, will be payable on account of each of the member's dependent children ~~under the age of 18 years of age~~, or, if a dependent student, ~~under the age of 23 years of age~~, not exceeding a total of three. However, if a surviving child of any age was mentally or physically incapacitated for substantial gainful employment before attaining age 18 years of age, the pension will be payable for the duration of the child's incapacity.

\* \* \*

Sec. 84. 16 V.S.A. § 1942 is amended to read:

§ 1942. BOARD OF TRUSTEES; MEDICAL BOARD; ACTUARY; RATE  
OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

\* \* \*

(b) The Board shall consist of six trustees, as follows:

- (1) The Secretary of Education, ex-officio;
- (2) The State Treasurer, ex-officio;
- (3) The Commissioner of Financial Regulation, ex-officio;

(4) Two trustees and one alternate, who shall be members of the System and who shall be elected by the members of the System for a term of four years according to such rules ~~and regulations~~ as the Board shall adopt to govern ~~such~~ the election; and

\* \* \*

(f) Subject to the limitations of this chapter, the Board shall, from time to time, establish rules ~~and regulations~~ for the administration of the System and for the transaction of its business.

\* \* \*

Sec. 85. 16 V.S.A. § 1943 is amended to read:

§ 1943. INVESTMENTS; INTEREST RATE; DISBURSEMENTS

\* \* \*

(d) Except as otherwise ~~herein~~ provided in this section, no trustee and no employee of the Board or member of the Vermont Pension Investment Committee shall have any direct interest in the gains or profits of any investment made by the Committee; nor shall any trustee or employee of the Board or Committee, directly or indirectly, for himself or herself or as an

agent, in any manner use the same except to make such current and necessary payments as are authorized by the Board or Committee; nor shall any trustee or employee of the Board or Committee become an endorser or surety, or in any manner an obligor, for the monies loaned to or borrowed from the Board. The State Treasurer, with the approval of the Board and the Committee, shall adopt by rule standards of conduct for trustees and employees of the Board in order to maintain and promote public confidence in the integrity of the Board. Such rules shall prohibit trustees, members of the Committee, and employees from receiving or soliciting any gift, including meals, alcoholic beverages, travel fare, room and board, or any other thing of value, tangible or intangible, from any vendor or potential vendor of investment services, management services, brokerage services, and other services to the Board.

Sec. 86. 16 V.S.A. § 1943a is amended to read:

§ 1943a. COMPLIANCE WITH FEDERAL LAW

\* \* \*

(k) Nonvested members; consent. An individual who is not a vested member of the System and who has not yet reached the later of normal retirement age or age 62 must consent to any withdrawal of his or her assets of greater than \$1,000.00. For individuals who are not vested members of the System and who have reached the later of normal retirement age or ~~age~~ 62 years of age, amounts greater than \$1,000.00 may be paid out without the

individual's consent. In all cases, amounts of \$1,000.00 or less may be paid out without the individual's consent.

(1) Rulemaking. The Board may adopt rules to ensure that this chapter complies with federal law requirements.

Sec. 87. 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

\* \* \*

(b) Member contributions.

\* \* \*

(3) The deductions provided for ~~herein~~ in this section shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every Group A and Group C member shall be deemed to consent and agree to the deductions made and provided for ~~herein~~ in this section, and shall receipt for the member's full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter.

\* \* \*

(6) Any Group A member who has rendered service outside the State in the capacity of a teacher and as approved by the Board, or who was a teacher in Vermont on July 1, 1947 and elected not to join the System but who has subsequently joined, may:

\* \* \*

(B) Elect to have included in the member's creditable service all or part of any service with which the member was credited immediately prior to any refund of the member's accumulated contributions, including prior service, as defined in section 1931 of this title, which shall be restored upon full restoration of previous membership service as provided ~~herein~~ in this section. Any Group A member who so elects shall deposit in the Pension Fund by a single contribution an amount equal to the amount of accumulated contributions previously withdrawn together with regular interest thereon from the date of the refund to the date of repayment, or a proportionate part of that amount if less than the full period of previous service is to be included in the member's creditable service. If a member has received a refund of the member's accumulated contributions more than once, the member may elect the period or periods of previous service on account of which the member will make contributions under this subdivision (b)(6) subject to ~~the aforesaid~~ this limitation. Any Group A member who elects to repay any amount previously refunded shall continue thereafter to contribute to the System the proportion of

earnable compensation determined on the basis of the member's age on the date on which the member shall have last become a member.

\* \* \*

(g) Collection of contributions.

(1) The proper authority or officer responsible for making up the payroll shall draw his or her warrant, at ~~such~~ intervals ~~as may be~~ agreed upon with the Board but at least semiannually, payable to the System for all contributions deducted from the compensation of members, and shall transmit ~~the same~~ these contributions to the Board, together with ~~such~~ any schedule of ~~the~~ these contributions included therein as the Board ~~may require~~ requires.

(h) Contributions by State or political subdivision. Notwithstanding the provisions of subdivision 1944(b)(2) of this title to the contrary and pursuant to the provisions of Section 414(h) of the Internal Revenue Code, the State or political subdivisions employing such members shall pick up and pay the contributions required to be paid by Group A and Group C members with respect to service rendered on and after July 1, 1992. Contributions picked up by the State or political subdivisions employing such members shall be designated for all purposes as member contribution, except that they shall be treated as State contributions in determining tax treatment of a distribution. Each member's compensation shall be reduced by an amount equal to the amount picked up by the State or political subdivisions employing such

members. This reduction, however, shall not be used to determine annual earnable compensation for purposes of determining average final compensation. Contributions picked up under this subsection shall be credited to the Pension Fund.

Sec. 88. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT  
ALLOWANCES

(a) For all Group A members, as of June 30th in each year, beginning June 30, 1972, the Board shall determine any increase or decrease, to the nearest one-tenth of one percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of the Index for the month ending on June 30, 1971, or the month ending on June 30th of the most recent year ~~subsequent thereto~~ thereafter. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an equal percentage. Such increase shall begin on the January 1st immediately following that December 31st. An equivalent percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account



the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31st. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:

\* \* \*

Sec. 89. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

\* \* \*

(5) "Teacher" means any person licensed employable as a teacher by the Vermont Standards Board for Professional Educators who is not an administrator as ~~herein~~ defined in this section.

\* \* \*

Sec. 90. 16 V.S.A. § 1992 is amended to read:

§ 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

\* \* \*

(c) A secret ballot referendum shall be held any time that 20 percent of the teachers or administrators employed by the school board present a petition requesting a referendum on the matter of representation, except during a period of prior recognition, as ~~hereinbefore~~ provided in this section. Any organization

interested in representing teachers or administrators in the school district shall have the right to appear on the ballot by submitting a petition supported by ten percent or more of the teachers or administrators in the school district.

\* \* \*

Sec. 91. 16 V.S.A. § 2005 is amended to read:

§ 2005. WRITTEN AGREEMENT

The negotiations councils for the school board and the teachers' or administrators' organization shall enter into a written agreement or agreements incorporating ~~therein~~ matters agreed to in negotiation. The written agreement shall incorporate by reference the terms of the agreement entered into pursuant to chapter 61 of this title.

Sec. 92. 16 V.S.A. § 2010 is amended to read:

§ 2010. INJUNCTIONS

No restraining order or temporary or permanent injunction shall be granted in any case brought with respect to any action taken by a representative organization or an official thereof or by a school board or representative thereof in connection with or relating to pending or future negotiations, except on the basis of findings of fact made by a court of competent jurisdiction after due hearing prior to the issuance of the restraining order or injunction that the commencement or continuance of the action poses a clear and present danger to a sound program of school education that in the light of all relevant

circumstances it is in the best public interest to prevent. Any restraining order or injunction issued by a court as ~~herein~~ provided in this section shall prohibit only a specific act or acts expressly determined in the findings of fact to pose a clear and present danger.

Sec. 93. 16 V.S.A. § 2021 is amended to read:

§ 2021. NEGOTIATED BINDING INTEREST ARBITRATION

\* \* \*

(c) A strike, which shall have the same meaning as provided in 21 V.S.A. § 1722(16), shall be prohibited if it occurs after both parties have voluntarily submitted a dispute to final and binding arbitration or after a decision or award has been issued by the arbitrator. A school board may petition for an injunction or other appropriate relief from the Superior Court ~~within~~ in the county ~~wherein~~ in which such strike in violation of this section is occurring or is about to occur.

\* \* \*

Sec. 94. 16 V.S.A. § 2186 is amended to read:

§ 2186. RESERVE FUNDS

(a) The Vermont State Colleges may create and establish one or more special funds, ~~herein~~ referred to in this section as “debt service reserve funds,” and shall pay into each debt service reserve fund:

\* \* \*

(b) All monies held in any debt service reserve fund, except as ~~hereinafter~~ provided in this section, shall be used, as required, solely for the payment of the principal or purchase or redemption price of or interest or redemption premium on bonds or notes secured in whole or in part by the fund or of sinking fund payments with respect to the bonds or notes; provided, however, that monies in any fund shall not be withdrawn ~~therefrom~~ from the fund at any time in an amount as would reduce the amount of the fund to less than the debt service reserve requirement established by resolution of the Vermont State Colleges for the fund as hereafter provided except for the purpose of making payments, when due, of principal, interest, redemption premiums, and sinking fund payments with respect to bonds and notes secured in whole or in part by the fund for the payment of which other monies of the Vermont State Colleges are not available. Any income or interest earned by any debt service reserve fund may be transferred to other funds or accounts of the Vermont State Colleges to the extent that it does not reduce the amount of the fund below the requirement for the fund.

\* \* \*

(e) In order to assure the maintenance of the debt service reserve requirement in each debt service reserve fund established by the Vermont State Colleges, there may be appropriated annually and paid to the Vermont State Colleges for deposit in each fund the sum as shall be certified by the Chair of

the Board of Trustees of the Vermont State Colleges to the Governor, the President of the Senate, and the Speaker of the House as is necessary to restore each such debt service reserve fund to an amount equal to the debt service reserve requirement for the fund. The Chair shall annually, on or about February 1, make and deliver to the Governor, the President of the Senate, and the Speaker of the House his or her certificate stating the sum required to restore each debt service reserve fund to the amount ~~aforsaid~~ equal to the debt service reserve requirement for the fund, and the sum so certified may be appropriated, and if appropriated, shall be paid to the Vermont State Colleges during the then-current State fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which State funds may be appropriated pursuant to this subsection shall not exceed \$34,000,000.00, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the Vermont State Colleges in contravention of the Constitution of the United States of America.

\* \* \*

Sec. 95. 16 V.S.A. § 2283 is amended to read:

§ 2283. DEPARTMENT OF POLICE SERVICES

(a) The Board of Trustees may establish a Department of Police Services and authorize the appointment ~~thereto~~ to the Department of police officers and

a director of the Department who shall be a police officer. Officers so appointed shall be sworn and shall have all law enforcement powers provided by 24 V.S.A. § 1935. Appointments and oaths shall be in writing and shall be filed with and maintained by the Board of Trustees of the University of Vermont and State Agricultural College. The director shall have free and direct access to the Board of Trustees on matters pertaining to law enforcement.

\* \* \*

Sec. 96. 16 V.S.A. § 2363 is amended to read:

§ 2363. RESERVE FUNDS

(a) The University of Vermont and State Agricultural College may create and establish one or more special funds, ~~herein~~ referred to in this section as “debt service reserve funds,” and shall pay into each such debt service reserve fund:

\* \* \*

(b) All monies held in any debt service reserve fund, except as ~~hereinafter~~ provided in this section, shall be used, as required, solely for the payment of the principal or the purchase or redemption price of or interest or redemption premium on bonds or notes secured in whole or in part by such fund or of sinking fund payments with respect to the bonds or notes; provided, however, that monies in any fund shall not be withdrawn ~~therefrom~~ at any time in such

amount as would reduce the amount of the fund to less than the debt service reserve requirement established by resolution of the University of Vermont and State Agricultural College for the fund as hereafter provided except for the purpose of making payments, when due, of principal, interest, redemption premiums, and sinking fund payments with respect to bonds and notes secured in whole or in part by the fund for the payment of which other monies of the University of Vermont and State Agricultural College are not available. Any income or interest earned by any debt service reserve fund may be transferred to other funds or accounts of the University of Vermont and State Agricultural College to the extent that it does not reduce the amount of the fund below the requirement for such fund.

\* \* \*

(e) In order to assure the maintenance of the debt service reserve requirement in each debt service reserve fund established by the University of Vermont and State Agricultural College, there may be appropriated annually and paid to the University of Vermont and State Agricultural College for deposit in each fund the sum as shall be certified by the Chair of the Board of Trustees of the University of Vermont and State Agricultural College to the Governor, the President of the Senate, and the Speaker of the House as is necessary to restore each debt service reserve fund to an amount equal to the debt service reserve requirement for the fund. The Chair shall annually, on or

about February 1, make and deliver to the Governor, the President of the Senate, and the Speaker of the House his or her certificate stating the sum required to restore each debt service reserve fund to the amount ~~aforsaid~~ equal to the debt service reserve requirement for the fund, and the sum so certified may be appropriated, and if appropriated, shall be paid to the University of Vermont and State Agricultural College during the then-current State fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which State funds may be appropriated pursuant to this subsection shall not exceed \$66,000,000.00, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the University of Vermont and State Agricultural College in contravention of the Constitution of the United States of America.

\* \* \*

Sec. 97. 16 V.S.A. § 2821 is amended to read:

§ 2821. STUDENT ASSISTANCE CORPORATION; PURPOSE

\* \* \*

(c) Notwithstanding any general or special law to the contrary, the provisions of 8 V.S.A. chapter 73 shall not apply to the Corporation or to any loan ~~heretofore or hereafter~~ made or serviced by the Corporation in accordance with this title.



Sec. 98. 16 V.S.A. § 2822 is amended to read:

§ 2822. DEFINITIONS

As used in this chapter:

\* \* \*

(3) “Student” means any person who:

(A) has graduated from a secondary school, satisfied the requirements for graduation by passing examinations covering the subject matter of a secondary school curriculum, or met the eligibility criteria established by the ~~United States~~ U.S. Secretary of Education for the receipt of student financial assistance under Title IV of the Higher Education Act, and in each case who is attending or plans to attend an approved postsecondary education institution; or

\* \* \*

(6) “Approved postsecondary education institution” means any institution of postsecondary education that is:

\* \* \*

(B) accredited by an accrediting agency approved by the ~~United States~~ U.S. Secretary of Education pursuant to the Higher Education Act;

\* \* \*

(9) “Higher Education Act” means the federal Higher Education Act of 1965, (~~PL~~ Pub. L. No. 89-329, 20 U.S.C. chapter 28), as amended, together

with the ~~rules and~~ regulations promulgated ~~thereunder~~ under that Act by the ~~United States~~ U.S. Secretary of Education.

Sec. 99. 16 V.S.A. § 2825 is amended to read:

§ 2825. TAX EXEMPTIONS

All real and personal property of the Corporation is exempt from taxation. All bonds, notes, and other obligations issued pursuant to this chapter are issued by a body corporate and public of this State and for an essential public and governmental purpose and those bonds, notes, and other obligations, and the interest ~~thereon~~ on and income ~~therefrom~~ from them, except as otherwise provided by resolution of the Corporation authorizing the issuance of taxable debt pursuant to section 2868 of this title, and all activities of the Corporation and fees, charges, funds, revenues, incomes, and other monies of the Corporation whether or not pledged or available to secure the payment of these bonds, notes, or other obligations, or interest thereon, are exempt from all taxation, franchise taxes, fees, or special assessments of whatever kind except for transfer, inheritance, and estate taxes.

Sec. 100. 16 V.S.A. § 2831 is amended to read:

§ 2831. MEMBERSHIP; VACANCIES

The Corporation shall be governed and all of its powers exercised by a Board of Directors consisting of 11 members. The Governor shall appoint five members as follows: one person to be the financial aid officer of an institution

of postsecondary education in the State of Vermont; one person to be a guidance counselor from a Vermont secondary school; and three members representing the general public. In making the appointments of the members representing the general public, the Governor shall give due consideration to the Board's needs for expertise and experience in the management of a financial institution. The State Treasurer or his or her designee shall be a member. The Speaker of the Vermont House of Representatives and the Committee on Committees of the Vermont Senate shall each appoint one member from their respective legislative bodies to serve on the Board. The Board shall elect three additional members. All members shall be of full age, citizens of the United States, and residents of Vermont. All appointments shall be for terms of six years with the exception of legislative members whose terms shall expire at the end of six years or when their service in the Vermont ~~Legislature~~ General Assembly is completed, whichever shall first occur. The date of the expiration of the term of appointment in each case shall be June 30. Vacancies that may occur by reason of death or resignation shall be filled in the same manner as original appointments.

Sec. 101. 16 V.S.A. § 2835 is amended to read:

§ 2835. CONTROLS, AUDITS, AND REPORTS

Control of funds appropriated and all procedures incident to the carrying out of the purposes of this chapter shall be vested in the Board. The books of

account of the Corporation shall be audited annually by an independent public accounting firm registered in the State of Vermont in accordance with government auditing standards issued by the U.S. Government Accountability Office (GAO) and the resulting audit report filed with the Secretary of Administration not later than November 1 each year. The Auditor of Accounts or his or her designee shall be the State's nonvoting representative to an audit committee established by the Board. Biennially, the Board shall report to the ~~Legislature~~ General Assembly on its activities during the preceding biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 102. 16 V.S.A. § 2863 is amended to read:

§ 2863. GUARANTEE

The Corporation is authorized to guarantee that any education loan notes properly executed shall be repaid according to their tenor and, if guaranteed under the Higher Education Act, to the extent authorized under that act, provided, that in the event of default, the holder has complied with the rules, regulations, and procedures of the Corporation, and with the Act and the regulations promulgated ~~thereunder~~ under the Act, regarding the making, servicing, and diligent collection of education loans until assigned to the Corporation as ~~hereinafter~~ provided in this chapter. The Corporation may make loans that have no guarantee.

Sec. 103. 16 V.S.A. § 2867 is amended to read:

§ 2867. RESERVE AND PLEDGED EQUITY FUNDS

(a) The Corporation may create and establish one or more special funds, ~~herein~~ referred to in this section as “debt service reserve funds” or “pledged equity funds.”

(b) The Corporation shall pay into each debt service reserve fund:

\* \* \*

(3) Any other monies or financial instruments such as surety bonds, letters of credit, or similar obligations, that may be made available to the Corporation for the purpose of such fund from any other source or sources. All monies or financial instruments held in any debt service reserve fund created and established under this section, except as ~~hereinafter~~ provided in this section, shall be used, as required, solely for the payment of the principal of the bonds, notes, or other debt instruments secured in whole or in part by such fund or of the payments with respect to the bonds, notes, or other debt instruments specified in any resolution of the Corporation as a sinking fund payment, the purchase or redemption of the bonds, the payment of interest on the bonds, notes, or other debt instruments, or the payment of any redemption premium required to be paid when the bonds, notes, or other debt instruments are redeemed prior to maturity, or to reimburse the issuer of a liquidity or credit facility, bond insurance, or other credit enhancement for the payment by

such party of any of the foregoing amounts on the Corporation's behalf; provided, however, that the monies or financial instruments in any such debt reserve fund shall not be drawn upon or withdrawn ~~therefrom~~ at any time in such amounts as would reduce the amount of such funds to less than the debt service reserve requirement established by resolution of the Corporation for such fund as ~~hereafter~~ provided in this section except for the purpose of paying, when due, with respect to bonds secured in whole or in part by such fund, the principal, interest, redemption premiums, and sinking fund payments and reimbursing, when due, the issuer of any credit enhancement for any such payments made by it, for the payment of which other monies of the Corporation are not available. Any income or interest earned by, or increment to, any debt service reserve fund due to the investment thereof may be transferred by the Corporation to other funds or accounts of the Corporation to the extent it does not reduce the amount of such debt service reserve fund below the debt service reserve requirement for such fund.

(c) The Corporation shall pay into each pledged equity fund:

\* \* \*

(3) Any other monies or financial instruments such as surety bonds, letters of credit, or similar obligations, that may be made available to the Corporation for the purpose of such fund from any other source or sources. All monies or financial instruments held in any pledged equity fund created and

established under this section, except as ~~hereinafter~~ provided in this section, shall be used, as required, solely to provide pledged equity or over-collateralization of any trust estate of the Corporation to the issuer of a liquidity or credit facility, bond insurance, or other credit enhancement obtained by the Corporation; provided, however, that the monies or financial instruments in any such pledged equity fund shall not be drawn upon or withdrawn from such fund at any time in such amounts as would reduce the amount of such funds to less than the pledged equity requirement established by resolution of the Corporation for such fund as hereafter provided except for the purposes set forth in, and in accordance with, the governing resolution. Any income or interest earned by, or increment to, any pledged equity fund due to the investment thereof may be transferred by the Corporation to other funds or accounts of the Corporation to the extent it does not reduce the amount of such pledged equity fund below the requirement for such fund. Anything in this subdivision to the contrary notwithstanding, upon the defeasance of the bonds, notes, or other debt instruments with respect to which the pledged equity requirement was established, the Corporation may transfer amounts in such fund to another fund or account of the Corporation proportionately to the amount of such defeasance; provided that the Corporation shall repay to the State any amount appropriated by the State pursuant to subsection (f) of this section.

\* \* \*

(f) In order to ~~assure~~ ensure the maintenance of the debt service reserve fund requirement in each debt service reserve fund established by the Corporation under this section, there may be appropriated annually and paid to the Corporation for deposit in each such sum as shall be certified by the Chair of the Corporation to the Governor, the President of the Senate, and the Speaker of the House as is necessary to establish or restore each such debt service reserve fund to an amount equal to the requirement for each such fund. The Chair shall annually, on or about February 1, make, execute, and deliver to the Governor, the President of the Senate, and the Speaker of the House, a certificate stating the sum required to restore each such fund to the amount ~~aforsaid~~ equal to the requirement for each such fund, and the Governor shall, on or before March 1, submit a request for appropriations in the amount so certified, and such amount may be appropriated, and if appropriated, shall be paid to the Corporation during the then current State fiscal year. In order to ~~assure~~ ensure the funding of the pledged equity fund requirement in each pledged equity fund established by the Corporation under this section at the time and in the amount determined at the time of entering into any credit enhancement agreement related to a pledged equity fund, there may be appropriated and paid to the Corporation for deposit in each such fund, such sum as shall be certified by the Chair of the Corporation, to the Governor, the



President of the Senate, and the Speaker of the House, as is necessary to establish each such pledged equity fund to an amount equal to the amount determined by the Corporation at the time of entering into any credit enhancement agreement related to a pledged equity fund; provided that the amount requested, together with any amounts previously appropriated pursuant to this subsection for a particular pledged equity fund, shall not exceed the maximum amount of the State's commitment, as determined by the Corporation pursuant to subsection (d) of this section. The Chair shall, on or about the February 1 next following the designated date for fully funding a pledged equity fund, make, execute, and deliver to the Governor, the President of the Senate, and the Speaker of the House a certificate stating the sum required to bring each such fund to the amount ~~aforsaid~~ equal to the requirement for each such fund or to otherwise satisfy the State's commitment with respect to each such fund, and the Governor shall, on or before March 1, submit a request for appropriations in the amount so certified, and such amount may be appropriated, and if appropriated, shall be paid to the Corporation during the then-current State fiscal year. The combined principal amount of bonds, notes, and other debt instruments outstanding at any time and secured in whole or in part by a debt service reserve fund established under this section and the aggregate commitment of the State to fund pledged equity funds pursuant to this subsection shall not exceed \$50,000,000.00, provided that the

foregoing shall not impair the obligation of any contract or contracts entered into by the Corporation in contravention of the Constitution of the United States. Notwithstanding anything in this section to the contrary, the State's obligation with respect to funding any pledged equity fund shall be limited to its maximum commitment, as determined by the Corporation pursuant to subsection (d) of this section and the State shall have no other obligation to replenish or maintain any pledged equity fund.

Sec. 104. 16 V.S.A. § 2868 is amended to read:

§ 2868. NOTES, BONDS, AND OTHER OBLIGATIONS

\* \* \*

(c) Power to determine nature of debt obligations. In furtherance of its corporate purposes, with respect to the issuance of its notes, bonds, and other debt obligations, the Corporation may by resolution provide:

\* \* \*

(5) for limitations on the Corporation's issuance of additional notes, bonds, or other debt obligations, and on the expenditure of revenues related ~~thereto~~ to them; and upon the refunding of its outstanding or other notes, bonds, or other obligations.

(d) Nonenumerated powers. The Corporation has the power to exercise all or part of a combination of the powers granted in this chapter; to make covenants other than and in addition to, but not inconsistent with, the

covenants ~~herein~~ expressly authorized in this section; to make such covenants and to do any and all acts and things as may be necessary or prudent to adequately secure its notes, bonds, or other obligations or, as will tend to make its notes, bonds, and other obligations more marketable notwithstanding that such covenants, acts, or things are not enumerated ~~herein~~ in this section.

(e) Any pledge made by the Corporation shall be valid and binding from the time when the pledge is made; the revenues, monies, or property so pledged and thereafter received by the Corporation shall immediately be subject to the lien of the pledge without any physical delivery of it or further act. That pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Corporation, irrespective of whether those parties have notice of it.

\* \* \*

(g) Any law to the contrary notwithstanding, a bond, note, or other obligation issued under this chapter is fully negotiable for all purposes of 9A V.S.A. § 1-101 et seq., and each holder or owner of such, or of any coupon appurtenant ~~thereto~~ to them, by accepting the bond or note or other obligation or coupon shall be conclusively deemed to have agreed that such instrument is fully negotiable for those purposes, and all bonds, notes, or other obligations and interest coupons appertaining to them issued by the Corporation shall have and are hereby declared to have all the qualities and incidents of investment

securities under 9A V.S.A. § 1-101 et seq., but no provision of those sections respecting the filing of a financing statement to perfect a security interest shall be applicable to any pledge made or security interest created in connection with the issuance of the bonds, notes, other obligations, or coupons.

\* \* \*

(i) Notes, bonds, or other obligations issued under the provisions of this chapter shall not be deemed to constitute a debt or liability or obligation of the State of Vermont or of any political subdivision of it, nor shall it be deemed to constitute a pledge of the faith and credit of the State or of any political subdivision, but shall be payable solely from the revenues or assets of the Corporation pledged ~~thereto~~ to support them. Each obligation issued by the Corporation shall contain on its face a statement to the effect that the Corporation shall not be obligated to pay the same nor the interest on it except from the revenues or assets pledged for those purposes and that neither the faith and credit nor the taxing power of the State of Vermont or of any political subdivision of it is pledged to the payment of the principal of or the interest on these obligations.

\* \* \*

(l) Notwithstanding any general or special law to the contrary, the provisions of 8 V.S.A. chapter 73 shall not apply to the Corporation or to any

loan ~~heretofore or hereafter~~ made, purchased, or guaranteed pursuant to this chapter.

\* \* \*

Sec. 105. 16 V.S.A. § 2876 is amended to read:

§ 2876. DEFINITIONS

As used in this subchapter, except where the context clearly requires another interpretation:

\* \* \*

(4) “Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ under that Code.

Sec. 106. 16 V.S.A. § 2879c is amended to read:

§ 2879c. TAX EXEMPTION

(a) The assets of the Vermont Higher Education Investment Plan held by the Corporation and the assets of any similar plan qualified under Section 529 of the Internal Revenue Code and any income ~~therefrom~~ from them shall be exempt from all taxation by the State or any of its political subdivisions. Income earned or received from the Fund by any participant or beneficiary shall not be subject to State income tax and shall be eligible for any benefits provided in accordance with the Investment Plan provisions of the Internal Revenue Code. The exemption from taxation under this section shall apply

only to assets and income maintained, accrued, or expended pursuant to the requirements of the Vermont Higher Education Investment Plan, the provisions of this subchapter, and the applicable provisions of the Internal Revenue Code. No exemption shall apply to assets and income expended for any other purposes.

\* \* \*

Sec. 107. 16 V.S.A. § 2879d is amended to read:

§ 2879d. PROPERTY RIGHTS TO ASSETS IN THE PLAN

The assets of the Vermont Higher Education Investment Plan shall at all times be preserved, invested, and expended solely and only for the purposes set forth in this chapter and in accordance with the participation agreements, and no property rights ~~therein~~ in them shall exist in favor of the State.

Sec. 108. 16 V.S.A. § 2880 is amended to read:

§ 2880. DEFINITIONS

As used in this subchapter:

\* \* \*

(5) “Postsecondary education costs” means the qualified costs of tuition, fees, and other expenses for attendance at an institution of postsecondary education, as defined in the Internal Revenue Code of 1986, as amended, together with the regulations promulgated ~~thereunder~~ under that Code.

\* \* \*

Sec. 109. 16 V.S.A. § 2942 is amended to read:

§ 2942. DEFINITIONS

As used in this chapter:

(1) “Child with a disability” means any child in Vermont eligible under State ~~regulations~~ rules to receive special education.

\* \* \*

(6) “Individualized education program” means a program established for an eligible child pursuant to 20 U.S.C. § 1401(19) and the implementing federal regulations and State ~~regulations~~ rules.

\* \* \*

Sec. 110. 16 V.S.A. § 2945 is amended to read:

§ 2945. ADVISORY COUNCIL ON SPECIAL EDUCATION

(a) There is created the Advisory Council on Special Education that shall consist of 19 members. All members of the Council shall serve for a term of three years or until their successors are appointed. Terms shall begin on April 1 of the year of appointment. A majority of the members shall be either individuals with disabilities or parents of children with disabilities.

(1) Seventeen of the members shall be appointed by the Governor with the advice of the Secretary. Among the gubernatorial appointees shall be:

\* \* \*

(G) parents of children with disabilities, provided the child shall be younger than 26 years ~~old~~ of age at the time his or her parent is appointed to the Council;

\* \* \*

Sec. 111. 16 V.S.A. § 3448a is amended to read:

§ 3448a. APPEAL

Any municipal corporation or independent school as defined in section 3447 of this title aggrieved by an order, allocation, or award of the State Board of Education may, within 30 days, appeal ~~therefrom~~ to the Superior Court in the county in which the project is located.

Sec. 112. 16 V.S.A. § 3681 is amended to read:

§ 3681. COMPLAINT TO SUPERIOR COURT

If an educational corporation or association holds a fund of which, whether by statute or by usage, only the income may be expended, and, because of such limitation, such corporation or association is unable to reduce its indebtedness and to pay its debt and expenses from its current receipts, so that cessation of its activities or winding-up of its affairs and liquidation is threatened or impends, such corporation or association may bring its complaint to the Superior Court in the county in which it has its principal place of business, for relief as ~~hereinafter~~ provided in this subchapter.



Sec. 113. 16 V.S.A. § 3743 is amended to read:

§ 3743. TEXTBOOKS, APPLIANCES, AND SUPPLIES

The board shall select and provide all textbooks, appliances, and supplies required for use in the elementary schools and the textbooks required for use in the secondary schools in the town district that shall be paid for by the district. The selection of textbooks, appliances, and supplies shall be subject to the approval of the superintendent of the schools of the district. The board shall provide nonresident students attending the schools with the necessary textbooks, appliances, and supplies under the ~~regulations~~ rules the Board of Education shall prescribe. The board of school directors with the superintendent shall make the rules and regulations it deems proper for the care and custody of all textbooks, appliances, and supplies.

Sec. 114. 16 V.S.A. § 3851 is amended to read:

§ 3851. DEFINITIONS

\* \* \*

(g) “Guarantor” means any person liable, directly or indirectly, under the provisions of a financing agreement for the unsatisfied obligations of the eligible institution ~~thereunder~~ under that agreement, whether designated a guarantor, surety, accommodation party, insurer, or other designation.

Sec. 115. 16 V.S.A. § 3853 is amended to read:

§ 3853. POWERS

The Agency may:

\* \* \*

(7) Prepare plans, specifications, designs, and estimates of cost for the acquisition and construction of facilities and, by contract or its own employees, acquire, construct, improve, maintain, and operate facilities; fix, revise, and collect fees, rents, and other charges for the use or occupancy of facilities or for services rendered by facilities; contract with holders of its bonds to fix, revise, and collect fees, rents, and charges producing revenues at least sufficient to pay all costs of operation, maintenance, and repair of the facilities and the principal, interest, and redemption premium, if any, on bonds and provide by contract or otherwise for the promulgation, by the Agency or such other body or officer as may be specified by the Agency, of such reasonable and proper rules and regulations respecting facilities as the Agency may deem necessary to assure the maximum use of the facilities at all times.

\* \* \*

(10) Acquire and enter into commitments to acquire any federally guaranteed security, including any federally guaranteed mortgage, and pledge or otherwise use any such federally guaranteed security in such manner as the Agency deems in its best interest to secure or otherwise provide a source of

repayment on any of its bonds or notes issued on behalf of any eligible institution or enter into any appropriate agreement with any eligible institution ~~whereby~~ by which the Agency may make a loan to such eligible institution for the purpose of acquiring and entering into commitments to acquire any federally guaranteed security. Any agreement entered into pursuant to this subdivision may contain such provisions that are deemed necessary or desirable by the Agency for the security or protection of the Agency or the holders of such bonds or notes; provided, however, that the Agency, prior to making any such acquisition, commitment, or loan, shall first determine, and shall first enter into an agreement with any such eligible institution to require, that the proceeds derived from any such federally guaranteed security will be used for the purpose of providing or refinancing any facilities for any eligible institution.

Sec. 116. 16 V.S.A. § 3854 is amended to read:

§ 3854. OPERATION AND MANAGEMENT OF FACILITIES

\* \* \*

(c) Any financing agreement authorized by this chapter shall be a general obligation of the eligible institution and may contain provisions, which may be a part of the contract with the holders of the bonds or notes of the Agency, as to:

\* \* \*

(4) the procedure, if any, by which the terms of the financing agreement may be amended, the amount of bonds or notes ~~the~~ to which holders ~~of which~~ must consent ~~thereto~~, and the manner in which the consent may be given;

\* \* \*

Sec. 117. 16 V.S.A. § 3856 is amended to read:

§ 3856. BONDS

(a) The Agency is authorized to issue from time to time bonds or notes of the Agency for the purposes authorized by this chapter and refunding bonds for the purpose of refunding any bonds issued by the Agency under this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of the redemption of such bonds, irrespective of whether the bonds to be refunded have or have not matured. Refunding bonds may also be issued by the Agency for the purpose of refunding any bonds, including refunding bonds, issued by the Agency under this chapter and paying all or any part of the cost of acquiring or constructing any facilities. The issuance of the refunding bonds, the maturities and other details thereof, the rights and remedies of the holders thereof and the rights, powers, privileges, and obligations of the Agency with respect to the same, shall be governed to the fullest extent feasible by the provisions of this chapter pertaining to bonds. The Agency may also issue its negotiable bonds for the purpose of paying or otherwise satisfying in accordance with their terms any

bonds, mortgages, notes, loans, or other contractual obligations of any eligible institution assigned or transferred to or assumed by the Agency in connection with financing the acquisition by the Agency of any facilities from such eligible institution. Except as may otherwise be expressly provided by the Agency, bonds and notes issued under this chapter shall be general obligations, payable out of any monies or revenues of the Agency, subject only to any agreements with the holders of the bonds or notes pledging any particular monies or revenues. Notwithstanding any of the provisions of this chapter or any recitals in any bonds or notes issued under this chapter, all bonds, notes, and interest coupons appertaining ~~thereto~~ to them shall have and are hereby declared to have all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code but no provision of such code respecting the filing of a financing statement to perfect a security interest shall be applicable to any security interest created in connection with the issuance of any bonds or notes. No bonds or notes of the Agency may be issued to acquire or construct any facilities unless the Agency first certifies to the Governor that in its opinion such facilities are needed and will provide adequate revenue derived from rents or otherwise to repay the bonds and the interest thereon when due.

\* \* \*

(d) Any resolution authorizing bonds or the trust indenture securing them may contain provisions, which may be a part of the contract with the holders of the bonds, as to:

\* \* \*

(5) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds to which the holders ~~of which~~ must consent ~~thereto~~, and the manner in which consent may be given;

\* \* \*

Sec. 118. 16 V.S.A. § 3860 is amended to read:

§ 3860. REMEDIES OF BONDHOLDERS

(a) If the Agency defaults in the payment of principal of or interest on any of the bonds of any series after they become due, either at maturity or upon call for redemption, and the default continues for a period of 30 days, or if the Agency fails or refuses to comply with this chapter or defaults in any agreement made with the holders of the bonds of the series, the holders of 25 percent in aggregate principal amount of the bonds of the series then outstanding, in addition to all other remedies provided pursuant to this chapter or other law, may appoint by an instrument filed in an office of the clerk of the county in which the principal office of the eligible institution respecting which the bonds have been issued is located, and proved or acknowledged in the

same manner as a deed would be recorded, subject to the limitation specified in section 3856(h) of this chapter, a trustee to represent the holders of the bonds of the series for the purposes ~~herein~~ provided in this section.

\* \* \*

(c) The Superior Court and the presiding judge ~~wherein~~ where the facility is located shall have jurisdiction of any suit, action, or proceedings by the trustee on behalf of the bondholders.

\* \* \*

(e) Any trustee, whether or not all bonds of any series have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facility or any part ~~thereof~~ of the facility and operate and maintain it and collect and receive all rentals and other revenues ~~thereafter~~ arising ~~therefrom~~ from it in the same manner as the Agency itself might do, and shall deposit all such monies in a separate account and apply the same in such manner as the Court may direct. In any suit, action, or proceedings by the trustee the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge on any rentals and other revenues derived from the facility.

(f) The trustee shall, in addition to the ~~foregoing~~ provisions of this section relating to the trustee and to an extent not inconsistent with the provisions of

the trust indenture or resolutions under which such trustee is acting, have all of the powers necessary or appropriate for the exercise of any functions specifically set forth ~~herein~~ in this section or incident to the general representation of the bondholders in the enforcement and protection of their rights, including the foreclosure of any mortgage given to secure the bonds and the power to liquidate any and all other security as may be given therefor.

Sec. 119. 16 V.S.A. § 3861 is amended to read:

§ 3861. COMPENSATION OF MEMBERS AND EMPLOYEES OF  
AGENCY

No officer, member, or employee of the Agency may receive, or be lawfully entitled to receive, any pecuniary profit from the operation ~~thereof~~ of the Agency except reasonable compensation for services in effecting one or more of its purposes ~~herein~~ set forth under law.

Sec. 120. 17 V.S.A. § 2355 is amended to read:

§ 2355. NUMBER OF SIGNATURES REQUIRED

The number of signatures on primary petitions shall be not less than:

- (1) ~~For~~ for State and congressional officers, 500 ~~hundred~~;
- (2) ~~For~~ for county officers or State senator, 100 ~~hundred~~; and
- (3) ~~For~~ for Representative to the General Assembly, 50.



Sec. 121. 17 V.S.A. § 2472(a) is amended to read:

(a) The ballot shall be titled “OFFICIAL VERMONT GENERAL ELECTION BALLOT,” followed by the date of the election. Immediately below, the following instructions shall be printed: “Instruction to Voters: To vote for a candidate whose name is printed on the ballot, fill in the oval at the right of that person’s name and party designation. To vote for a candidate whose name is not printed on the ballot, write the person’s name on the blank line in the appropriate block and fill in the oval to the right of that blank line. When there are two or more candidates to be elected to one office, you may vote for any number of candidates up to and including the maximum number.” The name of the town or towns and legislative district in which the ballot is to be used shall be listed in the upper left hand corner.

Sec. 122. 18 V.S.A. § 4051(10) is amended to read:

(10)(A) The term “poison” means any toxic substance that falls within any of the following categories:

(i) produces death within 48 hours in one-half or more than one-half of a group of 10 or more laboratory white rats each weighing between 200 and 300 ~~hundred~~ grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered; or

\* \* \*

Sec. 123. 18 V.S.A. § 7104 is redesignated to read:

§ 7104. WRONGFUL HOSPITALIZATION OR DENIAL ~~OR~~ OF RIGHTS;  
FRAUD; ELOPEMENT

Sec. 124. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

~~Subchapter 1. Services to People with Developmental Disabilities and  
Their Families~~

§ 8721. PURPOSE

\* \* \*

Sec. 125. 20 V.S.A. § 3582 is amended to read:

§ 3582. DOGS OR WOLF-HYBRIDS OBTAINED AFTER APRIL 1

A person who becomes the owner after April 1 of a dog or wolf-hybrid six months old ~~which~~ or older that has not been licensed, or a person who owns, keeps, or harbors a dog or wolf-hybrid ~~in which~~ that becomes six months old after April 1, shall within 30 days apply for and obtain a license for the dog or wolf-hybrid in the same manner as the annual license is obtained. If an application under this section is made after October 1, the fee for the license shall be one-half the amount otherwise required. If the license fee is not paid within 30 days, the owner may thereafter procure a license for that license year by paying a license fee of 50 percent in excess of that otherwise required.

Sec. 126. 21 V.S.A. § 1457(b) is amended to read:

(b) Eligible employees may participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce Investment Act of 1998 Innovation and Opportunity Act, to enhance job skills if the program has been approved by the Department.

Sec. 127. 21 V.S.A. § 1471(a) is amended to read:

(a) An individual who is otherwise eligible for benefits under this chapter, but who has exhausted his or her maximum benefit amount under section 1340 of this chapter and any other available federally funded extension, is entitled to a maximum of an additional 26 weeks of benefits in the same amount as the weekly benefit amount established in the individual's most recent benefit year if the individual is enrolled in and making satisfactory progress in either a State-approved training program or a job training program authorized under the federal Workforce Investment Act of 1998 Innovation and Opportunity Act.

Sec. 128. 21 V.S.A. § 1733(a)(2)(B) is amended to read:

(B) Notwithstanding any provision of section 1732 of this chapter to the contrary, after the mediator has certified to the Commissioner of Labor that the impasse continues, the legislative body of a municipal employer and the exclusive bargaining agent for municipal public safety employees may agree to proceed directly to final and binding arbitration pursuant to the provisions of

this section without first submitting the dispute to fact finding pursuant to section 1732 of this chapter.

Sec. 129. 23 V.S.A. § 1 is amended to read:

§ 1. ADMINISTRATION AND ENFORCEMENT OF TITLE

The Commissioner of Motor Vehicles and the Commissioner of Public Safety shall cooperate in carrying out all the statutes, and rules, ~~and regulations~~ under adopted to implement the provisions of this title to achieve the most efficient and economical administration. In case of disagreement as to division of work, the Governor shall decide.

Sec. 130. 23 V.S.A. § 4(27) is amended to read:

(27) “Person” ~~as used in this title, shall include a~~ includes any natural person, corporation, association, co-partnership, company, firm, or other aggregation of individuals.

Sec. 131. 23 V.S.A. § 4(47) is amended to read:

(47) “Cooperative use transportation” ~~is defined as~~ means the collective nonprofit use by two or more ~~people~~ persons of privately-owned vehicles when ~~the providing of~~ transportation is not the primary business of the owner ~~and/or~~ of the vehicle or driver of the vehicle, or both, but is incidental to ~~their~~ his or her livelihood. Cooperative use shall include shared driving, and shared expense; employer-owned or leased vehicles, including buses, ~~which that~~ that are operated for employee commuting purposes, commuter services organized and

arranged by employee cooperatives, labor unions, credit unions, and neighborhood groups ~~which~~ that are operated for the convenience of their members.

Sec. 132. 23 V.S.A. § 4(49) is amended to read:

(49) “Revocation of a license” means the termination by formal action of the Commissioner of ~~a person’s~~ an individual’s license or privilege to operate a motor vehicle on the public highways ~~whereby~~ in which the license or privilege shall not be subject to renewal or restoration except upon an application for a new license presented to and acted upon by the Commissioner after the expiration of the applicable period of time prescribed in this title. The term also includes the refusal of the right of an unlicensed ~~person~~ individual to apply for a license.

Sec. 133. 23 V.S.A. § 4(54) is amended to read:

(54) “Transportation dolly” means a vehicle towed by a motor vehicle and designed and used exclusively in the transport of buildings ~~which~~ that are not normally transported over the highway and whose dimensions ~~and/or~~ or weight, or both, would require a permit subject to engineering inspection, which consists of sets of single or double axles with wheels set in such configurations underneath the building to be moved so as to distribute the weight of the load. This vehicle shall not be subject to registration and shall be exempt from titling and so treated whether used singly or in conjunction as one

separate vehicle when used in combination with another vehicle. However, all moves shall be governed by the Commissioner's rules ~~and regulations~~ for oversize and overdimension moves.

Sec. 134. 23 V.S.A. § 8 is amended to read:

§ 8. PERSONAL RADIO FREQUENCY IDENTIFICATION CHIP  
NUMBER PROTECTION

Personal radio frequency identification chip numbers shall be given protections as codified in ~~18 U.S.C. § 2721 et seq. (Drivers Privacy Protection Act)~~ the Driver's Privacy Protection Act, 18 U.S.C. chapter 123, as of January 1, 2008, not including any subsequent amendments.

Sec. 135. 23 V.S.A. § 102(d) is amended to read:

(d) The Commissioner may authorize background investigations for potential employees ~~that~~, which may include criminal, traffic, and financial records checks; provided, however, that the potential employee is notified and has the right to withdraw his or her name from application. Additionally, employees who are involved in the manufacturing or production of ~~operators'~~ operator's licenses and identification cards, including enhanced licenses, or who have the ability to affect the identity information that appears on a license or identification card, or current employees who will be assigned to such positions, shall be subject to appropriate background checks and shall be provided notice of the background check and the contents of that check. These

background checks ~~will~~ shall include a name-based and fingerprint-based criminal history records check using at a minimum the Federal Bureau of Investigation's National Crime Information Center and the Integrated Automated Fingerprint Identification database and State repository records on each covered employee. Employees may be subject to further appropriate security clearances if required by federal law, including background investigations that may include criminal and traffic records checks and providing proof of ~~United States~~ U.S. citizenship. The Commissioner may, in connection with a formal disciplinary investigation, authorize a criminal or traffic record background investigation of a current employee; provided, however, that the background review is relevant to the issue under disciplinary investigation. Information acquired through the investigation shall be provided to the Commissioner or designated division director, and must be maintained in a secure manner. If the information acquired is used as a basis for any disciplinary action, it must be given to the employee during any pretermination hearing or contractual grievance hearing to allow the employee an opportunity to respond to or dispute the information. If no disciplinary action is taken against the employee, the information acquired through the background check shall be destroyed.

Sec. 136. 23 V.S.A. § 104(d) is amended to read:

(d) Any photographs or imaged likenesses furnished to an authorized recipient shall not be made available or redisclosed to any succeeding person or entity, except for use by a law enforcement agency, a court or tribunal, a State's Attorney, the Office of the Attorney General, or the ~~office of the United States' Attorney~~ U.S. Attorney's Office for the District of Vermont in carrying out its official business or in response to any court order. The Commissioner ~~of Motor Vehicles~~ shall so condition any release of the information and require that the recipient subject itself to the jurisdiction of the Washington Superior Court in the event that the condition is violated.

Sec. 137. 23 V.S.A. § 115(l) is amended to read:

(l)(1) The Commissioner shall issue identification cards to Vermont residents who are not U.S. citizens but are able to establish lawful presence in the United States if an applicant follows the procedures and furnishes documents as required under subsection 603(d) of this title and any applicable policies or adopted rules ~~adopted thereunder~~, and otherwise satisfies the requirements of this section. The identification cards shall expire consistent with subsection 603(d) of this title.

(2) The Commissioner shall issue non-REAL ID compliant identification cards to Vermont residents unable to establish lawful presence in the United States if an applicant follows the procedures and furnishes



documents as required under subsection 603(e) of this title and any applicable policies or adopted rules ~~adopted thereunder~~, and otherwise satisfies the requirements of this section.

(3) The Commissioner shall issue non-REAL ID compliant identification cards to Vermont residents able to establish lawful presence in the United States but who otherwise fail to comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201-202, if the applicant follows the procedures and furnishes documents as required under subsection 603(f) of this title and any applicable policies or adopted rules ~~adopted thereunder~~, and otherwise satisfies the requirements of this section.

(4) A non-REAL ID compliant identification card issued under subdivision (2) or (3) of this subsection shall bear on its face text indicating that it is not valid for federal identification or official purposes.

Sec. 138. 23 V.S.A. § 201 is amended to read:

§ 201. APPLICATIONS TO BE UNDER OATH

All applications, all proofs which the Commissioner may require, and all requests for personal information shall be under oath or the applications and proofs shall contain and be verified by written declarations that they are made subject to the penalties prescribed in section 202 of this title. Each question and answer and each statement made in any application, or in any proof required, shall be deemed material. When an applicant is a corporation or

partnership, the individual signing the application shall be considered the ~~person making oath thereto~~ individual under oath or the person subject to the penalties of section 202 of this title.

Sec. 139. 23 V.S.A. § 304(c)(2) is amended to read:

(2) If the registrant does not renew the registration, the number may be reassigned to a member of the immediate family if application is made at least 60 days prior to expiration of the registration. As used ~~herein~~ in this subsection, “immediate family” means the spouse, household member, grandparents, parents, siblings, children, or grandchildren of the registrant.

Sec. 140. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR  
~~PEOPLE~~ INDIVIDUALS WITH DISABILITIES

(a) ~~The following definitions shall apply to~~ As used in this section:

(1) “Ambulatory disability” means an impairment ~~which~~ that prevents or impedes walking. ~~A person~~ An individual shall be considered to have an ambulatory disability if he or she ~~is a person who~~:

(A) cannot walk 200 feet without stopping to rest; ~~or~~

(B) cannot walk without the use of, or assistance from, a brace, cane, crutch, another ~~person~~ individual, prosthetic device, wheelchair, or other assistive device; ~~or~~

(C) is restricted by lung disease to such an extent that the ~~person's~~ individual's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; ~~or~~

(D) uses portable oxygen; ~~or~~

(E) has a cardiac condition to the extent that the ~~person's~~ individual's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or

(F) is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition.

(2) "Blind" means the visual impairment of an individual whose central visual acuity does not exceed 20/200 in the better eye with corrective lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(3) "Special registration plates" means a registration plate for ~~people~~ individuals with disabilities that displays the International Symbol of Access:

\* \* \*

(6) "Eligible person" means:

(A) ~~a person~~ an individual who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting ~~a person~~ an individual described in subdivision (A) of this subdivision (6); or

(C) ~~a person~~ an individual transporting ~~a person~~ an individual who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting ~~a person~~ an individual who is blind or has an ambulatory disability.

(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~~ an individual 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~~ an individual who is blind or has an ambulatory disability or to a parent or guardian of ~~a person~~ an individual with a permanent disability. 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.

\* \* \*

(2) Upon application of an organization, the Commissioner shall issue special registration plates for a vehicle registered in the applicant's name if the vehicle is primarily used to transport ~~persons~~ individuals who have an ambulatory disability or are blind. Placards shall also be issued without a fee, upon application in a form prescribed by the Commissioner, to an organization to be used when transporting ~~persons~~ individuals who have an ambulatory disability or are blind. The plates and placards shall be subject to the restrictions set forth in subdivision (a)(3) of this section.

(3) ~~A person~~ An individual with a disability who abuses such privileges or allows individuals not disabled to abuse the privileges provided in this section may have this privilege revoked after suitable notice and opportunity for hearing has been given him or her by the Commissioner ~~of Motor Vehicles~~. Hearings under the provisions of this section shall be held in accordance with sections 105–107 of this title and shall be subject to review by the Civil Division of the Superior Court of the county where the ~~person~~ individual with a disability resides.

(4) An applicant for a registration plate or placard for ~~persons~~ individuals with disabilities may request the Civil Division of the Superior Court in the county in which he or she resides to review a decision by the

Commissioner to deny his or her application for a special registration plate or placard.

(5) If the authenticity of the medical need for the special registration is challenged with reasons in writing, the Commissioner may have physicians with the Vermont Department of Health review the medical facts, with the knowledge of the ~~person~~ individual with a disability and the licensed physician, certified physician assistant, or licensed advanced practice registered nurse who filled in the medical form for the special registration, in order to determine eligibility and so notify all concerned of the facts and the recommendations.

(6) On a form prescribed by the Commissioner, a nonprofit organization that provides volunteer drivers to transport ~~persons~~ individuals who have an ambulatory disability or are blind may apply to the Commissioner for a placard. Placards shall be marked “volunteer driver.” The organization shall ensure proper use of placards and maintain an accurate and complete record of the volunteer drivers to whom the placards are given by the organization. Placards shall be returned to the organization when the volunteer driver is no longer performing that service. Abuse of the privileges provided by the placards may result in the privileges being revoked and the placards repossessed by the Commissioner. Revocation may occur only after suitable

notice and opportunity for a hearing. Hearings shall be held in accordance with sections 105–107 of this title.

\* \* \*

(d)(1) Except as otherwise provided in this subsection, an eligible person shall be permitted to park, and to park without fee, for at least 10 continuous days in a parking space or area ~~which~~ that is restricted as to the length of time parking is permitted or where parking fees are assessed.

(2) Notwithstanding the 10-day period in subdivision (1) of this subsection, in the case of a State- or municipally operated parking garage, an eligible person shall be permitted to park, and to park without fee, for at least 24 continuous hours.

(3) This subsection shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to the privilege conferred by this subsection, the vehicle shall display the registration plate or placard issued by the Commissioner, or a special registration license plate or placard issued by any other jurisdiction, in accordance with subsection (c) of this section.

(e)(1) ~~A person~~ An individual, other than an eligible person, who for his or her own purposes parks a vehicle in a space for ~~persons~~ individuals with

disabilities shall be subject to a civil penalty of not less than \$200.00 for each violation and shall be liable for towing charges.

(2) ~~A person~~ An individual, other than an eligible person, who displays a special registration plate or removable windshield placard not issued to him or her under this section and parks a vehicle in a space for ~~persons~~ individuals with disabilities, shall be subject to a civil penalty of not less than \$400.00 for each violation and shall be liable for towing charges.

(3) A person who violates this section also shall be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed.

(4) The person in charge of the parking space or spaces for ~~persons~~ individuals with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section.

(5) A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

(f) ~~Persons~~ Individuals who have a temporary ambulatory disability may apply for a temporary removable windshield placard to the Commissioner on a form prescribed by him or her. The placard shall be valid for a period of up to six months and displayed as required under the provisions of subsection (c) of this section. The application shall be signed by a licensed physician, certified physician assistant, or licensed advanced practice registered nurse. The



validation period of the temporary placard shall be established on the basis of the written recommendation from a licensed physician, certified physician assistant, or licensed advanced practice registered nurse. The Commissioner shall adopt rules to implement the provisions of this subsection.

Sec. 141. 23 V.S.A. § 304c(a) is amended to read:

(a) The Commissioner shall, upon application, issue “Building Bright Spaces for Bright Futures Fund,” ~~hereinafter~~ referred to as “the Bright Futures Fund,” registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, on vehicles registered to State agencies under section 376 of this title, and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioner of Motor Vehicles shall utilize the graphic design recommended by the Commissioner for Children and Families for the special plates to enhance the public awareness of the State’s interest in supporting children’s services. Applicants shall apply on forms prescribed by the Commissioner of Motor Vehicles, and shall pay an initial fee of \$24.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a Bright Futures Fund plate shall pay a renewal fee of \$24.00. The Commissioner of Motor Vehicles shall adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

Sec. 142. 23 V.S.A. § 305(b) is amended to read:

(b) The Commissioner shall issue a registration certificate, validation sticker, and number plates for each motor vehicle owned by the State, ~~that~~ which shall be valid for a period of five years. Such motor vehicle shall be considered as properly registered while the issued number plates ~~so issued~~ are attached ~~thereto~~ to the motor vehicle. The Commissioner may replace such number plates when in his or her discretion their condition requires.

Sec. 143. 23 V.S.A. § 306 is amended to read:

§ 306. TITLE TO NUMBER PLATES

All number plates shall be the property of the State, and ~~no~~ title ~~therein~~ shall not pass to a person registering a motor vehicle under the provisions of this title.

Sec. 144. 23 V.S.A. § 309 is amended to read:

§ 309. REGISTERING MOTOR VEHICLE OF WHICH APPLICANT IS  
NOT THE OWNER

A person who registers or attempts to register a motor vehicle, snowmobile, all-terrain vehicle, or motorboat of which he or she is not the bona fide owner, as defined in section 4 of this title, shall be fined not more than \$500.00, or imprisoned not more than two years, or both.

Sec. 145. 23 V.S.A. § 321 is amended to read:

§ 321. PROCEDURE UPON TRANSFER

Upon the transfer of ownership of any registered motor vehicle its registration shall expire. The person in whose name the transferred vehicle was registered shall immediately return ~~direct~~ to the Commissioner the registration certificate assigned to the transferred vehicle, with the date of ~~sale~~ transfer and the name and residence of the new owner endorsed on the back. However, the Commissioner may accept any other satisfactory evidence of the ~~above required information~~ date of transfer and new ownership. The transferor shall ~~forthwith~~ immediately remove the registration number plates from the transferred vehicle and may attach the ~~same~~ registration number plates to another unregistered motor vehicle owned by him or her. ~~Upon the transfer of registration plates from a motor vehicle, the registration of which has expired as above provided, to another motor vehicle, owned by the transferor, and the~~ owner or operator shall not, for a period of 60 days, be subject to a ~~fine~~ civil penalty for the operation of the latter motor vehicle without the proper registration certificate, provided he or she has, within 24 hours of the transfer, made application, as provided in section 323 of this title, for transfer of the registration number plates. If such application for transfer is not so received by the Commissioner, the number plates shall be returned to the Commissioner at the end of five days after the transfer of ownership.

Sec. 146. 23 V.S.A. § 367(a)(1) is amended to read:

(a)(1) The annual fee for registration of tractors, truck-tractors, or motor trucks except truck cranes, truck shovels, road oilers, bituminous distributors, and farm trucks used as ~~hereinafter~~ specified in subsection (f) of this section shall be based on the total weight of the truck-tractor or motor truck including body and cab plus the heaviest load to be carried. In computing the fees for registration of tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached, except trailers or semi-trailers with a gross weight of less than 6,000 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or motor truck, the weight of the trailer or semi-trailer, and the weight of the heaviest load to be carried by the combined vehicles. In addition to the fee set out in the following schedule, the fee for vehicles weighing between 10,000 and 25,999 pounds inclusive shall be an additional \$35.50, the fee for vehicles weighing between 26,000 and 39,999 pounds inclusive shall be an additional \$70.98, the fee for vehicles weighing between 40,000 and 59,999 pounds inclusive shall be an additional \$248.48, and the fee for vehicles 60,000 pounds and over shall be an additional \$390.48. The fee shall be computed at the following rates per 1,000 pounds of weight determined as ~~above specified~~ pursuant to this subdivision and rounded up to the nearest whole dollar, the minimum fee for registering a tractor, truck-tractor, or motor truck to 6,000 pounds shall be the same as for the pleasure car type:

\* \* \*

Sec. 147. 23 V.S.A. § 367a is amended to read:

§ 367a. SPECIAL PURPOSE TRUCK PLATES; PENALTIES

The misuse of a vehicle registered under the provisions of a special purpose truck plate under the provisions of section 367 of this title shall be a traffic violation as defined in section 2302 of this title and shall be punishable by a ~~fine~~ civil penalty of \$100.00 for a first offense and by a ~~fine~~ civil penalty of \$200.00 for a second offense occurring within 12 months. Upon a conviction for a second offense, the owner shall be required to register the vehicle at the same rate as provided in subsection 367(a) of this title for other commercial trucks.

Sec. 148. 23 V.S.A. § 368(b) is amended to read:

(b) Any truck operated or moved in violation of this statute shall be required to be registered as a commercial truck and any person in violation of this section shall be ~~fined~~ assessed a civil penalty of not more than \$175.00 for each offense.

Sec. 149. 23 V.S.A. § 371a(c) is amended to read:

(c) A person in violation of this section shall be ~~fined~~ assessed a civil penalty of not more than \$25.00 for each offense.

Sec. 150. 23 V.S.A. § 377 is amended to read:

§ 377. GOVERNMENT-OWNED VEHICLES

The Commissioner ~~of Motor Vehicles~~ shall have authority to issue registration certificates and registration number plates without charge to passenger car vehicles, not otherwise required to be registered under the provisions of this title, owned by the ~~United States~~ U.S. government, other states, or provinces.

Sec. 151. 23 V.S.A. § 414 is amended to read:

§ 414. SPECIAL PERMITS FOR FOREIGN PUBLIC UTILITIES

The Commissioner may issue to public utilities operating in this State, for a nominal fee, a special permit for vehicles engaged in emergency repair work in this State, provided such vehicles are registered in some other state, ~~and~~ have ~~attached thereto~~ registration plates attached, and are driven by ~~persons~~ an individual licensed to operate motor vehicles in this or some other state.

Sec. 152. 23 V.S.A. § 421(b) is amended to read:

(b) Any person who violates any provision of subsection (a) of this section, upon first conviction shall be punishable by a ~~fine~~ civil penalty of not less than \$100.00 or more than \$250.00; and upon a second or subsequent conviction of a violation occurring within one year after a previous conviction of any provision of subsection (a) by a fine of not less than \$250.00 or more than \$500.00, or by imprisonment for not more than 30 days, or both.

Sec. 153. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle ~~which is~~ to be registered in this State, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a number plate with temporary validation stickers, a temporary number plate, or a temporary decal, provided that the purchaser deposits with such dealer, for transmission to the Commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. If a properly licensed purchaser either attaches to the motor vehicle, snowmobile, or all-terrain vehicle or carries in the motorboat such number plate or decal, he or she may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. ~~A person~~ An individual shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate with temporary validation stickers, a temporary number plate, or a temporary decal attached ~~thereto~~ to the motor vehicle or carried in the motorboat except as provided in this section.

Sec. 154. 23 V.S.A. § 464 is amended to read:

§ 464. RETURN OF NUMBER PLATES BY DEALER

If a dealer comes into possession of a motor vehicle the registration of which has expired by reason of the provisions of section 321 of this title, and ~~which~~ that has number plates attached ~~thereto~~, he or she shall immediately return such number plates to the Commissioner.

Sec. 155. 23 V.S.A. § 514 is amended to read:

§ 514. REPLACEMENT NUMBER PLATES

(a) In case of the loss of a number plate, the owner of the motor vehicle to which it was assigned shall ~~forthwith~~ immediately notify the Commissioner of ~~Motor Vehicles~~ of such loss, and ~~he or she~~ the Commissioner shall furnish such owner with a new plate. The ~~fees~~ fee charged shall be \$12.00 for each plate. The owner of a motor vehicle who has lost one number plate may operate his or her vehicle with only one number plate attached ~~thereto~~, until a new plate is furnished him or her, provided he or she ~~has~~ notified the Commissioner of ~~Motor Vehicles~~ as required ~~in~~ under this section.

\* \* \*

Sec. 156. 23 V.S.A. § 671 is amended to read:

§ 671. PROCEDURE

(a) In his or her discretion, the Commissioner may suspend indefinitely or for a definite time the license of an operator, or the right of an unlicensed



~~person~~ individual to operate a motor vehicle, after opportunity for a hearing upon not less than 15 days' notice, if the Commissioner has reason to believe that the holder thereof is ~~a person~~ an individual who is incompetent to operate a motor vehicle or is operating improperly so as to endanger the public. If, upon receipt of such notice, the ~~person~~ individual so notified shall request a hearing, such suspension shall not take effect unless the Commissioner, after hearing, determines that the suspension is justified. If the Commissioner imposes a suspension, he or she may order the license delivered to him or her. ~~No~~ Not less than six months from the date of suspension and each six months thereafter, ~~a person~~ an individual upon whom such suspension has been imposed may apply for reinstatement of his or her license or right to operate or for a new license. Upon receipt of such application, the Commissioner shall thereupon cause an investigation to be made and, if so requested, conduct a hearing to determine whether such suspension should be continued in effect.

(b) In his or her discretion, the Commissioner may suspend for a period not exceeding 15 days the license of an operator, or the right of an unlicensed ~~person~~ individual to operate a motor vehicle, without hearing, whenever he or she finds upon full reports submitted by an enforcement officer or motor vehicle inspector that the safety of the public has been or will be imperiled as a result of the operation of a motor vehicle by such operator or unlicensed ~~person~~ individual.

(c) The Commissioner shall not suspend the license of an operator, or the right of an unlicensed ~~person~~ individual to operate a motor vehicle, while a prosecution for an offense under this title is pending against such ~~person~~ individual, unless he or she finds upon full reports submitted to him or her by an enforcement officer or motor vehicle inspector that the safety of the public will be imperiled by permitting such operator or such unlicensed ~~person~~ individual to operate a motor vehicle, or that such ~~person~~ individual is seeking to delay the prosecution, but if he or she so finds, he or she may suspend such license or right pending a final disposition of the prosecution.

(d) The Commissioner shall not suspend the license of an operator, or the right of an unlicensed ~~person~~ individual to operate a motor vehicle, for any cause ~~which has~~ that constituted the subject matter of a prosecution in which the conviction of such ~~person~~ individual has not been obtained.

(e) The Commissioner shall revoke licenses obtained fraudulently. The Commissioner shall also revoke licenses when required by law, and such revocation shall not entitle the holder of such license to hearing.

(f) If a hearing is required under the provisions of this section, it shall be held in accordance with the provisions of sections 105–107 of this title and at such time and place as the Commissioner may determine. It shall be in the discretion of the Commissioner to determine the granting of a hearing and subsequent hearing in response to a petition ~~therefor~~ for a hearing in

connection with suspension orders issued under the provisions of subsections (b) and (c) of this section.

(g) [Repealed.]

Sec. 157. 23 V.S.A. § 673a is amended to read:

§ 673a. HABITUAL OFFENDERS

(a) The Commissioner shall revoke the license of an operator or the right of an unlicensed ~~person~~ individual to operate a motor vehicle for a period of two years when the ~~person~~ individual is ~~an~~ a habitual violator of the motor vehicle laws.

(b) ~~The term~~ As used in this section, “habitual violator” ~~as used herein,~~ ~~shall mean~~ means any person who has been convicted in any court in this State of eight or more moving violations each of which would result in point assessments of six or more points, including violations of section 1201 of this title, arising out of different incidents within a consecutive period of five years.

(c) The ~~person~~ individual may within 15 days ~~of~~ after the notice of revocation request a hearing solely for the purpose of verifying the conviction record, and the revocation shall not take effect until the hearing has been held in accordance with the provisions of sections 105–107 f this title and the record has been verified.

Sec. 158. 23 V.S.A. § 711 is amended to read:

§ 711. PENALTIES

Any person who operates a driver training school or acts as an instructor without a license shall be ~~fined~~ assessed a civil penalty of not more than \$500.00.

Sec. 159. 23 V.S.A. § 731(a) is amended to read:

(a) The General Assembly finds that a comprehensive training program for motorcycle operators would enhance operator safety and reduce the number of injuries ~~which~~ that occur as a result of motorcycle accidents. Since the great majority of motorcycle accidents involve inexperienced operators, a training program focused on inexperienced operators is the primary purpose of this legislation. The training program established ~~would~~ shall be operated pursuant to nationally recognized safety and training standards, and ~~would~~ shall be funded from registration and license fees paid by Vermont motorcycle operators.

Sec. 160. 23 V.S.A. § 736 is amended to read:

§ 736. IMPLEMENTATION

After a date to be established by the Commissioner in ~~regulations~~ rules, any applicant for a permit or an operator's license valid for operating a motorcycle, except a renewal applicant or an applicant who surrenders a valid motorcycle license issued by another state, shall successfully complete the rider training

course established under this subchapter before taking the on-motorcycle portion of the license examination or, in his or her discretion, the Commissioner may require any applicant to successfully complete an approved classroom training curriculum before a motorcycle ~~learner~~ learner's permit or motorcycle endorsement may be issued. The Department shall also exempt applicants who have successfully completed equivalent training courses in other states or provinces. The Commissioner shall not implement the rider training course until the Commissioner determines that the program can be operated effectively, and that there are adequate training vehicles, instructors, curriculum materials, training sites, and program funding to provide the training throughout the State to all those ~~persons~~ individuals who desire or would be required to complete the course.

Sec. 161. 23 V.S.A. § 750(b) is amended to read:

(b)(4) Company's financial responsibility.

(1) Beginning on July 1, 2018, a driver, or a company on the driver's behalf, shall maintain primary automobile insurance that recognizes that the driver is a company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver while the driver is logged on to the company's digital network or while the driver is engaged in a prearranged ride.

\* \* \*

Sec. 162. 23 V.S.A. § 750(d) is amended to read:

(d)(4) Automobile insurers.

(1) Notwithstanding any other provision of law to the contrary, insurers that write automobile insurance in Vermont may exclude any and all coverage afforded under a policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage in an automobile insurance policy, including:

\* \* \*

(5) Insurers that exclude the coverage described under subsection (b) of this section shall have no duty to defend or indemnify any claim expressly excluded ~~thereunder~~.

\* \* \*

Sec. 163. 23 V.S.A. § 751(b)(3) is amended to read:

(3) With respect to ~~a person~~ an individual who is a driver as of ~~the effective date of this act~~ July 1, 2018, the requirements of subdivision (1)(A) of this subsection (b) shall be deemed satisfied if the background check is completed within 30 days of ~~the effective date of this act~~ July 1, 2018 or if a background check that satisfies the requirements of subdivision (1)(A) of this subsection (b) was conducted by the company on or after July 1, 2017. This

subdivision shall not be construed to exempt drivers from undergoing an annual background check as required under subdivision (2) of this subsection (b).

Sec. 164. 23 V.S.A. § 801 is amended to read:

§ 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

(a) The Commissioner shall require proof of financial responsibility to satisfy any claim for damages, by reason of personal injury to or the death of any person, of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one ~~accident~~ crash, as follows:

(1) From a person who is convicted of any of the following violations of this title:

\* \* \*

(C) Failing to immediately stop and render such assistance as may be reasonably necessary following ~~an accident~~ a crash resulting in injury to any person or property, other than the vehicle then under his or her control.

\* \* \*

(2) From a person against whom there is an outstanding unsatisfied judgment of a court of competent jurisdiction within this State for damages arising out of a motor vehicle ~~accident~~ crash and based upon any violation of the provisions of this title.

(3) From the operator of a motor vehicle involved in ~~an accident which~~ has a crash that resulted in bodily injury or death to any person or ~~whereby the motor vehicle then under his or her control or any other property is damaged~~ property damage, including to the motor vehicle under the operator's control, in an aggregate amount to the extent of \$3,000.00 or more, excepting, however:

(A) an operator furnishing the Commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact business in this State insuring the person against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the ~~accident~~ crash; or

(B) a nonresident operator holding a valid license issued by the state of his or her residence at the time of the ~~accident~~ crash who furnishes satisfactory proof, in the form of a certificate issued by an insurance company authorized to transact business in the state of his or her residence, when accompanied by a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action upon the policy arising out of the ~~accident~~ crash, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property,



in an amount equal to the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the ~~accident~~ crash.

(b) The provisions of subdivision (a)(3) of this section shall not apply to the operator of a motor vehicle, involved in ~~an accident~~ a crash, if at the time of the ~~accident~~ crash the motor vehicle he or she was operating, whether attended or unattended, was legally parked in any location other than upon a public highway. Nor shall the provisions of that subdivision apply to the operator of an all-terrain vehicle when the vehicle is registered and operated pursuant to chapter 31 of this title.

\* \* \*

(d) Where erroneous information with respect to insurance coverage is furnished to the Commissioner by the operator involved in ~~an accident~~ a crash, the Commissioner shall, after receipt by him or her of correct information with respect to such coverage, take appropriate action as provided in section 802 of this title.

\* \* \*

Sec. 165. 23 V.S.A. § 805 is amended to read:

§ 805. WAIVER OF DEFENSES AGAINST INJURED PARTY

When evidence of the insuring of a person, convicted of a violation of a motor vehicle law within the terms of this title, is offered as proof of financial responsibility, the presentation of such proof shall include certification that the

policy of insurance or indemnity bond has ~~attached thereto~~ a certificate waiving, as against injured persons, all defenses based on false representation or breach of warranties as set forth in the application for the policy of insurance or indemnity bond by the insured attached. Such contract, bond, or policy of insurance shall be for the benefit of a person injured in person or property, to the amounts indicated ~~therein~~, to satisfy the legal liability of the insured.

Sec. 166. 23 V.S.A. § 884 is amended to read:

§ 884. PROOF OF INSURANCE; NOTICE OF CANCELLATION

A company issuing such insurance or indemnity bond shall file with the Commissioner ~~such~~ proof that the required insurance or indemnity bond has been issued as shall be satisfactory to the Commissioner and such insurance or bond shall not lapse, expire, or be cancelled while the registration is in force until at least 20 days' written notice of an intention to cancel has been given to the Commissioner ~~of an intention to cancel~~. Upon receipt of the notice, the Commissioner shall ~~forthwith~~ immediately notify the insured of such intention to cancel, and that if other insurance or indemnity bond is not furnished within 15 days thereafter, the registration of the motor buses of ~~such~~ the insured ~~will~~ shall be cancelled and the number plates of such motor buses will be taken up by the Commissioner.

Sec. 167. 23 V.S.A. § 885 is amended to read:

§ 885. WAIVER OF DEFENSES AGAINST INJURED PARTY

When evidence of insurance is offered to the Commissioner that a contract or policy of insurance issued by a liability insurance company or a surety bond has been procured in accordance with the provisions of section 881 of this title, the presentation of such proof shall include certification that the policy of insurance or bond includes or has appended ~~thereto~~ a certificate waiving, as against injured persons, all defenses based on false representations or breach of warranties as set forth in the application for the policy of liability insurance or indemnity bond by the insured. Such contract or policy of insurance or surety bond shall be for the benefit of a person injured in person or property, to the amounts ~~therein~~ indicated, to satisfy the legal liability of the insured.

Sec. 168. 23 V.S.A. § 888 is amended to read:

§ 888. ALTERNATIVE FORM OF SECURITY

In lieu of all or part of the insurance or bond required by section 881 of this title, a motor bus owner may file with the Commissioner ~~of Motor Vehicles~~ a bond conditioned for the payment and discharge of all liability described in ~~said~~ section 881 of this title provided the policy of insurance, if any, or bond is approved by an order of the Transportation Board filed with the Commissioner determining the amount, if any, of insurance to be procured and the amount of a bond in addition to or in substitution for insurance. The Board may approve

a bond without surety if it ~~shall have determined~~ determines, by order made upon proper showing, that a surety on the bond is not required by the public interest because of the proven financial responsibility of the obligor, or because of collateral security consisting of deposits in a Vermont bank or negotiable securities held by such bank as trustee, or a combination thereof, pledged to secure the performance of the bond upon terms and conditions prescribed by the Board. If the order requires insurance or a surety bond, the policy of insurance or surety bond shall be executed by a company authorized to do business in this State.

Sec. 169. 23 V.S.A. § 941(a) is amended to read:

(a) No policy insuring against liability arising out of the ownership, maintenance, or use of any motor vehicle may be delivered or issued for delivery in this State with respect to any motor vehicle registered or principally garaged in this State unless coverage is provided ~~therein, or supplemental thereto,~~ for the protection of persons insured ~~thereunder~~ under the policy or a supplemental policy who are legally entitled to recover damages, from owners or operators of uninsured, underinsured, or hit-and-run motor vehicles, for bodily injury, sickness, or disease, including death, and for property damages resulting from the ownership, maintenance, or use of such uninsured, underinsured, or hit-and-run motor vehicle. The coverage for property damages shall be sufficient to indemnify a claim for damages to which the

claimant is legally entitled of no more than \$10,000.00 per claim, subject to a \$150.00 deductible; provided, however, to the extent that other direct damage coverage is valid and collectible:

\* \* \*

(2) further, any other claim for property damages, not direct damages, to which the claimant is legally entitled, shall be paid by the coverage required by this section, without deductible, to the extent of the limits ~~herein~~ provided in this section.

Sec. 170. 23 V.S.A. § 942 is amended to read:

§ 942. BINDERS AND RENEWAL ENDORSEMENTS; BINDERS OF  
INSURANCE

An insurer authorized to issue automobile liability insurance may issue a binder, in lieu of a policy, and issue a renewal endorsement or evidence of renewal of an existing policy. Renewal endorsements and binders shall be deemed to include provisions in accordance with this subchapter, and ~~in accordance with regulations of the Commissioner~~ rules adopted in furtherance thereof.

Sec. 171. 23 V.S.A. § 943 is amended to read:

§ 943. PROVISIONS IN INSURANCE POLICIES

All policies of motor vehicle liability insurance delivered or issued for delivery in this State shall be deemed to include provisions in accordance with

this subchapter, and ~~in accordance with regulations of the Commissioner~~ rules adopted in furtherance thereof.

Sec. 172. 23 V.S.A. § 1001 is amended to read:

§ 1001. ~~REGULATIONS~~ RULES

(a) The Commissioner may ~~make regulations~~ adopt rules:

(1) relating to motor vehicle equipment in all cases where its use is not defined in this title and whenever the use or nonuse, contrary to the ~~regulation~~ rules, in the judgment of the Commissioner, may render the operation of the motor vehicle hazardous or unlawful;

\* \* \*

(b) The Commissioner may ~~make the safety regulations~~ adopt rules uniform with the regulations of the federal agency having jurisdiction over motor vehicles subject to federal law so far as the regulations are applicable to the vehicles or to vehicles of the same type not subject to federal law, or to both.

(c) The Commissioner shall ~~make regulations~~ adopt rules under this section only in accordance with 3 V.S.A. chapter 25.

Sec. 173. 23 V.S.A. § 1005 is amended to read:

§ 1005. ~~PARKING REGULATIONS~~ REGULATION OF PARKING

The Traffic Committee may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway under its jurisdiction

where, in its opinion, stopping, standing, or parking is dangerous to those using the highway or would unduly interfere with the free movement of traffic. The signs shall be official signs, and no ~~person~~ individual may stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Sec. 174. 23 V.S.A. § 1022(a) is amended to read:

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow may be used, except for special pedestrian signals carrying a word legend, and the signals shall indicate and apply to drivers and pedestrians as follows:

(1) Green signal:.

\* \* \*

(2) Steady yellow signal:.

\* \* \*

(3) Steady red signal:.

\* \* \*

Sec. 175. 23 V.S.A. § 1042(b) is amended to read:

(b) In making the determination as to whether a reasonable alternative route is available, the Secretary of Transportation shall, at a minimum, consider the following factors:

\* \* \*

(4) whether an adverse effect has been created relative to the quiet enjoyment and property values of ~~people~~ persons living along the alternative route.

Sec. 176. 23 V.S.A. § 1043(c)(2) is amended to read:

(2) Notwithstanding the provisions of this subsection, the Traffic Committee or the legislative body of a municipality may prohibit the operator of a neighborhood electric vehicle from traversing an intersection under their respective jurisdictions when the prohibition is deemed to be in the best ~~interest~~ interests of public safety. A prohibition shall become effective when appropriate signs giving notice are erected at the crossing.

Sec. 177. 23 V.S.A. § 1046 is amended to read:

§ 1046. VEHICLE APPROACHING OR ENTERING INTERSECTION

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) of this section is modified at through highways ~~and as otherwise as stated~~ provided in this chapter.

~~(c) The above rules are modified and~~ as follows:

(1) ~~whenever~~ Whenever enforcement officers are present they have the full power to regulate traffic;



(2) ~~as otherwise provided in this chapter;~~

(3) ~~all Operators shall approach and enter~~ intersecting highways ~~shall be~~  
~~approached and entered~~ slowly, with due care to avoid accidents.

Sec. 178. 23 V.S.A. § 1081 is amended to read:

§ 1081. BASIC RULE AND MAXIMUM LIMITS

(a) No ~~person~~ individual shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, having regard for the actual and potential hazards then existing. In every event, speed shall be controlled as necessary to avoid colliding with any ~~person~~ individual, vehicle, or other object on or adjacent to the highway.

(b) Except when there exists a special hazard that requires lower speed in accordance with subsection (a) of this section, the limits specified in this section or established ~~as hereinafter authorized~~ pursuant to this section are maximum lawful speeds, and no ~~person~~ individual shall drive a vehicle on a highway at a speed in excess of 50 miles per hour.

\* \* \*

Sec. 179. 23 V.S.A. § 1091(c) and (d) are amended to read:

(c) Prosecution for manslaughter. The provisions of this section do not limit or restrict the prosecution for manslaughter.

(d) Surcharge. A person convicted of violating subsection (b) of this section shall be assessed a surcharge of \$50.00, which shall be added to any

fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI Enforcement Fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

Sec. 180. 23 V.S.A. § 1095b(c) and (d) are amended to read:

(c) Penalties.

(1) A person who violates this section commits a traffic violation and shall be subject to a ~~fine~~ civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

\* \* \*

(d)(~~4~~) Commercial motor vehicles.

(1) Operators of commercial motor vehicles shall be governed by the provisions of chapter 39 of this title (Commercial ~~Driver~~ Driver's License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones and texting while operating a commercial motor vehicle.

\* \* \*

Sec. 181. 23 V.S.A. § 1096 is amended to read:

§ 1096. GENERAL PENALTIES

(a) Any person who violates the speed restrictions of subsection 1083(b) of this title shall be ~~fined~~ assessed a civil penalty of not more than \$50.00 and is

liable for damages for injuries thereby done to the bridge or structure, which may be recovered in a civil action brought under this section in the name and for the benefit of the State or municipal corporation liable for the repairs of the bridge or structure, with costs.

(b) A parent or guardian who knowingly permits a child under ~~the~~ 16 years of age of 16 years, in his or her custody, to violate any provision of sections 1136 through 1141, inclusive, of this title shall be ~~fined~~ assessed a civil penalty of not more than \$25.00.

Sec. 182. 23 V.S.A. § 1106 is amended to read:

§ 1106. LIMITATIONS ON USE OF STATE HIGHWAY FACILITIES

\* \* \*

(b) No ~~person~~ individual shall enter or remain on any State highway facility for the purpose of overnight camping unless the particular facility has been designated for that purpose by the Traffic Committee.

(c)(1) On the basis of an engineering and traffic investigation or findings as to adverse effects on the quiet enjoyment and property values of ~~people~~ persons living adjacent to a State highway facility, the Traffic Committee may designate the size and types of vehicles allowed to park in a State highway facility or in particular areas of a State highway facility.

\* \* \*

Sec. 183. 23 V.S.A. § 1114 is amended to read:

§ 1114. RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES

(a) ~~A person~~ An individual operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat ~~attached thereto~~ of the motorcycle or motor-driven cycle, and such operator shall not carry any other ~~person~~ individual nor shall any other ~~person~~ individual ride on a motorcycle or motor-driven cycle unless such motorcycle or motor-driven cycle is designed to carry more than one ~~person~~ individual, in which event a passenger may ride upon the permanent and regular seat if designed for two ~~persons~~ individuals, or upon another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.

(b) ~~A person~~ An individual shall only ride upon a motorcycle or motor-driven cycle ~~only~~ while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or motor-driven cycle. The requirement of this subsection shall not apply to occupants of autocycles or of sidecars.

(c) No ~~person~~ individual shall operate a motorcycle or motor-driven cycle while carrying any package, bundle, or other article ~~which~~ that prevents him or her from keeping both hands on the handlebars.

(d) No operator shall carry any ~~person~~ passenger, nor shall any ~~person~~ passenger ride, in a position that will interfere with the operation or control of the motorcycle or motor-driven cycle or the view of the operator.

Sec. 184. 23 V.S.A. § 1128 is redesignated to read:

§ 1128. ~~ACCIDENTS-DUTY~~ CRASHES; DUTY TO STOP

Sec. 185. 23 V.S.A. § 1129 is amended to read:

§ 1129. ~~ACCIDENTS-REPORTS~~ CRASHES; REPORTS

(a) The operator of a motor vehicle involved in ~~an accident whereby a person~~ a crash in which someone is injured or whereby there is total property damage to all property to the extent of \$3,000.00 or more shall make a written report concerning the ~~accident~~ crash to the Commissioner of ~~Motor Vehicles~~ on forms furnished by the Commissioner. The written report shall be mailed to the Commissioner within 72 hours after the ~~accident~~ crash. The Commissioner may require further facts concerning the ~~accident to~~ crash be provided upon forms ~~furnished by him or her~~ he or she furnishes.

(b) As used in this section, the word "~~accident~~" "crash" only refers ~~only~~ to incidents and events in which the motor vehicle involved comes into physical contact with ~~a person, an individual or~~ object, ~~or~~ including another motor vehicle. It shall not include such contact where a vehicle involved is being used by a law enforcement officer as a barrier to prevent passage of a vehicle being operated by a suspected violator of the law. In such cases, the law enforcement officer shall not be required to make a personal written report of the incident.

(c) The owner and the operator of a motor vehicle covered by one or more policies of liability insurance shall notify any ~~person~~ individual injured by the motor vehicle, or the owner of any property damaged ~~thereby~~ by the motor vehicle, of the name and address of all liability insurance companies ~~which~~ that may cover the incident, and the numbers of the policies. The notification shall be made to the injured ~~person,~~ individual or ~~the~~ owner of the damaged property, or both, ~~not more than~~ within five days after the injury or damage. The information shall be given to the injured ~~person~~ individual and ~~the~~ owner of the damaged property at the last known address of each.

Sec. 186. 23 V.S.A. § 1135(b) is amended to read:

(b) A person who violates this section shall be ~~fined~~ assessed a civil penalty of not more than \$100.00 for each offense or, if the violation results in damage to property, the person shall be ~~fined~~ assessed a civil penalty of not more than \$175.00 for each offense.

Sec. 187. 23 V.S.A. § 1137 is amended to read:

#### § 1137. RIDING ON BICYCLES

(a) No ~~person~~ individual propelling a bicycle may ride other than ~~upon~~ on or astride a permanent and regular seat attached ~~thereto~~ to the bicycle.

(b) No ~~person~~ individual may use a bicycle to carry more ~~persons~~ individuals at any one time than the number for which it is designed and equipped.

Sec. 188. 23 V.S.A. § 1141a(c) and (d) are amended to read:

(c) Hazardous materials. No person shall carry or transport on an EPAMD, any hazardous materials as defined in 5 V.S.A. § 2001. ~~Fines~~ Civil penalties imposed for violations of this subsection shall be in accordance with ~~finer~~ civil penalties imposed for violations of 5 V.S.A. § 2001.

(d) Municipal authority. Nothing in this section shall limit the authority of a municipality under the provisions of 24 V.S.A. § 2291(1), (4), and (5) to regulate the use and operation of EPAMDs.

Sec. 189. 23 V.S.A. § 1142 is amended to read:

§ 1142. PENALTIES

A person who violates any provision of sections 1136 through 1141 and subsection 1141a(a) of this title shall be ~~finer~~ assessed a civil penalty of not more than \$25.00 for each offense, except that a person who violates subsection 1139(b) of this title shall be ~~finer~~ assessed a civil penalty of not more than \$100.00.

Sec. 190. 23 V.S.A. § 1203b(c) is amended to read:

(c) Any person who violates subsection (a) of this section shall be ~~finer~~ assessed a civil penalty of not more than \$500.00.

Sec. 191. 23 V.S.A. § 1205 is amended to read:

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

\* \* \*

(r) Surcharge; Public Defender Special Fund; DUI Enforcement Special Fund. A person suspended under this section for a refusal shall be assessed a surcharge of \$50.00 which shall be collected by the Department of Motor Vehicles prior to reinstatement of the person's driving privileges. The Department shall transfer the surcharge assessed under this subsection to the Public Defender Special Fund created in 13 V.S.A. § 5239 specifying the source of the monies being deposited. All such monies shall be used by the Office of the Defender General to cover the cost of providing statewide 24-hour legal services coverage as required by subsection 1202(g) of this title. After \$40,000.00 has been deposited in the Public Defender Special Fund in a single fiscal year, all additional collected surcharges assessed under this subsection in that fiscal year shall be credited to the Governor's Highway Safety Commission for deposit in a DUI Enforcement Special Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. All such DUI Enforcement Special Fund receipts shall be used exclusively for statewide DUI enforcement and for no other purpose.

(s) [Repealed.]



(t) Nonmandatory time limits. For a first offense, the time limits set forth in subsections (g) and (h) of this section are directive only, and shall not be interpreted by the court to be mandatory or jurisdictional.

(u) Testimony by telephone. In any proceeding under this section, for cause shown, a party's chemist may be allowed to testify by telephone in lieu of a personal appearance.

Sec. 192. 23 V.S.A. § 1206(c) is amended to read:

(c) Operation during suspension. During a suspension under this section, an eligible person may operate a motor vehicle under the terms of an ignition interlock RDL or ignition interlock certificate issued under section 1213 of this title.

Sec. 193. 23 V.S.A. § 1210 is amended to read:

§ 1210. PENALTIES

\* \* \*

(e)(~~4~~) Fourth or subsequent offense.

(1) A person convicted of violating section 1201 of this title who has previously been convicted three or more times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$5,000.00 or imprisoned not more than 10 years, or both. At least 192 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit

for a sentence of imprisonment may be received for time served in a residential alcohol treatment facility pursuant to sentence if the program is successfully completed. The court shall not impose a sentence that does not include a term of imprisonment unless the court makes written findings on the record that there are compelling reasons why such a sentence will serve the interests of justice and public safety.

(2) The Department of Corrections shall provide alcohol and substance abuse treatment, when appropriate, to any person convicted of a violation of this subsection.

~~(f)(4)~~ Death resulting.

(1) If the death of any person results from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$10,000.00 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this subsection do not limit or restrict prosecutions for manslaughter.

(2) If the death of more than one person results from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each decedent.

~~(3)(A) Death resulting; third or subsequent offense.~~ If the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of

a violation of that section, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.

(B) Notwithstanding subdivision (A) of this subdivision (3), if the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, the ~~Court~~ court may impose a sentence that does not include a term of imprisonment or ~~which~~ that includes a term of imprisonment of less than five years if the ~~Court~~ court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

(g)~~(4)~~ Injury resulting.

(1) If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to any person other than the operator from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$5,000.00, or imprisoned not more than 15 years, or both.

(2) If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to more than one person other than the operator from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each person injured.

(3)(A) ~~Injury resulting; third or subsequent offense.~~ If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.

(B) Notwithstanding subdivision (A) of this subdivision (3), if serious bodily injury as defined in 13 V.S.A. § 1021(2) results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, the ~~Court~~ court may impose a sentence that does not include a term of imprisonment or ~~which~~ that includes a term of

imprisonment of less than five years if the ~~Court~~ court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

\* \* \*

(i) Surcharge; Blood and Breath Alcohol Testing Special Fund. A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$60.00, which shall be added to any fine imposed by the ~~Court~~ court. The ~~Court~~ court shall collect and transfer such surcharge to the Department of Public Safety for deposit in the Blood and Breath Alcohol Testing Special Fund established by section 1220b of this title.

(j) Surcharge; Public Defender Special Fund. A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the ~~Court~~ court. The ~~Court~~ court shall collect and transfer the surcharge assessed under this subsection to the Office of Defender General for deposit in the Public Defender Special Fund specifying the source of the monies being deposited. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

(k) Surcharge; DUI Enforcement Special Fund. A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the ~~Court~~ court. The

~~Court~~ court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI Enforcement Special Fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

Sec. 194. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR  
CERTIFICATE; PENALTIES

(a)(1) ~~A person~~ An individual whose license or privilege to operate is suspended or revoked under this subchapter may operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. Upon application, the Commissioner shall issue an ignition interlock RDL or ignition interlock certificate to ~~a person~~ an individual otherwise licensed or eligible to be licensed to operate a motor vehicle if:

(A) the ~~person~~ individual submits a \$125.00 application fee;

(B) the ~~person~~ individual submits satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated and of financial responsibility as provided in section 801 of this title;

(C) at least one year has passed since the suspension or revocation was imposed if the offense involved death or serious bodily injury to ~~a person~~ an individual other than the operator; and

(D) the applicable period set forth ~~below~~ in this subsection has passed since the suspension or revocation was imposed if the offense involved refusal of an enforcement officer's reasonable request for an evidentiary test:

\* \* \*

(d) If a fine is to be imposed for a conviction of a violation of section 1201 of this title, upon receipt of proof of installation of an approved ignition interlock device, the court may order that the fine of an ~~indigent person~~ individual with low-income conditionally be reduced by one-half to defray the costs of the ignition interlock device, subject to the ~~person's~~ individual's ongoing operation under, and compliance with the terms of, a valid ignition interlock RDL or ignition interlock certificate as set forth in this section. In considering whether ~~a person's~~ an individual's fine should be reduced under this subsection, the court shall take into account any discount already provided by the device manufacturer or provider.

\* \* \*

(f)(1) Prior to the issuance of an ignition interlock RDL or ignition interlock certificate under this section, the Commissioner shall notify the applicant that the period prior to eligibility for reinstatement may be extended under ~~this subsection (f) or subsections (g)-(h)~~ (f)-(h) of this section.

(2)(A) Prior to any such extension of the reinstatement period, the ignition interlock RDL or certificate holder shall be given notice and

opportunity for a hearing. Service of the notice shall be sent by first class mail to the last known address of the ~~person~~ individual. The notice shall include a factual description of the grounds for an extension, a reference to the particular law allegedly violated, and a warning that the right to a hearing will be deemed waived, and an extension of the reinstatement period will be imposed, if a written request for a hearing is not received at the Department of Motor Vehicles within 15 days after the date of the notice.

(B) When a holder receives a notice under subdivision (2)(A) of this subsection (f), the holder shall be deemed to have waived the right to a hearing, unless a written request for a hearing is received at the Department of Motor Vehicles within 15 days after the date of the notice. If a hearing is not timely requested, the reinstatement period shall be extended in accordance with law.

(C) The provisions of sections 105–107 of this title shall apply to hearings conducted under ~~this~~ subdivision (2) of this subsection.

\* \* \*

(g) The holder of an ignition interlock RDL or certificate shall operate only motor vehicles equipped with an ignition interlock device, shall not attempt or take any action to tamper with or otherwise circumvent an ignition interlock device, and, after failing a random retest, shall pull over and shut off the vehicle's engine as soon as practicable. A person who violates any provision



of this section commits a criminal offense, shall be subject to the sanctions and procedures provided for in subsections ~~674(b)-(i)~~ 674(b)-(i) of this title, and, upon conviction, the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title shall be extended by six months.

\* \* \*

(i) Upon receipt of notice that the holder of an ignition interlock RDL or certificate has been convicted of an offense under this title that would result in suspension, revocation, or recall of a license or privilege to operate, the Commissioner shall suspend, revoke, or recall the ~~person's~~ individual's ignition interlock RDL or certificate for the same period that the license or privilege to operate would have been suspended, revoked, or recalled. The Commissioner may impose a reinstatement fee in accordance with section 675 of this title and require, prior to reinstatement, satisfactory proof of installation of an approved ignition interlock device and of financial responsibility as provided in section 801 of this title.

\* \* \*

(1)(1) The Commissioner, in consultation with any ~~individuals or entities~~ persons the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of

installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

\* \* \*

Sec. 195. 23 V.S.A. § 1213c(n) is amended to read:

(n)~~(4)~~ Selling or encumbering prohibited.

(1) Except as provided in subdivision (2) of this subsection, after a person is detained, arrested, lodged, or released upon citation for a second or subsequent violation of section 1201 of this title, no person shall sell, transfer, or encumber the title to a vehicle that the person knows may be subject to immobilization under section 1213a of this title or forfeiture under section 1213b of this title, unless approved by the court in which the charge is filed for good cause shown. A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

\* \* \*

Sec. 196. 23 V.S.A. § 1213c(o) is amended to read:

(o) Funding. A law enforcement or prosecution agency conducting forfeitures under this section may accept, receive, and disburse in furtherance of its duties and functions under this section any appropriations, grants, and donations made available by the State of Vermont and its agencies, the federal

government and its agencies, any municipality or other unit of local government, or private or civil sources.

Sec. 197. 23 V.S.A. § 1255 is amended to read:

§ 1255. EXCEPTIONS

~~(1)~~(a) The provisions of section 1251 of this title shall not apply to directional signal lamps of a type approved by the Commissioner of Motor Vehicles.

~~(2)~~(b) All persons with motor vehicles equipped as provided in ~~subdivision~~ subdivisions 1252(a)(1) and (2) of this title, shall use the sirens or colored signal lamps, or both, only in the direct performance of their official duties. When any person other than a law enforcement officer is operating a motor vehicle equipped as provided in subdivision 1252(a)(1) of this title, the colored signal lamp shall be either removed, covered, or hooded. When any person, other than an authorized ambulance operator, firefighter, or authorized operator of vehicles used in rescue operation is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the colored signal lamps shall be either removed, covered, or hooded unless the operator holds a senior operator license.

Sec. 198. 23 V.S.A. § 1221a is amended to read:

§ 1221a. DEFECTIVE EQUIPMENT WARNING

The operator of a motor vehicle who receives a ticket for inoperative lights shall not be required to pay the ~~fine~~ civil penalty associated with the ticket provided that within 72 hours ~~of~~ after receiving the ticket the issuing Department receives proof that the defect has been repaired.

Sec. 199. 23 V.S.A. § 1256 is redesignated to read:

§ 1256. ~~MOTORCYCLES HEADGEAR~~ MOTORCYCLES; HEADGEAR

Sec. 200. 23 V.S.A. § 1302(b) is amended to read:

(b) Not more than one trailer shall be attached to one motor truck.

However, two vehicles may be towed in driveaway-towaway operations, including double saddlemount, if the operations conform with the safety regulations of the Federal Motor Carrier Safety Administration relative to coupling devices and towing methods as set forth in 49 C.F.R. §§ 393.70 and 393.71, ~~of those regulations as they may from time to time be~~ as amended. As used ~~herein, driveaway towaway operation~~ in this section, “driveaway-towaway operations” means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle or motor vehicles are off the roadway during the course of transportation, whether or not any such motor vehicle furnishes the motive power.

Sec. 201. 23 V.S.A. § 1308(b) is amended to read:

(b) Under the ~~above~~ conditions contained in subsection (a) of this section, the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which it is operated.

Sec. 202. 23 V.S.A. § 1391a is amended to read:

(a) ~~Penalties~~ Civil penalties for violations of the following statutory sections shall be in accordance with the schedule established in this section:

\* \* \*

(b) ~~Fine Schedule~~

(1) For violation of each of the above statutory sections, ~~finer~~ civil penalties shall be imposed as follows:

\* \* \*

(2) ~~Fines~~ Civil penalties for subsequent violations of subchapter 15, ~~Article~~ article 1 of this ~~title~~ chapter shall be computed in accordance with subdivision (b)(1) of this section with the following percentage increases:

\* \* \*

(d) ~~Fines~~ Civil penalties imposed for violations of this section shall be deposited in the Transportation Fund, unless the ~~finer~~ civil penalties are the result of enforcement actions on a town highway by an enforcement officer employed by or under contract with the municipality, in which case the ~~fine~~ civil penalty shall be paid to the municipality, except for an administrative

charge for each case in the amount specified in 13 V.S.A. § 7251, which shall be retained by the State.

Sec. 203. 23 V.S.A. § 1396(b) is amended to read:

(b) In making the determination as to whether a reasonable alternative route is available, the Secretary of Transportation shall, at a minimum, consider the following factors:

\* \* \*

(4) whether an adverse effect has been created relative to the quiet enjoyment and property values of ~~people~~ persons living along the alternative route.

Sec. 204. 23 V.S.A. § 1402(e) and (f) are amended to read:

(e)~~(1)~~ “Low-bed” trailer permit.

(1) The Commissioner may issue an annual permit to allow the transportation of a so-called “low-bed” trailer. A “low-bed” trailer is defined as a trailer manufactured for the primary purpose of carrying heavy equipment on a flat-surfaced deck, which deck is at a height equal to or lower than the top of the rear axle group.

\* \* \*

(f) Single trip permit; duration. A single trip permit issued under this section shall be valid for seven business days.

Sec. 205. 23 V.S.A. § 1434 is amended to read:

§ 1434. PENALTIES

(a) The operation of a vehicle on a public highway in excess of the height, width, or length limits as prescribed in section 1431 or 1432 of this title without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation as defined in section 2302 of this title. A violation shall be punishable by a ~~fine~~ civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(b) The operation of a vehicle on a public highway in excess of the legal height, width, or length as prescribed in section 1431 or 1432 of this title in violation of the terms of a permit issued in conformance with section 1400 of this title shall be a traffic violation as defined in section 2302 of this title and shall be punishable by a ~~fine~~ civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

\* \* \*

Sec. 206. 23 V.S.A. § 1452(a) is amended to read:

(a) ~~Definitions.~~ As used in this section ~~the following terms shall have meanings as defined:~~

(1) “Load?” means the total of wood or wood products being carried.

(2) “Tier:” means the total vertical height of all wood or wood products arranged individually or in layers, or in bundles placed one above the other.

(3) “Binding:” means chain, wire rope, steel cable, steel strapping, or nylon webbing together with tightening device.

Sec. 207. 23 V.S.A. § 1453 is amended to read:

§ 1453. BALED PRODUCTS

(a)(1) ~~A person~~ An individual shall not operate a motor vehicle loaded with baled hay or straw or other baled products with any portion of the load extending beyond the front end of the vehicle bed; with the exception that a load extension is permitted beyond the front end of a truck bed, over the driver’s compartment or sleeping berth, provided this portion of the load is supported by permanent and substantial steel frame construction. Loads of baled hay, straw, or other baled products shall be solidly packed while in transit.

(2) Such loads, unless supported by substantially constructed sideboards or rack type bodies, shall be fastened securely to the vehicle by not less than two longitudinal binders; and by a cross binder for each tier of baled hay or straw or other baled products; such binders to be of sufficient strength to hold such load in place. ~~Provided however, that the~~ Such loads may be transported without sideboards and the binders specified ~~herein~~ in this subdivision if fastened by any commercial binding device equal or superior to the provisions



set forth in this section. Such commercial binding device shall be approved by the Department of Motor Vehicle Department Vehicles.

(b) The provisions of subsection (a) of this section shall not apply to a farmer engaged in farming operations where such transportation requires that he or she use the public highways; provided, however, that ~~nothing herein shall~~ relieve the farmer from loading and transporting loads and transports the loads in a reasonably safe manner.

\* \* \*

Sec. 208. 23 V.S.A. § 1742 is amended to read:

§ 1742. CREATION

A police court may be created by any town having a population of 1,000 or ~~over~~ more according to the preceding ~~United States~~ U.S. census with the sole jurisdiction of receiving waiver of service of process and trial, admission of violation, and fines from violators of parking ordinances of the town and for the sole purpose and with the sole authority of carrying out the provisions of this chapter.

Sec. 209. 23 V.S.A. § 1746(a) is amended to read:

(a) Any person who has violated any ordinance of the town that regulates, districts, or defines the time, place, or manner of parking vehicles in the town and who has not been convicted of any violation of the parking ordinances more than twice before in the same calendar year may, within three business

days ~~from~~ after the date of such violation, by a statement signed by him or her, admit the violation and waive the issuance of any process and a trial by jury or hearing, and may voluntarily pay to the police court of the town the prescribed penalty ~~herein prescribed~~.

Sec. 210. 23 V.S.A. § 1747 is amended to read:

§ 1747. SIGNED STATEMENT

The court shall treat the signed statement, if accepted and accompanied by the prescribed penalty ~~herein prescribed~~, as a plea of guilty, and shall make an entry thereof on its records. No costs, fees, or other charges may be assessed against any person so admitting a violation of any such ordinance or shall be allowed or paid to any officer or person because of the violation, but the penalty shall be accepted by the court in full discharge of the criminal liability of the person as a result of the violation.

Sec. 211. 23 V.S.A. § 2005 is amended to read:

§ 2005. APPEAL

A person aggrieved by an act or omission ~~to act~~ of the Commissioner under this chapter may appeal ~~therefrom~~ to the Superior Court for Washington County in the same manner as is provided for in other civil actions.

Sec. 212. 23 V.S.A. § 2011 is amended to read:

§ 2011. CERTIFICATE OF ORIGIN

When a new vehicle is delivered in this State by the manufacturer to his or her agent or his or her franchised dealer, the manufacturer shall execute and deliver to his or her agent or his or her franchised dealer a certificate of origin in the form prescribed by the Commissioner, and no person shall bring into this State any new vehicle unless he or she has in his or her possession the certificate of origin as prescribed by the Commissioner. The certificate of origin shall contain the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, the make of the vehicle, the model year, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this State, the manufacturer, his or her agent, or his or her franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin or if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his or her agent, or his or her dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. For good cause shown, the Commissioner may accept any other satisfactory evidence of the ~~above required~~ information required under this section.

Sec. 213. 23 V.S.A. § 2020(2) is amended to read:

(2) As a condition of issuing a certificate of title, require the applicant to file with the Commissioner a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or ~~prior thereto~~ earlier if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond.

Sec. 214. 23 V.S.A. § 2025(c) is amended to read:

(c) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the Commissioner upon request of the Commissioner. The delivery of the certificate pursuant to the request of the Commissioner does not affect the rights of the person surrendering the certificate, and the action of the Commissioner in issuing a new certificate of title ~~as provided herein~~ is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Sec. 215. 23 V.S.A. § 2027(c) is amended to read:

(c) The Commissioner shall file and retain for five years every surrendered certificate of title, ~~the file to be maintained~~ so as to permit the tracing of title of the ~~vehicle designated therein~~ corresponding vehicles.

Sec. 216. 23 V.S.A. § 2045(a) is amended to read:

(a) Upon satisfaction of a security interest in a vehicle for which the lienholder possesses the certificate of title, the lienholder shall, within 12 business days after a request for release of the security interest, fully execute a release of the security interest in the space provided ~~therefor~~ on the certificate or in the form the Commissioner prescribes, and mail or deliver the certificate and release to the next named lienholder ~~named therein~~, or, if none, to the owner or any person authorized by the owner to receive the certificate

(hereafter, “owner’s designee”). The owner or the owner’s designee, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the Commissioner, who shall release the lienholder’s rights on the certificate or issue a new certificate.

Sec. 217. 23 V.S.A. § 2084(c) is amended to read:

(c) An operator of a place of business for garaging, repairing, parking, or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 30 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Commissioner. A vehicle left by its owner whose name and address are known to the operator or his or her employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking, or storing and shall be ~~fin~~ assessed a civil penalty of not more than \$25.00 for each day his or her failure to report continues.

Sec. 218. 23 V.S.A. § 2087 is amended to read:

#### § 2087. CONSTRUCTION WITH OTHER LAWS

The penal provisions of this subchapter in no way repeal or modify any existing provision of criminal law but are additional and supplementary ~~thereto~~.

Sec. 219. 23 V.S.A. § 2501(a) is amended to read:

(a) For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating a provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a Superior judge or Judicial Bureau hearing officer has waived the assessment of points in the interest of justice and in accordance with subsection (b) of this section. The conviction report from the court shall be prima facie evidence of the points assessed unless points are specifically waived in the conviction report. The Department of Motor Vehicles also is authorized to suspend the license of a driver when the driver's driving record identifies the driver as ~~an~~ a habitual offender under section 673a of this title.

Sec. 220. 23 V.S.A. § 2506 is amended to read:

§ 2506. PROCEDURE

When a sufficient number of points has been acquired, the Commissioner shall suspend the license of an operator or the privilege of an unlicensed ~~person~~ individual or nonresident to operate a motor vehicle, upon not less than

10 days' notice, and upon hearing, if requested for verification of the conviction records. The suspension shall be for 10 days for an accumulation of 10 points, 30 days for 15 points, 90 days for 20 points and for a period increasing by 30 days for each additional 5 points; except the suspension period for a conviction for first offense of sections 1091, 1094, 1128, and 1133 of this title shall be 30 days, for a second conviction 90 days, and for a third or subsequent six months, or the suspension period under the point values, whichever is greater. If a fatality occurs, the suspension shall be for a period of one year in addition to the suspension under the point values. For purposes of this section, a month ~~shall be considered as~~ equals 30 days and one year ~~shall equal~~ equals 365 days.

Sec. 221. 23 V.S.A. § 3014(d) is amended to read:

(d) If the Commissioner deems it necessary in order to ~~insure~~ ensure payment of the tax, or to facilitate the administration of this chapter, the Commissioner may require reports and payment of tax to be made for other than and in addition to quarterly periods. A user may apply to the Commissioner for approval to file reports and pay taxes on a more frequent basis.

Sec. 222. 23 V.S.A. § 3015(2) is amended to read:

(2) Except as provided in subdivision 3002(9) of this title, the user's tax shall be determined by multiplying the number of gallons of fuels used in



Vermont in motor vehicles operated by the user at the rate per gallon stated in section 3003 for vehicles weighing or registered for 26,001 pounds or more.

The taxable gallonage shall be computed on the basis of miles ~~travelled~~ traveled within the State as compared to total miles ~~travelled within and without the State~~ traveled, with the actual method of computation prescribed by the Commissioner. A distributor may use as the measure of the tax so levied and assessed the gross quantity of fuel purchased, imported, produced, refined, manufactured, and compounded by the distributor, instead of the quantity sold, distributed, or used. From this amount of tax due, there shall be deducted the tax on fuel purchased in this State on which the tax has been previously paid by the user, provided the tax-paid purchases are supported by copies of the sales invoices showing the amount of tax paid. Such copies shall be retained by the taxpayer for a period of not less than three years and shall be available for inspection by the Commissioner or his or her designated agents. If the computation shows additional tax to be due, it shall be remitted with the report filed under section 3014 of this title.

Sec. 223. 23 V.S.A. § 3021(b)(2) is amended to read:

(2) Delegate to any officer or employee in his or her Department powers he or she may deem necessary to carry out efficiently the provisions of this chapter, and the person or persons to whom the power has been delegated shall

possess and may exercise all of the power and perform all of the duties ~~therein~~ conferred and imposed upon the Commissioner.

Sec. 224. 23 V.S.A. § 3021(c) is amended to read:

(c) Any examination under oath conducted by the Commissioner may, in his or her discretion, be reduced to writing and willful false testimony ~~therein~~ shall be deemed perjury and be punishable as such.

Sec. 225. 23 V.S.A. § 3024(a) is amended to read:

(a) Any person under this chapter who shall willfully: fail or refuse to pay the tax imposed or engage in any activity for which a license is required without having procured and maintained such license; fail to make any of the reports required; make any false statement in any application, report, or statement required; refuse to permit the Commissioner or any deputy to make the examination as provided by subsection 3013(c) of this title; fail to keep proper records of quantities of fuel received, sold, used, or delivered in this State as required; make any false statement on any delivery ticket or invoice as to the quantity of fuel delivered, sold, or used; make any false statement in connection with a report or an application for the refund of any monies or taxes; or engage in any act or activity with the intent to evade payment to or prevent collection by the State of the tax imposed, shall be, in addition to any other prescribed penalties ~~herein or elsewhere prescribed~~, guilty of a

misdemeanor punishable by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both.

Sec. 226. 23 V.S.A. § 3025(a) is amended to read:

(a) The user of a motor truck with a gross weight or registered weight of 26,001 pounds or more shall maintain a daily record of total miles travelled ~~both traveled and miles traveled~~ within ~~and without~~ the State of Vermont.

Sec. 227. 23 V.S.A. § 3027 is amended to read:

§ 3027. CIVIL ~~FINE~~ PENALTY

In addition to any other penalty imposed for violation of this chapter, a civil ~~fine~~ penalty of \$1,000.00 shall be imposed upon a purchaser or user for each instance in which the purchaser or user uses untaxed fuel to propel a motor vehicle upon the highways of the State.

Sec. 228. 23 V.S.A. § 3030(a) is amended to read:

(a) If any licensee required to pay the tax under this chapter neglects or refuses to pay the same after demand is made by the Commissioner, the amount, together with all penalties and interest provided for in this chapter and together with any additional costs that may accrue ~~in addition thereto~~, shall be a lien in favor of the State of Vermont upon all property and rights to property, whether real or personal, belonging to such licensee. Such lien shall arise at the time demand is made by the Commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes

unenforceable. Such lien shall have the same force and effect as the lien provided for in 32 V.S.A. § 5895, and notice of such lien shall be recorded as ~~is provided for in said section~~ 32 V.S.A. § 5895.

Sec. 229. 23 V.S.A. § 3102(e) is amended to read:

(e) As used in this section, the term surety bond may also include, in the discretion of the Commissioner as to the best ~~interest~~ interests of the State, other good and sufficient surety instead of a bond.

Sec. 230. 23 V.S.A. § 3106(a)(2)(B) is amended to read:

(B) In calculating assessment amounts under subdivisions (a)(1)(B)(i)(II) and (a)(1)(B)(ii)(II) of this section, the Department of Motor Vehicles shall calculate the amounts to four decimal places. The Department of Motor Vehicles shall permanently retain the records of its calculations, any corrections ~~thereto~~ to the calculations, and the data that are the basis for the calculations.

Sec. 231. 23 V.S.A. § 3120(a) is amended to read:

(a) If any licensee required to pay the tax under this subchapter neglects or refuses to pay the same after demand is made by the Commissioner, the amount, together with all penalties and interest provided for in this subchapter and together with any additional costs that may accrue ~~in addition thereto~~, shall be a lien in favor of the State of ~~Vermont~~ upon all property and rights to property, whether real or personal, belonging to such licensee. Such lien shall

arise at the time demand is made by the Commissioner and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. Such lien shall have the same force and effect as the lien provided for in 32 V.S.A. § 5895, and notice of such lien shall be recorded as is provided in ~~said section~~ 32 V.S.A. § 5895.

Sec. 232. 23 V.S.A. § 3204 is amended to read:

§ 3204. REGISTRATION FEES AND DEALER PLATES

(a) Fees. Annual registration fees for snowmobiles other than as provided for in subsection (b) of this section are \$28.00 for residents and \$36.00 for nonresidents. Duplicate registration certificates may be obtained upon payment of \$6.00.

(b)(1) Dealer registration and plates; manufacturer plates; fees.

(1) A person engaged in the business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner and to the requirements of chapter 7 of this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of

his or her immediate family; and use at fairs, shows, or races when no charge is made for such use.

(2) ~~Fees.~~ Fees for dealer registration certificates shall be \$55.00 for the first certificate issued to any person and \$6.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

(c) Temporary registration pending issuance of permanent registration. The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, shall provide for the issuance of temporary registrations of snowmobiles pending issuance of the permanent registration. VAST shall be an agent of the Commissioner for the issuance of such temporary registrations. The fees for the temporary registrations shall be \$28.00 for residents and \$36.00 for nonresidents and shall also constitute payment of the registration fee required by subsection (a) of this section. VAST shall promptly remit any fees collected to the Commissioner in accordance with rules adopted under this subsection. Temporary registrations shall be kept with the snowmobile while being operated and shall authorize operation without the registration decal being affixed for a period not to exceed 60 days from the date of issue.

(d) Delegation. The Commissioner may authorize the Vermont Association of Snow Travelers, or its successor, and its agents to register

snowmobiles, or to renew or assist with renewal of registrations, for residents and nonresidents.

(e) Fee setting. Only the General Assembly may change the fees provided for in this section.

Sec. 233. 23 V.S.A. § 3207(g) is amended to read:

(g) ~~Defective, stolen, or fraudulently registered snowmobile; registration revocation or suspension.~~ The Commissioner of ~~Motor Vehicles~~ or his or her authorized agent may suspend or revoke the registration of any snowmobile registered in this State and repossess the number and certificate to it, when he or she is satisfied that:

\* \* \*

Sec. 234. 23 V.S.A. § 3208(c) and (d) are amended to read:

(c) This ~~chapter~~ subchapter and rules adopted under this ~~chapter~~ subchapter, together with the list provided by the Secretary of Natural Resources, shall be printed in booklet form and made available to the public by the Agency of Transportation.

(d) The provisions of this subchapter and ~~the~~ rules adopted pursuant ~~thereto~~ to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of 4 V.S.A. chapter 29. Testimony of a witness as to the existence of navigation or snowmobile control signs, signals, or markings, shall be prima facie evidence

that such control, sign, signal, or marking existed pursuant to a lawful statute, regulation, or ordinance and that the defendant was lawfully required to obey a direction of such device.

Sec. 235. 23 V.S.A. § 3301 is amended to read:

§ 3301. DECLARATION OF POLICY

It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels and to promote uniformity of laws relating ~~thereto~~ to the use, operation, and equipment of vessels.

Sec. 236. 23 V.S.A. § 3302(4)

(4) “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency ~~successor thereto~~.

Sec. 237. 23 V.S.A. § 3306(b) is amended to read:

(b)(1) Personal flotation devices. Each vessel, except sailboards, shall carry at least one U.S. Coast Guard approved personal flotation device consistent with federal regulations in good and serviceable condition for each ~~person~~ individual aboard.

(2) Vessels; ~~persons~~ individuals less than 12 years ~~old~~ of age. In addition to the provisions of this subsection, a person under ~~the age of~~ 12 years



of age aboard a vessel, while under way and the ~~person~~ individual is on an open deck, shall wear a Type I, II, or III U.S. Coast Guard approved personal flotation device.

(3) Sailboards; ~~persons~~ individuals less than 16 years ~~old~~ of age. ~~A person~~ An individual under ~~the age of~~ 16 years of age aboard a sailboard shall wear a Type I, II, or III U.S. Coast Guard approved personal flotation device.

(4) Inspected commercial vessels. U.S. Coast Guard inspected commercial vessels shall be exempt from the provisions of this subsection.

Sec. 238. 23 V.S.A. § 3311 is amended to read:

§ 3311. OPERATION OF VESSELS; PROHIBITED ACTS; AUTHORITY  
OF LAW ENFORCEMENT OFFICERS

(a) Careless and negligent operation. ~~A person~~ An individual shall not operate any vessel or manipulate any water skis, surfboard, or similar device in a careless or negligent manner or in any manner to endanger or jeopardize the safety, life, or property of another person.

(b) Permitting use by intoxicated ~~person~~ individual. The owner or person in charge or in control of a vessel shall not knowingly authorize or knowingly permit it to be propelled or operated by any ~~person~~ individual who is under the influence of alcohol, narcotic drugs, or barbiturates.

(c) Distance requirements.

(1) ~~A person~~ An individual shall not operate any vessel, except a sailboard or a police or emergency vessel, within 200 feet of the shoreline, a person in the water, a canoe, rowboat, or other vessel, an anchored or moored vessel containing any ~~person~~ individual, or anchorages or docks, except at a speed of less than five miles per hour which does not create a wake.

(2) ~~Divers. A person~~ An individual shall not operate any vessel, except a nonmotorized canoe, a nonmotorized rowboat, or a police or emergency vessel, within 200 feet of a divers-down flag.

(3) Nothing ~~herein~~ in this subsection shall prohibit rendering assistance to another person, picking up a person in the water, necessary mooring or landing, or leaving shore, or operating in any other place where obstruction, other than the shoreline, would prevent abiding by this statute.

(4) ~~A person~~ An individual shall not operate a vessel, except at speeds of less than five miles per hour, within 200 feet of a designated swimming area.

\* \* \*

(i) A law enforcement officer may make arrests for violations of this subchapter; may direct, control, and regulate vessel traffic; and may make reasonable orders in the enforcement of this subchapter. No ~~person~~ individual may knowingly fail or refuse to comply with any lawful order or direction of any law enforcement officer.

Sec. 239. 23 V.S.A. § 3311(h) and (i) are amended to read:

(h) Power of law enforcement officers; authority to stop and board. A law enforcement officer may stop and board any motorized vessel afloat on public waters of the State at any time to:

\* \* \*

(i) Power of law enforcement officers; general. A law enforcement officer may make arrests for violations of this subchapter; may direct, control, and regulate vessel traffic; and may make reasonable orders in the enforcement of this subchapter. No person may knowingly fail or refuse to comply with any lawful order or direction of any law enforcement officer.

Sec. 240. 23 V.S.A. § 3315 is amended to read:

§ 3315. WATER SKIS AND SURFBOARDS

(a) Except as provided in this subsection, ~~a person~~ an individual shall not operate a vessel on any waters of this State to tow ~~a person~~ an individual or ~~persons~~ individuals on water skis, aquaplane, kite skis, wakeboard, kneeboard, or similar device unless the ~~person~~ individual being towed is wearing a U.S. Coast Guard-approved personal flotation device and unless there is in the vessel ~~a person~~ an individual who is at least 12 years ~~old~~ of age, in addition to the operator, in a position to observe the progress of the ~~person or persons~~ individual or individuals being towed. ~~Persons~~ Individuals engaged in barefoot waterskiing may elect at their own risk to wear a non-Coast Guard-approved

barefoot wetsuit designed specifically for this activity. An observer shall not be required if the vessel is:

- (1) a tow boat approved by the American Water Ski Association and equipped with a wide-angle mirror having a viewing surface of at least 48 square inches;
- (2) being operated by ~~a person~~ an individual who is at least 18 years of age; and
- (3) being operated within an American Water Ski Association regulation slalom course.

(b) The provisions of subsection (a) of this section do not apply to a performer engaged in a professional exhibition nor to ~~a person~~ an individual engaged in an activity authorized under section 3316 of this title.

(c) ~~A person~~ An individual shall not operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to approach within 100 feet of ~~a person~~ an individual swimming, or a canoe, rowboat, or other light craft conveying any ~~person~~ individual. This subsection does not prohibit necessary mooring or landing, or leaving shore.

(d) The Commissioner may designate areas less than 200 feet from the shoreline of a body of water, other than a river, to allow for the operation of a

motorboat used for the purpose of towing ~~a person or persons~~ an individual or individuals on water skis, aquaplane, kite skis, surfboard, or similar device.

The Commissioner shall adopt rules to establish criteria governing the designation of such areas and conditions which may be placed on the designated areas. The Commissioner may consider safety, potential environmental damage, the impact on adjacent areas and uses and any other related concerns.

Sec. 241. 23 V.S.A. § 3317 is amended to read:

§ 3317. PENALTIES

(a) Penalty; \$50.00 maximum. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$50.00 for each violation:

\* \* \*

(b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation.

A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

\* \* \*

(c) Fine; \$300.00 maximum. A person who violates any of the following sections of this title shall be imprisoned not more than three months or fined not more than \$300.00, or both, for each violation:

\* \* \*

(f) Boating while intoxicated; death or serious bodily injury resulting.

\* \* \*

(2)(A) ~~Boating while intoxicated; serious bodily injury resulting.~~ If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to any person other than the operator from a violation of section 3323 of this title, the person convicted of the violation shall be fined not more than \$5,000.00 or imprisoned not more than 15 years, or both.

\* \* \*

Sec. 242. 23 V.S.A. § 3318(b) is amended to read:

(b) This ~~chapter~~ subchapter and rules ~~promulgated~~ adopted under this ~~chapter~~ subchapter shall be printed in booklet form and made available to the public by the Department of Public Safety.

Sec. 243. 23 V.S.A. § 3381(c) is amended to read:

(c) A person who violates this section shall be ~~fined~~ assessed a civil penalty of not more than \$100.00 for each violation.

Sec. 244. 23 V.S.A. § 3506(b)(3) is amended to read:

(3) On any privately owned land or body of private water unless:

(A) the operator is the owner, or member of the immediate family of the owner of the land; ~~or~~

(B) the operator has, on his or her person, the written consent of the owner or lessee of the land to operate an all-terrain vehicle in the specific area and during specific hours ~~and/or~~ or days, or both in which the operator is operating, or the all-terrain vehicle displays a valid TAD decal as required by subsection 3502(a) of this title that serves as proof that the all-terrain vehicle and its operator, by virtue of the TAD, are members of a VASA-affiliated club to which such consent has been given orally or in writing to operate an all-terrain vehicle in the area in which the operator is operating; or

\* \* \*

Sec. 245. 23 V.S.A. § 3506(b)(4) is amended to read:

(4) On any public land, body of public water, or natural area established under the provisions of 10 V.S.A. § 2607 unless the Secretary has designated the area for use by all-terrain vehicles pursuant to rules ~~promulgated~~ adopted under provisions of 3 V.S.A. chapter 25.

Sec. 246. 23 V.S.A. § 3507(a) is amended to read:

(a) A person who violates a provision of this chapter shall be ~~fin~~ assessed a civil penalty of not more than \$300.00 for each offense unless otherwise provided by law.

Sec. 247. 23 V.S.A. § 3516(c) is amended to read:

(c) A fee shall not be charged any person who is entitled to free training pursuant to the provisions of the consent decree, dated April 28, 1988, entered into by ~~the~~ all-terrain vehicle manufacturers and the ~~United States~~ U.S. government.

Sec. 248. 23 V.S.A. § 3801(8) is amended to read:

(8) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency ~~successor thereto~~.

Sec. 249. 23 V.S.A. § 3806(d) is amended to read:

(d) When a new vessel, snowmobile, or all-terrain vehicle is sold in this State, the manufacturer, his or her agent, or his or her franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin or if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his or her agent, or his or her dealer, with the genuine names and



business or residence addresses of both stated on the certificate, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. For good cause shown, the Commissioner may accept any other satisfactory evidence of the ~~above required~~ information required in a certificate of origin pursuant to this section.

Sec. 250. 23 V.S.A. § 3813(2) is amended to read:

(2) as a condition of issuing a certificate of title, require the applicant to file with the Commissioner, a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vessel, snowmobile, or all-terrain vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vessel, snowmobile, or all-terrain vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vessel, snowmobile, or all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vessel, snowmobile, or all-terrain vehicle. Any such interested person has a right of action to recover on the

bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or ~~prior thereto~~ earlier if the vessel, snowmobile, or all-terrain vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond.

Sec. 251. 23 V.S.A. § 3818(c) is amended to read:

(c) A person holding a certificate of title whose interest in the vessel, snowmobile, or all-terrain vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the Commissioner upon request of the Commissioner. The delivery of the certificate pursuant to the request of the Commissioner does not affect the rights of the person surrendering the certificate, and the action of the Commissioner in issuing a new certificate of title ~~as provided herein~~ is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Sec. 252. 23 V.S.A. § 3830(a)(1) is amended to read:

(1) with fraudulent intent, permit another, not otherwise entitled ~~thereto~~, to use or have possession of a certificate of title;

Sec. 253. 23 V.S.A. § 4107(c)(1) is amended to read:

(c)(1) Notwithstanding the provisions of this section, employees of farm-related service industries shall be exempt from the knowledge and skills tests required under this chapter, and shall be issued restricted commercial ~~drivers~~ driver's licenses as long as the applicants meet the requirements of 49 C.F.R. ~~part~~ Part 383, as amended ~~from time to time~~, and upon payment of the appropriate fee.

Sec. 254. 23 V.S.A. chapter 39 is amended to read:

CHAPTER 39. COMMERCIAL ~~DRIVER~~ DRIVER'S LICENSE ACT

§ 4101. SHORT TITLE

This chapter may be cited as the Commercial ~~Driver~~ Driver's License Act.

\* \* \*

§ 4103. DEFINITIONS

As used in this chapter:

(1) “Commercial ~~driver~~ driver's license” means a license issued in accordance with the requirements of this chapter to an individual ~~which~~ that authorizes the individual to drive a class of commercial motor vehicle.

(2) “Commercial ~~Driver~~ Driver's License Information System” means the information system established pursuant to federal law to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

\* \* \*

(5) “Disqualification” means:

(A) the suspension, revocation, cancellation, or withdrawal by a state of ~~a person’s~~ an individual’s privilege to operate a commercial motor vehicle;

(B) a determination by the Federal Motor Carrier Safety Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. ~~part~~ Part 386, that ~~a person~~ an individual is no longer qualified to operate commercial motor vehicles under 49 C.F.R. ~~part~~ Part 391; or

(C) the loss of qualification ~~which~~ that automatically follows a testing refusal or conviction of an offense listed in 49 C.F.R. § 383.51.

(6) “Driver” means any ~~person~~ individual who drives, operates, or is in physical control of a commercial motor vehicle on a public highway or who is required to hold a commercial ~~driver~~ driver’s license.

(7) “Employer” means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns ~~a person~~ an individual to drive a commercial motor vehicle.

\* \* \*

(11) “Nonresident CDL” means a commercial ~~driver~~ driver’s license issued by a state to an individual who resides in a foreign jurisdiction.

\* \* \*

(16) "Serious traffic violation" means a conviction when operating a commercial motor vehicle or, if applicable, when operating a noncommercial motor vehicle when the conviction results in the revocation, cancellation, or suspension of the operator's license or operating privilege, of:

\* \* \*

(E) A violation of any State law or local ordinance relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any ~~person~~ individual.

(F) Operating a commercial motor vehicle without obtaining a commercial ~~driver~~ driver's license.

(G) Operating a commercial motor vehicle without a commercial ~~driver~~ driver's license in the driver's possession. However, no person may be found to have committed this violation if he or she provides proof to the enforcement officer who issued the traffic complaint that the individual held a commercial ~~driver~~ driver's license valid on the date the complaint was issued.

(H) Operating a commercial motor vehicle without the proper class of commercial ~~driver~~ driver's license or endorsements, or both.

\* \* \*

§ 4104. LIMITATION ON NUMBER OF ~~DRIVER~~ DRIVER'S LICENSES

No ~~person~~ individual who drives a commercial motor vehicle shall have more than one ~~driver~~ driver's license.

§ 4105. NOTIFICATION REQUIRED BY DRIVER

(a) Notification of convictions. The driver of a commercial motor vehicle shall notify the State and employers of convictions as follows:

(1) The State. Any driver of a commercial motor vehicle holding a ~~driver~~ driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the Commissioner in the manner specified by the Commissioner within 30 days ~~of~~ after the date of conviction.

(2) Employers. Any driver of a commercial motor vehicle holding a ~~driver~~ driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify his or her employer in writing of the conviction within 30 days ~~of~~ after the date of conviction.

(b) Notification of suspensions, revocations, and cancellations. A driver whose ~~driver~~ driver's license is suspended, revoked, or cancelled by any state; who loses the privilege to drive a commercial motor vehicle in any state for any period; or who is disqualified from driving a commercial motor vehicle for any period; shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(c) Notification of previous employment. Any ~~person~~ individual who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the 10 years preceding the date of application:

\* \* \*

§ 4106. EMPLOYER RESPONSIBILITIES

(a) Each employer shall require the applicant to provide the information specified in subsection 4105(c) of this title.

(b) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(1) in which the driver has a ~~driver~~ driver's license suspended, revoked, or cancelled by a state or has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle; or

(2) in which the driver has more than one ~~driver~~ driver's license.

§ 4107. COMMERCIAL ~~DRIVER~~ DRIVER'S LICENSE REQUIRED

(a) Except when driving under a commercial learner's permit and accompanied by the holder of a commercial ~~driver~~ driver's license valid for the vehicle being driven, no ~~person~~ individual may drive a commercial motor vehicle on the highways of this State unless the following conditions are met:

(1) the ~~person~~ individual holds a commercial ~~driver~~ driver's license; ~~and~~

(2) the ~~person~~ individual is in immediate possession of the license; and

(3) the license has the applicable endorsements valid for the vehicle ~~he~~  
~~or she~~ the individual is driving.

(b) No ~~person~~ individual may drive a commercial motor vehicle while his  
or her driving privilege is suspended, revoked, or cancelled; while subject to a  
disqualification; or in violation of an out-of-service order.

(c)(1) Notwithstanding the provisions of this section, employees of farm-  
related service industries shall be exempt from the knowledge and skills tests  
required under this chapter; and shall be issued restricted commercial ~~driver~~  
driver's licenses as long as the applicants meet the requirements of 49 C.F.R.  
~~part~~ Part 383, as amended ~~from time to time~~, and upon payment of the  
appropriate fee.

(2) "Farm-related service industries" shall include farm retail outlets and  
suppliers, agri-chemical businesses, custom harvesters, and livestock feeders.

§ 4108. COMMERCIAL ~~DRIVER~~ DRIVER'S LICENSE, COMMERCIAL

#### LEARNER'S PERMIT QUALIFICATION STANDARDS

(a) Before issuing a commercial ~~driver~~ driver's license or commercial  
learner's permit, the Commissioner shall request the applicant's complete  
operating record from any state in which the applicant was previously licensed  
to operate any type of motor vehicle in the past 10 years and conduct a check  
of the applicant's operating record by querying the National Driver Register



established under 49 U.S.C. § 30302 and the Commercial Driver's License Information System established under 49 U.S.C. § 31309 to determine if:

(1) the applicant has already been issued a commercial ~~driver~~ driver's license;

(2) the applicant's commercial ~~driver~~ driver's license has been suspended, revoked, or canceled; or

(3) the applicant has been convicted of any offense listed in 49 U.S.C. § 30304(a)(3).

(b) The Commissioner shall not issue a commercial ~~driver~~ driver's license or commercial learner's permit to any ~~person~~ individual:

(1)(A) Under 21 years of age in the case of commercial ~~driver~~ driver's licenses, except that ~~persons~~ individuals 18 years of age or older may obtain a commercial ~~driver~~ driver's license that restricts the driver to operation solely within this State.

(B) Under 18 years of age in the case of commercial learner's permits.

(2) Who, within three years of the license application and for initial applicants only, has been convicted of an offense listed in subsection 4116(a) of this title or a comparable offense in any jurisdiction, or convicted of an offense listed in 49 U.S.C. § 30304(a)(3) in any jurisdiction.

(3) Unless Vermont is the state of domicile of the ~~person~~ individual and the ~~person~~ individual has passed a knowledge and skills test for driving a commercial motor vehicle ~~which~~ that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. ~~part~~ Part 383, subparts F, G, and H and has satisfied all other requirements of 49 U.S.C. ch. 313, as ~~may be~~ amended, and the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. No. 99–570, as amended, in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the Commissioner.

(c) The Commissioner may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section, provided:

(1) the test is the same as would otherwise be administered by the State;  
and

(2) the third party has entered into an agreement with this State ~~which~~ that complies with requirements of 49 C.F.R. § 383.75.

(d) At the discretion of the Commissioner, the knowledge test and the skills test required under 49 C.F.R. §§ 383.113 and 383.133, as amended, and the tests required for a passenger endorsement or a tank vehicle endorsement or a hazardous materials endorsement under 49 C.F.R. §§ 383.117, 383.119, or

383.121, as amended, may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial ~~driver~~ driver's license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

(1) the applicant must certify that, during the two-year period immediately prior to applying for a commercial ~~driver~~ driver's license, he or she:

\* \* \*

(e) Obtaining a commercial learner's permit is a precondition to the initial issuance of a commercial ~~driver~~ driver's license. The issuance of a commercial learner's permit also is a precondition to the upgrade of a commercial ~~driver~~ driver's license if the upgrade requires a skills test. A permit may be issued to an individual who holds a valid Vermont driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made. A commercial learner's permit holder is not eligible to take the commercial ~~driver~~ driver's license skills test in the first 14 days

after initial issuance of the commercial learner's permit. A permit shall be issued for a period of one year, and only one renewal or reissuance of a commercial learner's permit may be granted within a two-year period.

(f) The fee for a knowledge test and the fee for a skills test shall each be \$32.00. The fee for an endorsement test shall be \$14.00. In the event that an applicant fails a test three times, he or she may not take the test again for at least six months. A fee of \$24.00 shall be paid by the applicant before he or she may schedule a skills test. If an applicant does not appear for the scheduled skills test, the \$24.00 scheduling fee is forfeited, unless the applicant has given the Department of Motor Vehicles at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the \$24.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

(g) A commercial ~~driver~~ driver's license or commercial learner's permit may not be issued to a ~~person~~ an individual while the ~~person~~ individual is subject to a disqualification from driving a commercial motor vehicle, or while the ~~person's driver~~ individual's driver's license is suspended, revoked, or cancelled in any state. A ~~driver~~ driver's license may not be issued to a ~~person~~ an individual who has a commercial ~~driver~~ driver's license issued by any state unless the ~~person~~ individual first surrenders all ~~driver~~ driver's licenses issued

by any state, which licenses shall be returned to the issuing states for cancellation.

(h) ~~A person~~ An individual shall be entitled to take the test for a commercial ~~driver~~ driver's license unless his or her driver's license is, at the time of the requested test, suspended, revoked, cancelled, or disqualified in any other state.

§ 4109. NONDOMICILED COMMERCIAL ~~DRIVER~~ DRIVER'S LICENSE;  
NONDOMICILED COMMERCIAL LEARNER'S PERMIT

(a) The Commissioner may issue a nondomiciled commercial ~~driver~~ driver's license or a nondomiciled commercial learner's permit to an individual domiciled in a foreign jurisdiction if the Federal Motor Carrier Safety Administrator has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 C.F.R. ~~part~~ Part 383. In addition, the Commissioner may issue a nondomiciled commercial ~~driver~~ driver's license or a nondomiciled commercial learner's permit to ~~a person~~ an individual domiciled in a state while that state is prohibited from issuing commercial ~~driver~~ driver's licenses in accordance with 49 C.F.R. § 384.405. The word "nondomiciled" must appear on the face of the nondomiciled commercial ~~driver~~ driver's license or nondomiciled commercial learner's permit. An applicant shall surrender any nondomiciled commercial ~~driver~~ driver's license or nondomiciled commercial

learner's permit issued by another state. Prior to issuing a nondomiciled commercial ~~driver~~ driver's license or nondomiciled commercial learner's permit, the Commissioner shall establish the practical capability of revoking or suspending the nondomiciled commercial ~~driver~~ driver's license or nondomiciled commercial learner's permit.

(b) An applicant domiciled in a foreign jurisdiction must provide an unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required.

(c) An applicant for a nondomiciled commercial ~~driver~~ driver's license or commercial learner's permit is not required to surrender his or her foreign license.

§ 4110. APPLICATION FOR COMMERCIAL ~~DRIVER~~ DRIVER'S  
LICENSE OR COMMERCIAL LEARNER'S PERMIT

(a) The application for a commercial ~~driver~~ driver's license or commercial learner's permit shall include the following:

(1) The full name and current mailing and residential address of the ~~person~~ applicant.

(2) A physical description of the ~~person~~ applicant, including sex, height, and weight.

(3) ~~Date~~ The applicant's date of birth and proof of age.

(4) The applicant's Social Security number~~;~~, unless the application is for a nondomiciled commercial ~~driver~~ driver's license or a nondomiciled commercial learner's permit. The Commissioner must verify the name, date of birth, and Social Security number provided by the applicant with the information on file with the Social Security Administration. A commercial learner's permit or commercial ~~driver~~ driver's license may not be issued, renewed, or upgraded if data in the Social Security Administration database does not match the data provided by the applicant.

(5) The ~~person's~~ applicant's signature, as well as a space for the applicant to request that a "veteran" designation be placed on a commercial ~~driver~~ driver's license. An applicant who requests a veteran designation shall provide a Department of Defense Form 214~~;~~ or other proof of veteran status specified by the Commissioner.

\* \* \*

(8) The proper fee.

(A) The four-year fee for a commercial ~~driver~~ driver's license shall be \$90.00. The two-year fee shall be \$60.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

\* \* \*

(10) Proof of compliance with the Transportation Security Administration requirements codified in 49 C.F.R. ~~part~~ Part 1572 if the ~~person~~ applicant is applying for a hazardous materials endorsement. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his or her U.S. Citizenship and Immigration Services alien registration number.

\* \* \*

(c) ~~A person~~ An individual for whom Vermont has been his or her state of domicile for more than 30 days shall not drive a commercial motor vehicle under the authority of a commercial ~~driver~~ driver's license or commercial learner's permit issued by another jurisdiction.

\* \* \*

§ 4110a. NON-EXCEPTED INTERSTATE OR INTRASTATE STATUS;  
CERTIFIED MEDICAL STATUS

(a) On or before January 30, 2014, every ~~person~~ individual who holds a commercial learner's permit or commercial ~~driver~~ driver's license shall provide the Commissioner the certification required under subdivision 4110(a)(6)(A) of this ~~chapter~~ title.

(b) On or before January 30, 2014, existing holders of a commercial learner's permit or commercial ~~driver~~ driver's license who certify to non-excepted interstate driving operations shall provide the Commissioner with an



original or a copy of a current medical examiner's certificate. Certification status of "certified" will be posted on the Commercial Driver's License Information System driver record for the driver. Failure to provide the Commissioner a current medical examiner's certificate will result in the posting of "not-certified" status to the Commercial Driver's License Information System driver record for the driver, and a commercial learner's permit or commercial ~~driver~~ driver's license downgrade ~~will~~ shall be initiated.

(c) To maintain a medical certification status of "certified," the holder of a commercial ~~driver~~ driver's license or commercial learner's permit who certifies that he or she will operate commercial motor vehicles in non-excepted interstate commerce must provide the State an original or copy of each subsequently issued medical examiner's certificate required under 49 C.F.R. ~~part~~ Part 391.

#### § 4111. COMMERCIAL ~~DRIVER~~ DRIVER'S LICENSE

(a) Contents of license. A commercial driver's license shall be marked "commercial ~~driver~~ driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include the following information:

(1) The name and residential address of the ~~person~~ individual.

(2) The ~~person's~~ individual's color photograph or imaged likeness. ~~A person~~ An individual issued a license under this subsection may renew the license not earlier than six months prior to its expiration date. In such case, the

prior license document shall be surrendered. The renewed license shall be effective from the date of issuance to the end of the period for which it is renewed.

(3) A physical description of the ~~person~~ individual, including sex, height, and weight.

(4) Date of birth.

(5) Any number or identifier deemed appropriate by the Commissioner.

(6) The ~~person's~~ individual's signature.

(7) The class or type of commercial motor vehicle or vehicles ~~which that~~ the ~~person~~ individual is authorized to drive together with any endorsements or restrictions.

\* \* \*

(b) Classifications, endorsements, and restrictions. ~~Driver~~ Driver's licenses may be issued with the following classifications, endorsements, and restrictions:

(1) ~~Classifications.~~ Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.

\* \* \*

(D) Class D—Any single vehicle with a gross vehicle weight rating of less than 26,001 pounds or any such vehicle towing a vehicle with a gross

vehicle weight rating not in excess of 10,000 pounds, except vehicles included in Class C or vehicles ~~which~~ that require a special endorsement unless the proper endorsement appears on the license. Class D licenses shall not be commercial ~~driver~~ driver's licenses.

\* \* \*

(d) Within 10 days after issuing a commercial ~~driver~~ driver's license, the Commissioner shall notify the Commercial ~~Driver~~ Driver's License Information System of that fact, providing all information required to ensure identification of the ~~person~~ individual.

(e) The commercial ~~driver~~ driver's license shall expire in the same manner as set by section 601 of this title.

(f) When applying for renewal of a commercial ~~driver~~ driver's license, the applicant shall complete the application form required by section 4110 of this title, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 C.F.R. ~~part~~ Part 1572. Within 15 days ~~of~~ after an adverse initial or final determination of threat assessment being served by the ~~United States~~ U.S. Transportation Security Administration, the applicant's hazardous materials endorsement shall be revoked or denied.

§ 4111a. COMMERCIAL LEARNER'S PERMIT

(a) Contents of permit. A commercial learner's permit shall contain the following:

\* \* \*

(2) the full name, signature, and residential address in Vermont of the ~~person to whom the permit is issued~~ permit holder;

(3) physical and other information to identify and describe the ~~person~~ permit holder, including the month, day, and year of birth; sex; and height;

(4) the permit holder's State license number;

(5) an indication that the State of Vermont issued the permit;

(6) the date of issuance and the date of expiration of the permit;

(7) the group or groups of commercial motor vehicles that the permit holder is authorized to operate, indicated as follows:

\* \* \*

(b) Classifications, endorsements, and restrictions.

(1) The holder of a commercial learner's permit may not operate a commercial motor vehicle transporting hazardous materials.

(2) The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial ~~driver~~ driver's license valid for the type of vehicle driven who occupies a seat beside the individual or, in the case

of a vehicle designed to transport more than 15 passengers, who occupies a seat directly behind or in the first row behind the driver and who directly observes and supervises the commercial learner's permit holder for the purpose of giving instruction in driving the commercial motor vehicle.

(3) ~~Endorsements.~~

(A) A commercial learner's permit holder with a passenger endorsement must have taken and passed the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial ~~driver~~ driver's license holder accompanying the commercial learner's permit holder as prescribed in subdivision (2) of this subsection. The passenger endorsement must be class specific.

(B) A commercial learner's permit holder with a school bus endorsement must have taken and passed the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial ~~driver~~ driver's license holder accompanying the commercial learner's permit holder as prescribed in subdivision (2) of this subsection.

\* \* \*

§ 4112. RECORDS NOTIFICATION

(a) After suspending, revoking, or disqualifying ~~a person~~ an individual from holding a commercial ~~driver~~ driver's license or commercial learner's permit, the Commissioner shall update his or her records to reflect that action within 10 days. After suspending, revoking, or disqualifying a nonresident commercial driver's privileges, the Commissioner shall notify the licensing authority of the state ~~which~~ that issued the commercial ~~driver~~ driver's license or commercial learner's permit within 10 days.

(b) When the Commissioner receives a request for an operating record of a ~~person~~ an individual currently or previously licensed in Vermont, the Commissioner shall provide the information within 30 days.

§ 4113. NOTIFICATION OF TRAFFIC CONVICTIONS

When ~~a person~~ an individual who holds a commercial ~~driver~~ driver's license or commercial learner's permit issued by another state is convicted in this State of any violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations, in any type of vehicle, the Commissioner shall notify the ~~driver~~ driver's licensing authority in the licensing state of the conviction within 10 days.

\* \* \*

§ 4115. RECIPROCITY

(a) Notwithstanding any law to the contrary, ~~a person~~ an individual may drive a commercial motor vehicle in this State if the ~~person~~ individual has a valid commercial ~~driver~~ driver's license or commercial learner's permit issued by any state of the United States, any province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle ~~driver~~ driver's licenses, or the Licencia Federal de Conductor issued by the Republic of Mexico if the ~~person's~~ individual's license or permit is not suspended, revoked, or canceled and if the ~~person~~ individual is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.

\* \* \*

§ 4116a. SUSPENSION OF OPERATING PRIVILEGE

(a) ~~A person's~~ An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for one year, if:

(1) the ~~person~~ individual is convicted of a first violation of operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of 0.04 or more, or under the influence, as defined in section 1218 of this title; and

(2) the ~~person's~~ individual's commercial ~~driver~~ driver's license or commercial learner's permit is issued by a state or country that does not have a

reciprocity agreement with the State of Vermont for the disqualification of commercial ~~driver~~ driver's licenses or permits under section 4115 of this title.

(b) ~~A person's~~ An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for three years if the ~~person~~ individual is convicted of violating subsection (a) of this section, and the violation occurred while the ~~person~~ individual was transporting a hazardous material required to be placarded.

(c) ~~A person's~~ An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for life if the ~~person~~ individual is convicted a second time of violating subsection (a) of this section, and both convictions arise out of separate occurrences.

(d) ~~A person's~~ An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for 60 days if the ~~person~~ individual is convicted of two serious traffic violations, or for 120 days if the ~~person~~ individual is convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.

(e) ~~A person's~~ An individual's privilege to operate a commercial motor vehicle in the State of Vermont shall be suspended for life if the ~~person~~ individual uses a commercial motor vehicle in the commission of any offense under State or federal law that is punishable by imprisonment for a term exceeding one year, involving the manufacture, distribution, or dispensing of a



regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the ~~person~~ individual was convicted.

§ 4117. SUSPENSIONS AND DISQUALIFICATIONS TO RUN

CONCURRENTLY

A suspension of a ~~person's~~ an individual's operating privilege or license and a disqualification imposed under section 4116 of this title, imposed for the same violation, shall run concurrently.

\* \* \*

§ 4119. COMPLIANCE WITH OUT-OF-SERVICE ORDER;

DISQUALIFICATION FROM OPERATION OF VEHICLE

(a) No ~~person~~ individual shall operate a commercial motor vehicle in violation of an out-of-service order.

(b) Any ~~person~~ individual convicted for violating an out-of-service order shall be disqualified as follows except as provided in subsection (c) of this section:

(1) ~~A person~~ An individual shall be disqualified from driving a commercial motor vehicle for a period of 180 days if convicted of a first violation of an out-of-service order.

(2) ~~A person~~ An individual shall be disqualified for a period of two years if convicted of a second violation of an out-of-service order during any 10-year period, arising from separate incidents.

(3) ~~A person~~ An individual shall be disqualified for a period of three years if convicted of a third or subsequent violation of an out-of-service order during any 10-year period, arising from separate incidents.

(c) Any ~~person~~ individual convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport 16 or more passengers, including the driver, shall be disqualified as follows:

(1) ~~A person~~ An individual shall be disqualified for a period of 180 days if convicted of a first violation of an out-of-service order.

(2) ~~A person~~ An individual shall be disqualified for a period of three years if convicted of a second or subsequent violation of an out-of-service order during any 10-year period, arising from separate incidents.

\* \* \*

#### § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

\* \* \*

(b) On or before September 30, 2005, the Department of Motor Vehicles may waive the skills test required in subdivision (a)(1) of this section for an applicant who:

\* \* \*

(2) certifies, and whose certification is verified by the Department, that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

(A) held a valid commercial ~~driver~~ driver's license with a passenger endorsement to operate a school bus representative of the group the applicant will be operating;

(B) has not had his or her operator's license or commercial ~~driver~~ driver's license suspended, revoked, or cancelled or been disqualified from operating a commercial motor vehicle;

\* \* \*

#### § 4122. DEFERRING IMPOSITION OF SENTENCE

No judge or court may utilize the provisions of 13 V.S.A. § 7041 or any other program to defer imposition of sentence or judgment if the defendant holds a commercial ~~driver~~ driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any State or local traffic law other than a parking violation.

\* \* \*

#### § 4124. PENALTIES FOR FRAUD; ACTION UPON SUSPECTED FRAUD

(a) If from the check of an applicant's license status and record prior to issuing a commercial learner's permit or commercial ~~driver~~ driver's license or at any time after the commercial learner's permit or commercial ~~driver~~ driver's

license is issued, the Commissioner determines that the applicant or holder has knowingly falsified any information, documentation, or certifications required under this chapter, the Commissioner shall give the applicant or holder notice of his or her findings and an opportunity to show cause why the application, commercial learner's permit, or commercial ~~driver~~ driver's license should not be disqualified for a period of 60 consecutive days. The disqualification shall be effective 10 days after the notice is sent unless the applicant or holder requests a hearing. If after a hearing the Commissioner determines that the applicant or holder has knowingly falsified any information, documentation, or certifications required under this chapter, the Commissioner shall disqualify for a period of 60 consecutive days the ~~person's~~ individual's commercial learner's permit or commercial ~~driver~~ driver's license, his or her pending application, or his or her privilege to operate a commercial motor vehicle.

(b) ~~A person~~ An individual convicted of fraud related to the issuance of a commercial learner's permit or commercial ~~driver~~ driver's license who seeks to renew, transfer, or upgrade the fraudulently obtained commercial learner's permit or commercial ~~driver~~ driver's license shall be disqualified for one year. The disqualification shall be recorded in the ~~person's~~ individual's driving record.

(c) If the Commissioner receives credible information that a commercial learner's permit or commercial ~~driver~~ driver's license holder is suspected but

has not been convicted of fraud related to the issuance of his or her commercial learner's permit or commercial ~~driver~~ driver's license, the Commissioner shall require the holder to retake the skills or knowledge test, or both, and send the holder notice of the same. Within 30 days after notice is sent, the holder shall make an appointment or otherwise schedule to take the next available test. If the holder fails to make an appointment within 30 days, the Commissioner shall disqualify his or her commercial learner's permit or commercial ~~driver~~ driver's license. If the holder fails either the knowledge or skills test or does not take the test, the Commissioner shall disqualify his or her commercial learner's permit or commercial ~~driver~~ driver's license. Once a holder's commercial learner's permit or commercial ~~driver~~ driver's license has been disqualified, he or she must reapply for a commercial learner's permit or commercial ~~driver~~ driver's license under the procedures applicable to all commercial learner's permit or commercial ~~driver~~ driver's license applicants.

§ 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE

VIOLATIONS

\* \* \*

(b)(4) General ~~Prohibition on Texting~~ prohibition on texting.

(1) No operator shall engage in texting while driving a commercial motor vehicle.

(2) ~~Exception.~~ Texting while driving is permissible by operators of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

(3) No person may be issued traffic complaints alleging a violation of this section and a violation of section 1099 of this title from the same incident.

(c)(1) ~~General Prohibition on Use of Handheld Mobile Telephones~~  
prohibition on use of handheld mobile telephones.

(1) No operator shall use a handheld mobile telephone while driving a commercial motor vehicle.

(2) ~~Exception.~~ Use of a handheld mobile telephone is permissible by operators of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

(d) Motor ~~Carriers~~ carriers.

\* \* \*

Sec. 255. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

\* \* \*

(8) To regulate or prohibit the use or discharge, but not possession, of firearms within the municipality or specified portions thereof, provided that an ordinance adopted under this subdivision shall be consistent with section 2295 of this title and shall not prohibit, reduce, or limit discharge at any existing sport shooting range, as that term is defined in 10 V.S.A. § 5227.

\* \* \*

Sec. 256. 24 V.S.A. § 3301 is amended to read:

§ 3301. WATER SUPPLY; CONSTRUCTION; CONDEMNATION;

EXCEPTIONS

A municipal corporation is hereby authorized and empowered to construct, maintain, and repair an artesian well, reservoir or reservoirs, pumps, engines, and apparatus; take, purchase, and acquire, ~~in the manner hereinafter mentioned,~~ any artesian wells, ponds, springs, streams, water courses, real estate, water rights, flowage rights, and easements necessary for its purposes within the limits provided by this section, together with such land surrounding and adjacent to the same as may be reasonably necessary for protecting and preserving the purity of the water in such artesian wells, ponds, springs, and streams; and may enclose such artesian wells, ponds, springs, and streams by suitable fences for the purpose of such protection; and such corporation, within the limits ~~hereinafter~~ set forth in this section, and subject to the provisions of 30 V.S.A. § 108, may take, acquire, or purchase any or all of the

~~forementioned~~ rights or properties owned or operated by any person or corporation engaged in the business of a water company, as defined by 30 V.S.A. § 203, within the limits of such municipal corporation. Such corporation may enter in and upon any land or water for the purpose of making surveys, may take and construct dams and reservoirs, lay pipes and aqueducts, may connect the same with the main aqueduct as may be necessary to convey the water taken ~~as aforesaid~~ to the reservoirs of such municipal corporation and distribute the same through such municipal corporation for the purpose of supplying the inhabitants thereof with water for fire, domestic, and other purposes. However, such municipal corporation shall not take otherwise than by purchase water or a spring of water that the owner or lessee or other person having a vested right or interest in such water or the use thereof may reasonably require for domestic use or the watering of animals on the premises where such water may be in use.

Sec. 257. 24 V.S.A. § 3303 is amended to read:

§ 3303. COMPENSATION; CONDEMNATION

The municipal corporation may agree with the owner or owners of any property, franchise, easement, or right that may be required by the municipal corporation for the purposes of this chapter, as to the compensation to be paid ~~therefor~~. In case of failure to agree as to the compensation, or in case the owner is an infant, a person who lacks capacity to protect his or her interests



due to a mental condition or psychiatric disability, absent from the State, unknown, or the owner of a contingent interest, the Superior Court within and for the county where the subject property is situated on the petition of either party, may cause the notice to be given of the petition as the presiding judge of the court may prescribe. After proof thereof, the presiding judge may appoint three disinterested persons as commissioners to examine the property to be taken or damaged by the municipal corporation. The commissioners after being duly sworn, upon due notice to all parties in interest, shall view the premises, hear the parties in respect to the property, and shall assess and award to the owners and persons so interested just damages for any injury sustained ~~as aforesaid~~ and make report in writing to the presiding judge. The presiding judge may ~~thereupon~~ accept the report, unless just cause is shown to the contrary. The presiding judge may order the municipal corporation to pay the same in the time and manner as he or she may prescribe, in full compensation for the property taken, or the injury done by the municipal corporation, or the presiding judge may reject or recommit the report if the ends of justice so require. On compliance with the order, the municipal corporation may proceed with the construction of its work without liability for further claim for damages. The presiding judge may award costs in the proceeding in his or her discretion. The cause may be transferred to the Supreme Court as provided in 12 V.S.A. § 4601.

Sec. 258. 24 V.S.A. § 3306 is amended to read:

§ 3306. CHARGES, LIEN

The owner or occupant of any tenement, house, or building who takes the water of ~~such a~~ a municipal corporation shall be liable for the rent or price of the same, and the officers and agents of ~~such the~~ the municipal corporation ~~intrusted~~ entrusted with the care and superintendence of the water may at all reasonable times enter all premises so supplied to examine the pipes and fixtures and prevent any unnecessary waste. If any person, without the consent of ~~such the~~ the municipal corporation, shall use any water, a civil action on this statute may be maintained against ~~such the~~ the person by ~~such the~~ the municipal corporation for the recovery of damages ~~therefor~~. The charges, rates, or rents for water shall be a lien upon the real estate furnished with the municipal corporation water in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. § 5061.

Sec. 259. 24 V.S.A. § 3307 is amended to read:

§ 3307. INTERFERENCE WITH SUPPLY

If any person diverts the water or part ~~thereof~~ of any of the artesian wells, ponds, springs, streams, aqueducts, water courses, or reservoirs, that shall be taken, used, or constructed by such municipal corporation, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or within the limits, that may be taken or prescribed by such municipal

corporation pursuant to the provisions of this chapter, or injure or destroy any artesian well, dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant, structure, pump, machinery, or other property held, owned, or used by such municipal corporation under the provisions of this chapter, such person shall be liable to such municipal corporation in treble damages ~~therefor~~, to be recovered in a civil action on this statute, and any such person on conviction of a violation under this section shall be fined not exceeding \$100.00 or committed to the Commissioner of Corrections not more than six months, or both.

Sec. 260. 24 V.S.A. § 3316 is amended to read:

§ 3316. MEETINGS, VOTE

Any action taken by ~~such a~~ a municipal corporation under the provisions of this chapter or relating to the matters ~~therein~~ set forth, in this chapter shall be by vote of the majority of the legal voters of ~~such the~~ the municipal corporation, at a meeting duly warned and ~~held~~ held, unless otherwise provided.

Sec. 261. 24 V.S.A. § 3342(a) is amended to read:

(a) When a majority of the voters of each town of a proposed consolidated water district present and voting in each case by Australian ballot at a town meeting duly warned for that purpose for the same day and during the same hours that shall be at least eight consecutive hours shall vote to join with one or more neighboring towns as specified in the warning for the purpose of forming

a consolidated water district ~~as herein provided~~, such vote shall ~~thereupon~~ be certified by the clerk of each town to the Secretary of State; and when all towns proposed as members of the consolidated water district as specified in such vote ~~shall~~ have so affirmatively voted and the results ~~thereon shall~~ have been certified to the Secretary of State, the Secretary of State shall ~~thereupon~~ file the same in his or her office and shall send a written notice to the clerk of each town to be included in the consolidated water district that the requirements of this section have been met by each town in the ~~said~~ district. Upon the filing of such records in the Office of the Secretary of State, ~~such~~ the consolidated water district shall become a body politic and corporate with the powers incident to a public corporation and such records shall be notice to all parties of the establishment of ~~such~~ the consolidated water district with all the powers incident to such a district as provided under this section; and ~~such~~ the filing shall be prima facie evidence that the requirements for the creation of a consolidated water district as set forth in this section have been fully complied with. A consolidated water district may sue and be sued and may hold and convey real estate and personal estate for the use of the district and shall have and may exercise the powers and be subject to the duties and obligations of a municipal corporation provided for in chapter 89 of this title so far as the same may be applicable and except as otherwise provided in this chapter.

Sec. 262. 24 V.S.A. § 3343 is amended to read:

§ 3343. ORGANIZATIONAL MEETING

(a) Within 60 days after the Secretary of State ~~shall have notified~~ notifies the clerks of the member towns that the requirements of section 3342 of this title have been met, the voters in ~~such~~ the consolidated water district shall meet and organize the district. The meeting shall be warned by the chair of the legislative body of each town of the district or by a member designated by his or her respective board to act in the chair's stead, ~~and~~. The warning shall state the day, hour, and place within the district where the meeting will be held and shall be posted in not less than six public places in the district, including at least two public places within each member town ~~thereof~~, and shall be published three times in a newspaper circulating ~~therein~~ in the district, the last publication to be at least six days previous to the day of the meeting. The meeting shall be called to order by the clerk of the town in which the meeting is held, ~~whereupon~~ at which time a temporary presiding officer and clerk shall be elected from among the qualified voters. At such organizational meeting or an adjournment ~~thereof~~ of the meeting, the district shall elect a moderator and a permanent clerk; shall determine the number of water commissioners constituting the board of water commissioners; and shall elect a board of water commissioners, who shall be the legislative branch, a treasurer, and three auditors. All officers elected at the organizational meeting shall hold office

until others are elected and qualified following the first annual meeting. The selectboard of each town may appoint an alternative water commissioner for each commissioner elected from that town, whose duty shall be to serve in place of the elected commissioner if the latter is unable to serve ~~and to serve in his or her place if he or she~~, resigns, or is unable to proceed in office. The total number of water commissioners and the member from each member town may be agreed upon by the several member towns in advance of the organizational meeting. In the absence of such agreement, the number shall be set by the organizational meeting at not less than three nor more than ~~eleven~~ 11 commissioners, including at least one from each member town. Changes in the total number of commissioners may be made at any annual meeting of the district duly warned for that purpose by vote of two-thirds of those present and voting; except that it shall always include at least one from each member town. Water commissioners elected at the organizational meeting shall be elected from nominations made by the several towns at their most recent annual or special meeting, if such nominations have been made. Water commissioners to serve on the board of water commissioners of the consolidated district following the first annual meeting shall be elected by the member towns at their own annual or special meetings. Such elections shall be by Australian ballot in those member towns that elect their respective legislative branches by Australian ballot. All other consolidated water district officers shall be elected

by the consolidated district. When there is only one nominee for any of the ~~above mentioned~~ offices, the voters may, by acclamation, instruct an officer to elect ~~said~~ that nominee by casting one ballot, and upon ~~such~~ the ballot being cast ~~such~~ the nominee shall be declared to be legally elected.

(b) At such organizational meeting or at an adjournment ~~thereof~~ of the meeting, the district may further authorize its board of water commissioners to pay any expense incurred by or on behalf of the district in the period between the date on which the member towns voted to join the district and the first annual meeting of the district. The word “expense” as used in this chapter shall include the cost of architects, surveyors, engineers, contractors, lawyers, or other consultants or experts as well as current operating expenses to be incurred by the district from its organizational meeting until its first annual meeting. The district may authorize its board of water commissioners to borrow money pending receipt of payments from the member towns as provided in this chapter by the issuance of its notes or orders payable not later than one year from the date. At ~~such~~ the organizational meeting, the district shall further select a name for the district, determine compensation, if any, to be paid to its officers, determine the date on which its annual meeting shall be held, (which shall not be earlier than October 1 or later than December 31), and adopt a seal. A certified copy of the vote designating the name of the

consolidated water district shall be forthwith filed by the clerk of the district with the Secretary of State.

(c) All district officers elected at an annual meeting and water commissioners elected by their constituent towns shall enter upon their duties on April 1 following their election, unless a different date is set at an annual meeting. A vacancy occurring in any district office other than commissioner caused by death, resignation, removal from the district, or incapacity of an officer to carry his or her duties, shall be temporarily filled by the board of water commissioners with a person from the municipality from which the vacancy occurs within 10 days after the vacancy occurs and until the date when the newly elected officers take office. The vacancy shall be filled at the next annual meeting of the district. The term of office of the water commissioners and the auditors shall be three years and all other officers one year. At the first annual meeting, the terms of office of the commissioners shall be divided by agreement. If possible by lot, if not, with ~~one-third~~ one-third expiring after one year, and ~~one-third~~ one-third expiring after two years, or as nearly as may be. At said first annual meeting, one auditor shall be elected for one year, and one auditor for two years, and thereafter for three years or until their successors are chosen and qualified.

\* \* \*



Sec. 263. 24 V.S.A. § 3348 is amended to read:

§ 3348. FINANCES; WATER RATES; APPLICATION OF REVENUE

(a)(1) Notwithstanding the provisions of section 3311 of this title, the board of water commissioners of a consolidated water district shall establish rates for the water and services by meter service and all individuals, firms, and corporations, whether private, public, or municipal, shall pay to the treasurer of ~~said~~ that district the rates and stand-by charges established by ~~said~~ the board of water commissioners.

(2) In those districts ~~where~~ in which water is supplied by the consolidated water district to the consumer, rates shall be uniform within the district. A wholesale consolidated water district shall set a rate ~~which~~ that is uniform to all member towns, and it may further establish a separate schedule for nonmember users. The board of water commissioners may also enter into a contract with member and nonmember municipalities for the supply of water over a period of years.

(3) All rates shall be ~~so~~ established so as to provide revenue for the following purposes:

(~~1~~)(A) to pay current expenses for operating and maintaining the water systems;

(~~2~~)(B) to provide for the payment of interest on the indebtedness created by the district;

~~(3)~~(C) to provide each year a sum equal to not less than two percent or more than five percent of the entire indebtedness created or assumed by the district to pay for the cost of the water system and improvements ~~thereto~~ to the water system, which sum shall be used to pay indebtedness maturing in ~~said~~ that year or turned into a sinking fund and there kept to provide for the extinguishment of indebtedness of the district;

~~(4)~~(D) to capitalize a sinking fund, the proceeds of which shall be used to match federal funds;

~~(5)~~(4) If any surplus remains at the end of the year, it may be turned into the sinking fund or used to pay the cost of improvements to the water system.

(b) The money set aside for the sinking fund and any increment thereon shall be devoted to the retirement of obligations of the district or for the purpose of matching federal funds, or invested in such securities as savings banks or fiduciaries or trustees are now or hereafter allowed to hold. The balance of the revenue, if any, required to meet said expenses shall be apportioned among and collected from member towns as ~~herein~~ provided under this chapter.

(c) In the event that a member town in the district, elects to establish a system by vote at an annual or special town meeting for fire protection, a consolidated water district may, at the expense of ~~such~~ that town, purchase and install hydrants in ~~such~~ the town and shall establish an annual fire protection

stand-by charge for each hydrant, which charge shall be uniform throughout the district, and which shall be paid to the treasurer of the district by the member town in which ~~such~~ the system is located. Any municipality purchasing water from a consolidated water district may, in turn, sell the water to any adjoining municipality and may set a charge ~~therefor which~~ for the water that takes into account, in addition to the rate paid to the consolidated water district, a sum to cover the expense of transporting the water to the purchasing municipality.

Sec. 264. 24 V.S.A. § 3349 is amended to read:

§ 3349. ANNUAL BUDGET, APPORTIONMENT, ASSESSMENT, TAXES

(a) The board of water commissioners of the district shall at each annual meeting present to the district its budget for the ensuing year, which shall include an estimate of the revenue from water rates and other sources, except taxes and the expenses for the ensuing year, and the district shall appropriate such sum as it deems necessary for ~~such of said~~ all of the expenses as that are not disapproved (which disapproval ~~may~~ shall not include interest on or principal of any indebtedness created or assumed by the district), together with the amount required to pay any balance left unpaid from the preceding year as will not be met from such estimated revenues, expressing ~~said~~ the sum in dollars in its vote. At its first annual meeting, the district shall likewise vote a sum sufficient to pay any unpaid balance of expense, as defined in section

3343 of this title, ~~which that~~ has been ~~theretofore~~ incurred by or on behalf of the district. Immediately following ~~such the~~ annual meeting, the board of water commissioners shall compute the share of each member town in the sums so voted and give notice of the amount ~~thereof~~ to the legislative branch, as defined in section 1751 of this title, of each member town.

(b) The expense of establishing, acquiring, maintaining, extending, improving, and operating a water system for a consolidated water district shall, ~~insofar as such expense shall~~ to the extent that the expense will not be met from the proceeds of indebtedness or from water rates, rents, and other charges received from the use of ~~such the~~ water system, be divided among the member towns in accordance with a formula agreed to by the member towns by vote at an annual or special town meeting or, in the absence of any such agreement, as follows: two-thirds of ~~such the~~ expense shall be divided in the proportion ~~which that~~ the total number of gallons distributed to the inhabitants of each member town of the district bears to the total number of gallons so distributed in all the member towns in the last preceding full calendar year of operation of the district, and the balance of ~~such the~~ expense (or all of ~~such the~~ expense until the water system has been in operation for at least one full calendar year) shall be divided among the member towns in the proportion ~~which that~~ the population of each member town according to the last rental census bears to the total population of the district.

(c) The legislative branch of each member town shall, upon receipt of the notice of the share in the district expenses to be paid by the member town, assess upon the grand list of ~~such the~~ member town, in addition to any tax previously voted ~~thereon on the grand list~~, a tax sufficient to raise the member town's share in ~~such the district~~ expenses. The additional tax as so assessed shall be collected as are other taxes of ~~such the~~ member town and be deposited in the member town's account ~~of the member town~~. The legislative branch of ~~such the~~ member town shall order ~~said the~~ additional tax to be paid over to the treasurer of the district as collected by the 20th of the month after ~~such the~~ member town's taxes become payable. If by the end of its fiscal year a member town has failed to collect and pay over to the treasurer of the district a sum sufficient to pay the member's share of the expenses of the district, the legislative branch of ~~such the~~ member town shall assess a special tax of five percent on the grand list of ~~such the~~ member town, or such multiple thereof as is necessary to make up the unpaid balance of ~~said the member town's~~ share, which special tax shall be collected as are other taxes of the member town. Upon the collection of ~~said the~~ special tax, the same shall be paid over to the treasurer of the district. If by the end of its fiscal year a member town fails to pay its share of the expenses of the district, or fails to make up a deficit therein from the preceding year as ~~above~~ provided in this subsection, the board of water commissioners of the district may bring a civil action on this statute in

the name of the district to recover of the member town twice the amount of the share of ~~such the~~ member town ~~which as~~ remains unpaid, and upon judgment may levy its execution against any of the real or personal property within the member town.

Sec. 265. 24 V.S.A. § 3353 is amended to read:

§ 3353. INDEBTEDNESS

(a) General obligations. A consolidated water district may incur indebtedness as provided by chapter 53, subchapter 1 of this title and by chapter 89 of this title for the purpose of paying the cost of a water system and improvements ~~thereto~~ to the water system or for funding or refunding, including the payment of premium, any bonds or other evidences of indebtedness issued or assumed by the district, provided, however, that the limits on indebtedness in ~~said~~ chapter 53 of this title or otherwise shall not apply to indebtedness incurred or assumed by a consolidated district for the purposes of this chapter.

(b) Joint and severable obligations. Obligations incurred under chapter 53, subchapter 1 and chapter 89 of this title or as otherwise authorized in this chapter by a consolidated water district, except obligations incurred under chapter 53, subchapter 2, shall be the joint and several obligations of ~~such the~~ district and the member towns composing it. However, as among ~~such the~~ member towns, their respective shares of ~~such the~~ obligation shall be

apportioned and paid in the manner provided in this chapter. Any joint or several liability incurred by a member town under the provisions of this chapter shall not be considered in determining its debt limit for its own separate purposes. Notwithstanding the limitations in sections 1755 and 1759 of this title, bonds or other evidences of indebtedness of a consolidated water district may be authorized by a majority of the voters present and voting on the question at a district meeting, may be paid in not more than 40 years from their date of issue, may be made callable at the option of the district with or without premium, and the serial maturities of ~~such~~ the bonds or evidences of indebtedness may be so arranged that beginning with the first year in which principal is payable, the amount of principal and interest payable in any year shall be as nearly equal as is practicable according to the denominations in which ~~such~~ the bonds or other evidences of indebtedness are issued.

(c) Obligations payable solely from revenue. In addition to the authority granted in this section, a consolidated water district may issue bonds or other evidences of indebtedness pursuant to chapter 53, subchapter 2 of this title, ~~and any amendment thereof or addition thereto;~~ provided, however, that no such bonds payable solely from revenues shall be issued while the district has outstanding any bonds or other evidences of indebtedness for which ~~said~~ the district and the member towns are jointly and severally liable as provided

under this chapter, except notes or other evidences of indebtedness issued temporarily in anticipation of revenue.

Sec. 266. 24 V.S.A. § 3354 is amended to read:

§ 3354. CHANGES IN MEMBERSHIP-; INCLUSION OF ADDITIONAL  
TOWNS

(a) When a majority of voters of a town, present and voting at a meeting duly warned for that purpose, ~~shall~~ vote to apply to a consolidated water district for admission as a member of ~~such~~ that district, ~~such~~ the vote shall ~~thereupon~~ be certified by the clerk of the town to the clerk of the consolidated water district and to the Secretary of State. ~~Such~~ The vote and certification, if accepted by the consolidated district within two years after the date of ~~said~~ the vote, shall be binding on ~~said~~ the town without the subsequent vote in the town contemplated in subsections (b) and (c) of this section.

(b) When it appears to the board of water commissioners that the boundaries of ~~such~~ a consolidated water district should be changed to include another town, they may insert an article fully describing the proposed change in the warning for a regular or special meeting of the district, which proposed change shall state the number of additional members to be added to the board of water commissioners if ~~such~~ the change is approved.

(c) When a majority of the voters voting at ~~such~~ a meeting vote to include an additional town within the boundaries of the consolidated water district as a



member ~~thereof~~ of the district, the board of water commissioners shall notify the legislative body of ~~such~~ the additional town of ~~such~~ the vote. ~~Thereupon~~ Upon notification, the legislative body of the additional town proposed to be included shall duly warn a meeting ~~thereof~~ of the town, setting forth in ~~such~~ the warning the vote of the consolidated water district and the proposed change in its boundaries. If a majority of the voters voting at the meeting of the additional town vote to be included within the district, the result of ~~such~~ that vote and the result of the vote already taken by the consolidated water district shall be certified to the Secretary of State, who shall record the same in his or her office. A certificate of ~~such~~ the record shall immediately be filed by the Secretary of State in the office of the clerk of the consolidated water district and of any additional town to be included ~~therein~~ as a member ~~thereof~~ of the district, which filing shall be notice to all parties of ~~such~~ the addition to the consolidated district.

(d) ~~Said~~ A consolidated water district as so enlarged shall ~~thereupon~~ have all the powers and responsibilities given it by this chapter. Any vacancy on the board of water commissioners created as a result of the increase in the number ~~thereof~~ of member towns shall be filled as provided in section 3343 of this title. The additional member town shall share in the expenses of the district in the proportion provided in this chapter for other member towns from the date

the certificate of the Secretary of State is filed in the office of the clerk of the district and the office of the clerk of ~~such~~ the additional town.

Sec. 267. 24 V.S.A. § 3625(a) is amended to read:

(a) When capacity under an original or amended discharge permit under 10 V.S.A. § 1263 is or has been granted to any municipality, as defined in 1 V.S.A. § 126, except existing town school districts or incorporated school districts, that capacity shall be allocated, in a manner consistent with a municipality's obligation to its bondholders to establish rates and apply the proceeds as set forth in section 3616 of this title, pursuant to one of the following, whether in the form as adopted, or as later amended:

\* \* \*

(3) Interim bylaws adopted under section ~~4410~~ 4415 of this title.

Sec. 268. 24 V.S.A. § 3684 is amended to read:

§ 3684. INDEBTEDNESS

(a) General obligations. A consolidated sewer district may incur indebtedness as provided by chapter 53, subchapter 1 of this title and by chapter 101 of this title for the purpose of paying the cost of a sewer system and improvements ~~thereto~~ to the sewer system or for funding or refunding, including the payment of premium, any bonds or other evidences of indebtedness issued or assumed by the district. The limits on indebtedness in

chapter 53 of this title or otherwise shall not apply to indebtedness incurred or assumed by a consolidated district for the purposes of this chapter.

(b) Joint and several obligations. Obligations incurred under chapter 53, subchapter 1 of this title and chapter 101 of this title by a consolidated sewer district, shall be the joint and several obligations of the district and the member towns composing it. However, as among the member towns, their respective shares of the obligation shall be apportioned and paid in the manner provided in this chapter. Any joint or several liability incurred by a member town under this chapter shall not be considered in determining its debt limit for its separate purposes. Notwithstanding the limitations in sections 1755 and 1759 of this title, bonds or other evidences of indebtedness of a consolidated sewer district may be authorized by a majority of the voters present and voting on the question at a district meeting, may be paid in not more than 30 years from their date of issue, may be made callable at the option of the district with or without premium, and the serial maturities of those bonds or evidences of indebtedness may be so arranged that beginning with the first year in which principal is payable, the amount of principal and interest payable in any year shall be as nearly equal as is practicable according to the denominations in which the bonds or other evidences of indebtedness are issued.

(c) Obligations payable solely from revenue. In addition to authority granted in this section, a consolidated sewer district may issue bonds or other

evidences of indebtedness under chapter 53, subchapter 2 of this title, ~~and any amendment thereof or addition thereto.~~ However, no such bonds payable solely from revenues ~~may~~ shall be issued while the district has outstanding any bonds or other evidences of indebtedness for which the district and the member towns are jointly and severally liable as ~~herein~~ provided in this chapter, except notes or other evidences of indebtedness issued temporarily in anticipation of revenue.

Sec. 269. 24 V.S.A. § 3903 is amended to read:

§ 3903. MILITARY RECORDS

A town may appoint a person, who need not be a resident of the town, to prepare a military record at the expense of the town, which shall contain the name of every person in the ~~armed forces of the United States~~ U.S. Armed Forces furnished by ~~such~~ the town during any wars or military enterprises in which the United States has been engaged with the following statistics, so far as applicable to each case: age at the time of enlistment or induction; birthplace; date of enlistment; date of muster into the service of the United States; rank; promotions; reenlistment; date and cause of discharge ~~and cause thereof~~; date of pension and amount; date and cause of death ~~and cause~~; date, place, and nature of wounds; bounty received from the town and bounty received from individuals; ~~and~~ any other pertinent information.

Sec. 270. 24 V.S.A. § 5051 is amended to read:

§ 5051. DEFINITIONS

As used in this chapter:

\* \* \*

(4) “Average final compensation” (AFC) means:

(A) For a Group A member, the average annual earnable compensation of a member during the five consecutive fiscal years beginning July 1 and ending June 30 of creditable service affording the highest average, or during all of the years of creditable service if fewer than five years. If the member’s highest five years of earnable compensation are the five years prior to separation of service and the member separates prior to the end of a fiscal year, the AFC shall be determined by adding all of the following:

(i) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date;

(ii) The earnable compensation and service credit earned in the preceding four fiscal years;~~and~~

(iii) The remaining service credit that is needed to complete the five full years, which shall be factored from the fiscal year preceding the four fiscal years described in subdivision (ii) of this subdivision (A). The earnable compensation associated with this remaining service credit shall be calculated

by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

(B) For a Group B or C member, the term means the average annual earnable compensation of a member during the three consecutive fiscal years beginning on July 1 and ending on June 30 of creditable service affording the highest average, or during all of the years in his or her creditable service if fewer than three years. If the member's highest three years of earnable compensation are the three years prior to separation of service and the member separates prior to the end of a fiscal year, the AFC shall be determined by adding all of the following:

(i) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date;

(ii) The earnable compensation and service credit earned in the preceding two fiscal years; ~~and~~

(iii) The remaining service credit that is needed to complete the three full years, which shall be factored from the fiscal year preceding the two fiscal years described in subdivision (ii) of this subdivision (B). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

(C) For a Group D member, the term means the average annual earnable compensation of a member during the two consecutive fiscal years beginning on July 1 and ending on June 30 of creditable service affording the highest such average, or during all of the years in his or her creditable service if fewer than two years. If the member's highest two years of earnable compensation are the two years prior to separation of service and the member separates prior to the end of a fiscal year, the AFC shall be determined by adding all of the following:

(i) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date;

(ii) The earnable compensation and service credit earned in the preceding fiscal year; ~~and~~

(iii) The remaining service credit that is needed to complete the two full years, which shall be factored from the fiscal year preceding the fiscal year described in subdivision (ii) of this subdivision (C). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

(D) For purposes of determining average final compensation for a member who has accrued service in more than one group plan within the

System, the highest consecutive years of earnings ~~will~~ shall be based on the formulas outlined in subdivision (A), (B), or (C) of this subdivision (4) using the earnable compensation received while a member of the System.

\* \* \*

(7) "Continuous service" means those periods of service as an employee with all employers, provided all of the following conditions are met:

(A) The period of each employment was uninterrupted;

(B) Not more than 30 days elapsed between termination of one period of employment and commencement of the next;

(C) Each such termination occurred after the effective date of the System; ~~and~~.

(D) Each employer employing the employee after the effective date was a participant in the System during the period it employed the employee. Notwithstanding any other provisions, continuous service prior to the effective date of this plan shall commence on the most recent date of hire as an employee, but in no case shall the continuous service of an employee prior to the effective date of this plan be for a period longer than 20 years. If an employee does not withdraw his or her contributions, continuous service shall not be interrupted by:

\* \* \*

(15) "Normal retirement date:" means:



\* \* \*

Sec. 271. 24 App. V.S.A. Ch. 156, § 14(a) is amended to read:

(a) Elective offices. Local elective offices to be filled by the voters of the Town of Williston shall be only those articulated by this charter, and shall include:

\* \* \*

Sec. 272. [Deleted.]

Sec. 273. 26 V.S.A. § 898(b) is amended to read:

(b) Work notices, certificates of completion, and energizing permits shall be issued by municipal inspectors in the same manner and subject to the same conditions that they are issued by the State electrical inspectors under sections 893 and 894 of this title ~~shall apply to municipal inspections under this section.~~

Sec. 274. 26 V.S.A. § 903(a) is amended to read:

(a) To be eligible for licensure as a journeyman electrician an applicant shall:

(1) provide verification by the Vermont Apprenticeship Council of completion of an apprenticeship in electrical wiring that included both instruction and practice in work processes; or

(2) have had equivalent training and experience, within or ~~without~~ outside this State, acceptable to the Board; and

(3) pass an examination to the satisfaction of the Board.

Sec. 275. [Deleted.]

Sec. 276. 26 V.S.A. § 1443 is amended to read:

§ 1443. RECORDS IMMUNE FROM DISCOVERY

\* \* \*

(b) Notwithstanding the provisions of subsection (a) of this section, a peer review committee shall provide ~~a board~~ the Board with all supporting information and evidence pertaining to information required to be reported under section 1317 of this title and shall provide access to such information and evidence to the Department of Health as provided in and for the purpose of determining a hospital's compliance with 18 V.S.A. chapter 43a.

(c) Notwithstanding the provisions of section 1318 of this title, relating to accessibility and confidentiality of disciplinary matters, the proceedings, reports, records, reporting information, and evidence of a peer review committee provided by the committee to ~~a board~~ the Board in accordance with the provisions of section 1317 of this title or to the Department of Health in accordance with 18 V.S.A. chapter 43a and subsection (b) of this section may be used by the ~~board~~ Board or by the Commissioner of Health or Board of Health for disciplinary and enforcement purposes but shall not be subject to public disclosure.

Sec. 277. [Deleted.]

Sec. 278. 26 V.S.A. § 2083 is amended to read:

§ 2083. EXEMPTIONS FROM LICENSURE

The following persons shall be permitted to practice as a physical therapist or physical therapist assistant in this State without obtaining a license under this chapter upon the following conditions:

\* \* \*

(3) physical therapists and physical therapist assistants employed in the U.S. Armed Services, U.S. Public Health Service, ~~Veterans Administration~~ U.S. Department of Veterans Affairs, or ~~other~~ by another federal agency;

\* \* \*

Sec. 279. 26 V.S.A. § 2193(a) is amended to read:

(a) Each applicant for license shall present to the executive office of the Board on blanks furnished by the Board, a written application for examination and license containing such information as the Board may require, accompanied by the fee required. Notwithstanding 32 V.S.A. § 502(a), if the examination is conducted by an outside testing service, the required examination fee may be paid directly to the testing service. Examinations shall be in whole or in part in writing and shall include the theoretical and practical nature of plumbing or specialties, or both, and knowledge of State laws ~~and Department~~, the rules of the Departments of Health and of Environmental

Conservation ~~regulations~~, and such other rules and regulations as the Board may determine necessary to satisfactorily determine the qualifications of the applicant. Examinations shall be relevant to the instructional material taught in classes, codes used, and new developments and procedures within the trade.

Sec. 280. 27 V.S.A. § 1248 is amended to read:

§ 1248. PAYMENT OR DELIVERY OF UNCLAIMED PROPERTY

\* \* \*

(b) If the property reported to the ~~treasurer~~ Treasurer is a security or security entitlement under ~~9~~ 9A V.S.A. article 8, the ~~treasurer~~ Treasurer is an appropriate person to make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer or its transfer agent or the securities intermediary to transfer or dispose of the security or the security entitlement in accordance with ~~9~~ 9A V.S.A. article 8.

\* \* \*

Sec. 281. 28 V.S.A. § 105(e) is amended to read:

(e) If the caseloads established in subsection (d) of this section are exceeded for longer than 120 days, the Commissioner shall be authorized to designate community correctional officers to partially augment staffing caseloads. If such designation does not remedy the excess caseloads:

(1) The Commissioner shall report to the Joint ~~Corrections~~ Legislative Justice Oversight Committee the causes for the excess and proposals for addressing them.

\* \* \*

Sec. 282. 28 V.S.A. § 120(h) is amended to read:

(h) Required participation. All persons under the custody of the Commissioner who are under ~~the age of 23~~ years of age and have not received a high school diploma, or are assessed to have a moderate-to-high criminogenic need and are within 24 months of reentry shall participate in an education program. The Commissioner may approve the participation of other students, including individuals who are enrolled in an alternative justice or diversion program.

Sec. 283. 28 V.S.A. § 301 is amended to read:

§ 301. SUMMONS OR ARREST OF PROBATIONER

At any time before the discharge of the probationer or the termination of the period of probation:

(1) Summons or warrant for arrest. The court may summon the probationer to appear before it or may issue a warrant for his or her arrest.

\* \* \*

(5) Release of certain persons on probation for nonviolent offenses.

(A) At arraignment, if the court finds that bail or conditions of release will reasonably ensure the probationer's appearance at future proceedings and conditions of release will reasonably protect the public, the court shall release a probationer who is on probation for a nonviolent misdemeanor or nonviolent felony pursuant to 13 V.S.A. § 7554.

(B) As used in this section:

(i) "Nonviolent felony" means a felony offense that is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

(ii) "Nonviolent misdemeanor" means a misdemeanor offense that is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64 or 13 V.S.A. § 1030.

Sec. 284. 28 V.S.A. § 701a is amended to read:

§ 701a. SEGREGATION OF INMATES WITH A SERIOUS FUNCTIONAL

IMPAIRMENT

(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 regarding the classification, treatment, and segregation of an inmate with a serious functional impairment as defined and identified under subchapter 6 of this chapter; provided that the length of stay in segregation for an inmate with a serious functional impairment:

(1) ~~Shall~~ shall not exceed 15 days if the inmate is segregated for disciplinary reasons;

(2) ~~Shall~~ shall not exceed 30 days if the inmate requested the segregation, except that the inmate may remain segregated for successive 30-day periods following assessment by a qualified mental health professional and approval of a physician for each extension; and

(3) ~~Shall~~ shall not exceed 30 days if the inmate is segregated for any reason other than the reasons set forth in subdivision (1) or (2) of this subsection, except that the inmate may remain segregated for successive 30-day periods following a due process hearing for each extension, which shall include assessment by a qualified mental health professional and approval of a physician.

(b) As used in this section, “segregation” shall have the same meaning as in subdivision 3(12) of this title.

(c) On or before the 15th day of each month, the Department’s Health Services Director shall provide to the Joint Legislative Justice Oversight Committee a report that, while protecting inmate confidentiality, lists each inmate who was in segregation during the preceding month by a unique indicator and identifies the reason the inmate was placed in segregation, the length of the inmate’s stay in segregation, whether the inmate has a serious functional impairment. The report shall also indicate any incident of self harm

or attempted suicide by inmates in segregation. The Department shall ensure that a copy of the report is forwarded on a monthly basis to the Vermont Defender General and ~~the Executive Director of Vermont Protection and Advocacy, Inc. on a monthly basis~~ to the entity designated as Vermont's protection and advocacy system. At the request of the Committee, the Director shall also provide information about the nature of the functional impairments of inmates placed in segregation or services provided to these inmates. In addition, at least annually, the Department shall provide a report on all inmates placed in segregation who were receiving mental health services.

Sec. 285. 29 V.S.A. § 47(b) is amended to read:

(b) The advisory committee shall consist of the following or a designee: the Commissioner, the director of the Council, the Chairs of the ~~Senate and House~~ Committee on Corrections and Institutions Committees and the Senate Committee on Institutions, and the Chair of the Vermont Board of Architects. Legislative members of the committee shall be entitled to per diem compensation and expense reimbursement for attending committee meetings pursuant to the provisions of 2 V.S.A. § 406.

Sec. 286. 29 V.S.A. § 503(25) is amended to read:

(25) "State land manager," with respect to any State lands, means the secretary of any agency to which a department or division having responsibility for those lands is attached; or if not attached to an agency, the



commissioner of a department or the ~~chairman~~ chair of a board having responsibility for those lands; or if no agency has responsibility for the lands, the Secretary of ~~Environmental Conservation~~ Natural Resources.

Sec. 287. 29 V.S.A. § 1153a is amended to read:

§ 1153a. LEGISLATIVE DIRECTORY

(a) The Secretary of State shall, at each biennial session of the ~~Legislature~~ General Assembly, prepare a legislative directory containing appropriate matter. A sufficient number of copies of the ~~same~~ directory shall be printed by December 1 of each odd-numbered year and shall be delivered to the State Librarian, who shall deliver:

(1) one copy to each town and county clerk;

(2) one copy to each elective and appointive State officer;

(3) one copy to each member of the General Assembly;

(4) one copy to the clerk of each State board;

(5) one copy each to Castleton University, Johnson, and Lyndon State Colleges each campus of Northern Vermont University, the University of Vermont and State Agricultural College, and Vermont Technical College at Randolph;

(6) one copy to each high school and academy library in the State;

(7) one copy each to the Secretary and Assistant Secretary of the Senate;

(8) one copy each to the Clerk and Assistant Clerks of the House of Representatives;

(9) 25 copies to the Secretary of State; and

(10) the remaining copies to the Department of Libraries.

(b) The State Librarian may sell copies of the legislative directory to the general public and charge a reasonable price. Receipts from such sales shall be deposited in the General Fund.

Sec. 288. 29 V.S.A. § 1158(a) is amended to read:

(a) The State Librarian shall deliver the Acts and Resolves as follows: to the Secretary of State, six copies; to the Clerk of the U.S. Supreme Court for the use of the Court, one copy; to the Governor's Office and to the Governor and Lieutenant Governor, one copy each; to the Library of Congress, four copies; to each county clerk, three copies; one to each of the following officers and institutions: each department of the U.S. government and upon request to federal libraries, elective and appointive State officers, the clerk of each State board or commission, superintendent of each State institution, the library of the University of Vermont and State Agricultural College, the library of Castleton University, the libraries of ~~Johnson and Lyndon State Colleges~~ each campus of Northern Vermont University, Vermont Technical College, Middlebury College, Norwich University, St. Michael's College, senators and representatives of this State in Congress, members of the General Assembly

during the session at which such laws were adopted, the Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerks of the House of Representatives, the judges, attorney, ~~marshall~~ marshal, and clerk of the U.S. District Court in this State, the judge of the Second Circuit U.S. Court of Appeals from Vermont, Justices and ex-Justices of the Supreme Court, Superior judges, the reporter of decisions, judges and registers of probate, sheriffs, State's Attorneys, town clerks; one each, upon request and as the available supply permits, to assistant judges, justices of the peace, the chair of the legislative body of each municipality, and town treasurers; one within the State, to the Vermont Historical Society, to each county or regional bar law library, and one copy to each state or territorial library or Supreme Court library, and foreign library ~~which~~ that makes available to Vermont its comparable publication, provided that if any of these officials hold more than one of the offices named, that official shall be entitled to only one copy.

Sec. 289. 29 V.S.A. § 1601(b) is amended to read:

(b) The Municipal Equipment Loan Fund shall be administered by the State Treasurer and the State Traffic Committee, pursuant to policies and procedures approved by the Traffic Committee established by ~~23 V.S.A. § 1003~~ 19 V.S.A. § 1(24). The Committee shall establish criteria for distribution of available loan funds among municipalities considering at least financial need, geographic distribution, and ability to repay. The Fund shall be a revolving

fund and all principal and interest earned on loans and the Fund balance remaining in the Fund at the end of any fiscal year shall not revert but be carried over in the Fund for use in the succeeding fiscal year.

Sec. 290. 30 V.S.A. § 7521(a) is amended to read:

(a) A Universal Service Charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the Charge applies. The Charge is imposed on the person purchasing the service, but shall be collected by the telecommunications provider. Each telecommunications service provider shall include in its tariffs filed at the Public Utility Commission a description of its billing procedures for the Universal Service ~~Fund~~ Charge.

Sec. 291. 32 V.S.A. § 306a is amended to read:

§ 306a. PURPOSE OF THE STATE BUDGET

(a) ~~Purpose of the State budget.~~ The State budget, consistent with Chapter I, Article 7 of Vermont's Constitution, should "be instituted for the common benefit, protection, and security of the people, nation, or community...." The State budget should be designed to address the needs of the people of Vermont in a way that advances human dignity and equity and in a manner that supports the population-level outcomes set forth in 3 V.S.A. § 2311.

\* \* \*

Sec. 292. 32 V.S.A. § 312 is amended to read:

§ 312. TAX EXPENDITURE REPORT

\* \* \*

(b) ~~Tax expenditure reports.~~ Biennially, as part of the budget process, beginning on January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and on Appropriations and the Senate Committees on Finance and on Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, and motor vehicle purchase and use tax. The Office of Legislative Council shall also be available to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The report shall include, for each tax expenditure, the following information:

\* \* \*

Sec. 293. 32 V.S.A. § 1111 is amended to read:

§ 1111. EXEMPTION FROM LICENSING RENEWAL FEES; PERSONS  
OVER 80 YEARS OF AGE AND OVER

Notwithstanding any provision of law to the contrary, licensees who are 80 years of age or older shall be exempt from payment of a renewal fee required under any provision of Title 26 or any of the following statutes:

- (1) 18 V.S.A. chapter 46 (nursing home administrators); and
- (2) 31 V.S.A. chapter ~~3~~ of Title ~~31~~ 21 (boxing);
- (3) ~~chapter 203 of this title (auctioneers)~~. [Repealed.]

Sec. 294. 32 V.S.A. § 5930aa(2) is amended to read:

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated downtown or village center, which upon completion of the project supported by the tax credit will be an income-producing building not used solely as a single-family residence. Churches and other buildings owned by religious ~~organization~~ organizations may be qualified buildings, but in no event shall tax credits be used for religious worship.

Sec. 295. 32 V.S.A. § 6068(b) is amended to read:

(b) ~~Late filing penalties.~~ If the claimant fails to file a timely claim, the amount of the property tax credit under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the

cost of issuing an adjusted homestead property tax bill. No benefit shall be allowed in the calendar year unless the claim is filed with the Commissioner on or before October 15.

Sec. 296. 32 V.S.A. § 9202(10) is amended to read:

(10) "Taxable meal" means:

\* \* \*

(D) "Taxable meal" shall not include:

\* \* \*

(ii) Food or beverage, including that described in subdivision (10)(C) of this section:

\* \* \*

(IX) provided to the elderly pursuant to the Older Americans Act, 42 U.S.C. chapter 35, subchapter ~~VII~~ III;

\* \* \*

Sec. 297. 32 V.S.A. § 9271 is amended to read:

§ 9271. LICENSES REQUIRED

Each operator prior to commencing business shall register with the Commissioner each place of business within the State where he or she operates a hotel or sells taxable meals or alcoholic beverages; provided, however, that an operator who sells taxable meals through a vending machine shall not be required to hold a license for each individual machine, and a booking agent

shall not be required to hold a separate license for each property the rental of ~~that~~ which it facilitates. Upon receipt of an application in such form and containing such information as the Commissioner may require for the proper administration of this chapter, the Commissioner shall issue without charge a license for each such place in such form as he or she may determine, attesting that such registration has been made. No person shall engage in serving taxable meals or alcoholic beverages or renting hotel rooms without the license provided in this section. The license shall be nonassignable and nontransferable and shall be surrendered to the Commissioner if the business is sold or transferred or if the registrant ceases to do business at the place named.

Sec. 298. 33 V.S.A. § 2604 is amended to read:

§ 2604. ELIGIBLE BENEFICIARIES; REQUIREMENTS

(a) ~~Household income eligibility requirements.~~ The Secretary of Human Services or designee, by rule, shall establish household income eligibility requirements of beneficiaries in the Seasonal Fuel Assistance Program including the income of all residents of the household. The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level nor in excess of income maximums established by LIHEAP in order to be potentially eligible for benefits. To the extent allowed by federal law, the Secretary of Human Services or designee shall establish by rule a calculation of gross income based



on the same rules used in 3SquaresVT, except that the Secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

(b) ~~Fuel cost requirements.~~ The Secretary of Human Services or designee shall by procedure establish a table that contains amounts that will function as a proxy for applicant households' annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within the table shall closely approximate the actual home heating costs experienced by participants in the Home Heating Fuel Assistance Program. The table shall be revised ~~no~~ not less frequently than every three years based on data supplied by certified fuel suppliers, the Department of Public Service, and other industry sources to the Office of Home Heating Fuel Assistance. The Secretary or designee shall provide a draft of the table to the Home Energy Assistance Task Force established pursuant to subsection 2602a(c) of this title and solicit input from the Task Force prior to finalizing the table.

\* \* \*

Sec. 299. 2014 Acts and Resolves No. 131, Sec. 135, as amended by 2015 Acts and Resolves No. 4, Sec. 71, 2017 Acts and Resolves No. 85, Sec. E.338.2, 2018 Acts and Resolves No. 87, Sec. 51, and 2019 Acts and Resolves No. 72, Sec. E.338.4, is further amended to read:

Sec. 135. ~~EFFECTIVE DATES~~ DATE

~~{Repealed.}~~ This act shall take effect on passage.

Sec. 300. 2017 Acts and Resolves No. 60, Sec. 3, as amended by 2018 Acts and Resolves No. 203, Sec. 1, is further amended to read:

Sec. 3. REPEAL

On July 1, 2021, 15 V.S.A. ~~§ 752(b)(8)~~ § 752(b)(9) (spousal support and maintenance guidelines) is repealed.

Sec. 301. 2019 Acts and Resolves No. 51, Sec. 41(3) is amended to read:

(3) Sec. 8 (market-based sourcing) shall take effect on January 1, 2020, and apply to tax years starting on or after that date.

Sec. 302. REPEAL

2 V.S.A. chapter 26 (National Legislative Association on Prescription Drug Prices) is repealed.

Sec. 303. INTERPRETATION

It is the intent of the General Assembly that the technical amendments in this act shall not supersede substantive changes contained in other bills enacted by the General Assembly during the current biennium. Where possible, the amendments in this act shall be interpreted to be supplemental to other amendments of the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the technical changes of this act.

Sec. 304. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214, Sec. 299 (amending 2014 Acts and Resolves No. 131, Sec. 135, as amended) shall take effect retroactively on July 1, 2019.