

House Calendar

Friday, April 26, 2019

108th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 549 Approval of the dissolution of Rutland Fire District No. 10..... 1439

Favorable with Amendment

S. 149 An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles..... 1439

Rep. McCormack for Transportation

Rep. Beck for Ways and Means..... 1452

Rep. Savage Amendment..... 1452

Rep. Haas, et al. Amendment..... 1453

Favorable

H. 544 Approval of amendments to the charter of the City of Burlington. 1457

Rep. Hooper for Government Operations

Rep. Donovan for Ways and Means..... 1457

NOTICE CALENDAR

Committee Bill for Second Reading

H. 550 Unclaimed property..... 1457

Rep. O'Sullivan for Commerce and Economic Development

Favorable with Amendment

S. 73 An act relating to licensure of ambulatory surgical centers..... 1457

Rep. Donahue for Health Care

Consent Calendar

H.C.R. 144 Honoring the tenth bishop of the Episcopal Diocese of Vermont, the Right Reverend Thomas Clark Ely, for his visionary leadership..... 1463

H.C.R. 146 Honoring Joseph L. Choquette III on his multiple career and avocational accomplishments..... 1463

H.C.R. 147 Congratulating Essex High School on winning the first Academic WorldQuest Vermont championship.....	1463
H.C.R. 148 Honoring Vaughn Altemus for his career achievements in academia and Vermont State government.....	1463
H.C.R. 149 Congratulating the Rutland County Humane Society on its 60th anniversary.....	1464
H.C.R. 150 Congratulating the Harwood Union High School Highlanders on winning a second consecutive Division II boys' golf championship.....	1464
H.C.R. 151 Congratulating the 2019 Enosburg Falls High School Hornets State snowboarding championship team.....	1464
H.C.R. 152 Congratulating Nicholas John Blaney of Berkshire on his outstanding snowboarding accomplishments.....	1464
H.C.R. 153 Congratulating the 2019 Vermont Shamrocks USA Hockey girls' Tier II 16U national championship team.....	1464
S.C.R. 11 Senate concurrent resolution congratulating Katherine Womeldorf Paterson of Montpelier on winning the 2019 E.B. White Award for her achievement in children's literature.....	1464
S.C.R. 12 Senate concurrent resolution honoring former Representative and Senator Seth B. Bongartz for his impressive leadership as President of Hildene.....	1464

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 549

An act relating to approval of the dissolution of Rutland Fire District No. 10

Favorable with Amendment

S. 149

An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles

Rep. McCormack of Burlington, for the Committee on Transportation, recommends that the House propose to the Senate that the bill be amended as follows:

First: By striking out Sec. 1, 23 V.S.A. § 104(a), in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 23 V.S.A. § 104(a) is amended to read:

(a) ~~The records of the registration of motor vehicles, snowmobiles, and motorboats, licensing of operators and registration of dealers, all original accident reports, and the records showing suspension and revocation of licenses and registrations and the records regarding diesel fuel, gasoline, and rental vehicle taxes shall be deemed official and public records, and shall be open to public inspection at all reasonable hours. The Commissioner shall furnish certified copies of the records to any interested person on payment of such fee as established by subdivision 114(a)(21) of this title. Notwithstanding section 114 of this title, information from the records of the Department may be made available to government agencies in the manner determined by the Commissioner and at the actual cost of furnishing the same. The records may be maintained on microfilm or electronic imaging. Any information contained in Department records is subject to and shall be released pursuant to the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as amended.~~

Second: By striking out Sec. 2, 23 V.S.A. § 114, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

(1) Listings of 1 through 4 registrations	\$8.00
(2) Certified copy of registration application	\$8.00
(3) Sample plates	\$18.00
(4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies	\$8.00 per page
(5) [Repealed.]	
(6) Periodic inspection sticker record	\$8.00
(7) Certified copy individual accident crash report	\$12.00
(8) Certified copy police accident crash report	\$18.00
(9) Certified copy suspension notice	\$8.00
(10) Certified copy mail receipt	\$8.00
(11) Certified copy proof of mailing	\$8.00
(12) Certified copy reinstatement notice	\$8.00
(13) Certified copy operator's license application	\$8.00
(14) Certified copy three-year operating record	\$14.00
(15) [Repealed.]	
(16) Government official photo identification card	\$6.00
(17) Listing of operator's licenses of 1 through 4	\$8.00
(18) Statistics and research	\$42.00 per hour
(19) Insurance information on crash	\$8.00
(20) Certified copy complete operating record	\$20.00
(21) Records not otherwise specified	\$8.00 per page
(22) List of title records and related data elements excluding any personally identifiable information—initial computer	

programming <u>Public records request for</u>	\$5,331.00 <u>\$100.00</u>
<u>Department records requiring custom</u>	<u>per hour, but not</u>
<u>computer programming</u>	<u>less than \$500.00</u>

(23) ~~List of title records and related data elements excluding any personally identifiable information—record set on electronic media~~ Public records request for Department records requiring custom computer programming (updated)

\$119.00

(b) The Commissioner shall furnish the items listed in subsection (a) of this section ~~only~~ upon a request ~~which~~ that completely identifies the information sought ~~or pursuant to a contract with an outside entity for purposes permitted under law, including the Driver’s Privacy Protection Act, 18 U.S.C. chapter 123 as amended.~~ For purposes of this subsection, a request that completely identifies the information sought for individuals an individual shall mean name and date of birth, and for vehicles it a vehicle shall mean either the registration number or the vehicle identification number.

Third: By striking out Sec. 16, 23 V.S.A. chapter 41, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 23 V.S.A. chapter 41 is added to read:

CHAPTER 41. AUTOMATED VEHICLE TESTING

§ 4201. SHORT TITLE

This chapter may be cited as the Automated Vehicle Testing Act.

§ 4202. DEFINITIONS

As used in this chapter:

(1) “Automated driving system” means the hardware and software that are collectively capable of performing the entire dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(2) “Automated vehicle” means a motor vehicle that is equipped with an automated driving system.

(3) “Automated vehicle tester” or “tester” means an individual, company, public agency, or other organization that is testing automated vehicles on public highways in this State pursuant to this chapter including an automated vehicle manufacturer, municipal or State agency, institution of higher education, fleet service provider, or automotive equipment or technology provider.

(4) “Conventional human driver” means an individual who manually engages in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(5) “Dynamic driving task” means all the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

(6) “Highly automated vehicle” means a vehicle equipped with an automated driving system capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(7) “Manufacturer” means an individual or company that designs, produces, or constructs vehicles or equipment. Manufacturers include original equipment manufacturers (OEMs), multiple and final stage manufacturers, individuals or companies making changes to a completed vehicle before first retail sale or deployment (upfitters), and modifiers (individuals or companies making changes to existing vehicles after first retail sale or deployment).

(8) “Minimal risk condition” means a condition in which an automated vehicle operating without a human driver, upon experiencing a failure of its automated driving system that renders the automated vehicle unable to perform the dynamic driving task, achieves a reasonably safe state that may include bringing the automated vehicle to a complete stop.

(9) “Operational design domain” means a description of the specific domain or domains in which an automated driving system is designed to properly operate, including types of roadways, ranges of speed, weather, time of day, and environmental conditions.

(10) “Operator” means an individual employed by or under contract with an automated vehicle tester who has successfully completed the tester’s training on safe driving and the capabilities and limitations of the automated vehicle and automated driving system, can take immediate manual or remote

control of the automated vehicle being tested, is 21 years of age or older, and holds an operator's license for the class of vehicle being tested.

(11) "Public highway" means a State or municipal highway as defined in 19 V.S.A. § 1(12).

§ 4203. TESTING OF AUTOMATED VEHICLES ON PUBLIC
HIGHWAYS

(a) An automated vehicle shall not be operated on public highways for testing until the Traffic Committee as defined in 19 V.S.A. § 1(24) approves a permit application for automated vehicle testers that defines the geographic scope and operational design domain for the test and demonstrates the ability of the automated vehicle tester to comply with the requirements of this section.

(b) Prior to approving a permit application, the Traffic Committee will conduct a hearing to provide for comments from the public. Legislative bodies of the municipalities where an automated vehicle will be tested shall be notified by the Traffic Committee 60 calendar days prior to the Traffic Committee hearing when the geographic scope of the test includes State highways or Class 1, 2, 3, or 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(c) The Traffic Committee is authorized to approve the testing of automated vehicles on:

(1) All State highways and Class 1 Town Highways.

(2) Class 2, 3, and 4 Town Highways within the geographic boundaries of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality as of the date the permit application for automated vehicle testing is filed. A municipality may immediately revoke its preapproval of automated vehicle testing by notifying the Secretary of Transportation in writing that it no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(d) The Agency of Transportation's Automated Vehicle Testing Guide shall include a list of municipalities that have preapproved testing of automated vehicles and shall update the Automated Vehicle Testing Guide within 10 business days after a municipality notifies the Secretary of Transportation in writing that it now wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(e) The Traffic Committee has the sole authority to approve specific test permit applications. Municipal approval of specific testing permits is not required. Notwithstanding subdivision (c)(2) of this section, after a test permit has been approved by the Traffic Committee, all modifications to the operational design domain or other permit conditions, including changes affecting town highways in a preapproved testing municipality, requires approval by the Traffic Committee.

(f) Before a test commences, the Traffic Committee shall make approved automated vehicle test permits readily available to law enforcement and municipalities within the geographic scope of the operational design domain designated in the permit.

(g) The automated vehicle tester shall submit a report to the Traffic Committee annually, until all testing ceases, summarizing results and observations related to safety, traffic operations, interaction with roadway infrastructure, comments from the public, and any other relevant matters.

(h) An automated vehicle tester shall not test an automated vehicle on a public highway unless:

(1) The operator is:

(A) seated in the driver's seat of the automated vehicle;

(B) monitoring the operation of the automated vehicle; and

(C) capable of taking immediate manual control of such automated vehicle.

(2) The automated vehicle tester:

(A) registers each automated vehicle to be tested with the Commissioner pursuant to chapter 7 of this title;

(B) submits to the Commissioner, in a manner and form directed by the Commissioner, proof of liability insurance, self-insurance, or a surety bond of at least five million dollars for damages by reason of bodily injury, death, or property damage caused by an automated vehicle while engaged in automated vehicle testing;

(C) has established and enforces a zero-tolerance policy for drug and alcohol use by operators while engaged in automated vehicle testing. The policy shall include provisions for investigations of alleged policy violations and the suspension of drivers under investigation; and

(D) has conducted background checks for all operators pursuant to section 751 of this title, which may be inspected by the Commissioner of Motor Vehicles or designee pursuant to section 752 of this title.

(3) The operator and automated vehicle tester:

(A) comply with applicable standards established by the National Highway Traffic Safety Administration regarding the testing of automated vehicles or are capable of providing proof of exemptions or waivers to such standards;

(B) report to the Agency of Transportation and the applicable law enforcement agency within 72 hours after any motor vehicle crash involving the testing of the automated vehicle that results in personal injury or property damage; and

(C) satisfy any other requirements and permit conditions as determined by the Traffic Committee as necessary to ensure the safe operation of such automated vehicles.

(i) An automated vehicle testing permit may be voided and invalidated for the trip by a law enforcement officer who determines there is a violation of any condition specified in the terms of the automated vehicle test permit or that the continuation of the trip would be unsafe.

(j) An automated vehicle testing permit may be suspended or revoked by the Traffic Committee if, after the opportunity for a hearing, the Traffic Committee determines that there is a violation of any condition or conditions specified in the terms of the automated vehicle test permit that warrants the suspension or revocation of the testing permit or that the continuation of the testing would be unsafe.

(k) Operating or testing in violation of a suspension or revocation order shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00.

(l) Test vehicles must be capable of operating in compliance with applicable traffic and motor vehicle laws of this State, subject to this subchapter.

(m) An individual shall not operate, attempt to operate, or be in actual physical control of an automated vehicle being tested on a public highway when the individual's blood alcohol concentration is 0.02 or more.

(n) An automated vehicle being tested on a public highway shall be clearly identifiable by the public.

Fourth: By striking out Sec. 18, automated vehicle testing implementation, in its entirety and inserting in lieu thereof a new Sec. 18 to read as follows:

Sec. 18. AUTOMATED VEHICLE TESTING IMPLEMENTATION

(a) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation, in consultation with Vermont's Regional Planning Commissions, shall identify which legislative bodies of municipalities in the

State have approved the testing of automated vehicles on the Class 2, 3, and 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(b) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation shall publish an Automated Vehicle Testing Guide and application form to support review by the Traffic Committee and consistent with the requirements of 23 V.S.A. § 4203 as added in Sec. 16 of this act, including that the Automated Vehicle Testing Guide include a list of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality and be updated whenever a new municipality wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or a municipality no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(c) The Agency of Transportation may adopt rules to implement the provisions of 23 V.S.A. chapter 41 as added in Sec. 16 of this act.

Fifth: By striking out Sec. 23, 23 V.S.A. § 631, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. 23 V.S.A. § 631 is amended to read:

§ 631. REQUIREMENTS; RULES

(a) The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 governing the examination of new applicants for operators² operator's licenses and may prescribe ~~what shall be requisite~~ requirements to obtain or hold a license or learner's permit, by either a new or renewal applicant, as to driving experience, mental and physical qualifications, and any other matter or thing ~~which that~~, in his or her judgment, will contribute to the selection of safe and efficient operators.

(b) Any written forms, applications, or tests used by the Department of Motor Vehicles for operator licensing shall be translated into primary languages of nations from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail, as determined on an annual basis by the Department in consultation with the U.S. Committee for Refugees and Immigrants Vermont, and available at all Department locations and on the Department's website if the English version is available. Nothing in this subsection is intended to require the Department to translate any educational manuals.

Sixth: By striking out Sec. 25, 23 V.S.A. § 4108, in its entirety and inserting in lieu thereof a new Sec. 25 to read as follows:

Sec. 25. [Deleted.]

Seventh: By striking out Sec. 28, effective dates, and its accompanying reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Colored Signal Lamps * * *

Sec. 28. 23 V.S.A. § 1252 is amended to read:

§ 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
OR BOTH; USE OF AMBER LAMPS

(a) When satisfied as to the condition and use of the vehicle, the Commissioner shall issue and may revoke, for cause, permits for sirens ~~or~~ and colored signal lamps in the following manner:

(1) Sirens, ~~or blue or blue and~~ signal lamps, red signal lamps, white signal lamps, or a combination of ~~these~~ thereof, may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Training Council. If the applicant is a constable, the application shall be accompanied by a certification by the town clerk that the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. § 1936a.

(2) Sirens and red or red and white signal lamps may be authorized for all ambulances, ~~fire apparatus~~ and other emergency medical service (EMS) vehicles, vehicles owned or leased by a fire department, vehicles used solely in rescue operations, or vehicles owned or leased by, or provided to, volunteer firefighters and voluntary rescue squad members, including a vehicle owned by a volunteer's employer when the volunteer has the written authorization of the employer to use the vehicle for emergency fire or rescue activities. A single blue signal lamp may be authorized for all ambulances, other EMS vehicles, and vehicles owned or leased by a fire department or rescue squad organization, provided that the Commissioner shall require the lamp to be mounted so as to be visible primarily from the rear of the vehicle.

(3) No vehicle may be authorized a permit for more than one of the combinations described in subdivisions (1) and (2) of this subsection.

(4) No motor vehicle, other than one owned by the applicant, shall be issued a permit until the Commissioner has recorded the information regarding both the owner of the vehicle and the applicant for the permit.

(5) Upon application to the Commissioner, the Commissioner may issue a single permit for all the vehicles owned or leased by the applicant.

(6) Sirens and red or red and white signal lamps, or sirens and blue or blue and white signal lamps, may be authorized for restored emergency or enforcement vehicles used for exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated during an exhibition, such as a car show or parade.

(b) Amber signal lamps shall be used on road maintenance vehicles, service vehicles, and wreckers and shall be used on all registered snow removal equipment when in use removing snow on public highways and the amber lamps shall be mounted so as to be visible from all sides of the motor vehicle. ~~A vehicle equipped with an amber signal lamp may not be issued a permit for the installation and use of a siren.~~

* * * Junior Operator Use of Portable Electronic Devices * * *

Sec. 29. 23 V.S.A. § 1095a(d) is added to read:

(d)(1) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a 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.

(2) A person convicted of violating this section while operating within the following areas shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

(A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or

(B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside the areas designated in subdivision (2) of this subsection shall have two points assessed against his or her driving record.

* * * Master License Agreement Study * * *

Sec. 30. STUDY ON THE AGENCY OF TRANSPORTATION'S USE OF

MASTER LICENSE AGREEMENTS AND ALTERNATIVE
OPTIONS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns, shall report back to the House and Senate Committees on Transportation on or before November 15, 2019 concerning the use and contents of master license agreements and other agreements or contracts by the Agency of Transportation when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State. The report shall include the history of the Agency's use of master license agreements and other agreements or contracts, including the contents thereof; alternatives to the use of such agreements; whether a municipality or municipal operated utility can secure sufficient insurance coverage to enter into the Agency's current iteration of the standard conditions to the master license agreement it uses when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State; and what other states do when a municipality, utility, or other person needs to use the right-of-way for any state-owned railroad lines.

* * * Safety Belts * * *

Sec. 31. 23 V.S.A. § 1259 is amended to read:

§ 1259. SAFETY BELTS; PERSONS ~~AGE~~ 18 YEARS OF AGE OR OVER

* * *

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary violation. [Repealed.]~~

(f) The penalty for violation of this section shall be as follows:

- (1) ~~\$25.00~~ \$0.00 for a first violation;
- (2) ~~\$50.00~~ \$25.00 for a second violation;
- (3) \$50.00 for a third violation; and
- (4) \$100.00 for ~~third~~ fourth and subsequent violations.

* * * Motor Vehicle Registrations * * *

Sec. 32. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT
AND CORRECTED CERTIFICATES

(a) A person shall not operate a motor vehicle nor draw a trailer or semi-trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle.

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of \$16.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of \$16.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. 33. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device which would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

(b) A registration validation sticker shall be unobstructed, and shall be affixed as follows:

(1) for vehicles issued registration plates with dimensions of approximately 12 × 6 inches, in the lower right corner of the rear registration plate; and

(2) for vehicles issued a registration plate with a dimension of approximately 7 × 4 inches, in the upper right corner of the rear registration plate.

(c) A person shall not operate a motor vehicle unless number plates and a validation sticker are displayed as provided in this section.

(d) An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

* * * Motor Vehicle Inspections * * *

Sec. 34. 23 V.S.A. § 1222(c) is amended to read:

(c) A person shall not operate a motor vehicle unless it has been inspected as required by this section and has a valid certification of inspection affixed to it. A person shall be subject to a ~~fine~~ civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited for a violation of this section within the 14 days following expiration of the motor vehicle inspection sticker. The month of next inspection for all motor vehicles shall be shown on the current inspection certificate affixed to the vehicle.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

(a) This section and Secs. 26 (Department of Motor Vehicles training), 27 (translated documents and use of interpreters implementation), and 30 (master license agreement study) shall take effect on passage.

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on July 1, 2020.

(c) All other sections shall take effect on July 1, 2019.

(Committee vote: 11-0-0)

(For text see Senate Journal March 21, 2019)

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

(Committee Vote: 10-1-0)

Amendment to be offered by Rep. Savage of Swanton to the recommendation of amendment of the Committee on Transportation to S. 149

By adding a new section to be Sec. 29a before the reader assistance heading for Sec. 30 to read as follows:

Sec. 29a. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

(LL)(i) § 1095. Entertainment picture visible
to operator;

(ii) § 1095a(d)(3). Junior operator use of portable electronic
device outside work or school zone;

(iii) § 1095b(c)(3). Use of portable electronic device outside
work or school zone;

* * *

(3) Four points assessed for:

* * *

(E) § 1095a(d)(2). Junior operator use of portable electronic

device in work or school zone—first offense;

(F) § 1095b(c)(2). Use of portable electronic device in work or school zone—first offense;

(4) Five points assessed for:

* * *

(D) § 1095a(d)(2). Junior operator use of portable electronic device in work or school zone—second and subsequent offenses;

(E) § 1095b(c)(2). Use of portable electronic device in work or school zone—second and subsequent offenses;

* * *

Amendment to be offered by Reps. Haas of Rochester and Shaw of Pittsford to the recommendation of amendment of the Committee on Transportation to S. 149

By striking out Sec. 35, effective dates, and its accompanying reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Overweight Vehicles * * *

Sec. 35. 23 V.S.A. § 1391a is amended to read:

§ 1391a. PENALTIES FOR OVERWEIGHT OPERATION

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

Statutory Citation	Name of Offense
23 V.S.A. § 1391	Tire and axle limits
23 V.S.A. § 1392	Gross <u>weight</u> limits on highways
23 V.S.A. § 1399	Construction and maintenance equipment; fire apparatus
23 V.S.A. § 1400	Permit to operate in excess of weight and size limits; State highways

- 23 V.S.A § 1400a Special local highway and bridge limits;
reimbursement for damages; special permits
- 23 V.S.A. § 1407 Operation of overweight vehicles
- 23 V.S.A. § 1408 Operating vehicle in excess of registered capacity

(b) ~~Fine Schedule~~

(1) For a violation of each of the ~~above~~ statutory sections in subsection (a) of this section, ~~fin~~ a penalty shall be imposed as follows:

\$15.00 for each 1,000 lbs. or portion thereof overweight for the first 5,000 lbs. overweight;

\$30.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 5,000 lbs. and less than 10,001 lbs.;

\$45.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 10,000 lbs. and less than 15,001 lbs.;

\$60.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 15,000 lbs. and less than 20,001 lbs.;

\$90.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

\$150.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 25,000 lbs.

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

(A) upon a second conviction of a violation occurring within one year, five percent;

(B) upon a third conviction of a violation occurring within one year, 10 percent;

(C) upon a fourth or subsequent conviction occurring within one year, 15 percent.

(3) In the calculation of gross overweight, the weight allowed by registration or permit, whichever is greater, shall be the basis. The tolerances allowed by sections 1391, 1392, and 1408, ~~and 1410~~ of this title shall not be considered in the calculation of gross overweight.

(c) Notwithstanding any other provisions of law to the contrary, in a ~~prosecution for a violation of those~~ an action to enforce the statutes listed in

subsection (a) of this section, the proper defendant shall be either the owner or lessee of the vehicle or the person who moves or operates the vehicle.

(d) If a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of a statute listed in subsection (a) of this section, an overdimension violation, or a violation of a lawful restriction on operation by motor trucks on the highway, and the officer is to issue the operator a traffic complaint for the violation, the operator shall furnish the enforcement officer information sufficient to enable the officer to determine whether, at the time of the violation, the operator possessed and was attempting to use a global positioning system (GPS) device on the list most recently published on the Department's website pursuant to subsection 1400b(g) of this title. The failure of an operator to furnish such information, or the failure to possess and attempt to use a GPS device on the list at the time of the violation, is a secondary violation subject to a civil penalty of not more than \$300.00 for a first violation and of not more than \$500.00 for a second or subsequent violation. A defendant shall not be subject to the penalty established in this subsection if the defendant is not required to pay a penalty for the primary violation.

(e) Fines Penalties imposed for violations of this section shall be deposited in the Transportation Fund, unless the ~~fin~~es ~~pen~~alties 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~~ ~~pen~~alty 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. 36. 23 V.S.A. § 1400b is amended to read:

§ 1400b. FILING OF RESTRICTIONS, PUBLICATION

(a) Any municipality ~~which~~ that has enacted special weight limits ~~which~~ that are other than State legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations for the calendar year commencing April 1 with the Department of Motor Vehicles not later than February 10 of each year. The information filed shall contain a concise listing of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address, and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing ~~may be made from time to time, as required, by filing with the Department~~ only be made for the next calendar year commencing April 1 or at the discretion of the Commissioner.

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the Department of Motor Vehicles ~~within three working days of the date of posting~~. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the Department. The Department may prescribe the format ~~which~~ that is to be used when filing restrictions under this section.

(c) The Department shall publish, ~~on an annual basis~~ or before April 1 of each year, a list of municipal highways or bridges and their ~~current~~ weight limits for the full calendar year commencing April 1. This publication shall be based on the information submitted by the municipalities under subsection (a) of this section, as well as information available through the Agency of Transportation, and shall be available to the public, at a charge not in excess of \$25.00, on or before April 1 of each year.

(d) ~~The~~ In the event that the Commissioner approves an addition or deletion to a municipality's special weight limits pursuant to subsection (a) of this section, the Department shall also publish, on a quarterly basis, a periodic update of current to the published weight limits for municipal highways and bridges, and shall make that available to the general public at a cost of not more than \$5.00. Notice of the approved addition or deletion shall also be provided by the Department to any global positioning system (GPS) manufacturers that have requested such updates.

* * *

(g) On or before April 1 of each year, the Commissioner shall publish on the website of the Department an updated list of models of GPS devices equipped to convey up-to-date information about weight limits on State and town highways throughout the State.

Sec. 37. 23 V.S.A. § 1412 is amended to read:

§ 1412. MULTIPLE WEIGHT VIOLATIONS

~~No~~ Excluding a secondary violation imposed pursuant to subsection 1391a(d) of this title, no more than one overweight violation per vehicle shall be written by an enforcement officer at any single incident.

* * * Effective Dates * * *

Sec. 38. EFFECTIVE DATES

(a) This section and Secs. 26 (Department of Motor Vehicles training), 27 (translated documents and use of interpreters implementation), and 30 (master license agreement study) shall take effect on passage.

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on July 1, 2020.

(c) Secs. 35 (penalties for overweight operation), 36 (filing and publishing weight limits), and 37 (multiple weight violations) shall take effect on July 1, 2020.

(d) All other sections shall take effect on July 1, 2019.

Favorable

H. 544

An act relating to approval of amendments to the charter of the City of Burlington

Rep. Hooper of Burlington, for the Committee on Government Operations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Rep. Donovan of Burlington, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 550

An act relating to unclaimed property.

(Rep. O'Sullivan of Burlington will speak for the Committee on Commerce and Economic Development.)

Favorable with Amendment

S. 73

An act relating to licensure of ambulatory surgical centers

Rep. Donahue of Northfield, for the Committee on Health Care, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 49 is added to read:

CHAPTER 49. AMBULATORY SURGICAL CENTERS

Subchapter 1. General Provisions

§ 2141. DEFINITIONS

As used in this chapter:

(1) “Ambulatory surgical center” means any distinct entity that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and for which the expected duration of services would not exceed 24 hours following an admission. The term does not include:

(A) a facility that is licensed as part of a hospital; or

(B) a facility that is used exclusively as an office or clinic for the private practice of one or more licensed health care professionals, unless one or more of the following descriptions apply:

(i) the facility holds itself out to the public or to other health care providers as an ambulatory surgical center, surgical center, surgery center, surgicenter, or similar facility using a similar name or a variation thereof;

(ii) procedures are carried out at the facility using general anesthesia, except as used in oral or maxillofacial surgery or as used by a dentist with a general anesthesia endorsement from the Board of Dental Examiners; or

(iii) patients are charged a fee for the use of the facility in addition to the fee for the professional services of one or more of the health care professionals practicing at that facility.

(2) “Health care professional” means:

(A) a physician licensed pursuant to 26 V.S.A. chapter 23 or 33;

(B) an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28;

(C) a physician assistant licensed pursuant to 26 V.S.A. chapter 31;

(D) a podiatrist licensed pursuant to 26 V.S.A. chapter 7; or

(E) a dentist licensed pursuant to 26 V.S.A. chapter 12.

(3) “Patient” means a person admitted to or receiving health care services from an ambulatory surgical center.

Subchapter 2. Licensure of Ambulatory Surgical Centers

§ 2151. LICENSE

No person shall establish, maintain, or operate an ambulatory surgical center in this State without first obtaining a license for the ambulatory surgical center in accordance with this subchapter.

§ 2152. APPLICATION; FEE

(a) An application for licensure of an ambulatory surgical center shall be made to the Department of Health on forms provided by the Department and shall include all information required by the Department. Each application for a license shall be accompanied by a license fee.

(b) The annual licensing fee for an ambulatory surgical center shall be \$600.00.

(c) Fees collected under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Department of Health to offset the costs of licensing ambulatory surgical centers.

§ 2153. LICENSE REQUIREMENTS

(a) Upon receipt of an application for a license and the licensing fee, the Department of Health shall issue a license if it determines that the applicant and the ambulatory surgical center facilities meet the following minimum standards:

(1) The applicant shall demonstrate the capacity to operate an ambulatory surgical center in accordance with rules adopted by the Department.

(2) The applicant shall demonstrate that its facilities comply fully with standards for health, safety, and sanitation as required by State law, including standards set forth by the State Fire Marshal and the Department of Health, and municipal ordinance.

(3) The applicant shall have a clear process for responding to patient complaints.

(4) The applicant shall participate in the Patient Safety Surveillance and Improvement System established pursuant to chapter 43A of this title.

(5) The applicant shall maintain certification from the Centers for Medicare and Medicaid Services and shall accept Medicare and Medicaid patients for ambulatory surgical center facility services.

(6) The ambulatory surgical center facilities, including the buildings and grounds, shall be subject to inspection by the Department, its designees, and other authorized entities at all times.

(b) A license is not transferable or assignable and shall be issued only for the premises and persons named in the application.

§ 2154. REVOCATION OF LICENSE; HEARING

The Department of Health, after notice and opportunity for hearing to the applicant or licensee, is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this chapter. Such notice shall be served by registered mail or by personal service, shall set forth the reasons for the proposed action, and shall set a date not less than 60 days from the date of the mailing or service on which the applicant or licensee shall be given opportunity for a hearing. After the hearing, or upon default of the applicant or licensee, the Department shall file its findings of fact and conclusions of law. A copy of the findings and decision shall be sent by registered mail or served personally upon the applicant or licensee. The procedure governing hearings authorized by this section shall be in accordance with the usual and customary rules provided for such hearings.

§ 2155. APPEAL

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by the decision of the Department of Health after a hearing may, within 30 days after entry of the decision as provided in section 2154 of this title, appeal to the Superior Court for the district in which the appellant is located. The court may affirm, modify, or reverse the Department's decision, and either the applicant or licensee or the Department or State may appeal to the Vermont Supreme Court for such further review as is provided by law. Pending final disposition of the matter, the status quo of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest.

§ 2156. INSPECTIONS

The Department of Health shall make or cause to be made such inspections and investigations as it deems necessary. If the Department finds a violation as the result of an inspection or investigation, the Department shall post a report on the Department's website summarizing the violation and any corrective action required.

§ 2157. RECORDS

(a) Information received by the Department of Health through filed reports, inspections, or as otherwise authorized by law shall:

(1) not be disclosed publicly in a manner that identifies or may lead to the identification of one or more individuals or ambulatory surgical centers;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of an ambulatory surgical center.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the Department's website pursuant to section 2156 of this chapter.

§ 2158. NONAPPLICABILITY

The provisions of chapter 42 of this title, Bill of Rights for Hospital Patients, do not apply to ambulatory surgical centers.

§ 2159. RULES

The Department of Health shall adopt rules pursuant to 3 V.S.A. chapter 25 as needed to carry out the purposes of this chapter. The rules shall include requirements regarding:

(1) the ambulatory surgical center's maintenance of a transport agreement with at least one emergency medical services provider for emergency patient transportation;

(2) the ambulatory surgical center's maintenance of a publicly accessible policy for providing charity care to eligible patients; and

(3) the ambulatory surgical center's participation in quality reporting programs offered by the Centers for Medicare and Medicaid Services.

Sec. 2. 18 V.S.A. § 1909 is amended to read:

§ 1909. INSPECTIONS

The licensing agency shall make or cause to be made such inspections and ~~investigation~~ investigations as it deems necessary. If the licensing agency finds a violation as the result of an inspection or investigation, the licensing agency shall post a report on the licensing agency's website summarizing the violation and any corrective action required.

Sec. 3. 18 V.S.A. § 1910 is amended to read:

§ 1910. RECORDS

(a) Information received by the licensing agency through filed reports, inspection, or as otherwise authorized ~~under this by law,~~ shall:

(1) not be disclosed publicly in such a manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure that identifies or may lead to the identification of one or more individuals or hospitals;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of a hospital.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the licensing agency's website pursuant to section 1909 of this chapter.

Sec. 4. 18 V.S.A. § 9375(b) is amended to read:

(b) The Board shall have the following duties:

* * *

(14)(A) Collect and review data from ambulatory surgical centers licensed pursuant to chapter 49 of this title, which may include data on an ambulatory surgical center's scope of services, volume, utilization, payer mix, quality, coordination with other aspects of the health care system, and financial condition. The Board's processes shall be appropriate to ambulatory surgical centers' scale and their role in Vermont's health care system, and the Board shall consider ways in which ambulatory surgical centers can be integrated into systemwide payment and delivery system reform.

(B) The Board shall report to the House Committee on Health Care and the Senate Committee on Health and Welfare annually, on or before January 15, using claims data from the Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES), regarding high-volume outpatient surgeries and procedures performed in ambulatory surgical center and hospital settings in Vermont, any changes in utilization over time, and a comparison of the commercial insurance rates paid for the same surgeries and procedures performed in ambulatory surgical centers and in hospitals in Vermont.

Sec. 5. 18 V.S.A. § 9405b is amended to read:

§ 9405b. HOSPITAL COMMUNITY REPORTS AND AMBULATORY SURGICAL CENTER QUALITY REPORTS

* * *

(d) The Commissioner of Health shall publish or otherwise make publicly available on its website each ambulatory surgical center's performance results from quality reporting programs offered by the Centers for Medicare and Medicaid Services and shall update the information at least annually.

Sec. 6. EFFECTIVE DATES

(a) Sec. 1 (18 V.S.A. chapter 49) shall take effect on January 1, 2020, provided that any ambulatory surgical center in operation on that date shall have six months to complete the licensure process.

(b) Secs. 2 (18 V.S.A. § 1909) and 3 (18 V.S.A. § 1910) shall take effect on July 1, 2019.

(c) Sec. 4 (18 V.S.A. § 9375(b)) and this section shall take effect on passage.

(d) Sec. 5 (18 V.S.A. § 9405b) shall take effect on January 1, 2020.

(Committee vote: 10-0-1)

(For text see Senate Journal February 28, 2019)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of April 25, 2019.

H.C.R. 144

House concurrent resolution honoring the tenth bishop of the Episcopal Diocese of Vermont, the Right Reverend Thomas Clark Ely, for his visionary leadership

H.C.R. 146

House concurrent resolution honoring Joseph L. Choquette III on his multiple career and avocational accomplishments

H.C.R. 147

House concurrent resolution congratulating Essex High School on winning the first Academic WorldQuest Vermont championship

H.C.R. 148

House concurrent resolution honoring Vaughn Altemus for his career achievements in academia and Vermont State government

H.C.R. 149

House concurrent resolution congratulating the Rutland County Humane Society on its 60th anniversary

H.C.R. 150

House concurrent resolution congratulating the Harwood Union High School Highlanders on winning a second consecutive Division II boys' golf championship

H.C.R. 151

House concurrent resolution congratulating the 2019 Enosburg Falls High School Hornets State snowboarding championship team

H.C.R. 152

House concurrent resolution congratulating Nicholas John Blaney of Berkshire on his outstanding snowboarding accomplishments

H.C.R. 153

House concurrent resolution congratulating the 2019 Vermont Shamrocks USA Hockey girls' Tier II 16U national championship team

S.C.R. 11

Senate concurrent resolution congratulating Katherine Womeldorf Paterson of Montpelier on winning the 2019 E.B. White Award for her achievement in children's literature.

S.C.R. 12

Senate concurrent resolution honoring former Representative and Senator Seth B. Bongartz for his impressive leadership as President of Hildene.