

Journal of the House

Friday, April 26, 2019

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Robin MacArthur, Marlboro, VT.

Message from the Senate No. 44

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bill of the following title:

S. 154. An act relating to miscellaneous banking provisions.

And has concurred therein.

The Senate has adopted a proposed amendment to the Vermont Constitution entitled:

Prop 2. Declaration of rights; eliminating reference to slavery.

In the passage of which the concurrence of the House is requested.

Constitutional Proposal of Amendment #2 Referred to Committee

The following Constitutional amendment was introduced and referred to the committee on Government Operations.

SENATE CHAMBER

PROPOSED AMENDMENT TO THE CONSTITUTION

OF THE STATE OF VERMONT

Offered by: Senators Ingram, Ashe, Kitchel, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Hardy, Hooker, Lyons, Mazza, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr and White

Subject: Declaration of rights; eliminating reference to slavery

PROPOSAL 2

Sec. 1. HISTORY; PURPOSE

(a) History. While Vermont was the first state to include a prohibition on slavery in its Constitution in 1777, it was only a partial prohibition, applicable to adults reaching a certain age, “unless bound by the person’s own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.” The 13th Amendment to the U.S. Constitution, ratified in 1865, prohibited slavery within the United States “except as a punishment for crime whereof the party shall have been duly convicted[.]” Despite subsequent revisions to it, the Vermont Constitution continues to contain only a partial prohibition on slavery.

(b) Purpose. This proposal would amend the Constitution of the State of Vermont to eliminate reference to slavery. Eliminating reference to slavery in the Vermont Constitution will serve as a foundation for addressing systemic racism in our State’s laws and institutions.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; ~~slavery prohibited~~]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; ~~therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Bill Referred to Committee on Ways and Means**S. 73**

Senate bill, entitled

An act relating to licensure of ambulatory surgical centers

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Third Reading; Bill Passed**H. 549**

House bill, entitled

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

Was taken up, read the third time and passed.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 149**

Rep. McCormack of Burlington, for the committee on Transportation, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment 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>

Department records requiring custom computer programming per hour, but not less than \$500.00

- (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. ~~Completely identifying~~ 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 PUBLICHIGHWAYS

(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 ~~operators'~~ 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.

Rep. Beck of St. Johnsbury, for the committee on Ways and Means, recommended that House propose to the Senate to amend the bill as recommended by the committee on Transportation.

The bill having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by the committee on Transportation? **Rep. Savage of Swanton** moved to amend the proposal of amendment as offered by the committee on Transportation as follows:

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;

* * *

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by the committee on Transportation, as amended? **Reps. Haas of Rochester and Shaw of Pittsford** moved to amend the proposal of amendment as offered by the committee on Transportation, as amended, as follows:

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~~ es 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~~ 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~~ 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~~ 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. 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.

Thereupon, **Rep. Haas of Rochester** asked and was granted leave of the House to withdraw the amendment.

Thereupon, the proposal as recommended by the committee on Transportation, as amended, was agreed to and third reading was ordered.

**Favorable Reports; Second Reading;
Third Reading Ordered**

H. 544

Rep. Hooper of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage.

Rep. Donovan of Burlington, for the committee on Ways and Means reported in favor of its passage.

The bill having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

At ten o'clock and thirty-nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 30, 2019, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 25.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House.

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;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2019, seventy-fifth Biennial session.]