

# Journal of the Senate

---

THURSDAY, FEBRUARY 21, 2019

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 17

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 218.** An act relating to lead poisoning prevention.

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

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 16.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

### S. 116.

By Senators Pearson and Champion,

An act relating to the management and disposal of nicotine containers and replacement cartridges for tobacco substitutes.

To the Committee on Economic Development, Housing and General Affairs.

### S. 117.

By Senators Sears and White,

An act relating to the therapeutic use of cannabis.

To the Committee on Judiciary.

**S. 118.**

By Senators Lyons, Benning, Bray and MacDonald,

An act relating to the time frame for the adoption of administrative rules.

To the Committee on Government Operations.

**S. 119.**

By Senators Ingram, Pearson and Pollina,

An act relating to law enforcement training on appropriate use of force, de-escalation tactics, and cross-cultural awareness.

To the Committee on Judiciary.

**S. 120.**

By Senators Ingram, Hardy and Pearson,

An act relating to the Executive Director of Racial Equity.

To the Committee on Government Operations.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 218.**

An act relating to lead poisoning prevention.

To the Committee on Health and Welfare.

**Joint Assembly**

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 10. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

The Senate repaired to the hall of the House.

Having returned therefrom, at eleven o'clock and fifty-five minutes in the morning, the President assumed the Chair.

**Bill Passed**

**S. 84.**

Senate bill entitled:

An act relating to emissions inspections.

Was taken up.

Thereupon, pending third reading of the bill, Senator Bray moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Motor Vehicles Subject to the Emissions Inspection \* \* \*

Sec. 1. 23 V.S.A. § 1222(a) is amended to read:

(a) Except for school buses, which shall be inspected as prescribed in section 1282 of this title, and motor buses as defined in subdivision 4(17) of this title, which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this State shall ~~be inspected~~ undergo a safety and visual emissions inspection once each year and all motor vehicles that are registered in this State and are 15 model years old or less shall undergo an on-board diagnostic (OBD) systems inspection once each year as applicable. Any motor vehicle, trailer, or semi-trailer not currently inspected in this State shall be inspected within 15 days following the date of its registration in the State of Vermont.

\* \* \* Rulemaking and Implementation \* \* \*

Sec. 2. RULEMAKING

(a) Within six months after the effective date of this section, the Commissioner of Motor Vehicles, in consultation with the Agency of Natural Resources, shall file with the Secretary of State a proposed amended rule governing vehicle inspections in this State (Periodic Inspection Manual) that is consistent with federal law, including 40 C.F.R. part 51, subpart S, and only requires an on-board diagnostic (OBD) systems inspection once each year, as applicable, for motor vehicles registered in this State that are 15 model years old or less.

Sec. 3. IMMEDIATE IMPLEMENTATION

(a) Notwithstanding 10 V.S.A. § 567(a), as soon as practicable after the effective date of this section, the Commissioner of Motor Vehicles shall update the content of inspections conducted through the Automated Vehicle Inspection Program to exclude any requirements of the Periodic Inspection Manual that are inconsistent with the amendments to 23 V.S.A. § 1222 in Sec. 1 of this act, with the effect that no motor vehicle that is more than 15 model years old will be required to undergo an on board diagnostic (OBD) systems inspection.

(b) In the event that the Commissioner cannot update the content of inspections conducted through the Automated Vehicle Inspection Program in accordance with subsection (a) of this section within 45 days after the effective date of this section, the Commissioner shall, within 45 days after the effective date of this section, develop and implement a temporary work-around to ensure that no motor vehicle that is more than 15 model years old will be required to undergo an OBD systems inspection.

\* \* \* Inspections Required After the Adoption  
of a New Periodic Inspection Manual \* \* \*

Sec. 4. 23 V.S.A. § 1222(a) is amended to read:

(a) Except for school buses, which shall be inspected as prescribed in section 1282 of this title, and motor buses as defined in subdivision 4(17) of this title, which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this State shall ~~undergo a safety and visual emissions inspection~~ be inspected once each year and ~~all motor vehicles that are registered in this State and are 15 model years old or less shall undergo an on board diagnostic (OBD) systems inspection once each year as applicable.~~ Any motor vehicle, trailer, or semi-trailer not currently inspected in this State shall be inspected within 15 days following the date of its registration in the State of Vermont.

\* \* \* Effective Dates \* \* \*

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 2 (rulemaking) and 3 (implementation) shall take effect on passage.

(b) Sec. 1 (inspection program) shall take effect 45 days after passage.

(c) Sec. 4 (inspection program) shall take effect 30 days after the later of:

(1) the adoption of the rule governing vehicle inspections in this State (Periodic Inspection Manual) in conformance with Sec. 2 of this act; or

(2) the approval of the State's state implementation plan addressing its inspection and maintenance (I/M) program by the Environmental Protection Agency.

Which was disagreed to.

**Senator Ashe Assumes the Chair**

Thereupon, the bill was read the third time and passed.

---

**Bill Passed****S. 24.**

Senate bill of the following title:

An act relating to naming the Courthouse located at 9 Merchants Row in Rutland.

Was read the third time and passed on a roll call, Yeas 26, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

**Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Ashe (presiding), Baruth, Benning, Lyons.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.