

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill No.
3 149 entitled “An act relating to miscellaneous changes to laws related to
4 vehicles and the Department of Motor Vehicles” respectfully reports that it has
5 considered the same and recommends that the House propose to the Senate that
6 the bill be amended as follows:

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

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

10 (a) ~~The records of the registration of motor vehicles, snowmobiles, and~~
11 ~~motorboats, licensing of operators and registration of dealers, all original~~
12 ~~accident reports, and the records showing suspension and revocation of~~
13 ~~licenses and registrations and the records regarding diesel fuel, gasoline, and~~
14 ~~rental vehicle taxes shall be deemed official and public records, and shall be~~
15 ~~open to public inspection at all reasonable hours. The Commissioner shall~~
16 ~~furnish certified copies of the records to any interested person on payment of~~
17 ~~such fee as established by subdivision 114(a)(21) of this title. Notwithstanding~~
18 ~~section 114 of this title, information from the records of the Department may~~
19 ~~be made available to government agencies in the manner determined by the~~
20 ~~Commissioner and at the actual cost of furnishing the same. The records may~~
21 ~~be maintained on microfilm or electronic imaging. Any information contained~~

1 in Department records is subject to and shall be released pursuant to the
2 Driver’s Privacy Protection Act, 18 U.S.C. chapter 123 as amended.

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

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

6 § 114. FEES

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

- | | | |
|----|---|-----------------|
| 9 | (1) Listings of 1 through 4 registrations | \$8.00 |
| 10 | (2) Certified copy of registration application | \$8.00 |
| 11 | (3) Sample plates | \$18.00 |
| 12 | (4) Lists of registered dealers, transporters, | |
| 13 | periodic inspection stations, fuel dealers, | |
| 14 | and distributors, including gallonage sold | |
| 15 | or delivered and rental vehicle companies | \$8.00 per page |
| 16 | (5) [Repealed.] | |
| 17 | (6) Periodic inspection sticker record | \$8.00 |
| 18 | (7) Certified copy individual accident crash report | \$12.00 |
| 19 | (8) Certified copy police accident crash report | \$18.00 |
| 20 | (9) Certified copy suspension notice | \$8.00 |
| 21 | (10) Certified copy mail receipt | \$8.00 |

1	(11) Certified copy proof of mailing	\$8.00
2	(12) Certified copy reinstatement notice	\$8.00
3	(13) Certified copy operator's license application	\$8.00
4	(14) Certified copy three-year operating record	\$14.00
5	(15) [Repealed.]	
6	(16) Government official photo identification card	\$6.00
7	(17) Listing of operator's licenses of 1 through 4	\$8.00
8	(18) Statistics and research	\$42.00 per hour
9	(19) Insurance information on crash	\$8.00
10	(20) Certified copy complete operating record	\$20.00
11	(21) Records not otherwise specified	\$8.00 per page
12	(22) List of title records and related data	
13	elements excluding any personally	
14	identifiable information—initial computer	
15	programming <u>Public records request for</u>	\$5,331.00 <u>\$100.00</u>
16	<u>Department records requiring custom</u>	<u>per hour, but not</u>
17	<u>computer programming</u>	<u>less than \$500.00</u>
18	(23) List of title records and related data	
19	elements excluding any personally	
20	identifiable information—record set on	
21	electronic media <u>Public records request for</u>	

1 Department records requiring custom
2 computer programming (updated) \$119.00

3 (b) The Commissioner shall furnish the items listed in subsection (a) of this
4 section ~~only~~ upon a request ~~which~~ that completely identifies the information
5 sought or pursuant to a contract with an outside entity for purposes permitted
6 under law, including the Driver’s Privacy Protection Act, 18 U.S.C. chapter
7 123 as amended. ~~Completely identifying~~ For purposes of this subsection, a
8 request that completely identifies the information sought for ~~individuals~~ an
9 individual shall mean name and date of birth, and for ~~vehicles~~ a vehicle shall
10 mean either the registration number or the vehicle identification number.

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

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

14 CHAPTER 41. AUTOMATED VEHICLE TESTING

15 § 4201. SHORT TITLE

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

17 § 4202. DEFINITIONS

18 As used in this chapter:

19 (1) “Automated driving system” means the hardware and software that
20 are collectively capable of performing the entire dynamic driving task within
21 its operational design domain, if any, including achieving a minimal risk

1 condition, without any intervention or supervision by a conventional human
2 driver.

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

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

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

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

18 (6) “Highly automated vehicle” means a vehicle equipped with an
19 automated driving system capable of performing all aspects of the dynamic
20 driving task within its operational design domain, if any, including achieving a

1 minimal risk condition, without any intervention or supervision by a
2 conventional human driver.

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

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

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

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

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

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

5 § 4203. TESTING OF AUTOMATED VEHICLES ON PUBLIC

6 HIGHWAYS

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

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

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

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

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

9 (d) The Agency of Transportation’s Automated Vehicle Testing Guide
10 shall include a list of municipalities that have preapproved testing of automated
11 vehicles and shall update the Automated Vehicle Testing Guide within
12 10 business days after a municipality notifies the Secretary of Transportation in
13 writing that it now wishes to allow testing of automated vehicles on Class 2, 3,
14 and 4 Town Highways within the geographic boundaries of the municipality or
15 no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4
16 Town Highways within the geographic boundaries of the municipality.

17 (e) The Traffic Committee has the sole authority to approve specific test
18 permit applications. Municipal approval of specific testing permits is not
19 required. Notwithstanding subdivision (c)(2) of this section, after a test permit
20 has been approved by the Traffic Committee, all modifications to the
21 operational design domain or other permit conditions, including changes

1 affecting town highways in a preapproved testing municipality, requires
2 approval by the Traffic Committee.

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

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

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

13 (1) The operator is:

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

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

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

18 (2) The automated vehicle tester:

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

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

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

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

13 (3) The operator and automated vehicle tester:

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

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

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

4 (i) Notwithstanding subdivisions (h)(1) and (h)(3) of this section, but only
5 as it relates to an operator, a highly automated vehicle may be tested on a
6 public highway without an operator inside the vehicle if the operator or
7 automated vehicle tester can take immediate remote control of the highly
8 automated vehicle being tested and the vehicle can achieve a minimal risk
9 condition.

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

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

1 (l) Operating or testing in violation of a suspension or revocation order
2 shall be a traffic violation for which there shall be a penalty of not more than
3 \$1,000.00.

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

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

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

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

14 Sec. 18. AUTOMATED VEHICLE TESTING IMPLEMENTATION

15 (a) As soon as practicable, but not later than January 1, 2021, the Agency
16 of Transportation, in consultation with Vermont's Regional Planning
17 Commissions, shall identify which legislative bodies of municipalities in the
18 State have approved the testing of automated vehicles on the Class 2, 3, and 4
19 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the
20 geographic boundaries of the municipality.

1 (b) As soon as practicable, but not later than January 1, 2021, the Agency
2 of Transportation shall publish an Automated Vehicle Testing Guide and
3 application form to support review by the Traffic Committee and consistent
4 with the requirements of 23 V.S.A. § 4203 as added in Sec. 16 of this act,
5 including that the Automated Vehicle Testing Guide include a list of
6 municipalities that have preapproved testing of automated vehicles on Class 2,
7 3, and 4 Town Highways within the geographic boundaries of the municipality
8 and be updated whenever a new municipality wishes to allow testing of
9 automated vehicles on Class 2, 3, and 4 Town Highways within the geographic
10 boundaries of the municipality or a municipality no longer wishes to allow
11 testing of automated vehicles on Class 2, 3, and 4 Town Highways within the
12 geographic boundaries of the municipality.

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

15 Fifth: In Sec. 23, 23 V.S.A. § 631, in subsection (b), by striking out the
16 words “the primary language of every nation” and inserting in lieu thereof the
17 words “primary languages of nations” and by striking out the words “of the
18 form, application, or test is on the Department’s website” and inserting in lieu
19 thereof the words “is available”

1 constable's authority to engage in enforcement activities under 24 V.S.A.

2 § 1936a.

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

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

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

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

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

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

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

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

14 (d)(1) A person who violates this section commits a traffic violation as
15 defined in section 2302 of this title and shall be subject to a civil penalty of not
16 less than \$100.00 and not more than \$200.00 for a first violation, and of not
17 less than \$250.00 and not more than \$500.00 for a second or subsequent
18 violation within any two-year period.

19 (2) A person convicted of violating this section while operating within
20 the following areas shall have four points assessed against his or her driving

1 record for a first conviction and five points assessed for a second or subsequent
2 conviction:

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

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

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

10 * * * Master License Agreement Study * * *

11 Sec. 30. STUDY ON THE AGENCY OF TRANSPORTATION'S USE OF
12 MASTER LICENSE AGREEMENTS AND ALTERNATIVE
13 OPTIONS

14 The Agency of Transportation, in consultation with the Vermont League of
15 Cities and Towns, shall report back to the House and Senate Committees on
16 Transportation on or before November 15, 2019 concerning the use and
17 contents of master license agreements and other agreements or contracts by the
18 Agency of Transportation when a municipality, utility, or other person needs to
19 use the right-of-way for the line of railroad owned by the State. The report
20 shall include the history of the Agency's use of master license agreements and
21 other agreements or contracts, including the contents thereof; alternatives to

1 the use of such agreements; whether a municipality or municipal operated
2 utility can secure sufficient insurance coverage to enter into the Agency's
3 current iteration of the standard conditions to the master license agreement it
4 uses when a municipality, utility, or other person needs to use the right-of-way
5 for the line of railroad owned by the State; and what other states do when a
6 municipality, utility, or other person needs to use the right-of-way for any
7 state-owned railroad lines.

8 * * * Effective Dates * * *

9 Sec. 31. EFFECTIVE DATES

10 (a) This section and Secs. 26 (Department of Motor Vehicles training),
11 27 (translated documents and use of interpreters implementation), and
12 30 (master license agreement study) shall take effect on passage.

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

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

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7 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE