

1 H.942

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; signs; plug-in electric vehicles (PEVs); incentives;
5 electric distribution utilities; Drive Electric Vermont; electric vehicle
6 supply equipment (EVSE); per-kWh fee; rate setting; Class 2 Town
7 Highway Roadway Program; highways; transportation demand
8 management (TDM); transportation management association (TMA);
9 public transit; all-terrain vehicles (ATVs); Lamoille Valley Rail Trail

10 Statement of purpose of bill as introduced: This bill proposes to adopt the
11 State's annual Transportation Program and make miscellaneous changes to
12 laws related to transportation.

13 An act relating to the Transportation Program and miscellaneous changes to
14 laws related to transportation

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

16 * * * Transportation Program Adopted as Amended; Definitions * * *

17 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

18 (a) The Agency of Transportation's proposed fiscal year 2021

19 Transportation Program appended to the Agency of Transportation's proposed

1 fiscal year 2021 budget, as amended by this act, is adopted to the extent
2 federal, State, and local funds are available.

3 (b) As used in this act, unless otherwise indicated:

4 (1) “Agency” means the Agency of Transportation.

5 (2) “Electric vehicle supply equipment” has the same meaning as in
6 30 V.S.A. § 201 and is abbreviated “EVSE.”

7 (3) “Plug-in electric vehicle,” “plug-in hybrid electric vehicle,” and
8 “battery electric vehicle” have the same meanings as in 23 V.S.A. § 4(85) as
9 amended by this act and are abbreviated “PEV,” “PHEV,” and “BEV.”

10 (4) “Secretary” means the Secretary of Transportation.

11 (5) “TIB funds” means monies deposited in the Transportation
12 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

13 (6) The table heading “As Proposed” means the proposed Transportation
14 Program referenced in subsection (a) of this section; the table heading “As
15 Amended” means the amendments as made by this act; the table heading
16 “Change” means the difference obtained by subtracting the “As Proposed”
17 figure from the “As Amended” figure; and the terms “change” or “changes” in
18 the text refer to the project- and program-specific amendments, the aggregate
19 sum of which equals the net “Change” in the applicable table heading.

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* * * Public Transit * * *

Sec. 3. PUBLIC TRANSIT; STATE PUBLIC TRANSPORTATION

Within the Agency of Transportation's Proposed Fiscal Year 2021

Transportation Program for Public Transit, authorized spending for State

Public Transportation is amended as follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	6,241,403	6,741,403	500,000
Total	6,241,403	6,741,403	500,000

Sources of funds

State	6,241,403	6,741,403	500,000
Total	6,241,403	6,741,403	500,000

Sec. 4. PUBLIC TRANSIT; ADDITION OF FARE FREE PILOT

PROGRAM

(a) The following project is added to the Agency of Transportation's

Proposed Fiscal Year 2021 Transportation Program for Public Transit: Fare

Free Pilot Program.

(b) Spending authority for the Fare Free Pilot Program is authorized as

follows:

<u>FY21</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	500,000	500,000
Total	0	500,000	500,000

1 Sources of funds

2 State 0 500,000 500,000

3 Total 0 500,000 500,000

4 (c) To the extent that the Agency is able to secure additional unobligated
5 federal funds for Increased Public Transit for Fiscal Year 2021, the spending
6 authority for Increased Public Transit for Fiscal Year 2021 is increased by that
7 same amount in federal funds.

8 (d) The Agency shall increase public transit initiatives in fiscal year 2021
9 in conformance with the implementation plan in the Agency of
10 Transportation’s 2019 Public Transit Policy Plan (PTPP) and findings of the
11 Report on Methods to Increase the Use of Public Transit in Vermont prepared
12 pursuant to 2019 Acts and Resolves No. 59, Sec. 20. Additional initiatives
13 may include:

14 (1) adding new local and regional service connections to improve rural
15 ridership;

16 (2) providing support for technology improvements for transit;

17 (3) expanding access to available seats in transit vehicles; and

18 (4) marketing and engaging with the public to increase awareness of
19 public transit options.

1 operation of highways or other transportation activities, including Department
2 of Motor Vehicles enforcement, assigned to the Central Garage.

3 * * *

4 Sec. 8. TRANSFER TO CENTRAL GARAGE FUND

5 Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2021, the amount of
6 \$1,605,358.00 is transferred from the Transportation Fund to the Central
7 Garage Fund created in 19 V.S.A. § 13.

8 Sec. 9. CENTRAL GARAGE EQUIPMENT

9 In fiscal year 2021, the amount of \$8,668,094.00 is authorized for
10 replacement equipment pursuant to 19 V.S.A. § 13(b) and, of this amount, a
11 minimum of \$250,000.00 shall be dedicated for the replacement of Department
12 of Motor Vehicles enforcement fleet vehicles.

13 * * * Airport and Rail Signs * * *

14 Sec. 10. 10 V.S.A. § 494 is amended to read:

15 § 494. EXEMPT SIGNS

16 The following signs are exempt from the requirements of this chapter
17 except as indicated in section 495 of this title:

18 * * *

19 (6)(A) Official traffic control signs, including signs on limited access
20 highways, consistent with the Manual on Uniform Traffic Control Devices
21 (MUTCD) adopted under 23 V.S.A. § 1025, directing ~~people~~ persons to:

- 1 (i) other towns;
- 2 (ii) international airports;
- 3 (iii) postsecondary educational institutions;
- 4 (iv) cultural and recreational destination areas;
- 5 (v) nonprofit diploma-granting educational institutions for ~~people~~
6 persons with disabilities; and
- 7 (vi) official State visitor information centers.

8 (B) After having considered the six priority categories in subdivision
9 (A) of this subdivision (6), the Travel Information Council may approve
10 installation of a sign for any of the following provided the location is open a
11 minimum of 120 days each year and is located within 15 miles of an interstate
12 highway exit:

- 13 (i) nonprofit museums;
- 14 (ii) cultural and recreational attractions owned by the State or
15 federal government;
- 16 (iii) officially designated scenic byways;
- 17 (iv) park and ride or multimodal centers; and
- 18 (v) fairgrounds or exposition sites.

19 (C) The Agency of Transportation may approve and erect signs,
20 including signs on limited access highways, consistent with the MUTCD,

1 directing persons to State-owned airports and intercity passenger rail stations
2 located within 25 miles of a limited access highway exit.

3 (D) Notwithstanding the limitations of this subdivision (6),
4 supplemental guide signs consistent with the MUTCD for the President Calvin
5 Coolidge State Historic Site may be installed at the following highway
6 interchanges:

7 * * *

8 ~~(D)~~(E) Signs erected under this subdivision (6) shall not exceed a
9 maximum allowable size of 80 square feet.

10 * * *

11 * * * Plug-In Electric Vehicle Definitions * * *

12 Sec. 11. 23 V.S.A. § 4(85) is amended to read:

13 (85) “Plug-in electric vehicle” means a motor vehicle that can be
14 powered by an electric motor drawing current from a rechargeable energy
15 storage system, such as from storage batteries or other portable electrical
16 energy storage devices provided that the vehicle can draw recharge energy
17 from a source off the vehicle such as electric vehicle supply equipment. A
18 “plug-in electric vehicle” includes both a “battery electric vehicle” and a
19 “plug-in hybrid electric vehicle” where:

1 and (c) of this section. Notwithstanding any other provision of law and subject
2 to the approval of the Secretary of Administration, appropriations for the two
3 programs described in subsections (b) and (c) of this section remaining
4 unexpended on June 30, 2021 shall be carried forward and designated for
5 expenditure on these programs in the subsequent fiscal year.

6 (3) Subject to State procurement requirements, the Agency may, in
7 fiscal year 2020, retain a contractor or contractors to assist with marketing,
8 program development, and administration of the two programs and up to
9 \$150,000.00 of program funding may be set aside for this purpose. In fiscal
10 year 2021, the Agency is authorized to spend up to \$200,000.00 in program
11 funding to continue and expand the Agency's public-private partnership with
12 Drive Electric Vermont to support the expansion of the PEV market in the
13 State through: technical and consumer assistance; auto dealer education;
14 outreach and incentive program management, including marketing, consumer
15 support, record keeping and reporting, program development and modification,
16 and general program administration for the program described in subsection
17 (b) of this section; and PEV promotional efforts. The Agency shall develop, in
18 consultation with the Departments of Environmental Conservation and of
19 Public Service, a scope of work for funding the Agency's grants to Drive
20 Electric Vermont pursuant to this section.

1 (4) The Agency shall administer the program described in subsection (b)
2 of this section through no-cost contracts with the State's electric distribution
3 utilities.

4 (5) The Agency shall annually evaluate the two programs to gauge
5 effectiveness and submit a written report on the effectiveness of the programs
6 to the House and Senate Committees on Transportation, the House Committee
7 on Energy and Technology, and the Senate Committee on Finance on or before
8 the 31st day of ~~December~~ January in each year following a year that an
9 incentive or repair voucher ~~is~~ was provided through one of the programs.
10 Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section
11 shall continue to be required if an incentive or repair voucher is provided
12 through one of the programs unless the General Assembly takes specific action
13 to repeal the report requirement.

14 (b) Electric vehicle incentive program. A new PEV purchase and lease
15 incentive program for Vermont residents shall structure PEV purchase and
16 lease incentive payments by income to help ~~all~~ Vermonters benefit from
17 electric driving, including Vermont's most vulnerable. The program shall be
18 known as the New PEV Incentive Program. Specifically, the ~~program~~ New
19 PEV Incentive Program shall:

1 (1) apply to both purchases and leases of new PEVs with an emphasis
2 on creating and matching incentives for ~~exclusively electric powered vehicles~~
3 ~~that do not contain an onboard combustion engine~~ BEVs;

4 (2) provide ~~incentives~~ not more than one incentive of \$1,500.00 for a
5 PHEV or \$2,500.00 for a BEV to Vermont households with low and moderate
6 income at or below 160 percent of the State's prior five year average Median
7 Household Income (MHI) level:

8 (A) an individual domiciled in the State whose federal income tax
9 filing status is single or head of household with an adjusted gross income
10 under the laws of the United States greater than \$50,000.00 and at or below
11 \$100,000.00;

12 (B) an individual domiciled in the State whose federal income tax
13 filing status is surviving spouse with an adjusted gross income under the laws
14 of the United States greater than \$50,000.00 and at or below \$125,000.00;

15 (C) a married couple with at least one spouse domiciled in the State
16 whose federal income tax filing status is married filing jointly with an adjusted
17 gross income under the laws of the United States greater than \$50,000.00 and
18 at or below \$125,000.00; or

19 (D) a married couple with at least one spouse domiciled in the State
20 and at least one spouse whose federal income tax filing status is married filing

1 separately with an adjusted gross income under the laws of the United States
2 greater than \$50,000.00 and at or below \$100,000.00;

3 (3) provide not more than one incentive of \$3,000.00 for a PHEV or
4 \$4,000.00 for a BEV to:

5 (A) an individual domiciled in the State whose federal income tax
6 filing status is single, head of household, or surviving spouse with an adjusted
7 gross income under the laws of the United States at or below \$50,000.00;

8 (B) a married couple with at least one spouse domiciled in the State
9 whose federal income tax filing status is married filing jointly with an adjusted
10 gross income under the laws of the United States at or below \$50,000.00; or

11 (C) a married couple with at least one spouse domiciled in the State
12 and at least one spouse whose federal income tax filing status is married filing
13 separately with an adjusted gross income under the laws of the United States at
14 or below \$50,000.00;

15 (4) apply to manufactured PEVs with a Base Manufacturer's Suggested
16 Retail Price (MSRP) of \$40,000.00 or less; and

17 ~~(4)~~(5) provide ~~no~~ not less than \$1,100,000.00, of the initial
18 \$2,000,000.00 authorization, and up to an additional \$2,050,000.00 in fiscal
19 year 2021 in PEV purchase and lease incentives.

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* * * PEV Contributions to the Transportation Fund Pilot Program * * *

Sec. 13. PEV PILOT PROGRAM DESIGN FOR PEV CONTRIBUTIONS
TO THE TRANSPORTATION FUND; REPORT

(a) The Agency, in consultation with the Departments of Environmental Conservation and of Public Service and the State’s electric distribution utilities, shall design a pilot program to collect a per-kilowatt hour (kWh) fee from PEV operators at EVSE, without regard to whether the EVSE is available to the public, parallel to and independent of the current framework of the gasoline and diesel taxes established under 23 V.S.A. chapters 27 and 28.

(b) The Agency shall file a report with the House Committees on Energy and Technology, on Transportation, and on Ways and Means and Senate Committees on Natural Resources and Energy, on Finance, and on Transportation on or before November 15, 2021 detailing the elements of the pilot program including: a recommendation on the amount of the per-kWh fee and how the amount was determined; how the fee should be collected and transmitted to the Transportation Fund; how rate design or other means can be used to prevent PEV or EVSE operators from avoiding the fee; the role of the State’s electric distribution utilities in the pilot program; a schedule for pilot program implementation; the availability of federal funding to support the pilot program; proposed legislation necessary to support the pilot program; how

1 pilot program elements may differ between EVSE available to the public and
2 EVSE not available to the public; how pilot program elements may differ
3 between EVSE that is separately metered and EVSE that is not separately
4 metered; the anticipated costs to electric distribution utilities to administer the
5 pilot program and to PEV and EVSE operators to participate in the pilot
6 program; and how to overcome any challenges to a per-kWh fee identified by
7 the Public Utility Commission in the reports filed as required by 2018 Acts and
8 Resolves No. 158, Sec. 25 and 2019 Acts and Resolves No. 59, Sec. 35.

9 (c) The Agency is authorized to retain one or more contractors to assist
10 with preparing the report required under subsection (b) of this section.

11 * * * PEV Electric Distribution Utility Rate Design * * *

12 Sec. 14. PEV ELECTRIC DISTRIBUTION UTILITY RATE DESIGN

13 (a) This section serves to encourage efficient integration of PEVs into the
14 electric system and the timely adoption of PEVs through managed loads or
15 time-differentiated price signals.

16 (b) All State electric distribution utilities shall implement PEV rates or
17 offer earlier rate schedules establishing PEV rates as determined by the Public
18 Utility Commission (Commission) on or before June 30, 2024.

19 (c) PEV rates approved by the Commission shall provide a large enough
20 discount to fully compensate PEV operators for the value of grid-related
21 services and offer rates that encourage greater adoption of PEVs.

1 (d) PEV rates approved by the Commission shall adequately compensate
2 the electric distribution utility for all forward-looking or avoidable costs of
3 service that are directly attributable to the delivery of electricity through a PEV
4 rate. PEV rates shall also include a reasonable contribution to historic or
5 embedded costs required to meet the overall costs of service, as determined by
6 the Commission.

7 * * * Class 2 Town Highway Roadway Program * * *

8 Sec. 15. 19 V.S.A. § 306(h) is amended to read:

9 (h) Class 2 Town Highway Roadway Program. There shall be an annual
10 appropriation for grants to municipalities for resurfacing, rehabilitation, or
11 reconstruction of paved or unpaved class 2 town highways. However,
12 municipalities that have no State highways or class 1 town highways within
13 their borders may use the grants for such activities with respect to both class 2
14 and class 3 town highways. Each fiscal year, the Agency shall approve
15 qualifying projects with a total estimated State share cost of \$7,648,750.00 at a
16 minimum as new grants. The Agency's proposed appropriation for the
17 Program shall take into account the estimated amount of qualifying invoices
18 submitted to the Agency with respect to project grants approved in prior years
19 but not yet completed as well as with respect to new project grants to be
20 approved in the fiscal year. In a given fiscal year, should expenditures in the
21 Class 2 Town Highway Roadway Program exceed the amount appropriated,

1 the Agency shall advise the Governor of the need to request a supplemental
2 appropriation from the General Assembly to fund the additional project cost,
3 provided that the Agency has previously committed to completing those
4 projects. Funds received as grants for State aid under the Class 2 Town
5 Highway Roadway Program may be used by a municipality to satisfy a portion
6 of the matching requirements for federal earmarks, subject to subsection
7 309b(c) of this title.

8 * * * Transportation Demand Management Pilot Program * * *

9 Sec. 16. TRANSPORTATION DEMAND MANAGEMENT PILOT

10 PROGRAM; REPORT

11 (a) Definitions. As used in this section:

12 (1) “Designated downtown” means an area that has been designated
13 pursuant to 24 V.S.A. § 2793.

14 (2) “Eligible employer” means an employer with 500 or more
15 employees performing services for it in the State.

16 (3) “Employee” has the same meaning as in 21 V.S.A. § 302.

17 (4) “Employer” has the same meaning as in 21 V.S.A. § 302.

18 (5) “Local downtown organization” has the same meaning as in
19 24 V.S.A. § 2791.

1 (6) “Pleasure car” has the same meaning as in 23 V.S.A. § 4(28), and a
2 single occupancy pleasure car means a pleasure car that is only occupied by the
3 operator.

4 (7) “Transportation demand management” or “TDM” means measures
5 that reduce vehicle trips. Examples include telecommuting; incentives to
6 carpool, walk, bicycle, or ride public transit; and staggered work shifts.

7 (8) “Transportation management association” or “TMA” means a
8 nonprofit, member-controlled organization that provides transportation
9 services in a particular area, such as a region, municipality, commercial
10 district, mall, medical center, or industrial park, and an institutional framework
11 for transportation demand management.

12 (b) Pilot program.

13 (1) The Agency of Transportation shall design and administer an 18-
14 month pilot program starting no later than January 1, 2021 to encourage
15 transportation demand management. Participation shall include the
16 development of a unique transportation demand management plan for each
17 participant that utilizes either a transportation management association or Go!
18 Vermont. The pilot program shall be known as the TDM Pilot Program.

19 (2) The TDM Pilot Program shall provide subsidized financial support
20 to utilize a transportation management association or Go! Vermont and

1 planning services for at least five eligible employers and up to five local
2 downtown organizations.

3 (3) The Agency of Transportation shall select eligible employers and
4 local downtown organizations to participate in the TDM Pilot Program in the
5 order that the eligible employers and local downtown organizations apply and,
6 as funding permits, additional eligible employers and local downtown
7 organizations shall be offered access to the TDM Pilot Program.

8 (c) Reporting.

9 (1) Starting in 2022, the Agency of Transportation, in consultation with
10 all transportation management associations in the State and Go! Vermont,
11 shall, on or before February 15, submit to the House Committees on
12 Commerce and Economic Development and on Transportation and the Senate
13 Committees on Economic Development, Housing and General Affairs and on
14 Transportation the following for the prior calendar year:

15 (A) for each transportation management association:

16 (i) the name of each employer member and total number of
17 employees performing services for the employer in the State on December 31;

18 (ii) a list of services offered and an estimate of the effectiveness of
19 each in reducing single-occupancy pleasure-car trips; and

20 (iii) the total number of employees who utilized each service;

1 (B) aggregate data on the commuting habits of employees employed
2 by an employer that is a member of a transportation management association
3 or utilizes Go! Vermont;

4 (C) an estimate of the expenses and savings to employers and
5 employees generated by the employer being a member of a transportation
6 management association or utilizing Go! Vermont; and

7 (D) an estimate of the statewide reduction in single-occupancy
8 pleasure-car trips attributable to transportation management associations and
9 Go! Vermont.

10 (2) Notwithstanding 2 V.S.A. § 20(d), the annual report required under
11 this subsection shall continue to be required unless the General Assembly takes
12 specific action to repeal the report requirement.

13 * * * All-Terrain Vehicles * * *

14 Sec. 17. 23 V.S.A. §§ 3501 and 3502 are amended to read:

15 § 3501. DEFINITIONS

16 As used in this chapter:

17 (1) ~~“Commissioner” means the Commissioner of Motor Vehicles unless~~
18 ~~otherwise stated.~~

19 (2) ~~“Department” means Department of Motor Vehicles unless~~
20 ~~otherwise stated.~~

1 ~~(3) “Operate” includes an attempt to operate and shall be construed to~~
2 ~~cover all matters and things connected with the presence and use of all terrain~~
3 ~~vehicles whether they be at motion or rest.~~

4 ~~(4) “Secretary” means the Secretary of Natural Resources.~~

5 ~~(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational~~
6 ~~vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires~~
7 ~~(10 pounds per square inch, or less), not wider than 64 inches with two-wheel~~
8 ~~ATVs having permanent, full-time power to both wheels, and having a dry~~
9 ~~weight of less than 1,700 pounds, when used for cross-country travel on trails~~
10 ~~or on any one of the following or a combination thereof: land, water, snow,~~
11 ~~ice, marsh, swampland, and natural terrain. An ATV on a public highway shall~~
12 ~~be considered a motor vehicle, as defined in section 4 of this title, only for the~~
13 ~~purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),~~
14 ~~(Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);~~
15 ~~(4)(A) and (B) and (5) of this title and as provided in section 1201 of this title.~~
16 ~~An ATV shall not include an electric personal assistive mobility device.~~

17 ~~(2) “Department” means the Department of Motor Vehicles unless~~
18 ~~otherwise stated.~~

19 ~~(3) “Direct supervision” means that the supervisor shall be sufficiently~~
20 ~~close and able to control, by communicating visually or orally, the operation of~~

1 an ATV by an operator under 16 years of age, taking into account the noise
2 created by an ATV and protective headgear worn by the operator.

3 (4) "Farm" means a parcel or parcels of land owned, leased, or managed
4 by a person and devoted primarily to farming.

5 (5) "Secretary" means the Secretary of Natural Resources.

6 (6) "State lands" means land owned, leased, or otherwise controlled by
7 the State.

8 ~~(6)(7) "Club or association" means an all terrain vehicle club or~~
9 "VASA" means the Vermont ATV Sportsman's Association, a statewide
10 association of ATV clubs.

11 § 3502. REGISTRATION AND TRAIL ACCESS DECAL (TAD)

12 REQUIRED; EXCEPTIONS

13 ~~(a)(1) An all terrain vehicle may not be operated~~ Except as otherwise
14 provided in this section, an individual shall not operate an ATV on the VASA
15 Trail System, on State land designated by the Secretary pursuant to subdivision
16 3506(b)(4) of this title, or along any highway that is not adjacent to the
17 property of the operator unless the ATV:

18 (A) is registered pursuant to this chapter or any other section of this
19 title by the State of Vermont and unless the all terrain vehicle or in accordance
20 with subsection (e) of this subsection; and

1 ~~(B)~~ displays a valid ~~Vermont ATV Sportsman's Association (VASA)~~
2 ~~VASA~~ Trail Access Decal (TAD) ~~when operating on a VASA trail, except~~
3 ~~when operated;~~

4 ~~(1)(2)~~ Notwithstanding subdivision (1) of this subsection, neither
5 registration nor display of a TAD is required to operate an ATV:

6 ~~(A)~~ ~~On~~ on the property of the owner of the ~~all-terrain vehicle.~~ ATV;

7 ~~(B)(2)~~ ~~Off the highway, In~~ in a ski area ~~while being used,~~ off the
8 highway, for the purpose of grooming snow, maintenance, or in rescue
9 operations;

10 ~~(3)(C)~~ ~~For~~ for official use by a federal, State, or municipal agency ~~and~~
11 ~~only~~ if the ~~all-terrain vehicle~~ ATV is identified with the name or seal of the
12 agency in a manner approved by the Commissioner; or

13 ~~(D)(4)~~ ~~Solely~~ on privately owned land when the operator is
14 specifically invited to do so by the owner of ~~that~~ the property and ~~has on his or~~
15 ~~her person~~ carries the written consent of the owner.

16 ~~(3)(5)~~ ~~By a person who~~ Notwithstanding subdivision (1) of this
17 subsection, an operator may operate an ATV without a TAD displayed if the
18 operator possesses a completed TAD form processed electronically ~~and~~ within
19 the prior 10 days that is either printed out or displayed on a portable electronic
20 device. ~~The printed or electronic TAD form shall be valid for 10 days after the~~
21 ~~electronic transaction.~~ Use of a portable electronic device to display a

1 completed TAD form does not in itself constitute consent for an enforcement
2 officer to access other contents of the device.

3 * * *

4 (c) The possession of a valid TAD or registration of an ~~all-terrain vehicle~~
5 ATV does not constitute a license to ~~cross or~~ operate an ~~all-terrain vehicle~~
6 ATV on public or private lands, even if temporarily while crossing the public
7 or private lands.

8 (d) An ~~all-terrain vehicle which~~ ATV that does not comply with the
9 provisions of this chapter ~~may~~ shall not be registered by the Commissioner.

10 (e) An ~~all-terrain vehicle~~ ATV owned by a person who is a resident of any
11 other state or province shall be deemed to be properly registered for the
12 purposes of this chapter if it is registered in accordance with the laws of the
13 state or province in which its owner resides. An operator who is a resident of
14 any other state or province shall be subject to the provisions of this chapter
15 while operating an ATV within this State, including possessing a valid TAD in
16 the same circumstances that a resident of this State is required to possess a
17 valid TAD.

1 Sec. 18. 23 V.S.A. § 3506 is amended to read:

2 § 3506. OPERATION; PROHIBITED ACTS; FINANCIAL
3 RESPONSIBILITY; HEADGEAR

4 (a) A person shall only operate an ATV, or permit an ~~all-terrain vehicle~~
5 ATV owned by him or her or under his or her control to be operated, in
6 accordance with this chapter.

7 (b) An ~~all-terrain vehicle~~ ATV shall not be operated:

8 (1) Along a public highway except if one or more of the following
9 applies:

10 (A) ~~the highway is not being maintained during the snow season;~~

11 ~~(B)~~ the highway has been opened to ~~all-terrain vehicle~~ ATV travel by
12 ~~the selectboard or trustees or local governing body~~ legislative body of the
13 municipality where the town highway is located or, for State highways, the
14 Secretary of Transportation and is so posted ~~by the municipality;~~

15 ~~(C)~~(B) the ~~all-terrain vehicle~~ ATV is being used for agricultural
16 purposes and is operated not closer than three feet from the traveled portion of
17 any highway for the purpose of traveling within the confines of the farm; or

18 ~~(D)~~(C) the ~~all-terrain vehicle~~ ATV is being used by an employee or
19 agent of an electric transmission or distribution company subject to the
20 jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility
21 purposes, including safely accessing utility corridors, provided that the ~~all-~~

1 ~~terrain vehicle~~ ATV shall be operated along the edge of the roadway and shall
2 yield to other vehicles.

3 (2) Across a public highway ~~unless~~ except if all of the following
4 conditions are met:

5 (A) the crossing is made at an angle of approximately 90 degrees to
6 the direction of the highway and at a place where no obstruction prevents a
7 quick and safe crossing; ~~and~~

8 (B) the operator brings the ~~all-terrain vehicle~~ ATV to a complete stop
9 before entering the ~~travelled~~ traveled portion of the highway; ~~and~~

10 (C) the operator yields the ~~right-of-way~~ right of way to motor
11 vehicles and pedestrians using the highway; ~~and~~

12 (D) the operator is 12 years of age or older; ~~and that~~

13 (E) in the case of an operator under 16 years of age, ~~must be~~ under
14 the direct supervision of ~~a person~~ an individual 18 years of age or older who
15 does not have a suspended operator's license or privilege to operate.

16 (3) On any privately owned land or privately owned body of ~~private~~
17 water unless either:

18 (A) the operator is the owner, or member of the immediate family of
19 the owner of the land; ~~or~~

20 (B) the operator ~~has, on his or her person,~~ carries the written consent
21 of the owner or lessee of the land or the land surrounding the privately owned

1 body of water to operate an ~~all-terrain vehicle~~ ATV in the specific area and
2 during specific hours ~~and/or~~ or days, or both in which the operator is operating;
3 ~~or~~;

4 (C) the ~~all-terrain vehicle~~ ATV displays a valid ~~TAD decal~~ VASA
5 Trail Access Decal (TAD) as required by subsection 3502(a) of this title that
6 serves as proof that the ~~all-terrain vehicle~~ ATV and its operator, by virtue of
7 the TAD, are members of a ~~VASA-affiliated club to which such~~ VASA and
8 consent has been given orally or in writing to operate an ~~all-terrain vehicle~~
9 ATV in the area ~~in which~~ where the operator is operating; or

10 (D) the owner of the land ~~has~~ or the land surrounding the privately
11 owned body of water designated the area for use by ~~all-terrain vehicles~~ ATVs
12 by posting the area in a manner approved by the Secretary to give reasonable
13 notice that use is permitted.

14 (4) On any ~~public land~~ municipal lands unless opened to ATV travel by
15 the legislative body of the municipality where the land is located, or on any
16 State lands, body of public water, or natural area established under the
17 provisions of 10 V.S.A. § 2607 unless ~~the Secretary has~~ designated ~~the area by~~
18 the Secretary for use by ~~all-terrain vehicles~~ ATVs pursuant to ATVs in rules
19 ~~promulgated~~ adopted under ~~provisions of~~ 3 V.S.A. chapter 25.

20 (5) By a ~~person~~ an individual under 12 years of age unless he or she is
21 wearing on his or her head protective headgear of a type approved by the

1 Commissioner while operating the ATV or riding as a passenger on the ATV

2 and either:

3 (A) he or she is on land owned by his or her parents, family, or
4 guardian;

5 (B) he or she has written permission of the landowner or lessee; or

6 (C) he or she is under the direct supervision of ~~a person at least an~~
7 individual 18 years of age or older who does not have a suspended operator's
8 license or privilege to operate.

9 (6) In any manner ~~intended or~~ that could reasonably ~~to~~ be expected to
10 harm, harass, drive, or pursue any wildlife.

11 (7) If the registration certificate or consent form ~~is~~ and proof of
12 insurance are not available for inspection, and the registration number, or plate
13 of a size and type approved by the Commissioner, is not displayed on the ~~all-~~
14 ~~terrain vehicle~~ ATV in a manner approved by the Commissioner.

15 (8) While the operator is under the influence of drugs or alcohol as
16 defined by this title.

17 (9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent
18 with the duty of ordinary care, so as to endanger ~~a person~~ an individual or
19 property.

20 (10) Within a cemetery, public or private, as defined in 18 V.S.A.
21 § 5302.

1 (11) On limited access highways, ~~rights-of-way~~ rights-of-way, or
2 approaches unless permitted by the Traffic Committee under section 1004 of
3 this title. In no cases shall the use of ~~all-terrain vehicles~~ ATVs be permitted on
4 any portion of the Dwight D. Eisenhower National System of Interstate and
5 Defense Highways unless the Traffic Committee permits operation on these
6 highways.

7 (12) On a sidewalk unless permitted by the ~~selectboard or trustees of the~~
8 local governing legislative body of the municipality where the sidewalk is
9 located.

10 (13) Without liability insurance as described in this subdivision. The
11 owner or operator of an ATV shall not operate or permit the operation of an
12 ATV at locations where the ATV must be registered in order to be lawfully
13 operated under section 3502 of this title without having in effect a bond or a
14 liability policy in the amounts of at least \$25,000.00 for one individual and
15 \$50,000.00 for two or more individuals killed or injured and \$10,000.00 for
16 damages to property in any one accident. In lieu of a bond or liability policy,
17 evidence of self-insurance in the amount of \$115,000.00 must be filed with the
18 Commissioner. Financial responsibility shall be maintained and evidenced in a
19 form prescribed by the Commissioner, and persons who self-insure shall be
20 subject to the provisions of subsection 801(c) of this title.

1 (14) While the operator's license or privilege to operate a motor vehicle
2 is suspended, unless operated at a location described in subdivision
3 3502(a)(2)(A) or (D) of this title.

4 (15) Outside the boundaries of trails established by the VASA Trail
5 System unless such operation is specifically authorized pursuant to another
6 provision of this chapter.

7 (16) Unless the operator and all passengers wear properly secured
8 protective headgear, of a type approved by the Commissioner and as intended
9 by the manufacturer, if the ATV is operated at locations where the ATV must
10 be registered in order to be lawfully operated under section 3502 of this title.

11 (c) No public or private landowner shall be liable for any property damage
12 or personal injury sustained by any ~~person~~ individual operating or riding as a
13 passenger on an ~~all-terrain vehicle~~ ATV or upon a vehicle or other device
14 drawn by an ~~all-terrain vehicle~~ ATV upon the public or private landowner's
15 property, whether or not the public or private landowner has given permission
16 to use the land, unless the public or private landowner charges a cash fee to the
17 operator or owner of the ~~all-terrain vehicle~~ ATV for the use of the property or
18 unless damage or injury is intentionally inflicted by the landowner.

19 (d) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may
20 not be operated:

1 (1) if equipped with an exhaust system with a cut out, bypass, or similar
2 device; or

3 (2) with the spark arrester removed or modified, except for use in closed
4 course competition events.

5 (e) In addition to all other requirements, an ~~all-terrain vehicle~~ ATV may
6 not be operated by an operator who is less than 18 years of age unless one of
7 the following criteria is met:

8 (1) the operator is operating on property owned or leased by the operator
9 or his or her parents or guardian; or

10 (2) the operator is taking a prescribed safety education training course
11 and operating under the direct supervision of a certified ~~all-terrain vehicle~~
12 ATV safety instructor; or

13 (3) the operator holds an appropriate safety education certificate issued
14 by this State or issued under the authority of another state or province of
15 Canada.

16 (f) ~~A person~~ An individual who is required to hold an appropriate safety
17 education certificate under the provisions of subsection (e) of this section shall
18 exhibit the safety education certificate upon demand of a law enforcement
19 officer having authority to enforce the provisions of this section.

20 (g) ~~Notwithstanding any other provision of law or rule to the contrary, the~~
21 ~~Commissioner may authorize the temporary operation of all-terrain vehicles~~

1 ~~not registered in this State on Route 253 in Beecher Falls for an annual special~~
2 ~~event, provided the all-terrain vehicle is registered in another state or province.~~

3 [Repealed.]

4 * * * Effective Date * * *

5 Sec. 19. EFFECTIVE DATE

6 This act shall take effect on July 1, 2020.