

1 Introduced by ***[Department of Motor Vehicles proposals, as modified***  
2 ***following discussions with Legislative Council]***

3 Date:

4 Subject: Motor vehicles

5 Statement of purpose of bill as introduced: This bill proposes to make  
6 miscellaneous changes to laws related to vehicles.

7 An act relating to miscellaneous changes to laws related to vehicles

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

9 \* \* \* Public Records Requests \* \* \*

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

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

1 ~~Commissioner and at the actual cost of furnishing the same. The records may~~  
2 ~~be maintained on microfilm or electronic imaging. [Repealed.]~~

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

4 § 114. FEES

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

7 \* \* \*

8 (22) ~~List of title records and related data~~

9 ~~elements excluding any personally~~

10 ~~identifiable information—initial computer~~

11 ~~programming~~ Data requests

12 requiring computer programming

\$100.00 per

13 hour, but not

14 less than

15 \$5,331.00

16 (23) ~~List of title records and related data~~

17 ~~elements excluding any personally~~

18 ~~identifiable information—record set on~~

19 ~~electronic media~~ An electronic copy of an

20 updated programmed report

\$119.00

21 \* \* \* Junior Operator's License \* \* \*

1 Sec. 3. 23 V.S.A. § 607 is amended to read:

2 § 607. JUNIOR OPERATOR’S LICENSE

3 (a) A junior operator’s license may be issued initially only to persons who:

4 \* \* \*

5 (3) have:

6 (A) possessed a learner’s permit for not less than one year;

7 (B) submitted on a form provided by the Department of Motor

8 Vehicles which is approved by the Commissioner, and certified by the

9 operator’s licensed parent or guardian, licensed or certified driver education

10 instructor, or licensed person at least 25 years of age that there ~~has been:~~

11 (i) was at least 40 hours of practice behind the wheel, at least 10 of

12 which ~~shall be~~ was nighttime driving; and that the operator was accompanied

13 by ~~their~~ his or her licensed parent or guardian, a licensed or certified driver

14 education instructor, or another licensed ~~person~~ individual at least 25 years of

15 age, riding ~~beside the operator in the front passenger seat;~~ and

16 (ii) ~~have~~ (C) maintained a driving record without a learner’s

17 permit suspension, revocation, or recall for six consecutive months prior to

18 licensure.

19 \* \* \*

20 (c) Any junior operator’s license may be renewed. Notwithstanding the

21 provisions of any other law, a renewed junior operator’s license shall not be

1 ~~issued without a photograph or imaged likeness. Any person to whom a~~  
2 ~~renewed junior operator's license has been issued shall, while operating a~~  
3 ~~motor vehicle, carry upon his or her person the last license issued to him or her~~  
4 ~~as well as the renewed license certificate~~ required to meet the requirements of  
5 subsection 610(b) of this title.

6 \* \* \* Photographic Licenses \* \* \*

7 Sec. 4. 23 V.S.A. § 610(c) is amended to read:

8 (c) Each license certificate issued to a first-time applicant and each  
9 subsequent renewal by that person shall be issued with the photograph or  
10 imaged likeness of the licensee included on the certificate. The Commissioner  
11 shall determine the locations where photographic licenses may be issued. A  
12 person issued a license under this subsection that contains an imaged likeness  
13 may renew his or her license by mail. Except that a renewal by a licensee  
14 required to have a photograph or imaged likeness under this subsection must  
15 be made in person so that an updated imaged likeness of the person is obtained  
16 no less often than once every ~~eight~~ nine years.

17 \* \* \* Commercial Driver License for Qualified Military Personnel \* \* \*

18 Sec. 5. 23 V.S.A. § 4108(d) is amended to read:

19 (d) At the discretion of the Commissioner, the knowledge test and the skills  
20 test required under ~~49 C.F.R. § 383.113~~ 49 C.F.R. §§ 383.113 and 383.133, as  
21 amended, and the tests required for a passenger endorsement or a tank vehicle

1 endorsement or a hazardous materials endorsement under 49 CFR §§ 383.117,  
2 383.119, or 383.121, as amended, may be waived for a commercial motor  
3 vehicle driver with military commercial motor vehicle experience who is  
4 currently licensed at the time of his or her application for a commercial driver  
5 license, if the test is substituted with an applicant's driving record in  
6 combination with the driving experience specified in this subsection. The  
7 Commissioner shall impose conditions and limitations to restrict the applicants  
8 from whom alternative requirements for the skills test may be accepted. Such  
9 conditions shall include the following:

10 \* \* \*

11 Sec. 6. 23 V.S.A. § 4108(e) is amended to read:

12 (e) Obtaining a commercial learner's permit is a precondition to the initial  
13 issuance of a commercial driver license. The issuance of a commercial  
14 learner's permit also is a precondition to the upgrade of a commercial driver  
15 license if the upgrade requires a skills test. A permit may be issued to an  
16 individual who holds a valid Vermont driver's license who has passed the  
17 vision and written tests required for the class of license authorizing the  
18 operation of the type of vehicle for which the permit application is being made.  
19 A commercial learner's permit holder is not eligible to take the commercial  
20 driver license skills test in the first 14 days after initial issuance of the  
21 commercial learner's permit. A permit shall be issued for a period of ~~six~~

1 ~~months~~ one year, and only one renewal or reissuance of a commercial learner's  
2 permit may be granted within a two-year period.

3 \* \* \* Foreign Driver's License Reciprocity \* \* \*

4 Sec. 7. 23 V.S.A. § 208 is amended to read:

5 § 208. RECIPROCAL RECOGNITION OF NONRESIDENT

6 REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN

7 VISITORS

8 As determined by the Commissioner, and consistent with section 601 of this  
9 title, a motor vehicle owned by a nonresident shall be considered as registered  
10 and a nonresident operator shall be considered as licensed or permitted in this  
11 State if the nonresident owner or operator has complied with the laws of the  
12 foreign country or state of his or her residence relative to the registration of  
13 motor vehicles and the granting of operators' licenses or learner's permits.

14 However, these exemptions shall be operative only to the extent that under the  
15 laws of the foreign country or state of the owner's or operator's residence like  
16 exemptions and privileges are granted to owners of motor vehicles duly  
17 registered and to operators duly licensed or permitted under the laws of this  
18 State, except that if the owner or operator is a resident of a country not  
19 adjoining the United States, the exemptions shall be operative for a period of  
20 not more than ~~30 days for vacation purposes~~ one year even if the country does  
21 not grant like privileges to residents of this State.

1 Sec. 8. 23 V.S.A. § 601(a) is amended to read:

2 § 601. LICENSE REQUIRED

3 (a)(1) Except as otherwise provided by law, a resident shall not operate a  
4 motor vehicle on a highway in Vermont unless he or she holds a valid license  
5 issued by the State of Vermont. A new resident who has moved into the State  
6 from another jurisdiction and who holds a valid license to operate motor  
7 vehicles under section 208 of this title shall procure a Vermont license within  
8 60 days of moving to the State. Except as provided in subsection 603(d) of  
9 this title, licenses shall not be issued to nonresidents.

10 (2) In addition to any other requirement of law, a nonresident as defined  
11 in section 4 of this title shall not operate a motor vehicle on a Vermont  
12 highway unless:

13 (A) he or she holds a valid license or permit to operate a motor  
14 vehicle issued by another U.S. jurisdiction;

15 (B) he or she holds a valid license or permit to operate a motor  
16 vehicle from a jurisdiction outside the United States and operates for a period  
17 of not more than ~~30 days for vacation purposes~~ one year; or

18 (C) he or she holds a valid license or permit to operate a motor  
19 vehicle from a jurisdiction outside the United States and:

20 (i) is at least 18 ~~or more~~ years of age, is lawfully present in the  
21 United States, and has been in the United States for less than one year;

1 (ii) the jurisdiction that issued the license is a party to the 1949  
2 Convention on Road Traffic, ~~or~~ the 1943 Convention on the Regulation of  
3 Inter-American Motor Vehicle Traffic, or the 1968 Convention on Road  
4 Traffic; and

5 (iii) he or she possesses an international driving permit.

6 Sec. 9. 23 V.S.A. § 632(a) is amended to read:

7 (a) Before an operator's or a junior operator's license is issued to an  
8 applicant for the first time in this State, or before a renewal license is issued to  
9 an applicant whose previous Vermont license had expired more than three  
10 years prior to the application for renewal, the applicant shall pass a satisfactory  
11 examination, except that the Commissioner may, in his or her discretion, waive  
12 the examination when the applicant holds a chauffeur's or operator's license in  
13 force at the time of application or within one year ~~of~~ prior to the application in  
14 some other ~~state~~ jurisdiction where an examination is required similar to the  
15 examination required in this State.

16 \* \* \* Replacement License \* \* \*

17 Sec. 10. 23 V.S.A. § 613 is amended to read:

18 § 613. ~~DUPLICATE~~ REPLACEMENT LICENSE

19 (a) In case of the loss, mutilation, or destruction of a license or error in a  
20 license, the licensee shall forthwith notify the Commissioner who shall furnish  
21 such licensee with a ~~duplicate~~ replacement on receipt of \$20.00. ~~A corrected~~

1 license shall be furnished by the Commissioner upon request and receipt of a  
2 fee of \$20.00.

3 (b) A ~~duplicate~~ replacement license shall not be issued to any person who  
4 has surrendered his or her license to another jurisdiction in connection with  
5 obtaining a license in that jurisdiction.

6 \* \* \* Categories of Designated Inspection Station Violations \* \* \*

7 Sec. 11. 23 V.S.A. § 1231(c) is amended to read:

8 (c) The Commissioner shall adopt rules establishing categories of  
9 violations for which administrative penalties are to be imposed under this  
10 section. Categories shall be based on the severity of the violation involved.  
11 Penalties assessed for each determination of violation of the inspection rules  
12 shall not exceed the following amounts per category:

13 (1) ~~Category 1.~~ Violation of State law relative to inspection (Category  
14 1)—\$500.00.

15 (2) ~~Category 2.~~ Violation of a Category 2 inspection rule (~~fraud~~  
16 ~~related~~)—\$300.00.

17 (3) ~~Category 3.~~ Violation of a Category 3 inspection rule (~~improper~~  
18 ~~action~~)—\$250.00.

19 (4) ~~Category 4.~~ Violation of a Category 4 inspection rule  
20 (~~records/equipment~~)—\$100.00.



1 send the cardholder electronically an application to renew the identification  
2 card; a cardholder shall be sent the renewal notice by mail unless the  
3 cardholder opts in to receive electronic notification. A person born on  
4 February 29 shall, for the purposes of this section, be considered as born on  
5 March 1.

6 \* \* \* Renewal of Operator's Licenses \* \* \*

7 Sec. 14. 23 V.S.A. § 601(b) is amended to read:

8 (b) All operator's licenses issued under this chapter shall expire, unless  
9 earlier cancelled, at midnight on the eve of the second or fourth anniversary of  
10 the date of birth of the ~~applicant~~ license holder following the date ~~they were~~  
11 ~~issued~~ of issue. Renewed licenses shall expire at midnight on the eve of the  
12 second or fourth anniversary of the date of birth of the license holder following  
13 the date the renewed license expired. All junior operator's licenses shall  
14 expire, unless earlier cancelled, at midnight on the eve of the second  
15 anniversary of the date of birth of the ~~applicant~~ license holder following the  
16 date ~~they were issued~~ of issue. A person born on February 29 shall, for the  
17 purposes of this section, be considered as born on March 1.

18 \* \* \* Display of Inspection Stickers \* \* \*

19 Sec. 15. 23 V.S.A. § 203(a) is amended to read:

20 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

21 (a) A person shall not:

1           (1) counterfeit or cause to be counterfeited or have in his or her  
2 possession any counterfeit number plate, validating sticker, marker, inspection  
3 sticker, registration certificate, learner’s permit, nondriver identification card,  
4 insurance identification card, or operator license, or alter or have in his or her  
5 possession any altered number plate or marker; ~~or~~

6           (2) display or cause or permit to be displayed, or have in his or her  
7 possession, any fictitious or fraudulently altered operator license, learner’s  
8 permit, nondriver identification card, inspection sticker, or registration  
9 certificate, or display for any fraudulent purpose an expired or counterfeit  
10 insurance identification card or similar document; ~~or~~

11           (3) lend his or her operator license to any other person or knowingly  
12 permit the use thereof by another; ~~or~~

13           (4) display or represent as his or her own any operator license, permit,  
14 ~~inspection sticker,~~ or nondriver identification card not issued to him or her, ~~or,~~  
15 ~~in the case of inspection stickers, not issued to him or her for the vehicle on~~  
16 ~~which the sticker is displayed;~~ ~~or~~

17           (5) permit any unlawful use of an operator license, permit, or nondriver  
18 identification card issued to him or her by the Commissioner; ~~or~~

19           (6) obtain or attempt to obtain a registration plate, validation sticker,  
20 registration certificate, operator’s license, learner’s permit, nondriver  
21 identification card, or duplicate copy of any of such documents by the use of

1 fraudulently obtained, fictitious, or altered identity documents or by the use of  
2 identity documents not his or her own; ~~or~~

3 (7) obtain or attempt to obtain a registration plate, validation sticker,  
4 registration certificate, certificate of title, operator's license, learner's permit,  
5 nondriver identification card, duplicate copy of any of these documents, or  
6 obtain or attempt to obtain any other permit, license, or special privilege from  
7 the Department of Motor Vehicles through the submission of an application  
8 containing false or fictitious information; ~~or~~

9 (8) lend his or her identity documents to aid an applicant in his or her  
10 attempt to fraudulently obtain or actually obtain a registration plate, validation  
11 sticker, registration certificate, operator's license, learner's permit, nondriver  
12 identification card, or duplicate copy of such documents; or

13 (9) display on his or her vehicle an inspection sticker not issued to him  
14 or her for the vehicle.

15 \* \* \* Registration of Trailers and Semi-Trailers \* \* \*

16 Sec. 16. 23 V.S.A. § 301 is amended to read:

17 § 301. PERSONS REQUIRED TO REGISTER

18 Residents, except as provided in chapter 35 of this title, shall annually  
19 register motor vehicles owned or leased for a period of more than 30 days and  
20 operated by them, unless currently registered in Vermont. Notwithstanding  
21 this section, a resident who has moved into the State from another jurisdiction

1 shall register his or her motor vehicle within 60 days of moving into the State.

2 A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on  
3 any highway unless such vehicle is registered as provided in this chapter.

4 Vehicle owners who have apportioned power units registered in this State  
5 under the International Registration Plan are exempt from the requirement to  
6 register his or her trailers in this State.

7 Sec. 17. 23 V.S.A. § 301 is amended to read:

8 § 301. PERSONS REQUIRED TO REGISTER

9 Residents, except as provided in chapter 35 of this title, shall annually  
10 register motor vehicles owned or leased for a period of more than 30 days and  
11 operated by them, unless currently registered in Vermont. Notwithstanding  
12 this section, a resident who has moved into the State from another jurisdiction  
13 shall register his or her motor vehicle within 60 days of moving into the State.

14 A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on  
15 any highway unless such vehicle is registered as provided in this chapter.

16 ~~Vehicle owners who have apportioned power units registered in this State~~  
17 ~~under the International Registration Plan are exempt from the requirement to~~  
18 ~~register his or her trailers in this State.~~

19 Sec. 18. 23 V.S.A. § 371(c) is added to read:

20 (c) Semi-trailers with a gross vehicle weight of at least 3,000 pounds may  
21 be registered as follows:

