

1 Introduced by ***[Department of Motor Vehicles proposals, as modified***
2 ***following discussions with Legislative Council]***
3 ***[Changes from draft 3.1 highlighted in green]***

4 Date:

5 Subject: Motor vehicles

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

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

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

10 * * * Public Records Requests * * *

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

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

1 ~~be made available to government agencies in the manner determined by the~~
2 ~~Commissioner and at the actual cost of furnishing the same. The records may~~
3 ~~be maintained on microfilm or electronic imaging. [Repealed.]~~

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

5 § 114. FEES

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

8 (1) Listings of 1 through 4 registrations \$8.00

9 (2) Certified copy of registration application \$8.00

10 (3) Sample plates \$18.00

11 (4) Lists of registered dealers, transporters,

12 periodic inspection stations, fuel dealers,

13 and distributors, including gallonage sold

14 or delivered and rental vehicle companies \$8.00 per page

15 (5) [Repealed.]

16 (6) Periodic inspection sticker record \$8.00

17 (7) Certified copy individual accident crash report \$12.00

18 (8) Certified copy police accident crash report \$18.00

19 (9) Certified copy suspension notice \$8.00

20 (10) Certified copy mail receipt \$8.00

21 (11) Certified copy proof of mailing \$8.00

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

1 computer programming (updated) \$119.00

2 * * *

3 * * * Junior Operator’s License * * *

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

5 § 607. JUNIOR OPERATOR’S LICENSE

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

7 * * *

8 (3) have:

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

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

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

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

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

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

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

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

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

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

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

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

21 licensure.

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(c) Any junior operator’s license may be renewed. Notwithstanding the provisions of any other law, a renewed junior operator’s license shall not be ~~issued without a photograph or imaged likeness. Any person to whom a renewed junior operator’s license has been issued shall, while operating a motor vehicle, carry upon his or her person the last license issued to him or her as well as the renewed license certificate~~ required to meet the requirements of subsection 610(b) of this title.

* * * Photographic Licenses * * *

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

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

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

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

1 (d) At the discretion of the Commissioner, the knowledge test and the skills
2 test required under ~~49 C.F.R. § 383.113~~ 49 C.F.R. §§ 383.113 and 383.133, as
3 amended, and the tests required for a passenger endorsement or a tank vehicle
4 endorsement or a hazardous materials endorsement under 49 CFR §§ 383.117,
5 383.119, or 383.121, as amended, may be waived for a commercial motor
6 vehicle driver with military commercial motor vehicle experience who is
7 currently licensed at the time of his or her application for a commercial driver
8 license, if the test is substituted with an applicant's driving record in
9 combination with the driving experience specified in this subsection. The
10 Commissioner shall impose conditions and limitations to restrict the applicants
11 from whom alternative requirements for the skills test may be accepted. Such
12 conditions shall include the following:

13 * * *

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

15 (e) Obtaining a commercial learner's permit is a precondition to the initial
16 issuance of a commercial driver license. The issuance of a commercial
17 learner's permit also is a precondition to the upgrade of a commercial driver
18 license if the upgrade requires a skills test. A permit may be issued to an
19 individual who holds a valid Vermont driver's license who has passed the
20 vision and written tests required for the class of license authorizing the
21 operation of the type of vehicle for which the permit application is being made.

1 A commercial learner's permit holder is not eligible to take the commercial
2 driver license skills test in the first 14 days after initial issuance of the
3 commercial learner's permit. A permit shall be issued for a period of ~~six~~
4 ~~months~~ one year, and only one renewal or reissuance of a commercial learner's
5 permit may be granted within a two-year period.

6 * * * Foreign Driver's License Reciprocity * * *

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

8 § 208. RECIPROCAL RECOGNITION OF NONRESIDENT

9 REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN

10 VISITORS

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

17 However, these exemptions shall be operative only to the extent that under the
18 laws of the foreign country or state of the owner's or operator's residence like
19 exemptions and privileges are granted to owners of motor vehicles duly
20 registered and to operators duly licensed or permitted under the laws of this
21 State, except that if the owner or operator is a resident of a country not

1 adjoining the United States, the exemptions shall be operative for a period of
2 not more than ~~30 days for vacation purposes~~ one year even if the country does
3 not grant like privileges to residents of this State.

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

5 § 601. LICENSE REQUIRED

6 (a)(1) Except as otherwise provided by law, a resident shall not operate a
7 motor vehicle on a highway in Vermont unless he or she holds a valid license
8 issued by the State of Vermont. A new resident who has moved into the State
9 from another jurisdiction and who holds a valid license to operate motor
10 vehicles under section 208 of this title shall procure a Vermont license within
11 60 days of moving to the State. Except as provided in subsection 603(d) of
12 this title, licenses shall not be issued to nonresidents.

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

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

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

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

3 (i) is at least 18 ~~or more~~ years of age, is lawfully present in the
4 United States, and has been in the United States for **less not more** than one
5 year; **and**

6 **~~(ii) the jurisdiction that issued the license is a party to the 1949~~**
7 **~~Convention on Road Traffic, or the 1943 Convention on the Regulation of~~**
8 **~~Inter-American Motor Vehicle Traffic; and~~**

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

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

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

20 * * * Replacement License * * *

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

1 § 613. ~~DUPLICATE~~ REPLACEMENT LICENSE

2 (a) In case of the loss, mutilation, or destruction of a license or error in a
3 license, the licensee shall forthwith notify the Commissioner who shall furnish
4 such licensee with a ~~duplicate~~ replacement on receipt of \$20.00. ~~A corrected~~
5 ~~license shall be furnished by the Commissioner upon request and receipt of a~~
6 ~~fee of \$20.00.~~

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

10 * * * Categories of Designated Inspection Station Violations * * *

11 Sec. 11. 23 V.S.A. § **1231** is amended to read:

12 § 1231. ADMINISTRATIVE PENALTIES

13 **(a) The Commissioner may impose an administrative penalty of not more**
14 **than \$500.00 for each violation against a designated inspection station or a**
15 **certified inspection mechanic who violates the laws relating to the performance**
16 **of periodic motor vehicle inspections or the official inspection manuals within**
17 **the prior three years.**

18 * * *

19 (c) The Commissioner shall adopt rules establishing categories of
20 violations for which administrative penalties are to be imposed under this
21 section. Categories shall be based on the severity of the violation involved.

1 Penalties assessed for each determination of violation of the inspection rules
2 shall not exceed the following amounts per category:

3 (1) ~~Category 1.~~ Violation of State law relative to inspection (Category
4 1)—\$500.00.

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

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

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

11 (5) ~~Category 5.~~ Violation of a Category 5 inspection rule
12 (~~documentation~~)—\$50.00.

13 * * *

14 Sec. 12. ~~[Deleted.]~~

15 * * * Renewal of Identification Cards * * *

16 Sec. 13. 23 V.S.A. § 115(b) is amended to read:

17 (b) Every identification card shall expire, unless earlier canceled, at
18 midnight on the eve of the fourth birthday anniversary of the date of birth of
19 the applicant cardholder following the date of original issue, and may be
20 renewed every four years upon payment of a \$24.00 fee. A renewed
21 identification card shall expire, unless earlier canceled, at midnight on the eve

1 of the fourth anniversary of the date of birth of the cardholder following the
2 expiration of the card being renewed. At least 30 days before an identification
3 card will expire, the Commissioner shall mail first class to the cardholder or
4 send the cardholder electronically an application to renew the identification
5 card; a cardholder shall be sent the renewal notice by mail unless the
6 cardholder opts in to receive electronic notification. A person born on
7 February 29 shall, for the purposes of this section, be considered as born on
8 March 1.

9 * * * Renewal of Operator's Licenses * * *

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

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

21 * * * Display of Inspection Stickers * * *

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

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

3 (a) A person shall not:

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

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

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

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

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

1 (6) obtain or attempt to obtain a registration plate, validation sticker,
2 registration certificate, operator’s license, learner’s permit, nondriver
3 identification card, or duplicate copy of any of such documents by the use of
4 fraudulently obtained, fictitious, or altered identity documents or by the use of
5 identity documents not his or her own; ~~or~~

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

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

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

18 * * * Registration of Trailers and Semi-Trailers * * *

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

20 § 301. PERSONS REQUIRED TO REGISTER

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

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

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

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

12 § 301. PERSONS REQUIRED TO REGISTER

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

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

20 ~~Vehicle owners who have apportioned power units registered in this State~~

1 ~~under the International Registration Plan are exempt from the requirement to~~
2 ~~register his or her trailers in this State.~~

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

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

6 (1) for a term of eight or 12 years at a fee of \$11.00;

7 (2) for a term of 20 years, and when the registrant is applying for at least
8 1,000 registrations, at a fee of \$11.00 per registration per year; and

9 (3) for a term of 25 years, and when the registrant is applying for at least
10 30,000 registrations, at a fee of \$80.00 per registration.

11 * * * Trailer and Semi-Trailer Sales Tax Exemption * * *

12 Sec. 19. 32 V.S.A. § 8911 is amended to read:

13 § 8911. EXCEPTIONS

14 The tax imposed by this chapter shall not apply to:

15 * * *

16 (24) trailers and semi-trailers when at least 80 percent of their annual
17 use is operation in interstate commerce.

18 Sec. 20. 32 V.S.A. § 8900(g) is added to read:

19 (g) The statutory purpose of the exemption of the taxable cost of a trailer or
20 semi-trailer in subdivision 8911(24) of this title is to encourage the purchase
21 and use of trailers and semi-trailers for use in interstate commerce.

1

* * * Effective Dates * * *

2

Sec. 21. EFFECTIVE DATES

3

Sec. 17 (persons required to register) shall take effect on July 1, 2029 and

4

all other sections shall take effect on July 1, 2019.