

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

3 Date:

4 Subject: Motor vehicles; exhibition vehicles; antique vehicles; annual
5 inspection; reinstatement fee; U.S. Armed Forces; electronic notice;
6 commercial vehicle operations; commercial vehicle credits and
7 refunds; in-transit registration permits; suspensions; commercial
8 driver's license disqualifications; school bus inspections; school
9 buses; nondriver identification cards; operator's license examination;
10 commercial vehicles; overweight vehicles

11 Statement of purpose of bill as introduced: This bill proposes to make
12 miscellaneous changes to laws related to motor vehicles.

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

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

15 * * * Public Records Requests * * *

16 Sec. 1. 23 V.S.A. § 104 is amended to read:

17 § 104. PUBLIC RECORDS

18 (a) ~~Any information contained in Department records is subject to and shall~~
19 ~~be released pursuant to~~ **The Commissioner shall comply with** the Driver's
20 Privacy Protection Act, 18 U.S.C. chapter 123 as amended.

1 (1) Mandatory release of personal information. The Commissioner shall
2 release personal information as required under 18 U.S.C. chapter 123 as
3 amended.

4 (2) Permissible release of personal information. The Commissioner
5 may release personal information as permitted under 18 U.S.C. chapter 123 as
6 amended, provided that the Commissioner shall withhold information or
7 records that are exempt pursuant to 1 V.S.A. § 317.

8 (3) Form of requests. The Commissioner may only furnish personal
9 information, as defined in 18 U.S.C. chapter 123 as amended, pursuant to this
10 subsection if either the public records request completely identifies the
11 information sought or pursuant to a contract with a requestor. For purposes of
12 this subdivision, a request that completely identifies the information sought for
13 an individual shall mean name and date of birth and for a vehicle shall mean
14 either the registration number or the vehicle identification number.

15 (4) Fees. The Commissioner shall collect fees pursuant to section 114
16 of this title.

17 * * *

18 (f) The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25
19 regulating the release of Department of Motor Vehicles public records that are
20 consistent with this section.

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

2 § 114. FEES

3 (a) The Commissioner shall be paid the following fees for miscellaneous
4 transactions:

5 * * *

6 (11) ~~Certified copy proof of mailing~~ \$8.00

7 [Repealed.]

8 * * *

9 (b) ~~The Commissioner shall furnish the items listed in subsection (a) of this~~
10 ~~section upon a request that completely identifies the information sought or~~
11 ~~pursuant to a contract with an outside entity for purposes permitted under law,~~
12 ~~including the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as~~
13 ~~amended. For purposes of this subsection, a request that completely identifies~~
14 ~~the information sought for an individual shall mean name and date of birth, and~~
15 ~~for a vehicle shall mean either the registration number or the vehicle~~
16 ~~identification number. [Repealed.]~~

17 * * * Issuance of Nondriver Identification Cards to

18 Vermonters Released from Incarceration * * *

19 Sec. 3. 23 V.S.A. § 115 is amended to read:

20 § 115. NONDRIVER IDENTIFICATION CARDS

1 (a) Any Vermont resident may make application to the Commissioner and
2 be issued an identification card ~~which~~ that is attested by the Commissioner as
3 to true name, correct age, residential address unless the listing of another
4 address is requested by the applicant or is otherwise authorized by law, and
5 any other identifying data as the Commissioner may require which shall
6 include, in the case of minor applicants, the written consent of the applicant’s
7 parent, guardian, or other person standing in loco parentis. Every application
8 for an identification card shall be signed by the applicant and shall contain
9 such evidence of age and identity as the Commissioner may require, consistent
10 with subsection (l) of this section. New and renewal application forms shall
11 include a space for the applicant to request that a “veteran” designation by
12 placed on his or her identification card. If a veteran, as defined in 38 U.S.C. §
13 101(2), requests a veteran designation and provides a Department of Defense
14 Form 214 or other proof of veteran status specified by the Commissioner, and
15 the Office of Veterans Affairs confirms his or her status as an honorably
16 discharged veteran or a veteran discharged under honorable conditions, the
17 identification card shall include the term “veteran” on its face. The
18 Commissioner shall require payment of a fee of \$24.00 at the time application
19 for an identification card is made, except that an initial nondriver identification
20 card shall be issued at no charge to ~~a person~~ an individual who surrenders his

1 or her license in connection with a suspension or revocation under subsection
2 636(b) of this title due to a physical or mental condition.

3 (b) Every identification card shall expire, unless earlier canceled, at
4 midnight on the eve of the fourth anniversary of the date of birth of the
5 cardholder following the date of original issue, and may be renewed every four
6 years upon payment of a \$24.00 fee. A renewed identification card shall
7 expire, unless earlier canceled, at midnight on the eve of the fourth anniversary
8 of the date of birth of the cardholder following the expiration of the card being
9 renewed. At least 30 days before an identification card will expire, the
10 Commissioner shall mail first class to the cardholder or send the cardholder
11 electronically an application to renew the identification card; a cardholder shall
12 be sent the renewal notice by mail unless the cardholder opts in to receive
13 electronic notification. ~~A person~~ An individual born on February 29 shall, for
14 the purposes of this section, be considered as born on March 1.

15 * * *

16 (g) An identification card issued to a first-time applicant and any
17 subsequent renewals by that person shall contain a photograph or imaged
18 likeness of the applicant. The photographic identification card shall be
19 available at a location designated by the Commissioner. ~~A person~~ An
20 individual issued an identification card under this subsection that contains an
21 imaged likeness may renew his or her identification card by mail. Except that

1 a renewal by a ~~person~~ an individual required to have a photograph or imaged
2 likeness under this subsection must be made in person so that an updated
3 imaged likeness of the ~~person~~ individual is obtained no less often than once
4 every ~~eight~~ nine years.

5 * * *

6 (j) ~~Persons~~ Individuals receiving Supplemental Security Income or Social
7 Security Disability Income and ~~persons~~ individuals with a disability as defined
8 in 9 V.S.A. § 4501(2) shall be provided with nondriver identification cards for
9 the following fees:

10 * * *

11 (m) An individual sentenced to serve a period of imprisonment of six
12 months or more committed to the custody of the Commissioner of Corrections
13 who is eligible for a nondriver identification card under the requirements of
14 this section shall, upon proper application and in advance of release from a
15 correctional facility, be provided with a nondriver identification card for a fee
16 of \$0.00.

17 * * * Electronic In-Transit Registration Permit * * *

18 Sec. 4. 23 V.S.A. § 202 is amended to read:

19 § 202. IMPERSONATING ANOTHER IN AN APPLICATION, OR AIDING

20 AN APPLICANT BY FALSE REPRESENTATION

1 A person who does any of the following shall be fined not more than
2 \$1,000.00 or imprisoned not more than two years, or both, and shall have his
3 or her privilege to operate suspended for 90 days:

4 (1) falsely impersonates another in an application for:

5 (A) an operator's license; or

6 (B) a learner's permit, or in an application for a;

7 (C) a nondriver identification card, or in an application for;

8 (D) a motor vehicle registration, all-terrain vehicle, snowmobile, or
9 motorboat registration, or vessel validation; or who

10 (E) an in-transit registration permit;

11 (2) obtains a license to operate a motor vehicle by false representation,
12 or who obtains:

13 (A) an operator's license;

14 (B) a learner's permit; or

15 (C) a nondriver identification card by false representation, or who
16 obtains;

17 (D) a motor vehicle registration or a registration for any other type of
18 vehicle or vessel by false representation, validation; or

19 (E) an in-transit registration permit;

20 (3) who uses an assumed name or name that is not his or her own in an
21 application for;

- 1 (A) an operator’s license;
2 (B) a learner’s permit ~~or in an application for;~~
3 (C) a nondriver identification card; ~~or in an application for;~~
4 (D) a motor vehicle registration; ~~or registration for any other type~~
5 ~~vehicle or vessel; validation; or~~
6 (E) an in-transit registration permit; or

7 (4) who knowingly aids an applicant in obtaining by false representation
8 as to the age or identity of such applicant; such

- 9 (A) an operator’s license;
10 (B) a learner’s permit; ~~registration; or;~~
11 (C) a nondriver identification card;
12 (D) a motor vehicle registration or vessel validation; or
13 (E) an in-transit registration permit ~~by false representation as to the~~
14 ~~age or identity of such applicant, shall be fined not more than \$1,000.00 or~~
15 ~~imprisoned not more than two years, or both and shall have his or her privilege~~
16 ~~to operate suspended for 90 days.~~

17 Sec. 5. 23 V.S.A. § 203(a) is amended to read:

- 18 (a) A person shall not:
19 (1) counterfeit or cause to be counterfeited or have in his or her
20 possession any counterfeit number plate, validating sticker, marker, inspection
21 sticker, registration certificate, in-transit registration permit, learner’s permit,

1 nondriver identification card, insurance identification card, or operator license,
2 or alter or have in his or her possession any altered number plate or marker;

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

9 * * *

10 (6) obtain or attempt to obtain a registration plate, validation sticker,
11 registration certificate, in-transit registration permit, operator's license,
12 learner's permit, nondriver identification card, or duplicate copy of any of such
13 documents by the use of fraudulently obtained, fictitious, or altered identity
14 documents or by the use of identity documents not his or her own;

15 (7) obtain or attempt to obtain a registration plate, validation sticker,
16 registration certificate, in-transit registration permit, certificate of title,
17 operator's license, learner's permit, nondriver identification card, duplicate
18 copy of any of these documents, or obtain or attempt to obtain any other
19 permit, license, or special privilege from the Department of Motor Vehicles
20 through the submission of an application containing false or fictitious
21 information;

1 charge a fee of \$6.00 for the processing of the application and the issuance of
2 the electronic permit.

3 (c) Proof to be carried by operator. It shall be unlawful for any individual
4 to drive a vehicle registered pursuant to this section unless the operator has in
5 his or her possession a valid bill of sale for the vehicle and proof of compliance
6 with the provisions of section 800 of this title. Notwithstanding section 511 of
7 this title, a motor vehicle may be operated without having displayed one or two
8 number plates if the operator has an electronic in-transit registration permit.

9 An operator may prove that he or she is in possession of an electronic in-transit
10 registration permit for the vehicle he or she is operating using a portable
11 electronic device; however, use of a device for this purpose does not in itself
12 constitute consent for an enforcement officer to access other contents of the
13 device.

14 * * * Exhibition Vehicles; Inspection * * *

15 Sec. 7. 23 V.S.A. § 373 is amended to read:

16 § 373. EXHIBITION VEHICLES; ~~YEAR OF MANUFACTURE~~
17 REGISTRATION FEE; PRE-1968 NUMBER PLATES

18 (a) The annual registration fee for ~~the registration of~~ a motor vehicle ~~which~~
19 that is maintained for use in exhibitions, club activities, parades, and other
20 functions of public interest and ~~which~~ that is not used for general daily

1 transportation of passengers or property on any highway shall be \$21.00, ~~in~~
2 ~~lieu of fees otherwise provided by law. Permitted use shall include:~~

3 ~~(1) use in exhibitions, club activities, parades, and other functions of~~
4 ~~public interest; and~~

5 ~~(2) occasional transportation of passengers or property not more than~~
6 ~~one day per week.~~

7 (b) ~~Pursuant to the provisions of section 304 of this title, one registration~~
8 ~~plate shall be issued to those vehicles registered under subsection (a) of this~~
9 ~~section. Notwithstanding subsection (a) of this section, a vehicle that is~~
10 ~~registered as an exhibition vehicle may be used for the occasional~~
11 ~~transportation of passengers or property. For purposes of this subsection,~~
12 ~~“occasional” shall mean not more than one day per week.~~

13 (c) ~~Vermont registration~~ The Commissioner shall issue to the registrant of
14 an exhibition vehicle a certificate of registration and one number plate pursuant
15 to section 304 of this title.

16 (d) Number plates issued prior to 1968 may be displayed on a motor
17 vehicle registered under this section ~~instead of the plate issued under this~~
18 section, if the issued plate is provided that the number plate issued pursuant to
19 subsection (c) of this section is maintained within the vehicle and produced
20 upon request of any enforcement officer as defined in subdivision 4(11) of this
21 title.

1 Sec. 8. 23 V.S.A. § 1222 is amended to read:

2 § 1222. INSPECTION OF REGISTERED VEHICLES

3 (a) Except for school buses, which shall be inspected as prescribed in
4 section 1282 of this title, and motor buses as defined in subdivision 4(17) of
5 this title, which shall be inspected twice during the calendar year at six-month
6 intervals, all motor vehicles registered in this State shall undergo a safety and
7 visual emissions inspection once each year and all motor vehicles that are
8 registered in this State and are 16 model years old or less shall undergo an
9 emissions or on board diagnostic (OBD) systems inspection once each year as
10 applicable. Any motor vehicle, trailer, or semi-trailer not currently inspected
11 in this State shall be inspected within 15 days following the date of its
12 registration in the State of Vermont.

13 * * *

14 (d) Notwithstanding the provisions of subsection (a) of this section, an
15 exhibition vehicle of model year ~~1940~~ 1970 or ~~before~~ earlier registered as
16 ~~prescribed in pursuant to~~ section 373 of this title or a trailer registered as
17 ~~prescribed in pursuant to~~ subdivision 371(a)(1)(A) of this title shall be exempt
18 from inspection; provided, however, the vehicle must be equipped as originally
19 manufactured, must be in good mechanical condition, and must meet the
20 applicable standards of the inspection manual.

21 * * *

1 * * * U.S. Armed Forces License Extensions * * *

2 Sec. 9. 23 V.S.A. § 616 is amended to read:

3 § 616. EXTENSION OF LICENSE FOR MEMBERS OF U.S. ARMED
4 FORCES AND IMMEDIATE FAMILY MEMBERS

5 (a) Definition. As used in this section, “immediate family member” means
6 a child; stepchild; foster child; spouse; domestic partner, as defined in
7 17 V.S.A. § 2414; civil union partner; parent; or parent of a spouse, domestic
8 partner, or civil union partner.

9 (b) Members of the U.S. Armed Forces.

10 (1) A resident of Vermont who is a member of the U.S. Armed Forces,
11 and who at the time of his or her induction, ~~call on reserve commission~~ or
12 enlistment into ~~such forces~~ the U.S. Armed Forces, or who during his or her
13 term of service with the U.S. Armed Forces was the holder of a valid Vermont
14 license to operate motor vehicles issued by the Commissioner, shall,
15 notwithstanding the expiration of ~~such~~ the license, be entitled to operate a
16 motor vehicle ~~without a new~~ with that expired license ~~therefor~~ during his or her
17 term of service and until 30 days after receiving a discharge from the U.S.
18 Armed Forces, ~~provided, however, that he or she shall not be so entitled for a~~
19 ~~longer period than~~ but not to exceed four years from the date of expiration of
20 his or her license.

1 (2) A resident of Vermont who is a member of the Reserve Component
2 of the U.S. Armed Forces and who at the time he or she is called to active duty
3 was the holder of a valid Vermont license to operate motor vehicles issued by
4 the Commissioner shall, notwithstanding the expiration of such license, be
5 entitled to operate a motor vehicle with that expired license during his or her
6 term of active duty and until 30 days after being released from active duty, but
7 not to exceed four years from the date of expiration of his or her license.

8 (c) Immediate family members of members of the U.S. Armed Forces.

9 (1) A resident of Vermont who is absent from the State because his or
10 her immediate family member is serving with the U.S. Armed Forces and who
11 had a valid Vermont license to operate motor vehicles issued by the
12 Commissioner at the time of the immediate family member's induction or
13 enlistment into the U.S. Armed Forces shall, notwithstanding the expiration of
14 the license, be entitled to operate a motor vehicle with that expired license
15 during the immediate family member's term of service and until 30 days after
16 his or her immediate family member is discharged from the U.S. Armed
17 Forces, but not to exceed four years from the date of expiration of his or her
18 license.

19 (2) A resident of Vermont who is absent from the State because his or
20 her immediate family member is a member of the Reserve Component of the
21 U.S. Armed Forces who had a valid Vermont license to operate motor vehicles

1 issued by the Commissioner at the time of the immediate family member's call
2 to active duty shall, notwithstanding the expiration of such license, be entitled
3 to operate a motor vehicle with that expired license during his or her
4 immediate family member's term of active duty and until 30 days after his or
5 her immediate family is released from active duty, but not to exceed four years
6 from the date of expiration of his or her license.

7 ~~(b)~~(d) Such person Proof required. Any member of the U.S. Armed Forces
8 or immediate family member of a member of the U.S. Armed Forces operating
9 a motor vehicle with an expired license pursuant to subsection (b) or (c) shall,
10 while operating a motor vehicle, carry upon his or her person the last license
11 issued to him or her and conclusive evidence that he or she is a member of the
12 U.S. Armed Forces or the immediate family member of a member of the U.S.
13 Armed Forces and, if the member of the U.S. Armed Forces is discharged or
14 released from active duty, a copy of such the applicable DD-214 or similar
15 document of discharge or release from active duty.

16 ~~(e)~~(e) Effect of revocation, suspension, or refusal. Nothing in this section
17 shall be construed to permit ~~a person~~ an individual against whom a revocation
18 or suspension of license has been issued or is in force, or ~~a person~~ an
19 individual who has been refused a license by the Commissioner, to operate a
20 motor vehicle.

1 * * * Waiver of Examination for Individuals with an Expired License * * *

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

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

12 * * * Suspensions * * *

13 Sec. 11. 23 V.S.A. § 671 is amended to read:

14 § 671. PROCEDURE

15 (a) In his or her discretion, the Commissioner may suspend indefinitely or
16 for a definite time the license of an operator, or the right of an unlicensed
17 ~~person~~ individual to operate a motor vehicle, after opportunity for a hearing
18 upon not less than 15 days’ notice, if the Commissioner has reason to believe
19 that the holder thereof is ~~a person~~ an individual who is incompetent to operate
20 a motor vehicle or is operating improperly so as to endanger the public. If,
21 upon receipt of such notice, the ~~person so notified shall request~~ individual

1 requests a hearing, such suspension shall not take effect unless the
2 Commissioner, after hearing, determines that the suspension is justified. If the
3 Commissioner imposes a suspension, he or she may order the license delivered
4 to him or her. ~~Ne~~ Not less than six months from the date of suspension and
5 each six months thereafter, ~~a person~~ an individual upon whom such suspension
6 has been imposed may apply for reinstatement of his or her license or right to
7 operate or for a new license. Upon receipt of such application, the
8 Commissioner shall thereupon cause an investigation to be made and, if so
9 requested, conduct a hearing to determine whether such suspension should be
10 continued in effect.

11 * * *

12 (c) The Commissioner ~~shall not~~ may suspend the license of an operator, or
13 the right of an unlicensed person to operate a motor vehicle, while a
14 prosecution for an offense under this title is pending against such person;
15 unless if:

16 (1) ~~he or she~~ the Commissioner finds upon full reports submitted to him
17 or her by an enforcement officer or motor vehicle inspector that the safety of
18 the public will be imperiled by permitting such operator or such unlicensed
19 person to operate a motor vehicle, ~~or:~~

1 * * * Waiver of Reinstatement Fee * * *

2 Sec. 12. 4 V.S.A. § 1109(c)(4) is amended to read:

3 (4)(A) Hearing. The hearing shall be conducted in a summary manner.

4 The hearing officer shall examine the defendant and any other witnesses and
5 may require the defendant to produce documents relevant to the defendant's
6 ability to pay the amount due. The State or municipality shall not be a party
7 except with the permission of the hearing officer. The defendant may be
8 represented by counsel at the defendant's own expense.

9 (B) Traffic violations; reduction of amount due. When the judgment
10 is based upon a traffic violation, the hearing officer may waive the
11 reinstatement fee required pursuant to 23 V.S.A. § 675(a) or reduce the amount
12 due on the basis of the defendant's driving history, ability to pay, or service to
13 the community; the collateral consequences of the violation; or the interests of
14 justice. The hearing officer's decision ~~on a motion~~ to reduce the amount due
15 shall not be subject to review or appeal except in the case of a violation of
16 rights guaranteed under the Vermont or U.S. Constitution.

1 * * * School Buses; Inspection * * *

2 Sec. 13. 23 V.S.A. § 1282 is amended to read:

3 § 1282. OPERATOR, EQUIPMENT, AND INSPECTION

4 (a) Before ~~a person~~ an individual may assume the duty of transporting
5 school pupils in either a Type I or Type II school bus, he or she shall as a
6 minimum:

7 * * *

8 (2) Furnish the Department of Motor Vehicles or, in the case of ~~a person~~
9 an individual licensed in another jurisdiction furnish his or her employer, a
10 certificate signed by a licensed physician, or a certified physician assistant, or a
11 nurse practitioner in accordance with written protocols, that he or she is, as far
12 as can be determined by reasonable inquiry and examination, mentally and
13 physically competent to perform his or her duties. Any newly diagnosed
14 diabetic or established diabetic must be stabilized and must be certified by his
15 or her personal physician that he or she has not had a hypoglycemic reaction
16 (loss of consciousness or near loss of consciousness) for the last two years or
17 since his or her last physical, whichever is longer. Any diabetic must be
18 recertified every six months by his or her personal physician who must state
19 that the patient has not had a hypoglycemic reaction during that time.

20 * * *

1 (b) A school bus shall not be operated in the transportation of children to
2 and from school unless and until it is inspected at an inspection station
3 designated as such by the Department of Motor Vehicles. The inspection shall
4 thoroughly cover mechanical conditions, standard equipment, extra equipment,
5 and safety and comfort conditions all as provided in section 1281 of this title
6 and, if the inspected vehicle meets all of these requirements, the inspection
7 station shall give the owner or operator of the inspected vehicle a signed
8 certificate so stating. This certificate shall be shown as soon as possible by the
9 owner or operator to a school director in the town in which this vehicle is to be
10 operated, and shall thereafter be carried in some easily accessible place in the
11 vehicle. Thereafter, so long as this bus remains in this service, it must be
12 reinspected as provided in this section during each of the following periods:
13 ~~July August, November December, and February March~~ January to April,
14 May to August, and September to December. School buses of the pleasure car
15 type, if regularly used in this service, shall display signs required in
16 subdivision 1283(a)(1) of this title when transporting schoolchildren.

17 * * *

18 (d)(1) No less often than every two years, and before the start of a school
19 year, ~~a person~~ an individual licensed by the Department of Motor Vehicles to
20 assume the duty of transporting school pupils in either a Type I or Type II

1 school bus shall furnish the employer who employs him or her as a school bus
2 driver the following:

3 * * *

4 Sec. 14. 23 V.S.A. § 1283(a) is amended to read:

5 (a) Types I and II school buses shall be:

6 * * *

7 (2) Painted national school bus glossy yellow, except that the hood shall
8 be either ~~that color~~ national school bus glossy yellow or lusterless black, ~~and~~
9 the fenders shall be either ~~that color~~ national school bus glossy yellow or
10 black, and the roof shall be either national school bus glossy yellow or white.

11 For Type II school buses, the requirements of this subdivision and subdivision
12 (a)(3) of this section shall apply to any new bus ordered on or after January 1,
13 2000.

14 (3) Equipped with bumpers of glossy black, unless for increased night
15 visibility they are covered with a reflective material, or, if the school bus is a
16 plug-in electric vehicle, blue.

17 * * *

1 * * * Commercial Vehicles; Size and Weight * * *

2 Sec. 15. 23 V.S.A. § 1399 is amended to read

3 § 1399. EXCEPTIONS FOR CONSTRUCTION AND MAINTENANCE

4 EQUIPMENT; FIRE APPARATUS; HEAVY-DUTY TOW AND

5 RECOVERY VEHICLES; AND TOWAWAY TRAILERS

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

7 (1) “Heavy-duty tow and recovery vehicle” means a vehicle that:

8 (A) is transporting a disabled vehicle from the place where the
9 vehicle became disabled to the nearest appropriate repair facility; and

10 (B) has a gross vehicle weight that is equal to or exceeds the gross
11 vehicle weight of the disabled vehicle being transported.

12 (2) “Trailer transporter towing unit” means a power unit that is not used
13 to carry property when operating in a towaway trailer transporter combination.

14 (3) “Towaway trailer transporter combination” means a combination of
15 vehicles consisting of a trailer transporter towing unit and two trailers or
16 semitrailers with a total weight that does not exceed 26,000 pounds and in
17 which the trailers or semitrailers carry no property and constitute inventory
18 property of a manufacturer, distributor, or dealer of such trailers or
19 semitrailers.

20 (b) Weight restrictions. Nothing contained in sections ~~1391–1398~~ 1391–
21 1398 of this title; shall restrict the weight of:

1 (1) snow plows, road machines, oilers, traction engines, tractors, rollers,
2 power shovels, dump wagons, trucks, or other construction or maintenance
3 equipment when used by any town, incorporated village, city, or ~~state~~ the State
4 in the construction or the maintenance of any highway within the construction
5 area, provided that such construction or maintenance is performed by persons
6 employed by or under contract with such town, incorporated village, city, or
7 the State for this purpose. ~~However, any operation of motorized highway~~
8 ~~building equipment or road making appliances used in construction work~~
9 ~~contracted by a town, incorporated village, city, or the State shall be~~
10 ~~unrestricted as to weight only within a construction area.;~~

11 ~~(2) Nothing contained in sections 1391-1398 of this title shall restrict the~~
12 ~~weight of municipal and volunteer fire apparatus; or~~

13 (3) heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower
14 System of Interstate and Defense Highways.

15 (c) Length restrictions. Notwithstanding 1391–1398 of this title, a
16 towaway trailer transporter combination may be operated on the Dwight D.
17 Eisenhower System of Interstate and Defense Highways; those classes of
18 qualifying Federal-aid Primary System highways as designated by the
19 Secretary of the U.S. Department of Transportation; and on highways leading
20 to or from the Dwight D. Eisenhower System of Interstate and Defense
21 Highways for a distance of one mile or less without a permit if the overall

1 length does not exceed 82 feet unless the Vermont Secretary of Transportation
2 finds the use of a specific highway to be unsafe.

3 Sec. 16. 23 V.S.A. § 1433 is amended to read:

4 § 1433. REASONABLE ACCESS

5 Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be
6 permitted to those vehicles operating pursuant to the provisions of subsections
7 1302(c) and 1432(e) of this title between the Interstate and Defense Highway
8 System and any other qualifying Federal-aid Primary System highways, as
9 designated by the Secretary of the U.S. Department of Transportation and the
10 Vermont Secretary of Transportation, and terminals, facilities for food, fuel,
11 repairs, and rest, and points of loading and unloading for household goods
12 carriers. The Vermont Secretary of Transportation shall by rule pursuant to 3
13 V.S.A. chapter 25 either designate those portions of the public highways over
14 which such reasonable access shall be permitted or provide for the issuance of
15 permits to allow reasonable access. However, permits shall not be required for
16 tractor-semi-trailer combinations ~~engaged in~~ designed for the transportation of
17 automobiles and having provision for transporting motor vehicles on part of
18 the power unit provided the combinations comply with the provisions of
19 subsection 1432(a) of this title.

1 Sec. 17. 23 V.S.A. § 4103 is amended to read:

2 § 4103. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (4)(A) “Commercial motor vehicle” means a motor vehicle designed or
6 used to transport passengers or property:

7 ~~(A) a motor vehicle designed or used to transport passengers or~~
8 ~~property that:~~

9 (i) ~~if the vehicle~~ has either a gross vehicle weight rating or gross
10 vehicle weight of at least 26,001 or more pounds or such lesser rating as
11 determined by federal regulation;

12 (ii) ~~if the vehicle~~ is designed to transport more than 15 passengers,
13 including the driver; or

14 (iii) ~~if the vehicle~~ is transporting hazardous materials and is
15 required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

16 (B) ~~the term~~ “Commercial motor vehicle” shall not include:

17 * * *

18 * * * Acceptable Forms of Notice for

19 Commercial Vehicle Operations * * *

1 Sec. 18. 23 V.S.A. chapter 27 is amended to read:

2 CHAPTER 27. DIESEL FUEL TAX

3 * * *

4 § 3002. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (11) “Mail,” “mails,” “mailing,” and “mailed” mean any method of
8 delivery authorized by the Commissioner, including by hand, U.S. mail, and
9 electronic transmission.

10 * * *

11 § 3005. DEALER’S AND DISTRIBUTOR’S LICENSES; APPLICATION;
12 ISSUANCE

13 * * *

14 (b) An applicant for a dealer’s or distributor’s license shall file by mail an
15 application furnished by the Commissioner with the Commissioner ~~an~~
16 ~~application prepared and furnished by the Commissioner.~~ The application shall
17 not be under oath but shall contain a declaration that it is made under the
18 penalties of perjury.

19 * * *

1 § 3009. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT
2 OF LICENSES

3 (a) When any person ceases to be a licensee by reason of a discontinuance,
4 sale, or transfer of his or her business at any location, he or she shall notify the
5 Commissioner in writing by mail at the time the discontinuance, sale, or
6 transfer takes effect. The notice shall give the date of discontinuance and, in
7 the event of a sale or transfer of the business, the name and address of the
8 purchaser or transferee. All taxes, interest, and penalties not yet due and
9 payable under the provisions of this chapter shall be due and payable,
10 notwithstanding such provisions, concurrently with the discontinuance, sale, or
11 transfer. The licensee shall file a report by mail and simultaneously pay all
12 taxes, interest, penalties, and other expenses due by him or her and surrender to
13 the Commissioner the license certificate issued to him or her together with all
14 duplicates and copies, and a user shall remove and surrender to the
15 Commissioner all identification markers from his or her motor vehicles. Until
16 such notice has been given to the Commissioner by a licensee required to file a
17 bond, the seller and his or her surety shall be liable for the taxes, interest,
18 penalties, and other expenses accruing against the transferee, but only to the
19 extent of the value of the property transferred.

20 (b) The Commissioner may suspend or revoke the license, the right to
21 operate any vehicle, and any registrations of a person who fails to comply with

1 any provision of this chapter or any rule adopted pursuant to this chapter. Such
2 suspension or revocation shall be effective upon not less than 15 days' notice
3 unless within those 15 days the licensee ~~shall request in writing~~ mails a written
4 request for a hearing to show cause why the suspension or revocation should
5 not become effective.

6 * * *

7 § 3011. BOND REQUIREMENT; AMOUNT; FAILURE OF SECURITY

8 (a) When the Commissioner deems it necessary to protect the revenues to
9 be obtained under this chapter, he or she may require a user, dealer, or
10 distributor to file with him or her a bond, issued by a surety company
11 authorized to transact business in this State and approved by the Commissioner
12 of Financial Regulation of this State as to solvency and responsibility, in an
13 amount fixed by the Commissioner, but not to exceed the total potential
14 liability of such person, to secure the payment of any tax or penalties or
15 interest due or which may become due from a licensee under this chapter. In
16 the event that the Commissioner determines that such person is to file a bond,
17 he or she shall ~~give notice to him or her to that effect, specifying~~ notify the
18 user, dealer, or distributor by mail of the amount of the bond required. That
19 person shall file a bond within 15 days after the giving of the notice unless
20 within those 15 days he or she shall request in writing sent by mail a hearing
21 before the Commissioner at which the necessity, propriety, and amount of the

1 bond shall be determined by the Commissioner. The Commissioner's
2 determination shall be final and shall be complied with within 15 days after ~~the~~
3 ~~giving of notice thereof~~ mailing to the user, dealer, or distributor. In lieu of a
4 bond, securities approved by the Commissioner or cash in such amount as he
5 or she may prescribe may be deposited, which shall be kept in the custody of
6 the State Treasurer who may at any time upon instructions from the
7 Commissioner without notice to the depositor apply them to any tax or interest
8 or penalties due, and for that purpose the securities may be sold by him or her
9 at public or private sale without notice to the depositor thereof.

10 * * *

11 § 3012. DISCHARGE OF SURETY

12 Any surety on a bond furnished by a licensee shall be discharged from any
13 liability to the State accruing on the bond after expiration of 60 days from the
14 date the surety ~~shall have~~ filed by mail with the Commissioner a written
15 request to be released and discharged, but the surety shall not be released or
16 discharged from liability already accrued or which shall accrue before the
17 expiration of the 60-day period. The Commissioner, upon receipt of such a
18 request, shall promptly notify by mail the licensee who furnished the bond.

19 Unless the licensee, prior to the expiration of the 60-day period, files a new
20 bond satisfactory to the Commissioner, the Commissioner shall revoke his or
21 her license.

1 § 3013. RECORDS; SALES INVOICE; INSPECTION

2 * * *

3 (b) Each sale or delivery of fuel by a dealer to a user shall be recorded on
4 demand by the user upon a preprinted, serially numbered invoice approved in
5 form and content by the Commissioner and ~~a copy~~ delivered to the user by
6 mail. The sales invoice shall constitute a receipt for the amount of tax
7 collected by the dealer upon payment by the user. Copies of the sales invoices
8 shall be retained by the user and the dealer for not less than three years. For
9 the purposes of claiming a tax credit or refund under sections 3015 and 3020 of
10 this title, a user with the approval of the Commissioner may submit as a receipt
11 a record of purchases made upon which the tax was paid at the time of
12 purchase; provided, however, that the supporting documents are available for
13 audit purposes in readily accessible form or on readable microfilm.

14 * * *

15 § 3014. REPORTS; EXCEPTIONS

16 (a) Every distributor or dealer, on or before the 25th day of each month,
17 shall file by mail with the Commissioner on forms prescribed by him or her a
18 report for the preceding month ~~which~~ that shall include the number of gallons
19 of fuel sold or delivered. A distributor's report shall also include the identity
20 of the person to whom the fuel was sold or delivered, the amount of the tax

1 collected and by whom, and the monthly total of fuel sold or delivered. The
2 report shall be filed even though no fuel was sold or delivered.

3 (b) Every licensed user shall file by mail a report with the Commissioner
4 on forms prescribed or in a form approved by him or her, which shall include
5 the number of gallons of fuel used in Vermont by motor vehicles owned or
6 operated by him or her. All users shall file on a quarterly basis on or before
7 April 30 for the calendar quarter ending March 31, on or before July 31 for the
8 calendar quarter ending June 30, on or before October 31 for the calendar
9 quarter ending September 30, and on or before January 31 for the calendar
10 quarter ending December 31. The report shall be filed even though no motor
11 fuel was used or delivered.

12 * * *

13 § 3026. REPORTS BY RAILROADS

14 (a) Every person or corporation operating a railroad in the State shall file
15 by mail a report with the Commissioner on forms prescribed by him or her,
16 which shall include the number of gallons of fuel used in Vermont by railroad
17 trains owned or operated by them on a quarterly basis on or before October 31
18 for the calendar quarter ending September 30, and on or before January 31 for
19 the calendar quarter ending December 31, and on or before April 30 for the
20 calendar quarter ending March 31, and on or before July 31 for the calendar
21 quarter ending June 30.

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* * *

§ 3028. BULK SALES; TRANSFEREE LIABILITY

(a) Whenever a licensee (transferor) required to collect and remit the tax required by this chapter shall make any sale, transfer, lease, or assignment (transfer) in bulk of any part or the whole of the assets of a business, otherwise than in the ordinary course of the business, the purchaser, transferee, lessee, or assignee (transferee) shall, at least 10 days before taking possession of the subject of the transfer or before payment therefor if earlier, notify the Commissioner in writing by mail of the proposed transfer and of the price and date thereof; and whether or not the transferor has represented to, or has informed the transferee that the transferor owes any tax, interest, or penalties required by this chapter and whether or not the transferee has knowledge that such taxes, interest, or penalties are owed, and whether any taxes, interest, or penalties are in fact owed.

* * *

Sec. 19. 23 V.S.A. chapter 28, subchapter 1 is amended to read:

Subchapter 1. General Gasoline Tax

§ 3101. DEFINITIONS; SCOPE

(a) As used in this chapter:

(1) ~~The term “distributor” as used in this subchapter shall mean~~
“Distributor” means a person, firm, or corporation who imports or causes to be

1 imported gasoline or other motor fuel for use, distribution, or sale within the
2 State, or any person, ~~firm, or corporation~~ who produces, refines, manufactures,
3 or compounds gasoline or other motor fuel within the State for use,
4 distribution, or sale. When a person receives motor fuel in circumstances that
5 preclude the collection of the tax from the distributor by reason of the
6 provisions of the Constitution and laws of the United States, and thereafter
7 sells or uses the motor fuel in the State in a manner and under circumstances as
8 may subject the sale to the taxing power of the State, the person shall be
9 considered a distributor and shall make the same reports, pay the same taxes,
10 and be subject to all provisions of this subchapter relating to distributors of
11 motor fuel.

12 * * *

13 (4) “Mail,” “mails,” “mailing,” and “mailed” mean any method of
14 delivery **authorized by the Commissioner**, including by hand, U.S. mail, and
15 electronic transmission.

16 * * *

17 § 3102. LICENSING AND BONDING OF DISTRIBUTORS

18 * * *

19 (d) All distributors shall ~~submit~~ mail financial statements to the
20 Commissioner on an annual basis. If the distributor does not wish to submit a

1 financial statement, a bond in the amount established in accordance with
2 subsection (c) of this section shall be required.

3 * * *

4 § 3103. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT
5 OF LICENSES

6 (a) When any person ceases to be a licensee by reason of a discontinuance,
7 sale, or transfer of his or her business at any location, he or she shall notify the
8 Commissioner in writing by mail at the time the discontinuance, sale, or
9 transfer takes effect. The notice shall give the date of discontinuance and, in
10 the event of a sale or transfer of the business, the name and address of the
11 purchaser or transferee. All taxes, interest, and penalties not yet due and
12 payable under the provisions of this chapter shall be due and payable,
13 notwithstanding those provisions, concurrently with the discontinuance, sale,
14 or transfer. The licensee shall ~~file~~ mail a report and simultaneously pay all
15 taxes, interest, penalties, and other expenses due by him or her and surrender to
16 the Commissioner the license certificate issued to him or her together with all
17 duplicates and copies. Until the notice has been ~~given~~ mailed to the
18 Commissioner by a licensee, the seller and his or her surety shall be liable for
19 the taxes, interest, penalties, and other expenses accruing against the
20 transferee, but only to the extent of the value of the property transferred.

1 (b) The Commissioner may suspend or revoke the license, the right to
2 operate any vehicle, and any registrations of a person who fails to comply with
3 any provision of this chapter or any rule adopted pursuant to this chapter. The
4 suspension or revocation shall be effective upon not less than 15 days' notice
5 unless within those 15 days the licensee ~~requests in writing~~ mails a written
6 request for a hearing to show cause why the suspension or revocation should
7 not become effective.

8 * * *

9 § 3108. RETURNS

10 For the purpose of determining the amount of the tax levied and assessed,
11 by the 25th day of each calendar month, each distributor shall ~~send~~ mail to the
12 Commissioner upon a form prepared and furnished by him or her a statement
13 or return under oath or affirmation, showing:

14 * * *

15 § 3118. BULK SALES; TRANSFEREE LIABILITY

16 (a) Whenever a licensee (transferor) required to collect and remit the tax
17 required by this subchapter shall make any sale, transfer, lease, or assignment
18 (transfer) in bulk of any part or the whole of the assets of a business, otherwise
19 than in the ordinary course of the business, the purchaser, transferee, lessee, or
20 assignee (transferee) shall, at least 10 days before taking possession of the
21 subject of the transfer or before payment therefor if earlier, notify the

1 Commissioner in writing by mail of the proposed transfer and of the price, and
2 date thereof; and whether or not the transferor has represented to, or has
3 informed the transferee that the transferor owes any tax, interest, or penalties
4 required by this subchapter and whether or not the transferee has knowledge
5 that such taxes, interest, or penalties are owed, and whether any taxes, interest,
6 or penalties are in fact owed.

7 * * *

8 Sec. 20. 23 V.S.A. chapter 35 is amended to read:

9 CHAPTER 35. INTERNATIONAL REGISTRATION PLAN

10 § 3700. DEFINITION; MAIL

11 As used in this chapter, “mail,” “mails,” “mailing,” and “mailed” mean any
12 method of delivery **authorized by the Commissioner**, including by hand, U.S.
13 mail, and electronic transmission.

14 * * *

15 § 3703. TEMPORARY AUTHORIZATION

16 Any International Registration Plan registrant based in this State may apply
17 by mail and be issued temporary authorization to operate a vehicle not in the
18 registrant’s fleet for a period not to exceed 45 days for a fee of \$15.00. Any
19 person to whom temporary authorization is issued shall submit an application
20 by mail for permanent registration for the vehicle covered by the temporary
21 authorization within 10 days of the date of its issuance. Failure to submit an

1 application within the 10-day period may result in the suspension of the
2 temporary authorization. The temporary authorization shall be kept with the
3 vehicle while being operated.

4 * * *

5 § 3706. LICENSE SUSPENSION OR REVOCATION

6 The Commissioner may suspend or revoke the license, the right to operate
7 any vehicle, and any registrations of a person who fails to comply with any
8 provisions of the International Registration Plan of this chapter or any rule
9 adopted pursuant to this chapter. The suspension or revocation shall be
10 effective upon not less than 15 **days days'** notice unless within those 15 days
11 the registrant ~~shall request in writing~~ mails a written request for a hearing to
12 show cause why the suspension or revocation should not be effective.

13 * * * Commercial Vehicle Credits and Refunds * * *

14 Sec. 21. 23 V.S.A. § 3020 is amended to read:

15 § 3020. CREDITS AND REFUNDS

16 (a) Credits.

17 (1) A ~~person~~ user who purchased fuel within this State from a dealer or
18 distributor upon which he or she paid the tax at the time of purchase, or a
19 ~~person~~ user exempt from the payment of the tax under subsection 3003(d) of
20 this title ~~and~~ who purchased fuel within this State upon which he or she paid
21 tax at the time of purchase, shall be entitled to a credit ~~or refund~~ equal to the

1 amount of tax per gallon in effect when the fuel was purchased. When the
2 amount of the credit to which any ~~person~~ user is entitled for any reporting
3 period exceeds the amount of his or her tax for the same period, the excess
4 shall be credited to the user's tax account and the user shall be notified of the
5 date and amount of the credit by mail.

6 (2) If the Commissioner determines that a tax, penalty, interest, or fee
7 required by this chapter has been paid more than once by a user, or has been
8 illegally or erroneously collected or computed, the excess amount paid or
9 collected shall be credited to the user's tax account and the user shall be
10 notified of the date and amount of the credit by mail.

11 (3) A user who also sells or delivers fuel subject to the tax imposed by
12 32 V.S.A. chapter 233 upon which the tax imposed by this chapter has been
13 paid shall be entitled to a credit equal to the amount of such tax paid pursuant
14 to this chapter. When the amount of the credit to which any user is entitled for
15 any reporting period exceeds the amount of his or her tax for the same period,
16 the excess shall be credited to the user's tax account and the user shall be
17 notified of the date and amount of the credit by mail.

18 (4) Any credits in the user's tax account shall be allowed as a credit
19 against either the tax for which the ~~person~~ user otherwise would be liable for
20 the next ~~in~~ a succeeding reporting period or any registration fees assessed
21 pursuant to chapter 35 of this title. ~~However, any credits to be calculated shall~~

1 ~~be applied against any outstanding assessments due with the balance to be~~
2 ~~credited against the tax liability for the next succeeding reporting period. If~~
3 ~~requested, he or she shall be entitled to a refund of any excess tax paid. When~~
4 ~~the excess tax paid is \$25.00 or greater, a refund shall be made without a~~
5 ~~request being required. Credit or refunds for tax paid purchases must be~~
6 ~~claimed on either the report covering the reporting period in which the~~
7 ~~purchase was made or on the report filed for any of the next 11 following~~
8 ~~reporting periods.~~

9 (b) Refunds. A user may request, in writing by mail, a refund of any
10 credits in the user's tax account, but in no case may credits or refunds be
11 claimed a user collect a refund requested more than 33 months following the
12 due date of the report covering the reporting period in which the purchase was
13 made the amount was credited to the user's tax account.

14 ~~(b) If the Commissioner determines that a tax, penalty, interest, or fee~~
15 ~~required by this chapter has been paid more than once by a licensee, or has~~
16 ~~been illegally or erroneously collected or computed, the excess amount paid or~~
17 ~~collected shall be credited to the tax account of the licensee, and the licensee~~
18 ~~shall be notified thereof by mail. Any balance of the excess amount remaining~~
19 ~~in the licensee's account after crediting the overpayment shall be refunded if~~
20 ~~requested within 30 days of the date of mailing notice.~~

1 (c) ~~A person who sells or delivers fuel subject to the tax imposed by 32~~
2 ~~V.S.A. chapter 233 upon which the tax imposed by this chapter has been paid~~
3 ~~shall be entitled to a refund in the amount of such tax paid pursuant to this~~
4 ~~chapter. Such refunds shall be claimed at the time the report required under~~
5 ~~section 3014 of this title is filed for the reporting period in which the sale or~~
6 ~~delivery subject to 32 V.S.A. chapter 233 was made or on the report for the~~
7 ~~next following reporting period. [Repealed.]~~

8 Sec. 22. 23 V.S.A. § 3705 is amended to read:

9 § 3705. COLLECTION OF APPORTIONED REGISTRATION; CREDITS
10 AND REFUNDS

11 (a) The Commissioner ~~may~~ shall postpone the collection of apportioned
12 registration fees until the fees have been computed and any credit available
13 pursuant to subsection 3020(a) of this title applied. ~~Upon calculation, the~~

14 (b) The Commissioner shall ~~send~~ mail notice of any fees due to the
15 registrant. ~~Payment, and payment~~ of these fees must be received within 15
16 days of the date of the notice.

17 (c) Upon receipt of the proper fees, or after determining that no fees are
18 owed due to credits available pursuant to subsection 3020(a) of this title, the
19 Commissioner shall issue the necessary identification plates and cab cards.

20 (d) If the Commissioner determines that a fee required by this chapter was
21 paid more than once, has been erroneously collected or computed, or for which

1 the State was without power to impose, the excess amount paid or collected
2 shall be credited to the account of the registrant maintained pursuant to
3 subsection 3020(a) of this title and the registrant shall be notified of the date
4 and amount of the credit by mail.

5 * * * Proof of Snowmobile Education Certificate * * *

6 Sec. 23. 23 V.S.A. § 3206(b) is amended to read:

7 (b) A snowmobile shall not be operated:

8 * * *

9 (8) By a person born after July 1, 1983, on private or public land and
10 water without first obtaining a certificate of snowmobile education, unless he
11 or she is operating on land owned, leased, or farmed by his or her parents,
12 family, or guardian or the operator is the land owner.

13 (A) A person who is required to have a certificate of snowmobile
14 education shall:

15 (i) possess the certificate or a copy of the certificate when
16 operating a snowmobile on public or private lands and waters of the State; and

17 (ii) show the certificate or a copy of the certificate on demand of
18 an enforcement officer wearing an insignia identifying him or her as a law
19 enforcement officer. ~~However, no~~ No person charged with violating this
20 subdivision shall be convicted if the person produces in court, to the officer, or
21 to a State's Attorney, a certificate ~~which~~ or a copy of the certificate that was

1 valid at the time the violation occurred. A person may show an electronic copy
2 of the certificate using a portable electronic device; however, use of a device
3 for this purpose does not in itself constitute consent for an enforcement officer
4 to access other contents of the device.

5 * * *

6 Sec. 23a. 23 V.S.A. § 3207 is amended to read:

7 § 3207. PENALTIES AND REVOCATION OF REGISTRATION; SWI;
8 PRIVILEGE; SUSPENSION; CRIMINAL PENALTY

9 (a) A person who violates any of the following sections of this title shall be
10 subject to a ~~fine~~ civil penalty of \$35.00 for each violation:

11 § 3203 failure to return transferred registration

12 § 3205(a)-(c) operation with defective or inadequate equipment,
13 except improper muffling device

14 § 3205(e) sale of a snowmobile for operation without required
15 equipment; improper operation; permitting
16 improper operation

17 § 3206(b)(8) by a person ~~under 12~~ without a certificate of
18 snowmobile education

19 § 3206(b)(1)(D) by a person under age 16

20 § 3206(b)(10) display of registration plate

1 (b) A person who violates any of the following sections of this title shall be
2 subject to a ~~fine~~ civil penalty of \$55.00 for each violation:

3 * * *

4 (c) A person who violates any of the following sections of this title shall be
5 subject to a ~~fine~~ civil penalty of \$135.00 for each violation:

6 * * *

7 (d) A person who violates any of the following sections of this title shall be
8 subject to a ~~fine~~ civil penalty of \$300.00 for each violation:

9 * * *

10 (e) A person who violates any of the following sections of this title shall be
11 subject to a ~~fine~~ civil penalty of up to \$500.00 for each violation:

12 * * *

13 (f) A person who violates any of the following provisions of this title shall
14 be imprisoned for not more than one year or fined not more than \$1,000.00, or
15 both. If the person has been previously convicted of the same violation, the
16 person shall be imprisoned for not more than two years or fined not more than
17 \$3,000.00, or both:

18 * * *

19 (h) ~~Fines~~ Civil penalties established under this section shall be mandatory,
20 and may not be reduced.

21 * * * Commercial Driver's License Disqualification * * *

1 Sec. 24. 23 V.S.A. § 4116 is amended to read:

2 § 4116. DISQUALIFICATION

3 (a) ~~A person~~ Disqualification for one year; first violation. An individual
4 shall be disqualified from driving a commercial motor vehicle for a period of
5 one year if convicted of a first violation of:

6 * * *

7 (7) operating or attempting to operate a commercial motor vehicle while
8 the license is revoked, suspended, cancelled, or disqualified; or

9 * * *

10 (b) ~~A person~~ Disqualification for three years; transportation of a hazardous
11 material. An individual shall be disqualified from driving a commercial motor
12 vehicle for three years if convicted of a violation listed in subsection (a) of this
13 section, if the violation occurred while transporting a hazardous material
14 required to be placarded.

15 (c) ~~A person~~ Disqualification for life. An individual shall be disqualified
16 from driving a commercial motor vehicle for life if convicted of:

17 (1) two or more separate violations listed in subsection (a) of this
18 section arising from two or more separate occurrences;

19 (2) any offense under State or federal law that is punishable by
20 imprisonment for a term exceeding one year involving the manufacture,
21 distribution, or dispensing of a regulated drug, or possession with intent to

1 manufacture, distribute, or dispense a regulated drug where the person used a
2 motor vehicle in the commission of the offense; or

3 (3) a felony involving an act or practice of severe forms of trafficking in
4 persons, as defined in 22 U.S.C. § 7102(11), where the person used a motor
5 vehicle in the commission of the offense.

6 (d) ~~A person~~ Disqualification for 60 or 120 days; serious traffic violation.
7 An individual shall be disqualified from driving a commercial motor vehicle
8 for a period of 60 days if convicted of two serious traffic violations, or
9 120 days if convicted of a third or subsequent serious traffic violation, arising
10 from separate incidents occurring within a three-year period. A
11 disqualification for 120 days shall be ~~issued to be~~ consecutive ~~with~~ to any
12 previous disqualification.

13 (e) ~~A person shall be disqualified from driving a commercial motor vehicle~~
14 ~~for life if the person uses a motor vehicle in the commission of any offense~~
15 ~~under State or federal law that is punishable by imprisonment for a term~~
16 ~~exceeding one year involving the manufacture, distribution, or dispensing of a~~
17 ~~regulated drug, or possession with intent to manufacture, distribute, or dispense~~
18 ~~a regulated drug and for which the person was convicted.~~ Disqualification for
19 convictions involving a railroad-highway grade crossing violation.

1 (1) An individual shall be disqualified from driving a commercial motor
2 vehicle for a period of 60 days if the driver is convicted of a first violation of a
3 railroad-highway grade crossing violation.

4 (2) An individual shall be disqualified from driving a commercial motor
5 vehicle for a period of 120 days if, during any three-year period, the driver is
6 convicted of a second railroad-highway grade crossing violation in a separate
7 incident.

8 (3) An individual shall be disqualified from driving a commercial motor
9 vehicle for a period of one year if, during any three-year period, the driver is
10 convicted of a third or subsequent railroad-highway grade crossing violation in
11 separate incidents.

12 (f) ~~A person~~ Surrender of license. An individual who is disqualified from
13 driving a commercial motor vehicle shall surrender his or her Vermont
14 commercial driver license no later than the effective date of the
15 disqualification. Upon receipt of the ~~person's~~ individual's commercial ~~driver~~
16 driver's license, a Class D license shall be issued, provided the individual is
17 otherwise eligible.

18 (g) Rulemaking. The Commissioner shall adopt rules establishing
19 guidelines, including conditions, under which a disqualification for life under
20 this section, except for a disqualification issued pursuant to ~~subsection (e)~~

1 subdivision (c)(2) or (c)(3) of this section, may be reduced to a period of not
2 less than 10 years.

3 ~~(h) A person shall be disqualified from driving a commercial motor vehicle~~
4 ~~for a period of 60 days if the driver is convicted of a first violation of a~~
5 ~~railroad highway grade crossing violation.~~ [Repealed.]

6 ~~(i) A person shall be disqualified from driving a commercial motor vehicle~~
7 ~~for a period of 120 days if, during any three year period, the driver is convicted~~
8 ~~of a second railroad highway grade crossing violation in a separate incident.~~
9 [Repealed.]

10 ~~(j) A person shall be disqualified from driving a commercial motor vehicle~~
11 ~~for a period of one year if, during any three year period, the driver is convicted~~
12 ~~of a third or subsequent railroad highway grade crossing violation in separate~~
13 ~~incidents.~~ [Repealed.]

14 ~~(k) A person~~ Concurrent disqualification. An individual shall be
15 disqualified for a term concurrent with any disqualification or suspension
16 issued by the administrator of the Federal Motor Carrier Safety Administration.

17 * * * Online Truck Permitting System * * *

18 Sec. 25. ONLINE TRUCK PERMITTING SYSTEM

19 (a) The Commissioner of Motor Vehicles is authorized to spend
20 \$250,000.00 as appropriated in the fiscal year 2021 budget on developing a
21 centralized online truck permitting system. The online system shall provide

1 trucking companies with 24-hour-a-day access to a portal where a person can
2 apply for, obtain, and pay for overweight and overlength permits issued by the
3 Agency of Transportation. The Commissioner shall design the portal so that
4 municipal permits can also be made available for purchase at the discretion of
5 the municipality.

6 (b) Subject to State procurement requirements, the Commissioner may
7 retain a contractor or consultant to assist in developing the portal and up to
8 \$100,000.00 of funding may be set aside for this purpose.

9 (c) The Commissioner shall consult with the Vermont League of Cities and
10 Towns to determine if there are established routes, for which individual
11 municipal permits are currently required, that can be consolidated under a
12 master permit that will be issued by the Agency and, if possible, such master
13 permit shall be available through the online truck permitting system.

14 * * * Effective Dates * * *

15 Sec. 26. EFFECTIVE DATES

16 (a) Secs. 1 (public records; 23 V.S.A. § 104(a)), 2 (fees for public records;
17 23 V.S.A. § 114), 9 (U.S. Armed Forces license extensions; 23 V.S.A. § 616),
18 14 (school busses; 23 V.S.A. § 1283(a)), 15 (commercial vehicle exceptions;
19 23 V.S.A. § 1399), 23 (snowmobile certificate; 23 V.S.A. § 3206(b)), 23a
20 (snowmobile penalties; 23 V.S.A. § 3207), 24 (commercial driver's license

1 disqualifications; 23 V.S.A. § 4116), 25 (online truck permitting system), and
2 26 (effective dates) shall take effect on passage.

3 (b) Sec. 13 (inspection of school buses; 23 V.S.A. § 1282) shall take effect
4 on September 1, 2020.

5 (c) Secs. 6 (electronic in-transit permit; 23 V.S.A. § 518), 18 (diesel fuel
6 tax; 23 V.S.A. chapter 27), 19 (general gasoline tax; 23 V.S.A. chapter 28,
7 subchapter 1), 20 (International Registration Plan; 23 V.S.A. chapter 35), 21
8 (fuel tax credits and refunds; 23 V.S.A. § 3020), and 22 (registration credits
9 and refunds; 23 V.S.A. § 3705) shall take effect on July 1, 2021.

10 (d) All other sections shall take effect on July 1, 2020.