

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; Driver’s Privacy Protection Act; public records;

4 exhibition vehicles; antique vehicles; annual inspection; reinstatement

5 fee; U.S. Armed Forces; electronic notice; commercial vehicle

6 operations; commercial vehicle credits and refunds; in-transit

7 registration permits; suspensions; commercial driver’s license

8 disqualifications; school bus inspections; school buses; nondriver

9 identification cards; operator’s license examination; commercial

10 vehicles; weight and length permits; snowmobiles; all-terrain

11 vehicles; ATVs; work zone safety; move over law; railroad crossings

12 Statement of purpose of bill as introduced: This bill proposes to make

13 miscellaneous changes to laws related to motor vehicles.

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

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

16 * * * Issuance of Nondriver Identification Cards

17 to Vermonters Released from Incarceration * * *

18 Sec. 1. 23 V.S.A. § 115 is amended to read:

19 § 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 (1) 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. 2. 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. 3. 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. 5. 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. 6. 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 50 model ~~year 1940~~ years old or ~~before~~ more registered
16 ~~as 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 (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 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 apply to the Commissioner for reinstatement of his or her license or right to
2 operate a motor vehicle in this State.

3 * * * Waiver of Reinstatement Fee * * *

4 Sec. 10. 4 V.S.A. § 1109(c)(4) is amended to read:

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

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

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. 12. 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 * * *

18 Sec. 13. 23 V.S.A. § 2013(a) is amended to read:

19 (a)(1) Except as provided in section 2012 of this title, the provisions of this
20 chapter shall apply to and a title must be obtained for all motor vehicles at the

1 time of first registration or when a change of registration is required under the
2 provisions of section 321 of this title by reason of a sale for consideration.

3 (2) In addition, a Vermont resident may apply at any time to the
4 Commissioner to obtain an “exempt vehicle title” for a vehicle that is more
5 than ~~25~~ 15 years old. Such titles shall be in a form prescribed by the
6 Commissioner and shall include a legend indicating that the title is issued
7 under the authority of this subdivision. The Commissioner shall issue an
8 exempt vehicle title if the applicant pays the applicable fee and fulfills the
9 requirements of this section, and if the Commissioner is satisfied that:

10 * * *

11 * * * Commercial Vehicles; Size and Weight * * *

12 Sec. 14. 23 V.S.A. § 1399 is amended to read

13 § 1399. EXCEPTIONS FOR CONSTRUCTION AND MAINTENANCE
14 EQUIPMENT; FIRE APPARATUS; HEAVY-DUTY TOW AND
15 RECOVERY VEHICLES; AND TOWAWAY TRAILERS

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

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

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

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

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

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

9 (b) Weight restrictions. Nothing contained in sections ~~1391-1398~~ 1391–
10 1398 of this title, shall restrict the weight of:

11 (1) snow plows, road machines, oilers, traction engines, tractors, rollers,
12 power shovels, dump wagons, trucks, or other construction or maintenance
13 equipment when used by any town, incorporated village, city, or ~~state~~ the State
14 in the construction or the maintenance of any highway within the construction
15 area, provided that such construction or maintenance is performed by persons
16 employed by or under contract with such town, incorporated village, city, or
17 the State for this purpose. ~~However, any operation of motorized highway~~
18 ~~building equipment or road making appliances used in construction work~~
19 ~~contracted by a town, incorporated village, city, or the State shall be~~
20 ~~unrestricted as to weight only within a construction area.~~

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

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

5 (c) Length restrictions. Notwithstanding 1391–1398 of this title, a
6 towaway trailer transporter combination may be operated on the Dwight D.
7 Eisenhower System of Interstate and Defense Highways; those classes of
8 qualifying Federal-aid Primary System highways as designated by the
9 Secretary of the U.S. Department of Transportation; and on highways leading
10 to or from the Dwight D. Eisenhower System of Interstate and Defense
11 Highways for a distance of one mile or less without a permit if the overall
12 length does not exceed 82 feet unless the Vermont Secretary of Transportation
13 finds the use of a specific highway to be unsafe.

14 Sec. 15. 23 V.S.A. § 1433 is amended to read:

15 § 1433. REASONABLE ACCESS

16 Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be
17 permitted to those vehicles operating pursuant to the provisions of subsections
18 1302(c) and 1432(e) of this title between the Interstate and Defense Highway
19 System and any other qualifying Federal-aid Primary System highways, as
20 designated by the Secretary of the U.S. Department of Transportation and the
21 Vermont Secretary of Transportation, and terminals, facilities for food, fuel,

1 repairs, and rest, and points of loading and unloading for household goods
2 carriers. The Vermont Secretary of Transportation shall by rule pursuant to
3 3 V.S.A. chapter 25 either designate those portions of the public highways over
4 which such reasonable access shall be permitted or provide for the issuance of
5 permits to allow reasonable access. However, permits shall not be required for
6 tractor-semi-trailer combinations ~~engaged in~~ designed for the transportation of
7 automobiles and having provision for transporting motor vehicles on part of
8 the power unit provided the combinations comply with the provisions of
9 subsection 1432(a) of this title.

10 Sec. 16. 23 V.S.A. § 4103 is amended to read:

11 § 4103. DEFINITIONS

12 As used in this chapter:

13 * * *

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

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

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

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

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

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

6 * * *

7 * * * Acceptable Forms of Notice for Commercial Vehicle Operations * * *

8 Sec. 17. 23 V.S.A. chapter 27 is amended to read:

9 CHAPTER 27. DIESEL FUEL TAX

10 * * *

11 § 3002. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (11) “Mail,” “mails,” “mailing,” and “mailed” mean any method of
15 delivery authorized by the Commissioner, which shall include by hand, U.S.
16 mail, and electronic transmission.

17 * * *

18 § 3005. DEALER’S AND DISTRIBUTOR’S LICENSES; APPLICATION;

19 ISSUANCE

20 * * *

1 (b) An applicant for a dealer's or distributor's license shall file by mail an
2 application furnished by the Commissioner with the Commissioner ~~an~~
3 ~~application prepared and furnished by the Commissioner~~. The application shall
4 not be under oath but shall contain a declaration that it is made under the
5 penalties of perjury.

6 * * *

7 § 3009. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT
8 OF LICENSES

9 (a) When any person ceases to be a licensee by reason of a discontinuance,
10 sale, or transfer of his or her business at any location, he or she shall notify the
11 Commissioner in writing by mail at the time the discontinuance, sale, or
12 transfer takes effect. The notice shall give the date of discontinuance and, in
13 the event of a sale or transfer of the business, the name and address of the
14 purchaser or transferee. All taxes, interest, and penalties not yet due and
15 payable under the provisions of this chapter shall be due and payable,
16 notwithstanding such provisions, concurrently with the discontinuance, sale, or
17 transfer. The licensee shall file a report by mail and simultaneously pay all
18 taxes, interest, penalties, and other expenses due by him or her and surrender to
19 the Commissioner the license certificate issued to him or her together with all
20 duplicates and copies, and a user shall remove and surrender to the
21 Commissioner all identification markers from his or her motor vehicles. Until

1 such notice has been given to the Commissioner by a licensee required to file a
2 bond, the seller and his or her surety shall be liable for the taxes, interest,
3 penalties, and other expenses accruing against the transferee, but only to the
4 extent of the value of the property transferred.

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

12 * * *

13 § 3011. BOND REQUIREMENT; AMOUNT; FAILURE OF SECURITY

14 (a) When the Commissioner deems it necessary to protect the revenues to
15 be obtained under this chapter, he or she may require a user, dealer, or
16 distributor to file with him or her a bond, issued by a surety company
17 authorized to transact business in this State and approved by the Commissioner
18 of Financial Regulation of this State as to solvency and responsibility, in an
19 amount fixed by the Commissioner, but not to exceed the total potential
20 liability of such person, to secure the payment of any tax or penalties or
21 interest due or which may become due from a licensee under this chapter. In

1 the event that the Commissioner determines that such person is to file a bond,
2 he or she shall ~~give notice to him or her to that effect, specifying~~ notify the
3 user, dealer, or distributor by mail of the amount of the bond required. That
4 person shall file a bond within 15 days after the giving of the notice unless
5 within those 15 days he or she shall request in writing sent by mail a hearing
6 before the Commissioner at which the necessity, propriety, and amount of the
7 bond shall be determined by the Commissioner. The Commissioner's
8 determination shall be final and shall be complied with within 15 days after ~~the~~
9 ~~giving of notice thereof~~ mailing to the user, dealer, or distributor. In lieu of a
10 bond, securities approved by the Commissioner or cash in such amount as he
11 or she may prescribe may be deposited, which shall be kept in the custody of
12 the State Treasurer who may at any time upon instructions from the
13 Commissioner without notice to the depositor apply them to any tax or interest
14 or penalties due, and for that purpose the securities may be sold by him or her
15 at public or private sale without notice to the depositor thereof.

16 * * *

17 § 3012. DISCHARGE OF SURETY

18 Any surety on a bond furnished by a licensee shall be discharged from any
19 liability to the State accruing on the bond after expiration of 60 days from the
20 date the surety ~~shall have~~ filed by mail with the Commissioner a written
21 request to be released and discharged, but the surety shall not be released or

1 discharged from liability already accrued or which shall accrue before the
2 expiration of the 60-day period. The Commissioner, upon receipt of such a
3 request, shall promptly notify by mail the licensee who furnished the bond.
4 Unless the licensee, prior to the expiration of the 60-day period, files a new
5 bond satisfactory to the Commissioner, the Commissioner shall revoke his or
6 her license.

7 § 3013. RECORDS; SALES INVOICE; INSPECTION

8 * * *

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

20 * * *

21 § 3014. REPORTS; EXCEPTIONS

1 (a) Every distributor or dealer, on or before the 25th day of each month,
2 shall file by mail with the Commissioner on forms prescribed by him or her a
3 report for the preceding month ~~which~~ that shall include the number of gallons
4 of fuel sold or delivered. A distributor's report shall also include the identity
5 of the person to whom the fuel was sold or delivered, the amount of the tax
6 collected and by whom, and the monthly total of fuel sold or delivered. The
7 report shall be filed even though no fuel was sold or delivered.

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

17 * * *

18 § 3026. REPORTS BY RAILROADS

19 (a) Every person or corporation operating a railroad in the State shall file
20 by mail a report with the Commissioner on forms prescribed by him or her,
21 which shall include the number of gallons of fuel used in Vermont by railroad

1 trains owned or operated by them on a quarterly basis on or before October 31
2 for the calendar quarter ending September 30, and on or before January 31 for
3 the calendar quarter ending December 31, and on or before April 30 for the
4 calendar quarter ending March 31, and on or before July 31 for the calendar
5 quarter ending June 30.

6 * * *

7 § 3028. BULK SALES; TRANSFEREE LIABILITY

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

20 * * *

21 Sec. 18. 23 V.S.A. chapter 28, subchapter 1 is amended to read:

1 Subchapter 1. General Gasoline Tax

2 § 3101. DEFINITIONS; SCOPE

3 (a) As used in this chapter:

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

17 * * *

18 (4) “Mail,” “mails,” “mailing,” and “mailed” mean any method of
19 delivery authorized by the Commissioner, which shall include by hand, U.S.
20 mail, and electronic transmission.

21 * * *

1 § 3102. LICENSING AND BONDING OF DISTRIBUTORS

2 * * *

3 (d) All distributors shall ~~submit~~ mail financial statements to the
4 Commissioner on an annual basis. If the distributor does not wish to submit a
5 financial statement, a bond in the amount established in accordance with
6 subsection (c) of this section shall be required.

7 * * *

8 § 3103. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT
9 OF LICENSES

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

1 Commissioner by a licensee, the seller and his or her surety shall be liable for
2 the taxes, interest, penalties, and other expenses accruing against the
3 transferee, but only to the extent of the value of the property transferred.

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

11 * * *

12 § 3108. RETURNS

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

17 * * *

18 § 3118. BULK SALES; TRANSFEREE LIABILITY

19 (a) Whenever a licensee (transferor) required to collect and remit the tax
20 required by this subchapter shall make any sale, transfer, lease, or assignment
21 (transfer) in bulk of any part or the whole of the assets of a business, otherwise

1 than in the ordinary course of the business, the purchaser, transferee, lessee, or
2 assignee (transferee) shall, at least 10 days before taking possession of the
3 subject of the transfer or before payment therefor if earlier, notify the
4 Commissioner in writing by mail of the proposed transfer and of the price, and
5 date thereof; and whether or not the transferor has represented to, or has
6 informed the transferee that the transferor owes any tax, interest, or penalties
7 required by this subchapter and whether or not the transferee has knowledge
8 that such taxes, interest, or penalties are owed, and whether any taxes, interest,
9 or penalties are in fact owed.

10 * * *

11 Sec. 19. 23 V.S.A. chapter 35 is amended to read:

12 CHAPTER 35. INTERNATIONAL REGISTRATION PLAN

13 § 3700. DEFINITION; MAIL

14 As used in this chapter, “mail,” “mails,” “mailing,” and “mailed” mean any
15 method of delivery authorized by the Commissioner, which shall include by
16 hand, U.S. mail, and electronic transmission.

17 * * *

18 § 3703. TEMPORARY AUTHORIZATION

19 Any International Registration Plan registrant based in this State may apply
20 by mail and be issued temporary authorization to operate a vehicle not in the
21 registrant’s fleet for a period not to exceed 45 days for a fee of \$15.00. Any

1 person to whom temporary authorization is issued shall submit an application
2 by mail for permanent registration for the vehicle covered by the temporary
3 authorization within 10 days of the date of its issuance. Failure to submit an
4 application within the 10-day period may result in the suspension of the
5 temporary authorization. The temporary authorization shall be kept with the
6 vehicle while being operated.

7 * * *

8 § 3706. LICENSE SUSPENSION OR REVOCATION

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

16 * * * Commercial Vehicle Credits and Refunds * * *

17 Sec. 20. 23 V.S.A. § 3020 is amended to read:

18 § 3020. CREDITS AND REFUNDS

19 (a) Credits.

20 (1) A ~~person~~ user who purchased fuel within this State from a dealer or
21 distributor upon which he or she paid the tax at the time of purchase, or a

1 ~~person~~ user exempt from the payment of the tax under subsection 3003(d) of
2 this title ~~and~~ who purchased fuel within this State upon which he or she paid
3 tax at the time of purchase, shall be entitled to a credit ~~or refund~~ equal to the
4 amount of tax per gallon in effect when the fuel was purchased. When the
5 amount of the credit to which any ~~person~~ user is entitled for any reporting
6 period exceeds the amount of his or her tax for the same period, the excess
7 shall be credited to the user's tax account and the user shall be notified of the
8 date and amount of the credit by mail.

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

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

1 (4) Any credits in the user’s tax account shall be allowed as a credit
2 against either the tax for which the ~~person~~ user otherwise would be liable for
3 ~~the next~~ in a succeeding reporting period or any registration fees assessed
4 pursuant to chapter 35 of this title. ~~However, any credits to be calculated shall~~
5 ~~be applied against any outstanding assessments due with the balance to be~~
6 ~~credited against the tax liability for the next succeeding reporting period. If~~
7 ~~requested, he or she shall be entitled to a refund of any excess tax paid. When~~
8 ~~the excess tax paid is \$25.00 or greater, a refund shall be made without a~~
9 ~~request being required. Credit or refunds for tax paid purchases must be~~
10 ~~claimed on either the report covering the reporting period in which the~~
11 ~~purchase was made or on the report filed for any of the next 11 following~~
12 ~~reporting periods~~

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

18 ~~(b) If the Commissioner determines that a tax, penalty, interest, or fee~~
19 ~~required by this chapter has been paid more than once by a licensee, or has~~
20 ~~been illegally or erroneously collected or computed, the excess amount paid or~~
21 ~~collected shall be credited to the tax account of the licensee, and the licensee~~

1 ~~shall be notified thereof by mail. Any balance of the excess amount remaining~~
2 ~~in the licensee's account after crediting the overpayment shall be refunded if~~
3 ~~requested within 30 days of the date of mailing notice.~~

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

11 Sec. 21. 23 V.S.A. § 3705 is amended to read:

12 § 3705. COLLECTION OF APPORTIONED REGISTRATION; CREDITS
13 AND REFUNDS

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

17 (b) The Commissioner shall ~~send~~ mail notice of any fees due to the
18 registrant. ~~Payment, and payment~~ of these fees must be received within
19 15 days of the date of the notice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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

* * * ATV Definition * * *

Sec. 24. 23 V.S.A. § 3501 is amended to read:

§ 3501. DEFINITIONS

As used in this chapter:

* * *

(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires (10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than ~~4,700~~ 2,500 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.

1 distribution, or dispensing of a regulated drug, or possession with intent to
2 manufacture, distribute, or dispense a regulated drug where the person used a
3 motor vehicle in the commission of the offense; or

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

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

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

18 Sec. 26. ONLINE PERMITTING SYSTEM; REPORT

19 (a) The Commissioner of Motor Vehicles is authorized to initiate the
20 design and development of a centralized online permitting system. The online
21 system shall provide 24-hour-a-day access to a system where a person can

1 apply for, obtain, and pay for required weight and length permits issued by the
2 Agency of Transportation.

3 (b) The Commissioner shall design the online system so that in a future
4 phase municipally issued weight and length permits may be purchased and
5 issued through the same system. The Commissioner shall consult with
6 stakeholders to establish conditions for municipally issued permits prior to
7 engaging in design and development for the future phase.

8 (c) The Agency of Transportation shall facilitate a study to identify any
9 safety or financial implications to infrastructure, including bridges, culverts,
10 pavement, and roadway, or jurisdictional issues for class 2 town highways if
11 municipal permits are not required for vehicles that are allowed on State
12 highways without a permit. The Agency shall file a written report on this
13 study with the House and Senate Committees on Transportation on or before
14 January 15, 2021.

15 * * * Public Records Requests; Report * * *

16 Sec. 27. REPORT ON RELEASE OF PERSONAL INFORMATION

17 On or before January 15, 2021, the Department of Motor Vehicles shall file
18 a written report with the House Committees on Judiciary, on Transportation,
19 and on Ways and Means and the Senate Committees on Finance, on Judiciary,
20 and on Transportation that provides an update on changes the Department has
21 made to its policies and practices surrounding the release of personal

1 information pursuant to 23 V.S.A. §§ 104 and 114. The report shall, at a
2 minimum, provide:

3 (1) what permissive disclosures under the Driver’s Privacy Protection
4 Act the Department is and is not releasing information pursuant to;

5 (2) statistics for calendar year 2020 on the number of requests under
6 each permissive disclosure and the breakdown of how many were:

7 (A) approved;

8 (B) denied;

9 (C) ongoing requests; or

10 (D) made on behalf of another person, as defined in 1 V.S.A. § 128;

11 (3) statistics for calendar year 2020 on the total number of unique
12 persons who requested information under each permissive disclosure;

13 (4) updates to policies, procedures, and documents used by the
14 Department in responding to requests for information pursuant to the
15 permissive disclosures; and

16 (5) a breakdown of fees collected by the Department in response to
17 public records requests in calendar year 2020 broken out by authorizing
18 subdivision under 23 V.S.A. § 114(a) and including an explanation of what
19 proportion was deposited in the Transportation Fund.

1 * * * Work and School Zone Safety Measures * * *

2 * * * Speed Reduction Practices * * *

3 Sec. 28. USE OF LIGHTED PADDLE SIGNALING DEVICES; SPEED
4 REDUCTION PRACTICES

5 (a) On or before September 1, 2020, the Agency of Transportation,
6 pursuant to the duties established under 19 V.S.A. § 10, shall update The
7 Unofficial 2018 Standard Specifications for Construction to include a
8 requirement that all highway flaggers shall be equipped with a STOP/SLOW
9 paddle signaling device modified to improve conspicuity by incorporating
10 either white or red flashing lights on the STOP face and either white or yellow
11 flashing lights on the SLOW face in one of the patterns and consistent with the
12 standards detailed in Part 6E.03 of the Manual Uniform on Traffic Control
13 Devices (MUTCD).

14 (b) The Agency, pursuant to the duties established under 19 V.S.A. § 10,
15 shall include a requirement that all highway flaggers shall be equipped with a
16 STOP/SLOW paddle signaling device modified to improve conspicuity by
17 incorporating flashing lights consistent with the standards detailed in the
18 MUTCD in all of its standard specifications for construction and unofficial
19 updates provided the use of such modified STOP/SLOW paddle signaling
20 device is an option in the MUTCD.

1 Sec. 31. 23 V.S.A. § 1017 is added to read:

2 § 1017. SPEED LIMIT IN SCHOOL ZONES

3 Notwithstanding the maximum penalty established in subsection 2302(c) of
4 this title and the waiver penalties established pursuant to 4 V.S.A. § 1102(d),
5 the civil penalty for violating a State or municipal speed limit in a school zone
6 designated with signs in accordance with 19 V.S.A. § 921 shall be twice the
7 penalty for a non-school zone speed limit violation.

8 * * * Use of Portable Electronic Devices in Work and School Zones * * *

9 Sec. 32. 23 V.S.A. § 1095a is amended to read:

10 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
11 DEVICES

12 (a) ~~A person~~ An individual under 18 years of age shall not use any portable
13 electronic device as defined in subdivision 4(82) of this title while operating a
14 moving motor vehicle in a place open temporarily or permanently to public or
15 general circulation of vehicles.

16 (b) In addition, ~~a person~~ an individual under 18 years of age shall not use
17 any portable electronic device while operating a motor vehicle on a public
18 highway, including while the vehicle is stationary, unless otherwise provided
19 in this section. As used in this subsection:

20 * * *

1 (c) The prohibitions of this section shall not apply when use of a portable
2 electronic device is necessary for ~~a person~~ an individual to communicate with
3 law enforcement or emergency service personnel under emergency
4 circumstances.

5 (d)(1) ~~A person~~ An individual who violates this section commits a traffic
6 violation as defined in section 2302 of this title and shall be subject to a civil
7 penalty of not less than \$100.00 and not more than \$200.00 for a first violation,
8 and of not less than \$250.00 and not more than \$500.00 for a second or
9 subsequent violation within any two-year period.

10 (2) ~~A person~~ An individual convicted of violating this section while
11 operating within the following areas shall be subject to a civil penalty of not
12 less than \$200.00 and not more than \$400.00 for a first violation, and of not
13 less than \$500.00 and not more than \$1,000.00 for a second or subsequent
14 violation within any two-year period and shall have four points assessed
15 against his or her driving record for a first ~~conviction~~ violation and five points
16 assessed for a second or subsequent ~~conviction~~ violation:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(c) Penalties.

(1) ~~A person~~ An individual who violates this section commits a traffic violation and shall be subject to a ~~fine~~ civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) ~~A person~~ An individual convicted of violating this section while operating within the following areas shall be subject to a civil penalty of not less than \$200.00 and not more than \$400.00 for a first violation, and of not less than \$500.00 and not more than \$1,000.00 for a second or subsequent violation within any two-year period and shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

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

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

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

1 (d)(1) Operators of commercial motor vehicles shall be governed by the
2 provisions of chapter 39 of this title (Commercial Driver License Act) instead
3 of the provisions of this chapter with respect to the handheld use of mobile
4 telephones and texting while operating a commercial motor vehicle.

5 (2) ~~A person~~ An individual shall not be issued more than one complaint
6 for any violation of this section, section 1095a of this title (junior operator use
7 of portable electronic devices), or section 1099 of this title (texting prohibited)
8 that arises from the same incident.

9 Sec. 34. 23 V.S.A. § 1099 is amended to read:

10 § 1099. TEXTING PROHIBITED

11 * * *

12 (b)(1) ~~A person~~ An individual shall not engage in texting while operating a
13 moving motor vehicle in a place open temporarily or permanently to public or
14 general circulation of vehicles.

15 (2) In addition, ~~a person~~ an individual shall not engage in texting while
16 operating a motor vehicle on a public highway in Vermont, including while the
17 vehicle is stationary, unless otherwise provided under this section. As used in
18 this subdivision (b)(2):

19 * * *

20 (c)(1) ~~A person~~ An individual who violates this section commits a traffic
21 violation as defined in section 2302 of this title and shall be subject to a civil

1 penalty of not less than \$100.00 and not more than \$200.00 for a first violation,
2 and of not less than \$250.00 and not more than \$500.00 for a second or
3 subsequent violation within any two-year period.

4 (2) An individual convicted of violating this section while operating
5 within the following areas shall be subject to a civil penalty of not less than
6 \$200.00 and not more than \$400.00 for a first violation, and of not less than
7 \$500.00 and not more than \$1,000.00 for a second or subsequent violation
8 within any two-year period and shall have four points assessed against his or
9 her driving record for a first conviction and five points assessed for a second or
10 subsequent conviction:

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

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

15 (3) An individual convicted of violating this section outside the areas
16 designated in subdivision (2) of this subsection shall have two points assessed
17 against his or her driving record.

18 Sec. 35. 23 V.S.A. § 2502 is amended to read:

19 § 2502. POINT ASSESSMENT; SCHEDULE

20 (a) Unless the assessment of points is waived by a Superior judge or a
21 Judicial Bureau hearing officer in the interests of justice and in accordance

1 with subsection 2501(b) of this title, a person operating a motor vehicle shall
2 have points assessed against his or her driving record for convictions for
3 moving violations of the indicated motor vehicle statutes in accord with the
4 following schedule: (All references are to Title 23 of the Vermont Statutes
5 Annotated.)

6 (1) Two points assessed for:

7 * * *

8 (MM) § 1099(c)(3). Texting outside work or school
9 zone;

10 * * *

11 (3) Four points assessed for:

12 * * *

13 (G) § 1099(c)(2). Texting in work or school
14 zone—first offense;

15 (4) Five points assessed for:

16 * * *

17 (F) § 1099(c)(2). Texting in work or school
18 zone—second and subsequent
19 offense;

20 * * *

1 * * * Move Over Law; Approaching Work Zone * * *

2 Sec. 36. 23 V.S.A. § 1050 is amended to read:

3 § 1050. OPERATION ON APPROACH OF LAW ENFORCEMENT AND

4 EMERGENCY VEHICLES OR WHEN APPROACHING

5 STATIONARY LAW ENFORCEMENT AND EMERGENCY

6 VEHICLES OR WORK ZONE

7 (a) Approach of law enforcement and emergency vehicles. Upon the
8 approach of a law enforcement vehicle ~~which is~~ sounding a siren or displaying
9 a blue or blue and white signal lamp, or both, or upon the approach of an
10 ambulance, fire apparatus, ~~a~~ vehicle operated by a volunteer firefighter, ~~EMS~~
11 ~~personnel~~, or a motor vehicle used in rescue operations as set forth in section
12 1252 of this title ~~which is~~ sounding a siren or displaying a red or red and white
13 signal lamp, or both, all other vehicles shall pull to the right of the lane of
14 traffic and come to a complete stop; until the law enforcement or emergency
15 vehicle has passed. ~~However, an enforcement officer who is present shall have~~
16 ~~full power to regulate traffic irrespective of the foregoing provisions.~~

17 (b) Approaching law enforcement and emergency vehicles. The operator
18 of a vehicle ~~which is~~ approaching a stationary law enforcement vehicle ~~which~~
19 is displaying a blue or blue and white signal lamp; ~~or of a vehicle which is~~
20 ~~approaching~~ a stationary ambulance, fire apparatus, a vehicle operated by a
21 volunteer firefighter, or a motor vehicle used in rescue operations as set forth

1 in section 1252 of this title ~~which is~~ displaying a red or red and white signal
2 lamp_; or a stationary towing and repair vehicle displaying an amber signal
3 lamp_; shall proceed with caution_; and, if traveling on a ~~four-lane~~ multilane
4 highway_; and safety conditions permit, make a lane change into a lane farther
5 away from the stationary vehicle. If the operator of the approaching vehicle
6 must remain in the lane adjacent to the stationary vehicle, then the operator
7 shall slow down to a reasonable, safe, and prudent speed given the safety
8 conditions and posted speed limit.

9 (c) Approaching work zone. The operator of a vehicle approaching a
10 properly designated work zone shall proceed with caution and slow down to a
11 reasonable, safe, and prudent speed given the safety conditions and posted
12 speed limit. If workers are only present on one side of a multilane highway
13 and safety conditions permit, the operator shall remain in or make a lane
14 change into a lane farther away from the workers.

15 (d) Authority of law enforcement. This section does not relieve the
16 operator of an authorized law enforcement or emergency vehicle from the duty
17 to drive with due regard for the safety of all persons using the highway or the
18 authority of law enforcement to regulate traffic irrespective of the foregoing
19 provisions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * * Railroad Crossings * * *

Sec. 37. 23 V.S.A. § 4(86) is added to read:

(86) “On-track equipment” means any car, locomotive, rolling stock, equipment, or other device that, alone or coupled, is operated on stationary rails.

Sec. 38. 23 V.S.A. §§ 1071–1073 are amended to read:

§ 1071. RAILROAD GRADE CROSSINGS

(a) ~~A driver~~ An operator approaching a railroad grade crossing shall stop within 50 feet of, but not nearer than 15 feet from, the nearest rail of the railroad, and may not proceed until he or she can do so safely, when:

(1) an electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;

(2) a crossing gate is lowered or a ~~human flagman~~ flagger gives a signal of the approach or passage of a railroad train or other on-track equipment;

(3) a railroad train or other on-track equipment approaching within 80 rods (1,320 feet) of the highway crossing emits a signal audible from that distance, and the train or other on-track equipment, by reason of its speed or nearness, is an immediate hazard;

(4) a railroad train or other on-track equipment is plainly visible and is in hazardous proximity to or is at the crossing; or

1 (5) a stop sign has been erected at the crossing pursuant to section 1006
2 of this title.

3 (b) No ~~person~~ operator shall drive any vehicle through, around, or under
4 any crossing gate or barrier at a railroad crossing while the gate or barrier is
5 closed or is being opened or closed.

6 (c) Nothing in this section prohibits ~~a person~~ an individual from operating a
7 motor vehicle across the tracks of a railroad at grade while a mechanical
8 warning signal is in operation, provided he or she first brings the vehicle to a
9 full stop and reasonably ascertains that the tracks can be crossed safely.

10 § 1072. CERTAIN VEHICLES MUST STOP

11 (a)(1) Before crossing at grade any track or tracks of a railroad, the drivers
12 of the following vehicles shall stop within 50 feet, but not less than 15 feet,
13 from the nearest rail of the railroad; and while so stopped shall look and listen
14 in both directions along the track for any approaching train or other on-track
15 equipment and for signals indicating the approach of a train or other on-track
16 equipment, and shall not proceed until he or she can do so safely:

17 * * *

18 § 1073. HEAVY EQUIPMENT

19 (a) No ~~person~~ individual shall operate or move any crawler-type tractor,
20 steam shovel, derrick, roller, or any equipment or structure having a normal

1 operating speed of 10 miles per hour or less upon or across any tracks at a
2 railroad grade crossing except in accordance with this section.

3 (b) Before making any crossing, the ~~person~~ individual operating or moving
4 any such equipment shall first stop within 50 feet of, but not nearer than 15
5 feet from, the nearest rail of such railroad and while so stopped shall listen and
6 look in both directions along such track for any approaching train or other on-
7 track equipment and for signals indicating the approach of a train or other on-
8 track equipment, and may not proceed until the crossing can be made safely.

9 (c) No crossing may be made when warning is given by automatic signal,
10 crossing gates, ~~flagman~~ flagger, or otherwise of the immediate approach of a
11 railroad train ~~or car~~ or other on-track equipment.

12 * * *

13 * * * Effective Dates * * *

14 Sec. 39. EFFECTIVE DATES

15 (a) This section and Secs. 7 (U.S. Armed Forces license extensions;
16 23 V.S.A. § 616), 12 (school busses; 23 V.S.A. § 1283(a)), 14 (commercial
17 vehicle exceptions; 23 V.S.A. § 1399), 13 (exempted vehicles; 23 V.S.A.
18 § 2012), 17 (diesel fuel tax; 23 V.S.A. chapter 27), 18 (general gasoline tax;
19 23 V.S.A. chapter 28, subchapter 1), 19 (International Registration Plan;
20 23 V.S.A. chapter 35), 20 (fuel tax credits and refunds; 23 V.S.A. § 3020),
21 21 (registration credits and refunds; 23 V.S.A. § 3705), 22 (snowmobile

1 certificate; 23 V.S.A. § 3206(b)), 23 (snowmobile penalties; 23 V.S.A.
2 § 3207), 25 (commercial driver’s license disqualifications; 23 V.S.A. § 4116),
3 26 (online truck permitting system), 27 (report on release of personal
4 information), and 28 (lighted paddle signaling devices; speed reduction
5 practices) shall take effect on passage.

6 (b) Sec. 11 (inspection of school buses; 23 V.S.A. § 1282) shall take effect
7 on September 1, 2020.

8 (c) Sec. 4 (electronic in-transit permit; 23 V.S.A. § 518) shall take effect on
9 July 1, 2021.

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