

No. 149. An act relating to miscellaneous changes to laws related to vehicles.

(S.339)

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

* * * Issuance of Nondriver Identification Cards

to Vermonters Released from Incarceration * * *

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

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card ~~which~~ that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require which shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on his or her identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms his or her status as an honorably

discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term “veteran” on its face. The Commissioner shall require payment of a fee of \$24.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to ~~a person~~ an individual who surrenders his or her license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

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

* * *

(g) An identification card issued to a first-time applicant and any subsequent renewals by that person shall contain a photograph or imaged

likeness of the applicant. The photographic identification card shall be available at a location designated by the Commissioner. ~~A person~~ An individual issued an identification card under this subsection that contains an imaged likeness may renew his or her identification card by mail. Except that a renewal by ~~a person~~ an individual required to have a photograph or imaged likeness under this subsection must be made in person so that an updated imaged likeness of the ~~person~~ individual is obtained ~~no~~ not less often than once every ~~eight~~ nine years.

* * *

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

* * *

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

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

Sec. 2. 23 V.S.A. § 202 is amended to read:

§ 202. IMPERSONATING ANOTHER IN AN APPLICATION, OR AIDING
AN APPLICANT BY FALSE REPRESENTATION

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

(1) falsely impersonates another in an application for:

(A) an operator's license or;

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

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

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

(E) an in-transit registration permit;

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

(A) an operator's license;

(B) a learner's permit or;

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

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

(E) an in-transit registration permit;

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

(A) an operator's license, or;

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

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

(D) a motor vehicle registration, or registration for any other type vehicle or vessel, validation; or

(E) an in-transit registration permit; or

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

(A) an operator's license;

(B) a learner's permit, registration, or;

(C) a nondriver identification card;

(D) a motor vehicle registration or vessel validation; or

(E) by false representation as to the age or identity of such applicant, shall be fined not more than \$1,000.00 or imprisoned not more than two years, or both and shall have his or her privilege to operate suspended for 90 days an in-transit registration permit.

Sec. 3. 23 V.S.A. § 203(a) is amended to read:

(a) A person shall not:

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

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

* * *

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

(7) obtain or attempt to obtain a registration plate, validation sticker, registration certificate, in-transit registration permit, certificate of title, operator's license, learner's permit, nondriver identification card, duplicate copy of any of these documents, or obtain or attempt to obtain any other permit, license, or special privilege from the Department of Motor Vehicles

through the submission of an application containing false or fictitious information;

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

* * *

Sec. 4. 23 V.S.A. § 518 is added to read:

§ 518. ELECTRONIC IN-TRANSIT PERMIT

(a) Issuance of permit; length. The Commissioner is authorized to issue electronic in-transit registration permits for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold by a person, other than a registered motor vehicle dealer, to a resident to be transported to or within and registered in this State. The electronic in-transit registration permit issued pursuant to this section shall be valid for a period of 10 days from issuance and shall be in the form and design prescribed by the Commissioner.

(b) Form of application; fee. The registration may be obtained by submitting an application under oath on a form prescribed and furnished by the Commissioner, which shall require the applicant to attest to compliance with the provisions of section 800 of this title. The Commissioner is authorized to

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

(c) Proof to be carried by operator. It shall be unlawful for any individual to drive a vehicle registered pursuant to this section unless the operator has in his or her possession a valid bill of sale for the vehicle and proof of compliance with the provisions of section 800 of this title. Notwithstanding section 511 of this title, a motor vehicle may be operated without having displayed one or two number plates if the operator has an electronic in-transit registration permit. An operator may prove that he or she is in possession of an electronic in-transit registration permit for the vehicle he or she is operating using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.

Sec. 5. [Deleted.]

Sec. 6. [Deleted.]

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

Sec. 7. 23 V.S.A. § 616 is amended to read:

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

(a) Definition. As used in this section, “immediate family member” means a child; stepchild; foster child; spouse; domestic partner, as defined in

17 V.S.A. § 2414; civil union partner; parent; or parent of a spouse, domestic partner, or civil union partner.

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

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

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

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

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

(2) A resident of Vermont who is absent from the State because his or her immediate family member is a member of the Reserve Component of the U.S. Armed Forces who had a valid Vermont license to operate motor vehicles issued by the Commissioner at the time of the immediate family member's call to active duty shall, notwithstanding the expiration of such license, be entitled to operate a motor vehicle with that expired license during his or her immediate family member's term of active duty and until 30 days after his or her immediate family is released from active duty, but not to exceed four years from the date of expiration of his or her license.

~~(b)~~(d) Such person Proof required. Any member of the U.S. Armed Forces or immediate family member of a member of the U.S. Armed Forces operating a motor vehicle with an expired license pursuant to subsection (b) or (c) shall,

while operating a motor vehicle, carry ~~upon his or her person~~ the last license issued to him or her and conclusive evidence that he or she is a member of the U.S. Armed Forces or the immediate family member of a member of the U.S. Armed Forces and, if the member of the U.S. Armed Forces is discharged or released from active duty, a copy of ~~such~~ the applicable DD-214 or similar document of discharge or release from active duty.

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

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

Sec. 8. 23 V.S.A. § 632(a) is amended to read:

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

* * * Suspensions * * *

Sec. 9. 23 V.S.A. § 671 is amended to read:

§ 671. PROCEDURE

(a) In his or her discretion, the Commissioner may suspend indefinitely or for a definite time the license of an operator, or the right of an unlicensed ~~person~~ individual to operate a motor vehicle, after opportunity for a hearing upon not less than 15 days' notice, if the Commissioner has reason to believe that the holder thereof is a ~~person~~ an individual who is incompetent to operate a motor vehicle or is operating improperly so as to endanger the public. If, upon receipt of such notice, the ~~person so notified shall request~~ individual requests a hearing, such suspension shall not take effect unless the Commissioner, after hearing, determines that the suspension is justified. If the Commissioner imposes a suspension, he or she may order the license delivered to him or her. ~~No~~ Not less than six months from the date of suspension and each six months thereafter, a ~~person~~ an individual upon whom such suspension has been imposed may apply for reinstatement of his or her license or right to operate or for a new license. Upon receipt of such application, the Commissioner shall thereupon cause an investigation to be made and, if so requested, conduct a hearing to determine whether such suspension should be continued in effect.

* * *

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

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

(2) the Commissioner finds that such ~~person~~ operator is seeking to delay the prosecution, ~~but if he or she so finds, he or she may suspend such license or right pending a final disposition of the prosecution.~~

(d) The Commissioner shall not suspend the license of an operator, or the right of an unlicensed ~~person~~ individual to operate a motor vehicle, for any cause ~~which~~ that has constituted the subject matter of a prosecution in which the conviction of such ~~person~~ individual has not been obtained.

* * *

(g) Notwithstanding subsection (d) of this section, if the Commissioner receives official notice, in any form he or she deems appropriate, that an individual's right to operate a motor vehicle has been suspended or revoked in another jurisdiction, the Commissioner may suspend the individual's license or right to operate a motor vehicle in this State after the opportunity for a hearing upon not less than 15 days' notice. If the individual's license or right to

operate is subsequently reinstated by the other jurisdiction, the individual may apply to the Commissioner for reinstatement of his or her license or right to operate a motor vehicle in this State.

* * * Waiver of Reinstatement Fee * * *

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

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

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

* * * School Buses; Inspection * * *

Sec. 11. 23 V.S.A. § 1282 is amended to read:

§ 1282. OPERATOR, EQUIPMENT, AND INSPECTION

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

* * *

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

* * *

(b) A school bus shall not be operated in the transportation of children to and from school unless and until it is inspected at an inspection station

designated as such by the Department of Motor Vehicles. The inspection shall thoroughly cover mechanical conditions, standard equipment, extra equipment, and safety and comfort conditions all as provided in section 1281 of this title and, if the inspected vehicle meets all of these requirements, the inspection station shall give the owner or operator of the inspected vehicle a signed certificate so stating. This certificate shall be shown as soon as possible by the owner or operator to a school director in the town in which this vehicle is to be operated, and shall thereafter be carried in some easily accessible place in the vehicle. Thereafter, so long as this bus remains in this service, it must be reinspected as provided in this section during each of the following periods: ~~July August, November December, and February March~~ January to April, May to August, and September to December. School buses of the pleasure car type, if regularly used in this service, shall display signs required in subdivision 1283(a)(1) of this title when transporting schoolchildren.

* * *

(d)(1) ~~No~~ Not less often than every two years, and before the start of a school year, ~~a person~~ an individual licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall furnish the employer who employs him or her as a school bus driver the following:

* * *

Sec. 12. 23 V.S.A. § 1283(a) is amended to read:

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

* * *

(2) Painted national school bus glossy yellow, except that the hood shall be either ~~that color~~ national school bus glossy yellow or lusterless black ~~and~~, the fenders shall be either ~~that color~~ national school bus glossy yellow or black, and the roof shall be either national school bus glossy yellow or white. For Type II school buses, the requirements of this subdivision and subdivision (a)(3) of this section shall apply to any new bus ordered on or after January 1, 2000.

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

* * *

* * * Exempt Vehicle Title * * *

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

(a)(1) Except as provided in section 2012 of this title, the provisions of this chapter shall apply to and a title must be obtained for all motor vehicles at the time of first registration or when a change of registration is required under the provisions of section 321 of this title by reason of a sale for consideration.

(2) In addition, a Vermont resident may apply at any time to the Commissioner to obtain an “exempt vehicle title” for a vehicle that is more

than ~~25~~ 15 years old. Such titles shall be in a form prescribed by the Commissioner and shall include a legend indicating that the title is issued under the authority of this subdivision. The Commissioner shall issue an exempt vehicle title if the applicant pays the applicable fee and fulfills the requirements of this section, and if the Commissioner is satisfied that:

* * *

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

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

§ 1399. EXCEPTIONS FOR CONSTRUCTION AND MAINTENANCE

EQUIPMENT; FIRE APPARATUS; AND HEAVY-DUTY TOW

AND RECOVERY VEHICLES

(a) As used in this section, “heavy-duty tow and recovery vehicle” means a vehicle that:

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

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

(b) Nothing contained in sections 1391–1398 of this title; shall restrict the weight of:

(1) ~~snow~~ Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, or other construction or maintenance equipment when used by any town, incorporated village, city, or

~~state~~ the State in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town, incorporated village, city, or the State for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, incorporated village, city, or the State shall be unrestricted as to weight only within a construction area.

(2) Nothing contained in sections 1391-1398 of this title shall restrict the weight of municipal Municipal and volunteer fire apparatus.

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

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

§ 1433. REASONABLE ACCESS

Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be permitted to those vehicles operating pursuant to the provisions of subsections 1302(c) and 1432(e) of this title between the Interstate and Defense Highway System and any other qualifying Federal-aid Primary System highways, as designated by the Secretary of the U.S. Department of Transportation and the Vermont Secretary of Transportation, and terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers. The Vermont Secretary of Transportation shall by rule pursuant to 3 V.S.A. chapter 25 either designate those portions of the public highways over

which such reasonable access shall be permitted or provide for the issuance of permits to allow reasonable access. However, permits shall not be required for tractor-semi-trailer combinations ~~engaged in~~ designed for the transportation of automobiles and having provision for transporting motor vehicles on part of the power unit provided the combinations comply with the provisions of subsection 1432(a) of this title.

Sec. 15a. 23 V.S.A. § 1437 is added to read:

§ 1437. EXCEPTION FOR TOWAWAY TRAILER TRANSPORTER
COMBINATION

(a) As used in this section:

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

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

(b) Notwithstanding sections 1391–1398 of this title, a towaway trailer transporter combination may be operated on the Dwight D. Eisenhower System of Interstate and Defense Highways, those classes of qualifying Federal-aid Primary System highways as designated by the Secretary of the U.S.

Department of Transportation, and on highways leading to or from the Dwight D. Eisenhower System of Interstate and Defense Highways for a distance of one mile or less without a permit if the overall length does not exceed 82 feet unless the Vermont Secretary of Transportation finds the use of a specific highway to be unsafe.

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

§ 4103. DEFINITIONS

As used in this chapter:

* * *

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

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

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

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

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

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

* * *

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

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

CHAPTER 27. DIESEL FUEL TAX

* * *

§ 3002. DEFINITIONS

As used in this chapter:

* * *

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

* * *

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

* * *

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

* * *

§ 3009. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT
OF LICENSES

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

(b) The Commissioner may suspend or revoke the license, the right to operate any vehicle, and any registrations of a person who fails to comply with any provision of this chapter or any rule adopted pursuant to this chapter. Such

suspension or revocation shall be effective upon not less than 15 days' notice unless within those 15 days the licensee ~~shall request in writing~~ mails a written request for a hearing to show cause why the suspension or revocation should not become effective.

* * *

§ 3011. BOND REQUIREMENT; AMOUNT; FAILURE OF SECURITY

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

~~giving of notice thereof~~ mailing to the user, dealer, or distributor. In lieu of a bond, securities approved by the Commissioner or cash in such amount as he or she may prescribe may be deposited, which shall be kept in the custody of the State Treasurer who may at any time upon instructions from the Commissioner without notice to the depositor apply them to any tax or interest or penalties due, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

* * *

§ 3012. DISCHARGE OF SURETY

Any surety on a bond furnished by a licensee shall be discharged from any liability to the State accruing on the bond after expiration of 60 days from the date the surety ~~shall have~~ filed by mail with the Commissioner a written request to be released and discharged, but the surety shall not be released or discharged from liability already accrued or which shall accrue before the expiration of the 60-day period. The Commissioner, upon receipt of such a request, shall promptly notify by mail the licensee who furnished the bond. Unless the licensee, prior to the expiration of the 60-day period, files a new bond satisfactory to the Commissioner, the Commissioner shall revoke his or her license.

§ 3013. RECORDS; SALES INVOICE; INSPECTION

* * *

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

* * *

§ 3014. REPORTS; EXCEPTIONS

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

(b) Every licensed user shall file by mail a report with the Commissioner on forms prescribed or in a form approved by him or her, which shall include

the number of gallons of fuel used in Vermont by motor vehicles owned or operated by him or her. All users shall file on a quarterly basis on or before April 30 for the calendar quarter ending March 31, on or before July 31 for the calendar quarter ending June 30, on or before October 31 for the calendar quarter ending September 30, and on or before January 31 for the calendar quarter ending December 31. The report shall be filed even though no motor fuel was used or delivered.

* * *

§ 3026. REPORTS BY RAILROADS

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

* * *

§ 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. 18. 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 imported gasoline or other motor fuel for use, distribution, or sale within the State, or any person, ~~firm, or corporation~~ who produces, refines, manufactures, or compounds gasoline or other motor fuel within the State for use, distribution, or sale. When a person receives motor fuel in circumstances that preclude the collection of the tax from the distributor by reason of the provisions of the Constitution and laws of the United States, and thereafter

sells or uses the motor fuel in the State in a manner and under circumstances as may subject the sale to the taxing power of the State, the person shall be considered a distributor and shall make the same reports, pay the same taxes, and be subject to all provisions of this subchapter relating to distributors of motor fuel.

* * *

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

* * *

§ 3102. LICENSING AND BONDING OF DISTRIBUTORS

* * *

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

* * *

§ 3103. DISCONTINUANCE, REVOCATION, AND REINSTATEMENT OF LICENSES

(a) When any person ceases to be a licensee by reason of a discontinuance, sale, or transfer of his or her business at any location, he or she shall notify the Commissioner in writing by mail at the time the discontinuance, sale, or

transfer takes effect. The notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the name and address of the purchaser or transferee. All taxes, interest, and penalties not yet due and payable under the provisions of this chapter shall be due and payable, notwithstanding those provisions, concurrently with the discontinuance, sale, or transfer. The licensee shall ~~file~~ mail a report and simultaneously pay all taxes, interest, penalties, and other expenses due by him or her and surrender to the Commissioner the license certificate issued to him or her together with all duplicates and copies. Until the notice has been ~~given~~ mailed to the Commissioner by a licensee, the seller and his or her surety shall be liable for the taxes, interest, penalties, and other expenses accruing against the transferee, but only to the extent of the value of the property transferred.

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

* * *

§ 3108. RETURNS

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

* * *

§ 3118. BULK SALES; TRANSFEREE LIABILITY

(a) Whenever a licensee (transferor) required to collect and remit the tax required by this subchapter 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 subchapter 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 35 is amended to read:

CHAPTER 35. INTERNATIONAL REGISTRATION PLAN

§ 3700. DEFINITION; MAIL

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

* * *

§ 3703. TEMPORARY AUTHORIZATION

Any International Registration Plan registrant based in this State may apply by mail and be issued temporary authorization to operate a vehicle not in the registrant’s fleet for a period not to exceed 45 days for a fee of \$15.00. Any person to whom temporary authorization is issued shall submit an application by mail for permanent registration for the vehicle covered by the temporary authorization within 10 days of the date of its issuance. Failure to submit an application within the 10-day period may result in the suspension of the temporary authorization. The temporary authorization shall be kept with the vehicle while being operated.

* * *

§ 3706. LICENSE SUSPENSION OR REVOCATION

The Commissioner may suspend or revoke the license, the right to operate any vehicle, and any registrations of a person who fails to comply with any provisions of the International Registration Plan of this chapter or any rule adopted pursuant to this chapter. The suspension or revocation shall be effective upon not less than 15 ~~days~~ days’ notice unless within those 15 days

the registrant ~~shall request in writing~~ mails a written request for a hearing to show cause why the suspension or revocation should not be effective.

* * * Commercial Vehicle Credits and Refunds * * *

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

§ 3020. CREDITS AND REFUNDS

(a) Credits.

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

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

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

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

(b) Refunds. A user may request, in writing by mail, a refund of any credits in the user's tax account, but in no case may credits or refunds be claimed a user collect a refund requested more than 33 months following the

~~due date of the report covering the reporting period in which the purchase was made the amount was credited to the user's tax account.~~

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

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

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

§ 3705. COLLECTION OF APPORTIONED REGISTRATION; CREDITS
AND REFUNDS

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

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

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

(d) If the Commissioner determines that a fee required by this chapter was paid more than once, has been erroneously collected or computed, or for which the State was without power to impose, the excess amount paid or collected shall be credited to the account of the registrant maintained pursuant to subsection 3020(a) of this title and the registrant shall be notified of the date and amount of the credit by mail.

* * * Proof of Snowmobile Education Certificate * * *

Sec. 22. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

* * *

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

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

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

(ii) show the certificate or a copy of the certificate on demand of an enforcement officer wearing an insignia identifying him or her as a law enforcement officer. ~~However, no~~ No person charged with violating this subdivision shall be convicted if the person produces in court, to the officer, or to a State's Attorney, a certificate ~~which~~ or a copy of the certificate that was valid at the time the violation occurred. A person may show an electronic copy of the certificate using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

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

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

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

- | | |
|---------------|--|
| § 3203 | failure to return transferred registration |
| § 3205(a)–(c) | operation with defective or inadequate equipment,
except improper muffling device |
| § 3205(e) | sale of a snowmobile for operation without required
equipment; improper operation; permitting |

improper operation

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

§ 3206(b)(1)(D) by a person under ~~age~~ 16 years of age

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

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

(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 ~~1,700~~ 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.

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

Sec. 25. 23 V.S.A. § 4116 is amended to read:

§ 4116. DISQUALIFICATION

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

* * *

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

* * *

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

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

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

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

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

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

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

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

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

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

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

(f) ~~A person~~ Surrender of license. An individual who is disqualified from driving a commercial motor vehicle shall surrender his or her Vermont commercial driver license ~~no~~ not later than the effective date of the disqualification. Upon receipt of the ~~person's~~ individual's commercial ~~driver~~ driver's license, a Class D license shall be issued, provided the individual is otherwise eligible.

(g) Rulemaking. The Commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to ~~subsection (e)~~ subdivision (c)(2) or (c)(3) of this section, may be reduced to a period of not less than 10 years.

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

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

[Repealed.]

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

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

* * * Online Permitting System; Report * * *

Sec. 26. ONLINE PERMITTING SYSTEM; REPORT

(a) Centralized online permitting system.

(1) The Commissioner of Motor Vehicles is authorized to initiate the design and development of a centralized online permitting system. The online system shall provide 24-hour-a-day access to a system where a person can apply for, obtain, and pay for required weight and length permits issued by the Agency of Transportation.

(2) The Commissioner shall design the online system so that, in a future phase, municipally issued weight and length permits may be purchased and issued through the same system. The Commissioner shall consult with

stakeholders to establish conditions for municipally issued permits prior to engaging in design and development for the future phase.

(b) Permit study and report.

(1) The Agency of Transportation shall facilitate a study to:

(A) identify any safety or financial implications to infrastructure, including bridges, culverts, pavement, and roadways, or jurisdictional issues for class 2 town highways if municipal permits currently required by municipalities are not required for vehicles that are allowed on State highways without a permit;

(B) identify any safety or financial implications to infrastructure, including bridges, culverts, pavement, and roadways, if an additional permit or permits are not required when a wrecker, as defined under 23 V.S.A. § 4(76), is towing one or more disabled vehicles and the wrecker and disabled vehicle or vehicles individually do not exceed the limitations imposed by 23 V.S.A. chapter 13, subchapter 15, article 1 or are lawfully operating under a blanket permit;

(C) make recommendations on any limitations, including distance towed, or conditions that should be imposed if an additional permit or permits are not required in the situation identified in subdivision (B) of this subdivision (1); and

(D) identify any safety or financial implications to infrastructure, including bridges, culverts, pavement, and roadways, if 23 V.S.A. § 1432(c) is repealed.

(2) The Agency shall file a written report on this study with the House and Senate Committees on Transportation on or before January 15, 2021.

* * * Public Records Requests; Report * * *

Sec. 27. REPORT ON RELEASE OF PERSONAL INFORMATION

On or before January 15, 2021, the Department of Motor Vehicles shall file a written report with the House Committees on Judiciary, on Transportation, and on Ways and Means and the Senate Committees on Finance, on Judiciary, and on Transportation that provides an update on changes the Department has made to its policies and practices surrounding the release of personal information pursuant to 23 V.S.A. §§ 104 and 114. The report shall, at a minimum, provide:

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

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

(A) approved;

(B) denied;

(C) ongoing requests; or

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

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

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

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

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

* * * Speed Reduction Practices * * *

Sec. 28. USE OF LIGHTED PADDLE SIGNALING DEVICES; REPORT

(a) Pilot program. On or before September 1, 2020, the Agency of Transportation shall identify a minimum of 10 projects to pilot the use of STOP/SLOW paddle signaling devices modified to improve conspicuity by incorporating either white or red flashing lights on the STOP face and either white or yellow flashing lights on the SLOW face in one of the patterns and consistent with the standards detailed in Part 6E.03 of the Manual Uniform on Traffic Control Devices (MUTCD). The Agency shall select projects that will allow the testing of such devices in a range of projects to collect data on the effectiveness, reliability, and availability during the 2021 and 2022 construction seasons.

(b) Report. The Agency shall file a written report on the pilot program identified in subsection (a) of this section with the House and Senate Committees on Transportation on or before December 1, 2022. At a minimum, the report shall cover:

- (1) the selected projects, including location and a brief description; and
- (2) an evaluation of the effectiveness, reliability, and availability of the lighted paddle signaling devices.

* * * Speeding in Work and School Zones * * *

Sec. 29. 23 V.S.A. § 1006a(d) is amended to read:

(d) Notwithstanding the ~~limit~~ maximum penalty established in section 2302 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the civil penalty for violation of violating a speed limits limit established under subsection (b) of this section shall be twice the penalty for a non-worksite speed violations limit violation.

Sec. 30. 23 V.S.A. § 1010(b) is amended to read:

(b) Notwithstanding the ~~limit~~ maximum penalty established in section 2302 of this title and the waiver penalties established under 4 V.S.A. § 1102(d), the civil penalty for violation of violating a speed limits limit established under the worksite provision of this section shall be twice the penalty for a non-worksite speed violations limit violation.

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

§ 1017. SPEED LIMIT IN SCHOOL ZONES

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

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

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

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
DEVICES

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

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

* * *

(c) The prohibitions of this section shall not apply when use of a portable electronic device is necessary for ~~a person~~ an individual to communicate with

law enforcement or emergency service personnel under emergency circumstances.

(d)(1) ~~A person~~ An individual who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a 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~~ violation and five points assessed for a second or subsequent ~~conviction~~ violation:

(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.

Sec. 33. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

* * *

(b) Use of handheld portable electronic device prohibited.

(1) ~~A person~~ An individual shall not use a portable electronic device while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.

(2) In addition, ~~a person~~ an individual shall not use a portable electronic device while operating a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):

* * *

(3) The prohibitions of this subsection shall not apply:

* * *

(C) When use of a portable electronic device is necessary for a ~~person~~ an individual to communicate with law enforcement or emergency service personnel under emergency circumstances.

* * *

(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.

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

(2) ~~A person~~ An individual shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use

of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same incident.

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

§ 1099. TEXTING PROHIBITED

* * *

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

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

* * *

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

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

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

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

* * *

(3) Four points assessed for:

* * *

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

(4) Five points assessed for:

* * *

(C) § 1099(c)(2). Texting ~~prohibited in~~
work or school zone—
second and subsequent
offense;

* * *

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

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

§ 1050. OPERATION ON APPROACH OF LAW ENFORCEMENT AND
EMERGENCY VEHICLES OR WHEN APPROACHING
STATIONARY LAW ENFORCEMENT AND EMERGENCY
VEHICLES OR WORK ZONE

(a) Approach of law enforcement and emergency vehicles. Upon the
approach of a law enforcement vehicle ~~which is~~ sounding a siren or displaying

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

(b) Approaching law enforcement, emergency, and towing and repair vehicles. The operator of a vehicle ~~which is~~ approaching a stationary law enforcement vehicle ~~which is~~ displaying a blue or blue and white signal lamp; ~~or of a vehicle which is approaching~~ a stationary ambulance, fire apparatus, a vehicle operated by a volunteer firefighter, or a motor vehicle used in rescue operations as set forth in section 1252 of this title ~~which is~~ displaying a red or red and white signal lamp; or a stationary towing and repair vehicle displaying an amber signal lamp, shall proceed with caution, and, if traveling on a ~~four-lane~~ multilane highway, and safety conditions permit, make a lane change into a lane farther away from the stationary vehicle. If the operator of the approaching vehicle must remain in the lane adjacent to the stationary vehicle, then the operator shall slow down to a reasonable, safe, and prudent speed given the safety conditions and posted speed limit.

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

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

* * * 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

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

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

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

§ 1072. CERTAIN VEHICLES MUST STOP

(a)(1) Before crossing at grade any track or tracks of a railroad, the drivers of the following vehicles shall stop within 50 feet, but not less than 15 feet,

from the nearest rail of the railroad, and while so stopped shall look and listen in both directions along the track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall not proceed until he or she can do so safely:

* * *

§ 1073. HEAVY EQUIPMENT

(a) No ~~person~~ individual shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 miles per hour or less upon or across any tracks at a railroad grade crossing except in accordance with this section.

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

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

* * *

* * * Transportation Network Companies; Preemption; Sunset Extension * * *

Sec. 39. 23 V.S.A. § 754(b) is amended to read:

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, ~~2020~~ 2022.

* * * U.S. Postal Service; Vehicle Inspection; Sunset Repeal * * *

Sec. 40. 2017 Acts and Resolves No. 71, Sec. 31(a)(4) is amended to read:

(4) ~~23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020. [Repealed.]~~

* * * Automated License Plate Recognition Systems; Sunset Extension * * *

Sec. 41. SUNSET EXTENSION

2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6 and 2018 Acts and Resolves No. 175, Sec. 1 (July 1, 2020 repeal of Automated License Plate Recognition System standards), is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2020~~ 2022.

* * * Translated Department of Motor Vehicle

Documents and Use of Interpreters * * *

Sec. 42. 2019 Acts and Resolves No. 60, Sec. 34(b) is amended to read:

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on ~~July 1~~ October 1, 2020.

* * * Learner's Permits; Photographs * * *

Sec. 43. 23 V.S.A. § 617(e) is amended to read:

(e)(1) A learner's permit, which is not a learner's permit for the operation of a motorcycle, shall contain a photograph or imaged likeness of the ~~person~~ individual if the permit is obtained in person. The photographic learner's permit shall be available at ~~a location~~ locations designated by the Commissioner. ~~A person~~

(2) An individual issued a permit under this subsection ~~that contains an imaged likeness~~ may renew his or her permit by mail. ~~Except that a renewal by or online, but a permit holder who is required~~ chooses to have a photograph or imaged likeness under this subsection must ~~be made~~ renew in person so that an updated imaged likeness of the ~~person~~ individual is obtained ~~no~~ not less often than once every ~~eight~~ nine years.

* * * Effective Dates * * *

Sec. 44. EFFECTIVE DATES

(a) This section and Secs. 7 (U.S. Armed Forces license extensions; 23 V.S.A. § 616), 12 (school busses; 23 V.S.A. § 1283(a)), 14 (commercial

vehicle exceptions; 23 V.S.A. § 1399), 13 (exempted vehicles; 23 V.S.A. § 2012), 17 (diesel fuel tax; 23 V.S.A. chapter 27), 18 (general gasoline tax; 23 V.S.A. chapter 28, subchapter 1), 19 (International Registration Plan; 23 V.S.A. chapter 35), 20 (fuel tax credits and refunds; 23 V.S.A. § 3020), 21 (registration credits and refunds; 23 V.S.A. § 3705), 22 (snowmobile certificate; 23 V.S.A. § 3206(b)), 23 (snowmobile penalties; 23 V.S.A. § 3207), 25 (commercial driver’s license disqualifications; 23 V.S.A. § 4116), 26 (online truck permitting system), 27 (report on release of personal information), 28 (lighted paddle signaling devices; speed reduction practices), 39 (transportation network companies sunset extension; 23 V.S.A. § 754(b)), 40 (U.S. Postal Service vehicle inspection exemption sunset repeal; 23 V.S.A. § 1222(e)), 41 (automated license plate recognition systems sunset extension; 23 V.S.A. §§ 1607 and 1608), and 42 (translated documents and use of interpreters) shall take effect on passage.

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

(c) Notwithstanding 1 V.S.A. § 214, Sec. 43 (learner’s permits; 23 V.S.A. § 617(e)) shall take effect retroactively on June 1, 2020.

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

Date Governor signed bill: July 13, 2020