

<u>S.280 (APBS)</u>	<u>S.280 (House Proposal of Amendment)</u>	<u>S.280 (Senate Further Proposal of Amendment)¹</u>
* * * New Motor Vehicle Arbitration * * *		
<p>Sec. 1. 9 V.S.A. § 4173(d) is amended to read:</p> <p>(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect that the consumer claims entitles him or her <u>the consumer</u> to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or his or her <u>the manufacturer's</u> delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced if the repair proves unsatisfactory for the duration of the <u>within one year following the expiration of the express warranty term in accordance with subsection 4179(a) of this title.</u></p>	<i>[NO CHANGES]</i>	
* * * Total Abstinence Program * * *		
<p>Sec. 2. 23 V.S.A. § 1209a is amended to read:</p> <p>§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS</p> <p>(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate</p>	<i>[NO CHANGES IN SUBSEC. (a)]</i>	

¹ If nothing is included in this column then the Senate agreed with the House proposal of amendment.

suspended under section 1216 of this title, shall be reinstated except as follows:

(1) In the case of a first suspension, a license or privilege to operate shall be reinstated only:

(A) after the ~~person~~ individual has successfully completed the Alcohol and Driving Education Program, at the ~~person's~~ the individual's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the ~~person's~~ the individual's own expense, to determine whether reinstatement should be further conditioned on satisfactory completion of a therapy program agreed to by the ~~person~~ individual and the Drinking Driver Rehabilitation Program Director;

(B) if the screening indicates that therapy is needed, after the ~~person~~ individual has satisfactorily completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) if the ~~person~~ individual elects to operate under an ignition interlock RDL or ignition interlock certificate, after the ~~person~~ individual operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title; and

(D) if the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(2) In the case of a second suspension, a license or

<p>privilege to operate shall not be reinstated until:</p> <p>(A) the person <u>individual</u> has successfully completed an alcohol and driving rehabilitation program;</p> <p>(B) the person <u>individual</u> has completed or shown substantial progress in completing a therapy program at the person's <u>the individual's</u> own expense agreed to by the person <u>individual</u> and the Driver Rehabilitation Program Director;</p> <p>(C) after the person <u>individual</u> operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a person <u>someone</u> subject to the one-year hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and</p> <p>(D) the person <u>individual</u> has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.</p> <p>(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:</p> <p>(A) the person <u>individual</u> has successfully completed an alcohol and driving rehabilitation program;</p> <p>(B) the person <u>individual</u> has completed or shown substantial progress in completing a therapy program at the person's <u>the individual's</u> own expense agreed to by the person <u>individual</u> and the Driver Rehabilitation Program Director;</p>		
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(C) the ~~person~~ individual has satisfied the requirements of subsection (b) of this section; and

(D) the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(4) The Commissioner shall waive a requirement under subdivision (2) of this subsection or subsection (b) of this section that a ~~person~~ an individual operate under an ignition interlock RDL or certificate prior to eligibility for reinstatement if:

(A) the ~~person~~ individual furnishes sufficient proof as prescribed by the Commissioner that ~~he or she~~ the individual is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years; or

(B) the underlying offenses arose solely from being under the influence of a drug other than alcohol.

(b) Total Abstinence Program.

(1) As used in this subsection:

(A) “Drug” means:

(i) a regulated drug, as defined in 18 V.S.A. § 4201, that is used in any way other than as prescribed for a legitimate medical use in conformity with instructions from the prescriber; or

[NO CHANGES IN SUBSEC. (b) EXCEPT . . .]

(A) “Drug” means:

(i) a regulated drug, as defined in 18 V.S.A. § 4201, that is used in any way other than as prescribed for a legitimate medical use in conformity with instructions from the prescriber; or

(ii) any substance or combination of substances, other than alcohol, that potentially affects the nervous system, brain, or muscles of an individual so as to impair an individual’s ability to drive a vehicle safely to the slightest degree.

(B) “Total abstinence” means refraining from consuming any amount of alcohol or drugs at any time, regardless of whether the alcohol or drugs is consumed by an individual when attempting to operate, operating, or in actual physical control of a vehicle.

(2)(A) Notwithstanding any other provision of this subchapter, a person an individual whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Commissioner for reinstatement of his or her the individual’s driving privilege if the individual satisfies the requirements set forth in subdivision (3) of this subsection (b). The person shall have completed three years of total abstinence from consumption of alcohol and nonprescription regulated drugs. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.

(B) The beginning date for the period of total abstinence shall be not earlier than the effective date of the suspension or revocation from which the person individual is requesting reinstatement and shall not include any period during which the person individual is serving a sentence of incarceration to include furlough. The application shall include the applicant’s authorization for a urinalysis examination, or another

(ii) any substance or combination of substances, other than alcohol or a regulated drug, that potentially affects the nervous system, brain, or muscles of an individual so as to impair an individual’s ability to drive a vehicle safely to the slightest degree.

examination if it is approved as a preliminary screening test under this subchapter, to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

~~(2)~~(3) If the Commissioner or a medical review board convened by the Commissioner is satisfied by a preponderance of the evidence that the applicant has ~~abstained for the required number of years~~ maintained total abstinence for the three years immediately preceding the application, has successfully completed a therapy program as required under this section, and has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the ~~person~~ applicant provides a written acknowledgment that ~~he or she cannot drink any amount of alcohol at all and cannot consume nonprescription regulated drugs under any circumstances~~ the applicant must maintain total abstinence at all times while participating in the Total Abstinence Program, the person's applicant's license or privilege to operate shall be reinstated immediately, subject to the condition that the ~~person's~~ applicant's suspension or revocation will be put back in effect in the event any further investigation reveals a ~~return to the consumption of alcohol or drugs~~ failure to maintain total abstinence and to ~~such~~ any additional conditions as the Commissioner may impose to advance the public interest in public safety. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the ~~person~~ applicant is exempt under subdivision (a)(4) of this section.

~~(3)~~(4) If after notice and an opportunity for a hearing the Commissioner later finds that the ~~person~~ individual was violating the conditions of the ~~person's~~ individual's reinstatement under this subsection, the ~~person's~~ individual's operating license or privilege to operate shall be immediately suspended or revoked for life.

~~(4)~~(5) If the Commissioner finds that a ~~person~~ an individual reinstated under this subsection is suspended pursuant to section 1205 of this title or is convicted of a violation of section 1201 of this title subsequent to reinstatement under this subsection, the ~~person~~ individual shall be conclusively presumed to be in violation of the conditions of ~~his or her~~ the reinstatement.

~~(5)~~(6) ~~A person~~ An individual shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

~~(6)~~(7)(A) If an applicant for reinstatement under this subsection (b) resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, ~~he or she~~ the Commissioner shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is required to operate only vehicles equipped with an ignition interlock device for at least a three-year period, unless exempt under subdivision (a)(4) of this section, and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance

<p>with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant’s lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.</p> <p>(c) Screening and therapy programs. In the case of a second or subsequent suspension, the Commissioner shall notify the person that he or she is required <u>individual of the requirement</u> to enroll in the alcohol and driving education screening and therapy program provided for in this section within 30 days of <u>after</u> license suspension. If the person <u>individual</u> fails to enroll or fails to remain so enrolled until completion, the Drinking Driver Rehabilitation Program shall report such failure to the sentencing court. The court may order the person <u>individual</u> to appear and show cause why he or she <u>the individual</u> failed to comply.</p> <p>(d) Judicial review. A person <u>An individual</u> aggrieved by a decision of a designated counselor under this section may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.</p> <p style="text-align: center;">* * *</p>	<p><u>[NO ADDITIONAL CHANGES]</u></p>	
<p>Sec. 3. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS</p> <p>(a) <u>Not later than September 1, 2022, the Commissioner of Motor Vehicles shall provide written notice to all individuals participating in or applying to participate in the Total Abstinence Program as of the effective date of this section of amendments to 23 V.S.A. § 1209a and that, as of the effective date of this section,</u></p>	<p><u>[NO CHANGES]</u></p>	

<p><u>they must maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 2 of this act, at all times while participating in or applying to participate in the Total Abstinence Program. Notice shall be mailed to an individual’s residence or mailing address as currently listed with the Department of Motor Vehicles.</u></p> <p><u>(b) Notwithstanding any provision of law to the contrary, the license or privilege to operate of an individual participating in the Total Abstinence Program on the effective date of this section may be suspended or revoked for life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 2 of this act, in the event that any further investigation reveals a failure to maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 2 of this act.</u></p>		
<p>*** Overweight Permits ***</p>		
<p>Sec. 4. 23 V.S.A. § 1392 is amended to read:</p> <p>§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS</p> <p>Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:</p> <p style="text-align: center;">***</p> <p>(3) No vehicle may exceed a gross weight in excess of 80,000 pounds unless the operator or owner of the vehicle has complied with the provisions of section 1400 of this title or except as otherwise provided in this section.</p>	<p>[NO CHANGES]</p>	

* * *

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person or corporation operating on designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

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(16) Notwithstanding the axle load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on State highways without permit and upon posted State and town highways ~~and those highways designated as the Dwight D. Eisenhower National System of Interstate and~~

~~Defense Highways~~ when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

(A) Vehicles operated pursuant to this subdivision (16) shall be subject to the same axle spacing restrictions as are applied to five or more axle vehicles registered to 80,000 pounds as set forth in subdivision (4) of this section.

(B) ~~On those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways, the provisions of subsection 1391(e) of this title shall apply unless other axle load limits, tolerances, or both, are authorized under federal law.~~ Unless authorized by federal law, the provisions of this subdivision (16) shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(C) ~~The fee for the annual permit as provided in this subdivision (16) shall be \$10.00 when the fee has been paid to register the vehicle for 90,000 pounds or \$382.00 when the vehicle is registered for 80,000 pounds.~~ [Repealed.]

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and

town highways, subject to the following:

(A) The combination of vehicles must have, as a minimum, a distance of 51 feet between extreme axles.

(B) The axle weight provisions of section 1391 of this title and ~~subdivision 1392~~ the axle weight provisions of subdivisions (6)(A)–(D) of this section shall also apply to vehicles permitted under this subdivision (17).

(C) When determining the fine for a gross overweight violation of this subdivision (17), the fine for any portion of the first 10,000 pounds over the permitted weight shall be the same as provided in section 1391a of this title, and for overweight violations 10,001 pounds or more over the permitted weight, the fine schedule provided in section 1391a shall be doubled.

(D) The weight permitted by this subdivision (17) shall be allowed for foreign trucks that are registered or permitted for 99,000 pounds in a state or province that recognizes Vermont vehicles for weights consistent with this subdivision (17).

(E) Unless authorized by federal law, the provisions of this subdivision (17) shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$415.00~~ \$382.00 for vehicles bearing up to 90,000 pounds and \$560.00 for vehicles bearing up to 99,000 pounds.

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<p>(19)(A) A person issued a permit under the provisions of subdivision (13), (14), (16), or (17) of this section, and upon payment of a \$10.00 administrative fee for each additional permit, may obtain additional permits for the same vehicle, provided the additional permit is for a lesser weight and provided the vehicle or combination of vehicles meets the minimum requirements for the permit sought as set forth in this section.</p> <p style="text-align: center;">* * *</p>		
<p>* * * Nonresident Title * * *</p>		
<p>Sec. 5. 23 V.S.A. § 2020 is amended to read:</p> <p>§ 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED</p> <p>If the Commissioner is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Commissioner may register the vehicle but shall either:</p> <p>(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Commissioner as to the applicant’s ownership of the vehicle and that there are no undisclosed security interests in it; or.</p> <p>(2) As a condition of issuing a certificate of title, require the <u>an applicant who is a Vermont resident</u> to file with the Commissioner a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be</p>	<p><i>[NO CHANGES]</i></p>	

<p>in an amount equal to one and one-half times the value of the vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney’s fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond. <u>The Commissioner shall not issue titles to nonresidents under the provisions of this subdivision.</u></p>		
<p>*** Purchase and Use Tax ***</p>		
<p>Sec. 6. 32 V.S.A. § 8902(5) is amended to read:</p> <p>(5) “Taxable cost” means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:</p> <p>(A) The value allowed by the seller on any</p>	<p><i>[NO CHANGES]</i></p>	

motor vehicle accepted by ~~him or her~~ the seller as part of the consideration of the motor vehicle, provided the motor vehicle accepted by the seller is owned and previously or currently registered or titled by the purchaser, with no change of ownership since registration or titling, except for motor vehicles for which registration is not required under the provisions of Title 23 or motor vehicles received under the provisions of subdivision 8911(8) of this title.

(B) The amount received from the sale of a motor vehicle last registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide (New England edition), or any comparable publication, provided such sale occurs within three months of the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment; and an additional 60 days following the ~~person's~~ individual's return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles.

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(F) ~~Notwithstanding any other provision of law, for leases in effect on June 30, 1995, no portion of the purchase and use tax paid at the time of lease shall be refunded; provided, however, for leases in effect on June 30, 1995, if the lessee purchases the leased vehicle, no tax shall be imposed on that purchase. [Repealed.]~~

<p>Sec. 7. 32 V.S.A. § 8911 is amended to read:</p> <p>§ 8911. EXCEPTIONS</p> <p>The tax imposed by this chapter shall not apply to:</p> <p style="text-align: center;">* * *</p> <p>(22) Motor vehicles that have been registered to the applicant for a period of at least three years in a jurisdiction that imposes a state sales or use tax on motor vehicles. An applicant for exemption under this subdivision shall bear the burden of establishing to the satisfaction of the Commissioner that the vehicle was registered in a qualifying jurisdiction for the requisite period.</p>	<p><i>[NO CHANGES]</i></p>	
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* * * Towing; Abandoned Vehicles * * *

<p>Sec. 8. 23 V.S.A. § 2151 is amended to read:</p> <p>§ 2151. DEFINITIONS</p> <p>As used in this subchapter:</p> <p>(1)(A) “Abandoned motor vehicle” means:</p> <p style="padding-left: 40px;">(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property and has a valid registration plate or public vehicle identification number that has not been removed, destroyed, or altered; or</p> <p style="padding-left: 40px;">(ii) a motor vehicle that has remained on public or private property or on or along a highway</p>	<p><i>[NO CHANGES]</i></p>	
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<p>without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.</p> <p>(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner that does not interfere with the normal movement of traffic.</p> <p style="text-align: center;">* * *</p> <p><u>(4) “Motor vehicle” means all vehicles propelled or drawn by power other than muscular power that have, or could have, one or more of the following:</u></p> <p><u>(A) a registration plate, registration decal, or certificate of number;</u></p> <p><u>(B) a public vehicle identification number; or</u></p> <p><u>(C) a certificate of title.</u></p>		
<p>Sec. 9. 23 V.S.A. § 2153(a) is amended to read:</p> <p>(a) A landowner on whose property an abandoned motor vehicle is located shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department within 30 <u>90</u> days of <u>after</u> the date the vehicle was discovered on or brought to the property unless the vehicle has been removed from the property. An abandoned motor vehicle certification form shall indicate the date that the abandoned motor vehicle was discovered or brought to the property; the make,</p>	<p><i>[NO CHANGES]</i></p>	

<p>color, model, and location of the vehicle; the name, address, and telephone number of the landowner; and a certification of the public vehicle identification number, if any, to be recorded by a law enforcement officer. This subsection shall not be construed as creating a private right of action against the landowner.</p>		
	<p>*** Transportation Network Companies (TNC); Preemption; Sunset Extension; Report ***</p>	
<p><i>[NOT INCLUDED]</i></p>	<p>Sec. 10. 23 V.S.A. § 754 is amended to read:</p> <p>§ 754. PREEMPTION; SAVINGS CLAUSE</p> <p>(a) Municipal ordinances, resolutions, or bylaws regulating transportation network companies are preempted to the extent they are inconsistent with the provisions of this chapter.</p> <p>(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, 2022 <u>2025</u>.</p>	
<p><i>[NOT INCLUDED]</i></p>	<p>Sec. 11. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT</p> <p><u>(a) The Commissioner of Motor Vehicles, in consultation with the City of Burlington; the Vermont League of Cities and Towns; and transportation network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing business in Vermont, shall file a written report with recommendations on how, if at all, to amend 23</u></p>	

	<p><u>V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10 with the House Committees on Commerce and Economic Development, on Judiciary, and on Transportation and the Senate Committees on Finance, on Judiciary, and on Transportation on or before March 15, 2024.</u></p> <p><u>(b) In preparing the report, the Commissioner of Motor Vehicles shall review the following related to TNCs:</u></p> <p><u>(1) changes in ridership and consumer practices for calendar years 2018 to 2023, including market penetration across the State;</u></p> <p><u>(2) the results of and process for audits conducted on a State or municipal level;</u></p> <p><u>(3) an analysis prepared by the City of Burlington and TNCs of the differences between the State’s regulatory scheme and the City of Burlington’s regulatory scheme, including whether allowing those inconsistencies is or will be detrimental or beneficial to any of the following: the State, the traveling public, TNCs, the City of Burlington, or other municipalities; and</u></p> <p><u>(4) significant regulatory changes on a national level.</u></p>	
	<p style="text-align: center;">* * * Gross Weight Limits on Highways; Permit Portal; Report * * *</p>	
<p style="text-align: center;">[NOT INCLUDED]</p>	<p>Sec. 12. REPORT ON INCREASING GROSS WEIGHT LIMITS ON HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT AND STATUS OF</p>	<p style="text-align: center;">DELETED</p>

PERMIT PORTAL

(a) The Secretary of Transportation or designee, in collaboration with the Commissioner of Forests, Parks and Recreation or designee, the Executive Director of the Vermont League of Cities and Towns or designee, and the President of the Vermont Forest Products Association or designee and with the assistance of the Commissioner of Motor Vehicles or designee, shall examine adding one or more additional special annual permits to 23 V.S.A. § 1392 to allow for the operation of motor vehicles at a gross vehicle weight over 99,000 pounds and shall file a written report on the examination and any recommendations with the House and Senate Committees on Transportation on or before January 15, 2023.

(b) At a minimum, the examination shall address:

(1) allowing for a truck trailer combination or truck tractor, semi-trailer combination transporting cargo of legal dimensions that can be separated into units of legal weight without affecting the physical integrity of the load to bear a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds on seven axles by special annual permit;

(2) limitations for any additional special annual gross vehicle weight permits based on highway type, including limited access State highway, non-limited access State highway, class 1 town highway, and class 2 town highway;

(3) limitations for any additional special annual gross vehicle weight permits based on axle spacing and axle-weight provisions;

	<p><u>(4) reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;</u></p> <p><u>(5) permit fees for any additional special annual gross vehicle weight permits;</u></p> <p><u>(6) additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations; and</u></p> <p><u>(7) impacts of any additional special annual gross vehicle permits on the forest economy and on the management and forest cover of Vermont’s landscape.</u></p> <p><u>(c) The Secretary of Transportation or designee, in consultation with the Commissioner of Motor Vehicles or designee, shall also include an update on the development and implementation of the centralized online permitting system that the Commissioner of Motor Vehicles was authorized to initiate the design and development of pursuant to 2021 Acts and Resolves No. 149, Sec. 26(a) in the report required under subsection (a) of this section.</u></p>	
	<p>* * * Distracted Driving; Report * * *</p>	
<p>[NOT INCLUDED]</p>	<p>Sec. 13. DISTRACTED DRIVING; REPORT</p> <p><u>(a) Findings. The General Assembly finds that:</u></p> <p><u>(1) Distracted driving is any activity that diverts attention from driving, including talking or texting on a portable electronic device.</u></p> <p><u>(2) Sending or reading a text could take an</u></p>	<p>DELETED</p>

individual’s eyes off the road for five seconds or more. At 55 miles per hour, that is like an operator driving the length of an entire football field with closed eyes.

(3) In 2020, 113 individuals were convicted under 23 V.S.A. § 1095a, 1095b, or 1099 (Vermont statutes that prohibit a non-commercial driver’s license holder from using a portable electronic device or texting while operating a motor vehicle).

(4) In 2020, 3,142 individuals were killed by distracted driving in the United States.

(b) Recommendations.

(1) The Vermont State Highway Safety Office, in consultation with the Departments of Motor Vehicles and of Public Safety, the Vermont Sheriffs’ Association, the Vermont League of Cities and Towns, the Vermont Department of State’s Attorneys and Sheriffs, the Vermont Association of Court Diversion and Pretrial Services, and the Vermont Judiciary, shall file written recommendations on how, if at all, the State should modify its approach to the education, enforcement, and conviction of the non-commercial driver’s license distracted driving violations under 23 V.S.A. §§ 1095a, 1095b, and 1099 with the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023.

(2) As part of making any recommendations, the Vermont State Highway Safety Office shall review what is and what is not working to minimize distracted driving in Vermont and other states, especially amongst operators under 18 years of age, and examine:

	<p><u>(A) the use of monetary penalties, points, suspensions, revocations, and recalls, including escalations based on the number and location of distracted driving violations;</u></p> <p><u>(B) the use of diversion programs and other mandated education; and</u></p> <p><u>(C) how to balance education, enforcement, and conviction.</u></p>	
	<p>* * * Idling; Public Outreach * * *</p>	
<p><i>[NOT INCLUDED]</i></p>	<p>Sec. 14. IDLING; PUBLIC OUTREACH CAMPAIGN</p> <p><u>(a) The Department of Environmental Conservation, Air Quality and Climate Division, in consultation with the Departments of Motor Vehicles and of Public Safety, shall implement a public outreach campaign on idling that, at a minimum, addresses that:</u></p> <p><u>(1) in most cases, idling violates 23 V.S.A. § 1110;</u></p> <p><u>(2) unnecessary idling harms human health, pollutes the air, wastes fuel and money, and causes excess engine wear;</u></p> <p><u>(3) based on estimates, if every motor vehicle in Vermont reduced unnecessary idling by just one minute per day, over the course of a year Vermonters would save over 1,000,000 gallons of fuel and over \$2,000,000.00 in fuel costs, and Vermont would reduce CO2 emissions by more than 10,000 metric tons; and</u></p> <p><u>(4) while individual actions may be small, the</u></p>	<p>DELETED</p>

	<p><u>cumulative impacts of idling are large.</u></p> <p><u>(b) The public outreach campaign shall disseminate information on idling through e-mail; a dedicated web page on idling that is linked through the websites for the Agency of Natural Resources and the Departments of Environmental Conservation, of Motor Vehicles, and of Public Safety; social media platforms; community posting websites; radio; television; and printed written materials.</u></p>	
	<p>*** General Statement of Policy; Transportation Planning ***</p>	
<p>[NOT INCLUDED]</p>	<p>Sec. 15. 19 V.S.A. § 10b is amended to read:</p> <p>§ 10b. STATEMENT OF POLICY; GENERAL</p> <p>(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:</p> <p>(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and</p> <p>(2) the need for transportation projects that will improve the State’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b, <u>the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and</u></p>	<p>Sec. 12. 19 V.S.A. § 10b is amended to read:</p> <p>§ 10b. STATEMENT OF POLICY; GENERAL</p> <p>(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:</p> <p>(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and</p> <p>(2) the need for transportation projects that will improve the State’s economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b, <u>the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and</u></p>

	<p>any rules adopted in accordance with 10 V.S.A. § 593;</p> <p><u>(3) the need for the Agency to lead, assist, and partner in the transformation of the transportation sector to meet the emissions reduction requirements of the Global Warming Solutions Act, codified at 10 V.S.A. § 578, and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters; and</u></p> <p><u>(4) the importance of transportation infrastructure resilience and strategies to construct or retrofit, or both, transportation infrastructure to prepare for and adapt to changes in the climate, add redundancy and efficiency to the transportation network, and use maintenance and operational strategies to address transportation disruptions.</u></p> <p>(b) The Agency shall coordinate planning and education efforts with those of the Vermont Climate Change Oversight Committee Council, established under 10 V.S.A. § 591, and those of local and regional planning entities <u>to</u>:</p> <p>(1) to ensure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and</p> <p>(2) to support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.</p>	<p>any rules adopted in accordance with 10 V.S.A. § 593;</p> <p>(b) The Agency shall coordinate planning and education efforts with those of the Vermont Climate Change Oversight Committee <u>and</u> those of local and regional planning entities <u>to</u>:</p> <p>(1) to ensure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and</p> <p>(2) to support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.</p>
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	<p>(c) In developing the State’s annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by 1988 Acts and Resolves No. 200 and with appropriate consideration to local, regional, and State agency plans:</p> <p>(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP <u>and the CAP</u>.</p> <p style="text-align: center;">* * *</p>	<p>(c) In developing the State’s annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by 1988 Acts and Resolves No. 200 and with appropriate consideration to local, regional, and State agency plans:</p> <p>(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP <u>and the CAP</u>.</p> <p style="text-align: center;">* * *</p>
<p style="text-align: center;">[NOT INCLUDED]</p>	<p>Sec. 16. 19 V.S.A. § 10i is amended to read:</p> <p>§ 10i. TRANSPORTATION PLANNING PROCESS</p> <p>(a) Long-range systems plan. The Agency shall establish and implement a planning process through the adoption of a long-range multi-modal <u>multimodal</u> systems plan integrating all modes of transportation. The long-range multi-modal <u>multimodal</u> systems plan shall be based upon Agency transportation policy developed under section 10b of this title; other policies approved by the General Assembly; Agency goals, mission, and objectives; and demographic and travel forecasts, design standards, performance criteria, and funding availability. The long-range systems plan shall be developed with participation of the public and local and regional governmental entities and pursuant to the planning goals and processes set forth in 1988 Acts and Resolves No. 200. The plan shall be consistent with the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.</p>	<p>Sec. 13. 19 V.S.A. § 10i is amended to read:</p> <p>§ 10i. TRANSPORTATION PLANNING PROCESS</p> <p>(a) Long-range systems plan. The Agency shall establish and implement a planning process through the adoption of a long-range multi-modal <u>multimodal</u> systems plan integrating all modes of transportation. The long-range multi-modal <u>multimodal</u> systems plan shall be based upon Agency transportation policy developed under section 10b of this title; other policies approved by the General Assembly; Agency goals, mission, and objectives; and demographic and travel forecasts, design standards, performance criteria, and funding availability. The long-range systems plan shall be developed with participation of the public and local and regional governmental entities and pursuant to the planning goals and processes set forth in 1988 Acts and Resolves No. 200. The plan shall be consistent with the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.</p>

	<p style="text-align: center;">* * *</p> <p>(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:</p> <p>(1) managing, maintaining, and improving the State’s existing transportation infrastructure to provide capacity, safety, and flexibility, <u>and resiliency</u> in the most cost-effective and efficient manner;</p> <p>(2) developing an integrated transportation system that provides Vermonters with transportation choices;</p> <p>(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters’ quality of life; and</p> <p>(4) achieving the recommendations of the CEP <u>and the CAP</u>; and</p> <p><u>(5) transforming the transportation sector to meet the State’s emissions reduction requirements and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters.</u></p> <p style="text-align: center;">* * *</p> <p><u>(f) Emissions modeling.</u></p> <p>(1) <u>The Agency of Natural Resources shall coordinate with the Agency of Transportation to consider and incorporate relevant elements of the proposed Transportation Program and the effectiveness of those</u></p>	<p style="text-align: center;">* * *</p> <p>(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:</p> <p>(1) managing, maintaining, and improving the State’s existing transportation infrastructure to provide capacity, safety, and flexibility, <u>and resiliency</u> in the most cost-effective and efficient manner;</p> <p>(2) developing an integrated transportation system that provides Vermonters with transportation choices;</p> <p>(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters’ quality of life; <u>and</u></p> <p>(4) achieving the recommendations of the CEP <u>and the CAP</u>.</p> <p style="text-align: center;">* * *</p>
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	<p><u>elements in reducing greenhouse gas emissions when developing and updating the Tracking and Measuring Progress Tool pursuant to 10 V.S.A. § 591(b)(3).</u></p> <p><u>(2) The following shall be included in the reports required pursuant to section 10g of this chapter:</u></p> <p><u>(A) the portion of the Tracking and Measuring Progress Tool related to the Transportation Program;</u></p> <p><u>(B) a qualitative estimation of how effective the relevant elements of the proposed Transportation Program for the upcoming fiscal year will be in reducing greenhouse gas emissions and a quantitative estimation, based on the emission projections published in the Greenhouse Gas Inventory, if available, of how much more the greenhouse gas emissions from the transportation sector need to be reduced for the State to achieve its emissions reductions requirements; and</u></p> <p><u>(C) a strategy and plan for how to reduce the greenhouse gas emissions from the transportation sector to achieve the recommendations in the CEP and the CAP during fiscal years beyond the upcoming fiscal year, with the expectation that the strategy and plan shall be used in the Agency of Transportation’s ongoing planning.</u></p>	
<p>*** Effective Dates ***</p>		
<p>Sec. 10. EFFECTIVE DATES</p> <p><u>(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), and 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a))</u></p>	<p>Sec. 17. EFFECTIVE DATES</p> <p><u>(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a)), and 10 (transportation network companies regulation</u></p>	<p>Sec. 14. EFFECTIVE DATES</p> <p><u>(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a)), and 10 (transportation network companies regulation</u></p>

<p><u>shall take effect on passage.</u></p> <p><u>(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual’s license was reinstated under the Total Abstinence Program.</u></p> <p><u>(c) Secs. 4 (overweight permits; 23 V.S.A. § 1392), 5 (nonresident title; 23 V.S.A. § 2020), and 6 and 7 (purchase and use tax; 32 V.S.A. § 8902 and 8911) shall take effect on July 1, 2022.</u></p>	<p><u>preemption; 23 V.S.A. § 754(b)) shall take effect on passage.</u></p> <p><u>(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual’s license was reinstated under the Total Abstinence Program.</u></p> <p><u>(c) All other sections</u></p> <p><u>shall take effect on July 1, 2022.</u></p>	<p><u>preemption; 23 V.S.A. § 754(b)) shall take effect on passage.</u></p> <p><u>(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual’s license was reinstated under the Total Abstinence Program.</u></p> <p><u>(c) All other sections</u></p> <p><u>shall take effect on July 1, 2022.</u></p>
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