

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill No. 86
3 entitled “An act relating to miscellaneous changes to laws related to vehicles
4 and vessels” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Temporary Plates * * *

9 Sec. 1. 23 V.S.A. § 511 is amended to read:

10 § 511. MANNER OF DISPLAY

11 (a) Number plates. A motor vehicle operated on any highway shall have
12 displayed in a conspicuous place either one or two number plates as the
13 Commissioner may require. Such number plates shall be furnished by the
14 Commissioner and shall show the number assigned to such vehicle by the
15 Commissioner. If only one number plate is furnished, the same shall be
16 securely attached to the rear of the vehicle. If two are furnished, one shall be
17 securely attached to the rear and one to the front of the vehicle. The number
18 plates shall be kept entirely unobscured, and the numerals and ~~the~~ letters
19 thereon shall be plainly legible at all times. They shall be kept horizontal, shall
20 be so fastened as not to swing, excepting however, there may be installed on a
21 motor truck or truck tractor a device that would, upon contact with a

1 substantial object, permit the rear number plate to swing toward the front of the
2 vehicle, provided such device automatically returns the number plate to its
3 original rigid position after contact is released, and the ground clearance of the
4 lower edges thereof shall be established by the Commissioner pursuant to the
5 provisions of 3 V.S.A. chapter 25.

6 (b) Validation sticker. A registration validation sticker shall be
7 unobstructed and shall be affixed as follows:

8 (1) for vehicles issued registration plates with dimensions of
9 approximately 12 x 6 inches, in the lower right corner of the rear registration
10 plate; and

11 (2) for vehicles issued a registration plate with a dimension of
12 approximately 7 x 4 inches, in the upper right corner of the rear registration
13 plate.

14 (c) Violation. A person shall not operate a motor vehicle unless number
15 plates and a validation sticker are displayed as provided in this section.

16 (d) Failure to display a validation sticker. An operator cited for violating
17 subsection (c) of this section with respect to failure to display a validation
18 sticker on a pleasure car, motorcycle, or truck that could be registered for less
19 than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00,
20 which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if

1 he or she is cited within the 14 days following the expiration of the motor
2 vehicle's registration.

3 (e) Temporary and in-transit registration plates. A motor vehicle issued a
4 temporary or in-transit registration plate under sections 312, 458, 463, and
5 516–518 of this title operated on any highway shall have the temporary or in-
6 transit registration plate displayed horizontally in a conspicuous place on the
7 rear of the vehicle, including in the rear window. The temporary or in-transit
8 registration plate shall be kept entirely unobscured, and the numerals and
9 letters thereon shall be plainly legible at all times.

10 Sec. 2. 23 V.S.A. § 518 is amended to read:

11 § 518. ELECTRONIC IN-TRANSIT PERMIT ELECTRONIC ISSUANCE
12 OF TEMPORARY PLATE AND TEMPORARY REGISTRATION

13 (a) Issuance of ~~permit~~ plate and registration; length. The Commissioner is
14 authorized to electronically issue ~~electronic in-transit registration permits a~~
15 temporary plate and temporary registration to be printed by the owner of a
16 motor vehicle for the purpose of movement over the highways of certain motor
17 vehicles otherwise required to be registered when the vehicles are sold by a
18 person; other than a registered motor vehicle dealer, ~~to a resident to be~~
19 ~~transported to or within and registered in this State.~~ The ~~electronic in-transit~~
20 temporary plate and temporary registration permit issued pursuant to this

1 section shall be valid for a period of ~~40~~ 60 days from issuance and shall be in
2 the form and design prescribed by the Commissioner.

3 (b) Form of application; fee. The temporary plate and temporary
4 registration may be obtained by submitting an application under oath on a form
5 prescribed and furnished by the Commissioner, which shall require the
6 applicant to attest to compliance with the provisions of section 800 of this title
7 and provide any other proof of the identity of the vehicle the Commissioner
8 reasonably requires. The Commissioner is authorized to charge a fee of \$6.00
9 for the processing of the application and the issuance of the ~~electronic permit~~
10 temporary plate and temporary registration.

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

1 motor vehicle ~~accident~~ crash; and

2 (3) conduct an educational and training program within one month of
3 ~~July 1, 1998~~ employment for all ~~such~~ health care providers ~~currently working~~
4 who work at the health care facility ~~and, for all such health care providers hired~~
5 ~~thereafter, within one month of their employment~~ who may provide health care
6 to an individual as a result of a motor vehicle crash.

7 * * * Powers of Enforcement Officers; Investigation of Accidents * * *

8 Sec. 4. 23 V.S.A. § 1603 is amended to read:

9 § 1603. INVESTIGATION OF ~~ACCIDENTS~~ CRASHES

10 The Commissioner of Public Safety shall ~~forthwith~~ immediately after
11 receiving notice of ~~an accident~~ a crash where a personal injury occurs, and, in
12 case of notice of ~~an accident~~ a crash where an injury occurs to property, may
13 cause such ~~accident~~ crash to be investigated by an enforcement officer, and
14 where such investigation reveals facts tending to show culpability on the part
15 of any motor vehicle owner or operator, he or she shall cause such facts to be
16 reported to the State's Attorney of the county where the ~~accident~~ crash
17 occurred. The State's Attorney shall further investigate the ~~accident~~ crash and
18 may hold an inquest as provided by 13 V.S.A. §§ 5131–5137. After such
19 investigation or inquest, he or she shall immediately report ~~forthwith~~ to the
20 Commissioner of Motor Vehicles the result thereof together with his or her

1 recommendation as to the suspension of the license of the operator of any
2 motor vehicle involved in the ~~accident~~ crash.

3 * * * Certificate of Title * * *

4 Sec. 5. 23 V.S.A. § 2015(c) is amended to read:

5 (c) If the application refers to a vehicle last previously registered in another
6 state or country, the application shall contain or be accompanied by:

7 * * *

8 (3) ~~the certificate of a person authorized by the Commissioner that the~~
9 ~~identification number of the vehicle has been inspected and found to conform~~
10 ~~to the description given in the application, or any other proof of the identity of~~
11 the vehicle the Commissioner reasonably requires.

12 * * * Gasoline Tax * * *

13 * * * Calibration of Tank Vehicles * * *

14 Sec. 6. 23 V.S.A. § 3104 is amended to read:

15 § 3104. CALIBRATION OF TANK VEHICLES

16 A distributor shall cause all tank vehicles used by him or her in the delivery
17 of motor fuel to be calibrated under the supervision of the ~~director of weights~~
18 ~~and measures~~ Secretary of Agriculture, Food and Markets and under rules as
19 he or she may prescribe, so as to show the number of gallons of motor fuel
20 contained in these vehicles. The distributor shall make application in writing

1 to the ~~director~~ Secretary for calibration stating the number of tank vehicles to
2 be calibrated.

3 * * * Lien Filing Fees * * *

4 Sec. 7. 23 V.S.A. § 3121 is amended to read:

5 § 3121. LIEN FILING FEES

6 Notwithstanding 32 V.S.A. § 502, the Commissioner may charge against
7 any collection of liability any related lien filing fees specified in ~~subdivision~~
8 32 V.S.A. § 1671(a)(6) or ~~subsection 1671(c)~~ of ~~this title~~ paid by the
9 Commissioner. Fees collected under this section shall be credited to a special
10 fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5,
11 and shall be available as payment for the fees of the clerk of the municipality.

12 * * * Snowmobiles; Exhaust Systems * * *

13 Sec. 8. 23 V.S.A. § 3205 is amended to read:

14 § 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF

15 HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM

16 EQUIPMENT REQUIREMENT

17 (a) Snowmobile; required equipment. All snowmobiles shall be equipped
18 with one or more operational:

19 * * *

20 (5) such other equipment and devices as may be required to meet the
21 noise level specifications of subsection (d) of this section.

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(d) ~~Muffler devices, Exhaust system; noise levels emissions. Any snowmobile manufactured on or after the following dates shall be equipped with a muffler system and such other equipment or devices that reduce maximum machine operating noise to a noise level of not more than: An individual shall not operate the following on the State Snowmobile Trail System:~~

(1) ~~as of September 1, 1972, 82 decibels on the A scale at 50 feet, in a normal operating environment; a snowmobile manufactured after February 1, 2007 that does not display a visible and unaltered marking of “SSCC Certified” issued by the Snowmobile Safety and Certification Committee (SSCC) on all critical components of the exhaust system; or~~

(2) ~~as of September 1, 1973, at such level as established by the Commissioner by rule except that the level may not exceed the level established in subdivision (1) of this subsection. a snowmobile, regardless of the date of manufacture, with an exhaust system that has been modified in a manner that amplifies or otherwise increases total noise emission above that of the snowmobile as originally constructed.~~

(e) Prohibited sale; illegal noise level; notice to consumer.

(1) No person shall sell for operation, or offer to sell for operation, within the State of Vermont;

1 Sec. 10. 23 V.S.A. chapter 29, subchapter 2 is redesignated to read:

2 Subchapter 2. ~~Motorboats~~ Vessels

3 Sec. 11. 23 V.S.A. § 3302 is amended to read:

4 § 3302. DEFINITIONS

5 As used in this chapter, unless the context clearly requires a different
6 meaning:

7 (1) “All-round light” means a light showing an unbroken light over an
8 arc of the horizon of 360 degrees.

9 (2) “Holding tank” means a container or device designed to provide for
10 the retention of wastes on board a vessel and to prevent the discharge of wastes
11 into the waters of this State.

12 (2)(3) “Law enforcement officer” shall mean means a person designated
13 in subdivision 4(11) of this title and ~~shall include~~ includes deputy State game
14 wardens and auxiliary State Police officers.

15 (3)(4) “Marine toilet” means any toilet on or within any vessel except
16 those that have been permanently sealed and made inoperative.

17 (5) “Masthead light” means a white light placed over the fore and aft
18 centerline of the vessel showing an unbroken light over an arc of the horizon of
19 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees
20 abaft the beam on either side of the vessel, except that on a vessel of less than

1 12 meters in length, the masthead light shall be placed as nearly as practicable
2 to the fore and aft centerline of the vessel.

3 ~~(4)(6)~~ “Motorboat” means any vessel ~~propelled by~~ equipped with
4 machinery capable of propelling the vessel, whether or not such machinery is
5 the principal source of propulsion, ~~but shall not include a vessel that has a valid~~
6 ~~marine document issued by U.S. Customs and Border Protection or any~~
7 ~~successor federal agency.~~

8 ~~(5)(7)~~ “Operate” means to navigate or otherwise use a ~~motorboat or~~
9 vessel.

10 ~~(6)(8)~~ “Owner” means a person, other than a lienholder, having the
11 property in or title to a ~~motorboat~~ vessel. The term includes a person entitled
12 to the use or possession of a ~~motorboat~~ vessel subject to an interest in another
13 person, reserved or created by agreement and securing payment or
14 performance of an obligation, but the term excludes a lessee under a lease not
15 intended as security.

16 ~~(7)(9)~~ “Person” means an individual, partnership, firm, corporation,
17 association, or other entity.

18 ~~(8)(10)~~ “Personal watercraft” means a class A vessel that uses an
19 inboard engine powering a water jet pump as its primary source of motive
20 power and that is designed to be operated by ~~a person or persons~~ an individual
21 or individuals sitting, standing, or kneeling on, or being towed behind the

1 ~~vessel~~ motorboat rather than in the conventional manner of sitting or standing
2 inside the vessel.

3 ~~(9)~~(11) “Public waters of the State” means navigable waters as defined
4 in 10 V.S.A. chapter 49, excepting those waters in private ponds and private
5 preserves as set forth in 10 V.S.A. §§ 5204, 5205, 5206, and 5210.

6 ~~(10)~~(12) “Racing shell or rowing scull” means a manually propelled
7 vessel that is recognized by national or international racing associations for use
8 in competitive racing, and one in which all occupants row or scull, with the
9 exception of a coxswain, if one is provided, and is not designed to carry and
10 does not carry any equipment not solely for competitive racing.

11 ~~(11)~~(13) “Sailboard” means a sailboat whose unsupported mast is
12 attached to a surfboard-like hull by a flexible joint.

13 (14) “Sailing vessel” means any vessel under sail provided that
14 propelling machinery, if fitted, is not being used.

15 (15) “Sidelights” mean a green light on the starboard side and a red light
16 on the port side, each showing an unbroken light over an arc of the horizon of
17 112.5 degrees and so fixed as to show the light from right ahead to
18 22.5 degrees abaft the beam on its respective side. On a vessel of less than
19 20 meters in length the side lights may be combined in one lantern carried on
20 the fore and aft centerline of the vessel, except that on a vessel of less than

1 12 meter in length the sidelights, when combined in one lantern, shall be
2 placed as nearly as practicable to the fore and aft centerline of the vessel.

3 (16) “Sternlight” means a white light placed as nearly as practicable at
4 the stern, showing an unbroken light over an arc of the horizon of 135 degrees
5 and so fixed as to show the light 67.5 degrees from right aft on each side of the
6 vessel.

7 ~~(12)~~(17) “Vessel” means every description of watercraft, other than a
8 seaplane on the water or a racing shell or rowing scull occupied exclusively by
9 persons over 12 years of age, used or capable of being used as a means of
10 transportation on water.

11 ~~(13)~~(18) “Waste” means effluent, sewage, or any substance or material,
12 liquid, gaseous, solid, or radioactive, including heated liquids, whether or not
13 harmful or deleterious to waters of this State.

14 ~~(14)~~(19) “Waters of this State” means any waters within the territorial
15 limits of this State.

16 Sec. 12. 23 V.S.A. § 3303 is amended to read:

17 § 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

18 Except for motorboats exempt from numbering under subdivisions
19 ~~3307(a)(2)-(4)~~ 3307(a)(2)-(6) of this title, every motorboat on the waters of
20 this State shall be numbered. A person shall not operate or give permission for
21 the operation of any motorboat on such waters unless the motorboat is

1 numbered in accordance with this subchapter, or in accordance with applicable
2 federal law, or in accordance with a federally approved numbering system of
3 another state, and unless:

4 * * *

5 Sec. 13. 23 V.S.A. §§ 3305, 3305a, 3305b, and 3306 are amended to read:

6 § 3305. FEES

7 (a) ~~A person~~ An individual shall not operate a motorboat on the public
8 waters of this State unless the motorboat has a valid marine document issued
9 by U.S. Customs and Border Protection or any successor federal agency or is
10 registered in accordance with this chapter.

11 (b) Annually or biennially, the owner of each motorboat required to be
12 registered by this State shall file an application for a number with the
13 Commissioner of Motor Vehicles on forms approved by him or her. The
14 application shall be signed by the owner of the motorboat and shall be
15 accompanied by an annual fee of \$31.00, or a biennial fee of \$57.00, for a
16 motorboat in class A; by an annual fee of \$49.00, or a biennial fee of \$93.00,
17 for a motorboat in class 1; by an annual fee of \$80.00, or a biennial fee of
18 \$155.00, for a motorboat in class 2; by an annual fee of \$153.00, or a biennial
19 fee of \$303.00, for a motorboat in class 3. Upon receipt of the application in
20 approved form, the Commissioner shall enter the application upon the records
21 of the Department of Motor Vehicles and issue to the applicant a registration

1 certificate stating the number awarded to the motorboat and the name and
2 address of the owner. The owner shall paint on or attach to each side of the
3 bow of the motorboat the identification number in such manner as may be
4 prescribed by rules of the Commissioner in order that it may be clearly visible.
5 The registration shall be void one year from the first day of the month
6 following the month of issue in the case of annual registrations; or void two
7 years from the first day of the month following the month of issue in the case
8 of biennial registrations. A ~~vessel~~ motorboat of less than 10 horsepower used
9 as a tender to a registered ~~vessel~~ motorboat shall be deemed registered, at no
10 additional cost, and shall have painted or attached to both sides of the bow; the
11 same registration number as the registered ~~vessel~~ motorboat with the number
12 “1” after the number. The number shall be maintained in legible condition.
13 The registration certificate shall be pocket size and shall be available at all
14 times for inspection on the motorboat for which issued, whenever the
15 motorboat is in operation. A duplicate registration may be obtained upon
16 payment of a fee of \$3.00 to the Commissioner. Registration fees shall be
17 allocated in accordance with section 3319 of this title.

18 (c) A person engaged in the business of selling or exchanging motorboats,
19 as defined in subdivision 4(8) of this title, of a type otherwise required to be
20 registered by this subchapter shall register and obtain registration certificates
21 for use as described under subdivision (1) of this subsection, subject to the

1 requirements of chapter 7 of this title. A manufacturer of motorboats may
2 register and obtain registration certificates under this section.

3 * * *

4 (4) The Commissioner shall issue a registration certificate of number for
5 each identifying number awarded to the dealer in the manner described in
6 subsection (a) of this section, except that a ~~boat~~ motorboat shall not be
7 described in the certificate. A dealer's registration certificate expires one year
8 from the first day of the month of issuance.

9 * * *

10 § 3305a. PRIVILEGE TO OPERATE A VESSEL; SUSPENSION OF
11 PRIVILEGE; MINIMUM AGE FOR OPERATION OF A
12 MOTORBOAT

13 (a) ~~A person~~ An individual who meets the applicable requirements of this
14 subchapter shall have the privilege to operate a vessel on the public waters of
15 this State, as those waters are defined in 10 V.S.A. § 1422.

16 (b) ~~A person~~ An individual whose privilege to operate a vessel has been
17 suspended shall not operate, attempt to operate, or be in actual physical control
18 of a vessel on the public waters of this State until the privilege to operate a
19 vessel has been reinstated by the Commissioner of Motor Vehicles.

1 (c) ~~A person~~ An individual under ~~the age of~~ 12 years of age shall not
2 operate a motorboat powered by more than six horsepower on the public
3 waters of this State.

4 § 3305b. BOATING SAFETY EDUCATION; RULES

5 (a) When required. ~~A person~~ An individual born after January 1, 1974
6 shall not operate a motorboat on the public waters of this State without first
7 obtaining a certificate of boating education.

8 (b) Possession of certificate. ~~A person~~ An individual who is required to
9 have a certificate of boating education shall:

10 (1) Possess the certificate when operating a motorboat on the public
11 waters of the State.

12 (2) Show the certificate on the demand of an enforcement officer
13 wearing insignia identifying him or her as such or operating a law enforcement
14 ~~motorboat or vessel~~. However, ~~no person~~ an individual charged with violating
15 this subsection shall not be convicted if the ~~person~~ individual produces a
16 certificate that was valid at the time the violation occurred in court; to the
17 officer; or to a State's Attorney ~~a certificate that was valid at the time the~~
18 ~~violation occurred~~.

19 (c) Exemptions. The following ~~persons~~ individuals are exempt from the
20 requirements of this section:

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(h) Education materials. Upon request, the Department of Public Safety shall provide, without charge, boating safety education materials to ~~persons~~ individuals who plan to take the boating safety equivalency examination.

(i) Lifetime issuance. Once issued, the certificate of boating safety education is valid for the lifetime of the ~~person~~ individual to whom it was issued and may not be revoked by the Department of Public Safety or a court of law.

* * *

§ 3306. LIGHTS AND EQUIPMENT

(a) Every vessel shall carry and show the following lights, in the intensity prescribed under 33 C.F.R. § 83.22, as amended, when underway between sunset and sunrise and during other periods of restricted visibility:

~~(1) manually propelled boats, a lantern capable of showing a white light which shall be temporarily displayed in sufficient time to prevent collision;~~

~~(2) motorboats less than 26 feet in length, a white light aft showing all around, visible for at least two miles, a light in the forepart of the boat, lower than the white light aft, showing green to starboard and red to port, visible for at least one mile;~~

~~(3) motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, and a light in the forepart of the boat showing red~~

1 ~~to port and green to starboard, visible at least one mile;~~

2 ~~(4) boats propelled by sail, a white light showing all around visible for~~
3 ~~at least two miles, and a white light in the forepart of the boat, lower than the~~
4 ~~white light aft, showing red to port and green to starboard;~~

5 ~~(5) any Unpowered vessels.~~

6 (A) A sailing vessel shall exhibit:

7 (i) sidelights; and

8 (ii) a sternlight.

9 (B) A sailing vessel may, in addition to the lights prescribed in
10 subdivision (A) of this subdivision (1), exhibit at or near the top of the mast,
11 where they can best be seen, two all-round lights in a vertical line, the upper
12 being red and the lower being green.

13 (C) Notwithstanding subdivision (A) of this subdivision (1), on a
14 sailing vessel of less than 20 meters in length, the lights prescribed in
15 subdivision (A) of this subdivision (1) may be combined in a single light and
16 exhibited at or near the top of the mast, where it can best be seen, but may not
17 also have exhibited two all-round lights in a vertical line, as permitted in
18 subdivision (B) of this subdivision (1).

19 (D) Notwithstanding subdivision (A) of this subdivision (1), a sailing
20 vessel of less than seven meters in length shall, if practicable, exhibit the lights
21 prescribed in subdivision (1) of this subsection (a) but, if not practicable, shall

1 exhibit or have onboard an all-round white light that shall be exhibited in
2 sufficient time to prevent collision.

3 (E) A vessel under oars or one or more paddles may exhibit the lights
4 prescribed in subdivision (1) of this subsection (a), but, if such lights are not
5 exhibited, the vessel shall exhibit or have onboard an all-round white light that
6 shall be exhibited in sufficient time to prevent collision.

7 (2) Motorboats.

8 (A) A motorboat, including one that is also proceeding under sail,
9 shall exhibit:

10 (i) a masthead light forward;

11 (ii) a second masthead light abaft of and higher than the light
12 required under subdivision (i) of this subdivision (A) if the vessel is 50 meters
13 or more in length;

14 (iii) sidelights; and

15 (iv) a sternlight.

16 (B) A motorboat that is also proceeding under sail shall exhibit
17 forward, where it can best be seen, a conical shape, apex downward.

18 (3) Lights approved by the U.S. Coast Guard. Any light or combination
19 of lights approved by the U.S. Coast Guard for inland waters shall be
20 considered legal for Vermont waters.

1 (b)(1) Personal flotation devices. Each vessel, except sailboards, shall,
2 consistent with federal regulations, carry for each individual aboard at least
3 one wearable U.S. Coast Guard-approved personal flotation device ~~consistent~~
4 ~~with federal regulations~~ that is in good and serviceable condition ~~for each~~
5 ~~individual aboard~~ and capable of being used in accordance with the U.S. Coast
6 Guard approval label.

7 (2) Vessels; individuals less than 12 years of age. In addition to the
8 provisions of this subsection, ~~a person~~ an individual under 12 years of age
9 aboard a vessel, while under way and the individual is on an open deck, shall
10 wear a ~~Type I, II, or III~~ properly secured wearable U.S. Coast Guard-approved
11 personal flotation device as intended by the manufacturer.

12 (3) Sailboards; individuals less than 16 years of age. An individual
13 under 16 years of age aboard a sailboard shall wear a ~~Type I, II, or III~~ properly
14 secured wearable U.S. Coast Guard-approved personal flotation device as
15 intended by the manufacturer.

16 (4) Inspected commercial vessels. U.S. Coast Guard-inspected
17 commercial vessels shall be exempt from the provisions of this subsection.

18 (c) Every motorboat ~~and auxiliary powered sailboats,~~ except a motorboat
19 that is less than 26 feet in length, that has an outboard ~~motorboats less than 26~~
20 ~~feet in length~~ motor and ~~of~~ an open construction, and is not carrying

1 passengers for hire shall carry on board, fully charged and in good condition,
2 U.S. Coast Guard-approved hand portable fire extinguishers as follows:

3 (1) Motorboats ~~and auxiliary powered sailboats~~ with no fixed fire
4 extinguisher system in the machinery space and that are:

5 (A) less than 26 feet in length, one extinguisher;

6 (B) 26 feet or longer, but less than 40 feet, two extinguishers;

7 (C) 40 feet or longer, three extinguishers.

8 (2) Motorboats ~~and auxiliary powered sailboats~~ with a fixed fire
9 extinguisher system in the machinery space and that are:

10 (A) 26 feet or longer but less than 40 feet, one extinguisher;

11 (B) 40 feet or longer, two extinguishers.

12 (d) The extinguishers referred to by this section are class B-I or 5-B
13 extinguishers ~~described in 46 C.F.R. § 25.30~~, but one class B-II or 20-B
14 extinguisher ~~described in that regulation~~ may be substituted for two class B-I
15 or 5-B extinguishers.

16 (e) Every marine toilet on board any vessel operated on the waters of the
17 State shall also incorporate or be equipped with a holding tank. Any holding
18 tank or marine toilet designed so as to provide for an optional means of
19 discharge to the waters on which the vessel is operating shall have the
20 discharge openings sealed shut and any discharge lines, pipes, or hoses shall be
21 disconnected and stored while the vessel is in the waters of this State.

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Sec. 14. 23 V.S.A. § 3307(a) is amended to read:

(a) A motorboat is not required to have a Vermont number under this chapter if it is:

* * *

(3) A motorboat owned by ~~the United States~~, a state or subdivision of ~~the United States~~, or a state and ~~not rented, leased, or used by any person other than an employee of the government~~ used principally for governmental purposes and that is clearly identifiable as such, provided that the state or subdivision has jurisdiction over the motorboat and follows the guidance of 33 C.F.R. § 173.19. However, the boat shall have the name of the government or department of the government owning it printed on each side of the bow.

(4) A ~~ship's~~ vessel's lifeboat.

* * *

(6) A motorboat that has a valid marine document issued by U.S. Customs and Border Protection or any successor federal agency.

Sec. 15. 23 V.S.A. § 3307a is amended to read:

§ 3307a. DOCUMENTED ~~BOAT~~ MOTORBOAT VALIDATION STICKER

(a) Annual validation required.

(1) An owner of a ~~vessel, as defined in subdivision 3302(6) of this title,~~ motorboat that has been registered in another state under a federally approved

1 numbering system, or that has a valid document issued by the U.S. Coast
2 Guard, U.S. Customs and Border Protection, or any other federal agency, and
3 that is used in the waters of the State for at least ~~30~~ 60 days in any calendar
4 year shall apply annually to the Commissioner of Motor Vehicles for
5 validation of the out-of-state or federal registration of that ~~vessel~~ motorboat.

6 (2) The Commissioner shall issue a validation sticker to any ~~person~~
7 owner who submits an application and pays a fee as required by subsection (b)
8 of this section provided that the out-of-state or federal registration is valid and
9 that the requirements of section 3322 of this title are met.

10 (3) A validation sticker issued under this section shall be valid through
11 December 31 of the year in which it is issued.

12 (b) Application; fee. The owner of the ~~vessel~~ motorboat shall:

13 (1) submit an application, on a form that the Commissioner requires,
14 signed by every owner of the motorboat to the Commissioner ~~on the form that~~
15 ~~the Commissioner requires and be signed by every owner of the vessel~~; and

16 (2) pay to the Commissioner an application fee in the same amount as
17 would be paid if the ~~vessel~~ motorboat was being registered under subsection
18 3305(b) of this title.

19 (c) Sale of ~~vessel~~ motorboat. Within 30 days after the sale or other transfer
20 of a ~~vessel~~ motorboat that is or should be validated under this section:

1 (1) the transferor shall give notice of the transfer to the Commissioner
2 on a form that the Commissioner requires; and

3 (2) if the transferee intends to continue to use the ~~vessel~~ motorboat
4 on the waters of the State for at least 30 days in any calendar year, he or she
5 shall submit an application for validation and pay the fee as required by
6 subsection (b) of this section.

7 (d) Display of sticker. The validation sticker shall be displayed on or about
8 the forward half of the ~~vessel~~ motorboat.

9 (e) Operation without sticker prohibited. Unless the ~~vessel~~ motorboat that
10 is subject to the validation requirement of this section displays a current
11 validation sticker:

12 (1) ~~a person~~ an individual may not operate the ~~vessel~~ motorboat on the
13 waters of the State; and

14 (2) the owner may not knowingly permit the ~~vessel~~ motorboat to be
15 operated on the waters of the State.

16 Sec. 16. 23 V.S.A. § 3310(a) is amended to read:

17 (a) The Commissioner of Forests, Parks and Recreation or a municipality in
18 administering a swimming beach or waterfront program may designate a
19 swimming area in front of the beach or land that the State or a municipality
20 owns or controls and may make rules pertaining to the area. The rules may
21 provide that no ~~person~~ individual, except a lifeguard on duty and other

1 authorized personnel, may operate ~~any boat, canoe, or water vehicle~~ a vessel,
2 seaplane, racing shell, or rowing scull of any sort within the designated
3 swimming area.

4 Sec. 17. 23 V.S.A. § 3311(c) is amended to read:

5 (c) Distance requirements.

6 (1) An individual shall not operate any vessel, seaplane, racing shell, or
7 rowing scull, except a sailboard or a police or emergency vessel, within 200
8 feet of the shoreline, ~~a person~~ an individual in the water, a canoe, rowboat, or
9 other vessel, an anchored or moored vessel containing any individual, or
10 anchorages or docks, except at a speed of less than five miles per hour that
11 does not create a wake.

12 (2) An individual shall not operate any vessel, seaplane, racing shell, or
13 rowing scull, except a nonmotorized canoe, a nonmotorized rowboat, or a
14 police or emergency vessel, within 200 feet of a divers-down flag.

15 (3) Nothing in this subsection shall prohibit rendering assistance to
16 another ~~person~~ individual, picking up ~~a person~~ an individual in the water,
17 necessary mooring or landing, or leaving shore, or operating in any other place
18 where obstruction, other than the shoreline, would prevent abiding by this
19 statute.

20 (4) An individual shall not operate a vessel, except at speeds of less than
21 five miles per hour, within 200 feet of a designated swimming area.

1 Sec. 18. 23 V.S.A. § 3311(h) is amended to read:

2 (h) Power of law enforcement officers; authority to stop and board. A law
3 enforcement officer may stop and board any ~~motorized vessel~~ motorboat afloat
4 on public waters of the State at any time to:

5 (1) inspect its documents;

6 (2) inspect the licenses and permits of the operator of the ~~vessel~~
7 motorboat; or

8 (3) conduct a safety inspection for required equipment.

9 Sec. 19. 23 V.S.A. §§ 3312, 3312a, and 3313 are amended to read:

10 § 3312. OPERATIONS RULES AS BETWEEN VESSELS

11 (a) When two ~~boats~~ motorboats are approaching each other “head on” or in
12 a manner so as to involve risk of collision, each ~~boat~~ motorboat shall bear to
13 the right and pass the other ~~boat~~ motorboat on its left side.

14 (b) When ~~boats~~ two vessels approach each other obliquely or at right
15 angles, the ~~boat~~ vessel approaching on the right side ~~has the right of way~~
16 should maintain its course and speed.

17 (c) ~~One boat~~ A vessel may overtake another vessel on either side but ~~shall~~
18 grant the right of way to the overtaken boat must be prepared to take early and
19 substantial action to avoid collision. The vessel being overtaken should
20 maintain its course and speed.

21 * * *

1 § 3312a. OPERATION OF PERSONAL WATERCRAFT

2 (a) ~~A person under the age of 16~~ An individual less than 16 years of age
3 shall not operate a personal watercraft.

4 (b) All ~~persons~~ individuals operating or riding on a personal watercraft
5 shall wear a ~~Type I, II, or III~~ properly secured wearable U.S. Coast Guard-
6 approved personal flotation device as intended by the manufacturer.

7 (c) Personal watercraft shall not be operated at any time between sunset
8 and sunrise.

9 (d) Every ~~person~~ individual operating a personal watercraft equipped by the
10 manufacturer with a lanyard type engine cut-off switch shall attach the lanyard
11 to his or her wrist, clothing, or personal flotation device as appropriate for the
12 specific craft.

13 § 3313. COLLISIONS, ~~ACCIDENTS~~ CRASHES, AND CASUALTIES

14 (a) The operator of a vessel involved in a collision, ~~accident~~ crash, or other
15 casualty, so far as he or she can do so without serious danger to his or her own
16 vessel, crew, and passengers, shall render to other ~~persons~~ individuals affected
17 by the collision, ~~accident~~ crash, or other casualty such assistance as may be
18 practicable and as may be necessary in order to save them from or minimize
19 any danger caused by the collision, ~~accident~~ crash, or other casualty. Also, he
20 or she shall give his or her name, address, and identification of his or her vessel

1 in writing to any ~~person~~ individual injured and to the owner of any property
2 damaged in the collision, ~~accident~~ crash, or other casualty.

3 (b) If a collision, ~~accident~~ crash, or other casualty involving a vessel results
4 in death or injury to a ~~person~~ an individual or damage to property in excess of
5 ~~\$100.00~~ \$2,000.00, the operator shall file with the Commissioner of Motor
6 Vehicles within 36 hours a full description of the collision, ~~accident~~ crash, or
7 other casualty, including such information as the Commissioner may, by rule,
8 require.

9 Sec. 20. 23 V.S.A. § 3316(a) is amended to read:

10 (a) The Commissioner of Public Safety may authorize the holding of public
11 regattas, motorboat or other ~~boat~~ vessel races, marine parades, tournaments,
12 water skiing events, exhibitions, or triathlons on any waters of this State and
13 any associated public roads. He or she shall adopt and may, from time to time,
14 amend rules concerning the safety of motorboats and other vessels and ~~persons~~
15 individuals on these vessels, either observers or participants, and of ~~persons~~
16 individuals swimming, cycling, or running in or observing an event.

17 Whenever a public regatta, motorboat or other ~~boat~~ vessel race, marine parade,
18 tournament, water skiing event, exhibition, or triathlon is proposed to be held,
19 the person in charge shall, at least 15 days prior to the event, file an application
20 with the Department of Public Safety for permission to hold the regatta,
21 motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing

1 event, exhibition, or triathlon. A copy of such application shall be sent to the
2 municipality and organized lake association where the event is to be held
3 15 days in advance of the event to allow for comment. The application shall
4 set forth the date, time, and location where it is proposed to hold the regatta,
5 motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing
6 event, exhibition, or triathlon and it shall not be conducted without
7 authorization of the Department of Public Safety in writing, except that this
8 provision shall not apply to unscheduled ~~boat~~ vessel races to which the public
9 has not been invited.

10 Sec. 21. 23 V.S.A. §§ 3320 and 3321 are amended to read:

11 § 3320. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS ON DUFRESNE
12 DAM WATERS PROHIBITED

13 (a) The use and operation of ~~motor propelled boats~~ motorboats on the
14 waters impounded by the Dufresne Dam, so-called, on the Battenkill River in
15 the town of Manchester is prohibited.

16 * * *

17 § 3321. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS IN SOUTH POND
18 PROHIBITED

19 (a) The use and operation of ~~motor propelled boats~~ motorboats on the
20 waters of South Pond in the town of Marlboro is prohibited.

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* * * Replacing Accident with Crash Throughout Title 23 * * *

Sec. 23. REPLACEMENTS

When preparing the Vermont Statutes Annotated for publication in 2021, the Office of Legislative Counsel shall replace the words “accident” with “crash” and “accidents” with “crashes” and the phrase “an accident” with “a crash” in the following statutory sections: 23 V.S.A. §§ 102(a)(3) and (4), 108, 326, 364a(b), 454(a)(4), 603(a)(2), 607a(a), 704(3), 731(a), 750(b)(8) and (d)(8), 802(c) and (i), 804(d)(1), 809(a), 810, 843, 921, 941(f) and (g), 1001(a)(4), 1046(b)(2), 1128(b) and (c), 1201(c), 1202(d)(6)(B) and (f), 1203(g), 1603a, 1603b, 2502(a)(5)(D) and (b), 3206(b)(19), 3207(f), 3211, 3305(c)(1)(D), 3317(c), 3506(b)(13), 3511, 4102, and 4103(16)(E).

Sec. 24. 23 V.S.A. § 114(a)(7) and (8) are amended to read:

- (7) Certified copy individual ~~accident~~ crash report \$12.00
- (8) Certified copy police ~~accident~~ crash report \$18.00

Sec. 25. 23 V.S.A. § 4108(d)(1)(E) is amended to read:

(E) has not had any conviction for a violation, other than a parking violation, of military, state, or local law relating to motor vehicle traffic control arising in connection with any ~~traffic accident~~ crash, and has no record of an ~~accident~~ a crash in which he or she was at fault; and

1 Sec. 26. 23 V.S.A. § 4121(b)(2)(E) and (F) are amended to read:

2 (E) has not had any conviction for a violation of state or local law
3 relating to motor vehicle traffic control, other than a parking violation, arising
4 in connection with any ~~traffic accident~~ crash;

5 (F) has not been convicted of any motor vehicle traffic violation that
6 resulted in ~~an accident~~ a crash; and

7 * * * Incorrect Capitalization * * *

8 Sec. 27. 23 V.S.A. § 4103(16)(E) is amended to read:

9 (E) A violation of any ~~State~~ state law or local ordinance relating to
10 motor vehicle traffic control, other than a parking violation, arising in
11 connection with an accident or collision resulting in death to any individual.

12 Sec. 28. 23 V.S.A. § 4116(a)(3) is amended to read:

13 (3) using a motor vehicle in the commission of any offense under ~~State~~
14 state or federal law that is punishable by imprisonment for a term exceeding
15 one year;

16 Sec. 29. 23 V.S.A. § 4116(c)(2) is amended to read:

17 (2) any offense under ~~State~~ state or federal law that is punishable by
18 imprisonment for a term exceeding one year involving the manufacture,
19 distribution, or dispensing of a regulated drug, or possession with intent to
20 manufacture, distribute, or dispense a regulated drug where the person used a
21 motor vehicle in the commission of the offense; or

1 Sec. 30. 23 V.S.A. § 4116a(e) is amended to read:

2 (e) An individual's privilege to operate a commercial motor vehicle in the
3 State of Vermont shall be suspended for life if the individual uses a
4 commercial motor vehicle in the commission of any offense under ~~State~~ state
5 or federal law that is punishable by imprisonment for a term exceeding one
6 year, involving the manufacture, distribution, or dispensing of a regulated
7 drug, or possession with intent to manufacture, distribute, or dispense a
8 regulated drug, and for which the individual was convicted.

9 * * * Commercial Driver's Licenses * * *

10 Sec. 31. 23 V.S.A. § 4108(b) is amended to read:

11 (b) The Commissioner shall not issue a commercial driver's license or
12 commercial learner's permit to any individual:

13 * * *

14 (3) Unless Vermont is the state of domicile of the individual and the
15 individual has passed a knowledge and skills test for driving a commercial
16 motor vehicle that complies with minimum federal standards established by
17 federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, as
18 may be amended, and has satisfied all other requirements of 49 C.F.R. Part 380
19 and 49 U.S.C. ~~ch.~~ Chapter 313, as may be amended, and the ~~Commercial~~
20 ~~Motor Vehicle Safety~~ Anti-Drug Abuse Act of 1986, Title XII of Pub. L. No.
21 99-570, Title XII (Commercial Motor Vehicle Safety Act of 1986), as may be

1 amended, in addition to other requirements imposed by ~~state~~ State law or
2 federal regulation. The tests shall be prescribed and conducted by the
3 Commissioner.

4 * * * Records Inspection * * *

5 Sec. 32. 23 V.S.A. § 3836(a) is amended to read:

6 (a) Each person who purchases or in any manner acquires a vessel,
7 snowmobile, or all-terrain vehicle as salvage shall keep and maintain for a
8 period of not less than five years such records as may be prescribed by the
9 Commissioner that are reasonably necessary to substantiate the information
10 contained in the application required by sections ~~3840~~ 3833 and ~~3842~~ 3835 of
11 this title. These records shall include parts and accessories obtained and used
12 for the repair or rebuilding, or both, of a vessel, snowmobile, or all-terrain
13 vehicle, and such financial records that will allow the Commissioner to
14 determine if the person qualifies to become or remain licensed as a “salvage
15 dealer.”

16 * * * Enforcement in 1998 * * *

17 Sec. 33. REPEAL

18 23 V.S.A. § 1220 (drunken driving enforcement in fiscal year 1998) is
19 repealed.

* * * Signal Lamps * * *

1
2 Sec. 34. 23 V.S.A. § 1252 is amended to read:

3 § 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
4 OR BOTH; USE OF AMBER LAMPS

5 (a) When satisfied as to the condition and use of the vehicle, the
6 Commissioner shall issue and may revoke, for cause, permits for sirens ~~or~~ and
7 colored signal lamps in the following manner:

8 (1)(A) Sirens ~~or~~, blue signal lamps, or blue and white signal lamps, or a
9 combination ~~of these~~ thereof, may be authorized for all law enforcement
10 vehicles owned or leased by a law enforcement agency, a certified law
11 enforcement officer, or the Vermont Criminal Justice Council.

12 (B) A red signal lamp or an amber signal lamp, or a combination
13 thereof, may be authorized for all law enforcement vehicles owned or leased
14 by a law enforcement agency, a certified law enforcement officer, or the
15 Vermont Criminal Justice Council, provided that the Commissioner shall
16 require the lamp or lamps be mounted so as to be visible primarily from the
17 rear of the vehicle.

18 (C) If the applicant is a constable, the application shall be
19 accompanied by a certification by the town clerk that the applicant is the duly
20 elected or appointed constable and attesting that the town has not voted to limit

1 the constable's authority to engage in enforcement activities under 24 V.S.A.
2 § 1936a.

3 (2)(A) Sirens and red or red and white signal lamps may be authorized
4 for all ambulances, ~~fire apparatus~~ and other emergency medical service (EMS)
5 vehicles, vehicles owned or leased by a fire department, vehicles used solely in
6 rescue operations, or vehicles owned or leased by, or provided to, volunteer
7 firefighters and voluntary rescue squad members, including a vehicle owned by
8 a volunteer's employer when the volunteer has the written authorization of the
9 employer to use the vehicle for emergency fire or rescue activities.

10 (B) A blue signal lamp or an amber signal lamp, or a combination
11 thereof, may be authorized for all EMS vehicles or vehicles owned or leased
12 by a fire department, provided that the Commissioner shall require the lamp or
13 lamps be mounted so as to be visible primarily from the rear of the vehicle.

14 (3) ~~No vehicle may be authorized a permit for more than one of the~~
15 ~~combinations described in subdivisions (1) and (2) of this subsection.~~

16 [Repealed.]

17 (4) No motor vehicle, other than one owned by the applicant, shall be
18 issued a permit until the Commissioner has recorded the information regarding
19 both the owner of the vehicle and the applicant for the permit.

20 (5) Upon application to the Commissioner, the Commissioner may issue
21 a single permit for all the vehicles owned or leased by the applicant.

1 (6) Sirens and red or red and white signal lamps; or sirens and blue or
2 blue and white signal lamps; may be authorized for restored emergency or
3 enforcement vehicles used for exhibition purposes. Sirens and lamps
4 authorized under this subdivision may only be activated during an exhibition,
5 such as a car show or parade.

6 (b) Amber signal lamps shall be used on road maintenance vehicles, service
7 vehicles, and wreckers and shall be used on all registered snow removal
8 equipment when in use removing snow on public highways, and the amber
9 lamps shall be mounted so as to be visible from all sides of the motor vehicle.
10 ~~A vehicle equipped with an amber signal lamp may not be issued a permit for~~
11 ~~the installation and use of a siren.~~

12 Sec. 35. 23 V.S.A. § 1255 is amended to read:

13 § 1255. EXCEPTIONS

14 (a) The provisions of section 1251 of this title shall not apply to directional
15 signal lamps of a type approved by the Commissioner of Motor Vehicles.

16 (b) All persons with motor vehicles equipped as provided in subdivisions
17 1252(a)(1) and (2) of this title shall use the sirens or colored signal lamps, or
18 both, only in the direct performance of their official duties. When any person
19 other than a law enforcement officer is operating a motor vehicle equipped as
20 provided in subdivision 1252(a)(1) of this title, the colored signal ~~lamp~~ lamps
21 shall be either removed, covered, or hooded. When any person other than an

1 authorized ~~ambulance~~ emergency medical service vehicle operator, firefighter,
2 or authorized operator of vehicles used in rescue ~~operation~~ operations is
3 operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of
4 this title, the colored signal lamps shall be either removed, covered, or hooded
5 unless the operator holds a senior operator license.

6 * * * All-Terrain Vehicles * * *

7 Sec. 36. 23 V.S.A. § 3502(a) is amended to read:

8 (a)(1) Except as otherwise provided in this section, an individual shall not
9 operate an ATV on the VASA Trail System, on State land designated by the
10 Secretary pursuant to subdivision 3506(b)(4) of this title, or along any highway
11 that is not adjacent to the property of the operator unless the ATV:

12 (A) is registered pursuant to this title or in accordance with
13 subsection (e) of this section; and

14 (B) displays a valid VASA Trail Access Decal (TAD).

15 (2) Notwithstanding subdivision (1) of this subsection, neither
16 registration nor display of a TAD is required to operate an ATV:

17 * * *

18 (E) ~~On frozen bodies of water as designated by the Agency of~~
19 ~~Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding~~
20 ~~subdivision 3506(b)(16) of this title, protective headgear is not required when~~

1 ~~an ATV is operated on a frozen body of water pursuant to this subdivision.~~

2 [Repealed.]

3 * * *

4 (4) Notwithstanding subdivision (1) of this subsection and subdivision
5 3506(b)(16) of this title, neither the display of a TAD nor the use of protective
6 headgear is required to operate an ATV on frozen bodies of water as
7 designated by the Agency of Natural Resources under the provisions of
8 10 V.S.A. § 2607.

9 Sec. 37. 23 V.S.A. § 3506(b) is amended to read:

10 (b) An ATV shall not be operated:

11 * * *

12 (16) ~~Unless~~ At locations where the ATV must be registered in order to
13 be lawfully operated under section 3502 of this title unless the operator and all
14 passengers wear:

15 (A) properly secured protective headgear, of a type approved by the
16 Commissioner and as intended by the manufacturer, if the ATV is operated at
17 locations where the ATV must be registered in order to be lawfully operated
18 under section 3502 of this title that is used as intended by the manufacturer of
19 the headgear and conforms to the Federal Motor Vehicle Safety Standards
20 contained in 49 C.F.R. § 571.218, as amended, and any applicable regulations
21 promulgated by the U.S. Secretary of Transportation; or

1 (Committee vote: _____)

2

3

Representative _____

4

FOR THE COMMITTEE