

1 **[DMV PROPOSALS AS MODIFIED BY LEG. COUNSEL AND LEG.**

2 **COUNSEL TECHNICAL CORRECTIONS]**

3 Introduced by Committee on Transportation

4 Date:

5 Subject: Motor vehicles; temporary plates; registration; in-transit registration

6 plates; health care education; law enforcement; accidents; crashes;

7 certificates of title; gasoline tax; snowmobiles; exhaust systems;

8 mufflers; vessels; motorboats; commercial driver's licenses

9 Statement of purpose of bill as introduced: This bill proposes to make
10 miscellaneous changes to laws related to vehicles and vessels.

11 An act relating to miscellaneous changes to laws related to vehicles and
12 vessels

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

14 * * * Temporary Plates * * *

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

16 § 511. MANNER OF DISPLAY

17 (a) Number plates. A motor vehicle operated on any highway shall have
18 displayed in a conspicuous place either one or two number plates as the
19 Commissioner may require. Such number plates shall be furnished by the
20 Commissioner and shall show the number assigned to such vehicle by the

1 Commissioner. If only one number plate is furnished, the same shall be
2 securely attached to the rear of the vehicle. If two are furnished, one shall be
3 securely attached to the rear and one to the front of the vehicle. The number
4 plates shall be kept entirely unobscured, and the numerals and ~~the~~ letters
5 thereon shall be plainly legible at all times. They shall be kept horizontal, shall
6 be so fastened as not to swing, excepting however, there may be installed on a
7 motor truck or truck tractor a device that would, upon contact with a
8 substantial object, permit the rear number plate to swing toward the front of the
9 vehicle, provided such device automatically returns the number plate to its
10 original rigid position after contact is released, and the ground clearance of the
11 lower edges thereof shall be established by the Commissioner pursuant to the
12 provisions of 3 V.S.A. chapter 25.

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

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

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

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

3 (d) Failure to display a validation sticker. An operator cited for violating
4 subsection (c) of this section with respect to failure to display a validation
5 sticker on a pleasure car, motorcycle, or truck that could be registered for less
6 than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00,
7 which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if
8 he or she is cited within the 14 days following the expiration of the motor
9 vehicle's registration.

10 (e) Temporary and in-transit registration plates. A motor vehicle issued a
11 temporary or in-transit registration plate under sections 312, 458, 463, and
12 516–518 of this title operated on any highway shall have the temporary or in-
13 transit registration plate displayed horizontally in a conspicuous place on the
14 rear of the vehicle, including in the rear window. The temporary or in-transit
15 registration plate shall be kept entirely unobscured, and the numerals and
16 letters thereon shall be plainly legible at all times.

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

18 § 518. ~~ELECTRONIC IN-TRANSIT PERMIT~~ ELECTRONIC ISSUANCE
19 OF TEMPORARY PLATE AND TEMPORARY REGISTRATION

20 (a) Issuance of ~~permit~~ plate and registration; length. The Commissioner is
21 authorized to electronically issue ~~electronic in-transit registration permits~~ a

1 temporary plate and temporary registration to be printed by the owner of a
2 motor vehicle for the purpose of movement over the highways of certain motor
3 vehicles otherwise required to be registered when the vehicles are sold by a
4 person; other than a registered motor vehicle dealer, ~~to a resident to be~~
5 ~~transported to or within and registered in this State.~~ The ~~electronic in-transit~~
6 temporary plate and temporary registration permit issued pursuant to this
7 section shall be valid for a period of ~~40~~ 60 days from issuance and shall be in
8 the form and design prescribed by the Commissioner.

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

17 (c) ~~Proof to be carried by operator. It shall be unlawful for any individual~~
18 ~~to drive a vehicle registered pursuant to this section unless the operator has in~~
19 ~~his or her possession a valid bill of sale for the vehicle and proof of compliance~~
20 ~~with the provisions of section 800 of this title. Notwithstanding section 511 of~~
21 ~~this title, a motor vehicle may be operated without having displayed one or two~~

1 ~~number plates if the operator has an electronic in-transit registration permit. An~~
2 ~~operator may prove that he or she is in possession of an electronic in-transit~~
3 ~~registration permit for the vehicle he or she is operating using a portable~~
4 ~~electronic device; however, use of a device for this purpose does not in itself~~
5 ~~constitute consent for an enforcement officer to access other contents of the~~
6 ~~device. [Repealed.]~~

7 * * * Duty to Report Blood Tests; Health Care Education * * *

8 Sec. 3. 23 V.S.A. § 1203b is amended to read:

9 § 1203b. DUTY TO REPORT BLOOD TEST RESULTS

10 (a) Notwithstanding any law or court rule to the contrary, if a health care
11 provider who is providing health services to a person in the emergency room of
12 a health care facility as a result of a motor vehicle ~~accident~~ crash becomes
13 aware as a result of any blood test performed in the health care facility that the
14 person's blood alcohol level meets or exceeds the level prohibited by law, the
15 health care provider shall report that fact, as soon as is reasonably possible, to
16 a law enforcement agency having jurisdiction over the location where the
17 ~~accident~~ crash occurred.

18 * * *

19 (g) Health care facilities have a responsibility to ensure that all health care
20 providers who work in the health care facility and may provide health care to a
21 person injured as a result of a motor vehicle ~~accident~~ crash are aware of their

1 responsibilities under this section. Every health care facility that provides
2 health care to persons injured as a result of motor vehicle ~~accidents~~ crashes
3 shall:

4 (1) adopt a policy that implements this section;

5 (2) provide a copy of the policy to all health care providers who work in
6 the health care facility who may provide health care to a person as a result of a
7 motor vehicle ~~accident~~ crash; and

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

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

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

15 § 1603. INVESTIGATION OF ~~ACCIDENTS~~ CRASHES

16 The Commissioner of Public Safety shall ~~forthwith~~ immediately after
17 receiving notice of ~~an accident~~ a crash where a personal injury occurs, and, in
18 case of notice of ~~an accident~~ a crash where an injury occurs to property, may
19 cause such ~~accident~~ crash to be investigated by an enforcement officer, and
20 where such investigation reveals facts tending to show culpability on the part
21 of any motor vehicle owner or operator, he or she shall cause such facts to be

1 reported to the State’s Attorney of the county where the ~~accident~~ crash
2 occurred. The State’s Attorney shall further investigate the ~~accident~~ crash and
3 may hold an inquest as provided by 13 V.S.A. §§ 5131–5137. After such
4 investigation or inquest, he or she shall immediately report forthwith to the
5 Commissioner of Motor Vehicles the result thereof together with his or her
6 recommendation as to the suspension of the license of the operator of any
7 motor vehicle involved in the ~~accident~~ crash.

8 * * * Certificate of Title * * *

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

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

12 * * *

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

17 * * * Gasoline Tax * * *

18 * * * Calibration of Tank Vehicles * * *

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

20 § 3104. CALIBRATION OF TANK VEHICLES

1 A distributor shall cause all tank vehicles used by him or her in the delivery
2 of motor fuel to be calibrated under the supervision of the ~~director of weights~~
3 ~~and measures~~ Secretary of Agriculture, Food and Markets and under rules as
4 he or she may prescribe, so as to show the number of gallons of motor fuel
5 contained in these vehicles. The distributor shall make application in writing
6 to the ~~director~~ Secretary for calibration stating the number of tank vehicles to
7 be calibrated.

8 * * * Lien Filing Fees * * *

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

10 § 3121. LIEN FILING FEES

11 Notwithstanding 32 V.S.A. § 502, the Commissioner may charge against
12 any collection of liability any related lien filing fees specified in ~~subdivision~~
13 32 V.S.A. § 1671(a)(6) or ~~subsection~~ 1671(c) of this title paid by the
14 Commissioner. Fees collected under this section shall be credited to a special
15 fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5,
16 and shall be available as payment for the fees of the clerk of the municipality.

17 * * * Snowmobiles; Exhaust Systems * * *

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

19 § 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF

20 HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM

21 EQUIPMENT REQUIREMENT

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

3 * * *

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

6 * * *

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

13 (1) ~~as of September 1, 1972, 82 decibels on the A scale at 50 feet, in a~~
14 ~~normal operating environment; a snowmobile manufactured after February 1,~~
15 ~~2007 that does not display a visible and unaltered marking of “SSCC~~
16 ~~Certified” issued by the Snowmobile Safety and Certification Committee on all~~
17 ~~critical components of the exhaust system; or~~

18 (2) ~~as of September 1, 1973, at such level as established by the~~
19 ~~Commissioner by rule except that the level may not exceed the level~~
20 ~~established in subdivision (1) of this subsection. a snowmobile, regardless of~~
21 ~~the date of manufacture, with an exhaust system that has been modified in a~~

1 manner that amplifies or otherwise increases total noise emission above that of
2 the snowmobile as originally constructed.

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

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

6 ~~(1) A a snowmobile manufactured after the dates specified in subsection~~
7 ~~(d) of this section unless it complies~~ that does not comply with the ~~sound~~
8 exhaust system requirements specified in subsection (d) of this section.

9 (2) No snowmobile shall be equipped in any manner that permits the
10 operator ~~thereof~~ to bypass the muffler system.

11 (3) ~~Replacement exhaust muffler.~~ No person shall sell or offer to sell a
12 replacement exhaust ~~muffler~~ system or component of an exhaust system that
13 will not meet or exceed the exhaust noise reduction capabilities of the
14 snowmobile manufacturer's original equipment specifications for the
15 snowmobile.

16 (4) ~~Consumer information on noise levels.~~ Any person selling or
17 offering to sell a snowmobile or replacement ~~muffler~~ exhaust system shall
18 include in the specifications ~~thereof~~ precise information concerning the
19 designed maximum sound levels of the snowmobile or replacement ~~muffler~~
20 exhaust system.

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* * *

* * * Vessels * * *

Sec. 9. 23 V.S.A. chapter 29 is redesignated to read:

CHAPTER 29. SNOWMOBILES, ~~MOTORBOATS~~ VESSELS, AND
WATER SPORTS

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

Subchapter 2. ~~Motorboats~~ Vessels

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

§ 3302. DEFINITIONS

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

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

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

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

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

1 (5) “Masthead light” means a white light placed over the fore and aft
2 centerline of the vessel showing an unbroken light over an arc of the horizon of
3 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees
4 abaft the beam on either side of the vessel, except that on a vessel of less than
5 12 meters in length, the masthead light shall be placed as nearly as practicable
6 to the fore and aft centerline of the vessel.

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

12 (5)(7) “Operate” means to navigate or otherwise use a ~~motorboat or~~
13 vessel.

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

20 (7)(9) “Person” means an individual, partnership, firm, corporation,
21 association, or other entity.

1 ~~(8)~~(10) “Personal watercraft” means a class A vessel that uses an
2 inboard engine powering a water jet pump as its primary source of motive
3 power and that is designed to be operated by ~~a person or persons~~ an individual
4 or individuals sitting, standing, or kneeling on, or being towed behind the
5 ~~vessel~~ motorboat rather than in the conventional manner of sitting or standing
6 inside the vessel.

7 ~~(9)~~(11) “Public waters of the State” means navigable waters as defined
8 in 10 V.S.A. chapter 49, excepting those waters in private ponds and private
9 preserves as set forth in 10 V.S.A. §§ 5204, 5205, 5206, and 5210.

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

15 ~~(11)~~(13) “Sailboard” means a sailboat whose unsupported mast is
16 attached to a surfboard-like hull by a flexible joint.

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

19 (15) “Sidelights” mean a green light on the starboard side and a red light
20 on the port side, each showing an unbroken light over an arc of the horizon of
21 112.5 degrees and so fixed as to show the light from right ahead to

1 22.5 degrees abaft the beam on its respective side. On a vessel of less than
2 20 meters in length the side lights may be combined in one lantern carried on
3 the fore and aft centerline of the vessel, except that on a vessel of less than
4 12 meters in length the sidelights, when combined in one lantern, shall be
5 placed as nearly as practicable to the fore and aft centerline of the vessel.

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

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

14 (~~13~~)(18) “Waste” means effluent, sewage, or any substance or material,
15 liquid, gaseous, solid, or radioactive, including heated liquids, whether or not
16 harmful or deleterious to waters of this State.

17 (~~14~~)(19) “Waters of this State” means any waters within the territorial
18 limits of this State.

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

20 § 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

1 Except for motorboats exempt from numbering under subdivisions
2 ~~3307(a)(2)-(4)~~ 3307(a)(2)-(6) of this title, every motorboat on the waters of
3 this State shall be numbered. A person shall not operate or give permission for
4 the operation of any motorboat on such waters unless the motorboat is
5 numbered in accordance with this subchapter, or in accordance with applicable
6 federal law, or in accordance with a federally approved numbering system of
7 another state, and unless:

8 * * *

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

10 § 3305. FEES

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

15 (b) Annually or biennially, the owner of each motorboat required to be
16 registered by this State shall file an application for a number with the
17 Commissioner of Motor Vehicles on forms approved by him or her. The
18 application shall be signed by the owner of the motorboat and shall be
19 accompanied by an annual fee of \$31.00, or a biennial fee of \$57.00, for a
20 motorboat in class A; by an annual fee of \$49.00, or a biennial fee of \$93.00,
21 for a motorboat in class 1; by an annual fee of \$80.00, or a biennial fee of

1 \$155.00, for a motorboat in class 2; by an annual fee of \$153.00, or a biennial
2 fee of \$303.00, for a motorboat in class 3. Upon receipt of the application in
3 approved form, the Commissioner shall enter the application upon the records
4 of the Department of Motor Vehicles and issue to the applicant a registration
5 certificate stating the number awarded to the motorboat and the name and
6 address of the owner. The owner shall paint on or attach to each side of the
7 bow of the motorboat the identification number in such manner as may be
8 prescribed by rules of the Commissioner in order that it may be clearly visible.
9 The registration shall be void one year from the first day of the month
10 following the month of issue in the case of annual registrations; or void two
11 years from the first day of the month following the month of issue in the case
12 of biennial registrations. A ~~vessel~~ motorboat of less than 10 horsepower used
13 as a tender to a registered ~~vessel~~ motorboat shall be deemed registered, at no
14 additional cost, and shall have painted or attached to both sides of the bow; the
15 same registration number as the registered ~~vessel~~ motorboat with the number
16 “1” after the number. The number shall be maintained in legible condition.
17 The registration certificate shall be pocket size and shall be available at all
18 times for inspection on the motorboat for which issued, whenever the
19 motorboat is in operation. A duplicate registration may be obtained upon
20 payment of a fee of \$3.00 to the Commissioner. Registration fees shall be
21 allocated in accordance with section 3319 of this title.

1 (c) A person engaged in the business of selling or exchanging motorboats,
2 as defined in subdivision 4(8) of this title, of a type otherwise required to be
3 registered by this subchapter shall register and obtain registration certificates
4 for use as described under subdivision (1) of this subsection, subject to the
5 requirements of chapter 7 of this title. A manufacturer of motorboats may
6 register and obtain registration certificates under this section.

7 * * *

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

13 * * *

14 § 3305a. PRIVILEGE TO OPERATE A VESSEL; SUSPENSION OF
15 PRIVILEGE; MINIMUM AGE FOR OPERATION OF A
16 MOTORBOAT

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

20 (b) ~~A person~~ An individual whose privilege to operate a vessel has been
21 suspended shall not operate, attempt to operate, or be in actual physical control

1 of a vessel on the public waters of this State until the privilege to operate a
2 vessel has been reinstated by the Commissioner of Motor Vehicles.

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

6 § 3305b. BOATING SAFETY EDUCATION; RULES

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

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

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

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

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

3 (1) ~~a person~~ an individual who is licensed by the U.S. Coast Guard to
4 operate a vessel for commercial purposes;

5 (2) ~~a person~~ an individual operating a ~~vessel~~ motorboat on a body of
6 water located on private property; and

7 (3) any other ~~person~~ individual exempted by rules of the Department of
8 Public Safety.

9 * * *

10 (f) Persons offering courses. The following persons may offer the course
11 of instruction in boating safety education if approved by the Department of
12 Public Safety:

13 (1) the Department of Public Safety;

14 (2) the U.S. Coast Guard Auxiliary;

15 (3) the U.S. Power Squadrons;

16 (4) a political subdivision;

17 (5) a municipal corporation;

18 (6) a State agency;

19 (7) a public or nonpublic school; and

20 (8) any group, firm, association, or person.

1 (g) Issuance of certificate. The Department of Public Safety or its designee
2 shall issue a certificate of boating safety education to ~~a person~~ an individual
3 who:

4 * * *

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

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

12 * * *

13 § 3306. LIGHTS AND EQUIPMENT

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

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

19 (2) ~~motorboats less than 26 feet in length, a white light aft showing all~~
20 ~~around, visible for at least two miles, a light in the forepart of the boat, lower~~

1 ~~than the white light aft, showing green to starboard and red to port, visible for~~
2 ~~at least one mile;~~

3 ~~(3) motorboats 26 feet or longer, a white light aft showing all around,~~
4 ~~visible for at least two miles, and a light in the forepart of the boat showing red~~
5 ~~to port and green to starboard, visible at least one mile;~~

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

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

10 (A) A sailing vessel shall exhibit:

11 (i) sidelights; and

12 (ii) a sternlight.

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

17 (C) Notwithstanding subdivision (A) of this subdivision (1), on a
18 sailing vessel of less than 20 meters in length, the lights prescribed in
19 subdivision (A) of this subdivision (1) may be combined in a single light and
20 exhibited at or near the top of the mast, where it can best be seen, but may not

1 also have exhibited two all-round lights in a vertical line, as permitted in
2 subdivision (B) of this subdivision (1).

3 (D) Notwithstanding subdivision (A) of this subdivision (1), a sailing
4 vessel of less than seven meters in length shall, if practicable, exhibit the lights
5 prescribed in subdivision (1) of this subsection (a) but, if not practicable, shall
6 exhibit or have onboard an all-round white light that shall be exhibited in
7 sufficient time to prevent collision.

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

12 (2) Motorboats.

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

15 (i) a masthead light forward;

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

19 (iii) sidelights; and

20 (iv) a sternlight.

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

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

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

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

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

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

3 (c) Every motorboat ~~and auxiliary powered sailboats~~, except a motorboat
4 that is less than 26 feet in length, that has an outboard ~~motorboats less than 26~~
5 ~~feet in length~~ motor and ~~of an~~ open construction, and is not carrying
6 passengers for hire shall carry on board, fully charged and in good condition,
7 U.S. Coast Guard-approved hand portable fire extinguishers as follows:

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

- 10 (A) less than 26 feet in length, one extinguisher;
11 (B) 26 feet or longer, but less than 40 feet, two extinguishers;
12 (C) 40 feet or longer, three extinguishers.

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

- 15 (A) 26 feet or longer but less than 40 feet, one extinguisher;
16 (B) 40 feet or longer, two extinguishers.

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

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

7 * * *

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

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

11 * * *

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

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

20 * * *

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

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

4 § 3307a. DOCUMENTED ~~BOAT~~ MOTORBOAT VALIDATION STICKER

5 (a) Annual validation required.

6 (1) An owner of a ~~vessel, as defined in subdivision 3302(6) of this title,~~
7 motorboat that has been registered in another state under a federally approved
8 numbering system, or that has a valid document issued by the U.S. Coast
9 Guard, U.S. Customs and Border Protection, or any other federal agency, and
10 that is used in the waters of the State for at least ~~30~~ 60 days in any calendar
11 year shall apply annually to the Commissioner of Motor Vehicles for
12 validation of the out-of-state or federal registration of that ~~vessel~~ motorboat.

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

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

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

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

4 (2) pay to the Commissioner an application fee in the same amount as
5 would be paid if the ~~vessel~~ motorboat was being registered under subsection
6 3305(b) of this title.

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

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

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

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

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

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

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

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

4 (a) The Commissioner of Forests, Parks and Recreation or a municipality in
5 administering a swimming beach or waterfront program may designate a
6 swimming area in front of the beach or land that the State or a municipality
7 owns or controls and may make rules pertaining to the area. The rules may
8 provide that no ~~person~~ individual, except a lifeguard on duty and other
9 authorized personnel, may operate ~~any boat, canoe, or water vehicle~~ a vessel of
10 any sort within the designated swimming area.

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

12 (c) Distance requirements.

13 (1) An individual shall not operate any vessel, except a sailboard or a
14 police or emergency vessel, within 200 feet of the shoreline, ~~a person~~ an
15 individual in the water, a canoe, rowboat, or other vessel, an anchored or
16 moored vessel containing any individual, or anchorages or docks, except at a
17 speed of less than five miles per hour that does not create a wake.

18 (2) An individual shall not operate any vessel, except a nonmotorized
19 canoe, a nonmotorized rowboat, or a police or emergency vessel, within 200
20 feet of a divers-down flag.

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

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

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

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

12 (1) inspect its documents;

13 (2) inspect the licenses and permits of the operator of the ~~vessel~~
14 motorboat; or

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

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

17 § 3312. OPERATIONS RULES AS BETWEEN VESSELS

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

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

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

8 * * *

9 § 3312a. OPERATION OF PERSONAL WATERCRAFT

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

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

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

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

1 § 3313. COLLISIONS, ~~ACCIDENTS~~ CRASHES, AND CASUALTIES

2 (a) The operator of a vessel involved in a collision, ~~accident~~ crash, or other
3 casualty, so far as he or she can do so without serious danger to his or her own
4 vessel, crew, and passengers, shall render to other ~~persons~~ individuals affected
5 by the collision, ~~accident~~ crash, or other casualty such assistance as may be
6 practicable and as may be necessary in order to save them from or minimize
7 any danger caused by the collision, ~~accident~~ crash, or other casualty. Also, he
8 or she shall give his or her name, address, and identification of his or her vessel
9 in writing to any ~~person~~ individual injured and to the owner of any property
10 damaged in the collision, ~~accident~~ crash, or other casualty.

11 (b) If a collision, ~~accident~~ crash, or other casualty involving a vessel results
12 in death or injury to ~~a person~~ an individual or damage to property in excess of
13 ~~\$100.00~~ \$2,000.00, the operator shall file with the Commissioner of Motor
14 Vehicles within 36 hours a full description of the collision, ~~accident~~ crash, or
15 other casualty, including such information as the Commissioner may, by rule,
16 require.

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

18 (a) The Commissioner of Public Safety may authorize the holding of public
19 regattas, motorboat or other ~~boat~~ vessel races, marine parades, tournaments,
20 water skiing events, exhibitions, or triathlons on any waters of this State and
21 any associated public roads. He or she shall adopt and may, from time to time,

1 amend rules concerning the safety of motorboats and other vessels and ~~persons~~
2 individuals on these vessels, either observers or participants, and of ~~persons~~
3 individuals swimming, cycling, or running in or observing an event.

4 Whenever a public regatta, motorboat or other ~~boat~~ vessel race, marine parade,
5 tournament, water skiing event, exhibition, or triathlon is proposed to be held,
6 the person in charge shall, at least 15 days prior to the event, file an application
7 with the Department of Public Safety for permission to hold the regatta,
8 motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing
9 event, exhibition, or triathlon. A copy of such application shall be sent to the
10 municipality and organized lake association where the event is to be held
11 15 days in advance of the event to allow for comment. The application shall
12 set forth the date, time, and location where it is proposed to hold the regatta,
13 motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing
14 event, exhibition, or triathlon and it shall not be conducted without
15 authorization of the Department of Public Safety in writing, except that this
16 provision shall not apply to unscheduled ~~boat~~ vessel races to which the public
17 has not been invited.

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

2 § 3320. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS ON DUFRESNE
3 DAM WATERS PROHIBITED

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

7 * * *

8 § 3321. ~~MOTOR PROPELLED BOATS~~ MOTORBOATS IN SOUTH POND
9 PROHIBITED

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

12 * * *

13 Sec. 22. 23 V.S.A. § 3801 is amended to read:

14 § 3801. DEFINITIONS

15 * * *

16 (8) ~~“Motorboat” means any vessel propelled by machinery, whether or~~
17 ~~not the machinery is the principal source of propulsion, but shall not include a~~
18 ~~vessel that has a valid marine document issued by U.S. Customs and Border~~
19 ~~Protection or any successor federal agency. [Repealed.]~~

20 * * *

1 (11) “Owner” means a person, other than a lienholder, having property
2 in or title to a vessel, snowmobile, or all-terrain vehicle. The term includes a
3 person entitled to use or possess a vessel, snowmobile, or all-terrain vehicle
4 subject to an interest in another person, which is reserved or created by
5 agreement and securing payment of performance of an obligation, but it does
6 not include a lessee under a lease not intended as security.

7 * * *

8 (19) “Vessel” means every description of ~~motorboat~~ watercraft capable
9 of being used as a means of transportation on water that is equipped with
10 machinery capable of propelling the watercraft, whether or not such machinery
11 is the principal source of propulsion, but shall not include a watercraft that has
12 a valid marine document issued by U.S. Customs and Border Protection or any
13 successor federal agency.

14 * * *

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

16 Sec. 23. REPLACEMENTS

17 When preparing the Vermont Statutes Annotated for publication in 2021,
18 the Office of Legislative Counsel shall replace the words “accident” with
19 “crash” and “accidents” with “crashes” and the phrase “an accident” with “a
20 crash” in the following statutory sections: 23 V.S.A. §§ 102(a)(3) and (4),
21 108, 326, 364a(b), 454(a)(4), 603(a)(2), 607a(a), 704(3), 731(a), 750(b)(8) and

1 (d)(8), 802(c) and (i), 804(d)(1), 809(a), 810, 843, 921, 941(f) and (g),
2 1001(a)(4), 1046(b)(2), 1128(b) and (c), 1201(c), 1202(d)(6)(B) and (f),
3 1203(g), 1603a, 1603b, 2502(a)(5)(D) and (b), 3206(b)(19), 3207(f), 3211,
4 3305(c)(1)(D), 3317(c), 3506(b)(13), 3511, 4102, and 4103(16)(E).

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

6 (7) Certified copy individual ~~accident~~ crash report \$12.00

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

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

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

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

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

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

1 * * * Incorrect Capitalization * * *

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

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

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

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

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

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

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

17 (e) An individual's privilege to operate a commercial motor vehicle in the
18 State of Vermont shall be suspended for life if the individual uses a
19 commercial motor vehicle in the commission of any offense under ~~State~~ state
20 or federal law that is punishable by imprisonment for a term exceeding one
21 year, involving the manufacture, distribution, or dispensing of a regulated

1 drug, or possession with intent to manufacture, distribute, or dispense a
2 regulated drug, and for which the individual was convicted.

3 * * * Commercial Driver's Licenses * * *

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

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

7 * * *

8 (3) Unless Vermont is the state of domicile of the individual and the
9 individual has passed a knowledge and skills test for driving a commercial
10 motor vehicle that complies with minimum federal standards established by
11 federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, as
12 may be amended, and has satisfied all other requirements of 49 C.F.R. Part 380
13 and 49 U.S.C. ~~ch.~~ Chapter 313, as may be amended, and the Commercial
14 Motor Vehicle Safety Anti-Drug Abuse Act of 1986, Title XII of Pub. L. No.
15 99-570, Title XII (Commercial Motor Vehicle Safety Act of 1986), as may be
16 amended, in addition to other requirements imposed by state State law or
17 federal regulation. The tests shall be prescribed and conducted by the
18 Commissioner.

19 * * * Records Inspection * * *

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

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

12 * * * Enforcement in 1998 * * *

13 **Sec. 33. REPEAL**

14 23 V.S.A. § 1220 (drunken driving enforcement in fiscal year 1998) is
15 repealed.

16 * * * Effective Dates * * *

17 **Sec. 34. EFFECTIVE DATES**

18 (a) This section (effective dates) shall take effect on passage.

19 (b) Notwithstanding 1 V.S.A. § 214, Sec. 5 (certificate of title; 23 V.S.A.
20 § 2015(c)) shall take effective retroactively on April 1, 2020.

- 1 (c) Notwithstanding 1 V.S.A. § 214, Secs. 1 (display of number plates;
- 2 23 V.S.A. § 511) and 2 (temporary plate; 23 V.S.A. § 518) shall take effect
- 3 retroactively on September 8, 2020.
- 4 (d) All other sections shall take effect on July 1, 2021.