

House Proposal of Amendment

S. 86

An act relating to miscellaneous changes to laws related to vehicles and vessels.

The House proposes to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Temporary Plates * * *

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

§ 511. MANNER OF DISPLAY

(a) Number plates. A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

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

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

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

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

(d) Failure to display a validation sticker. An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less

than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

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

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

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

(a) ~~Issuance of permit plate and registration; length.~~ The Commissioner is authorized to electronically issue electronic in-transit registration permits a temporary plate and temporary registration to be printed by the owner of a motor vehicle for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold by a person; other than a registered motor vehicle dealer; ~~to a resident to be transported to or within and registered in this State.~~ The electronic in-transit temporary plate and temporary registration permit issued pursuant to this section shall be valid for a period of ~~40~~ 60 days from issuance and shall be in the form and design prescribed by the Commissioner.

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

(c) ~~Proof to be carried by operator.~~ It shall be unlawful for any individual ~~to drive a vehicle registered pursuant to this section unless the operator has in his or her possession a valid bill of sale for the vehicle and proof of compliance with the provisions of section 800 of this title. Notwithstanding section 511 of this title, a motor vehicle may be operated without having displayed one or two number plates if the operator has an electronic in-transit registration permit. An operator may prove that he or she is in possession of an electronic in-transit registration permit for the vehicle he or she is operating~~

~~using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. [Repealed.]~~

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

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

§ 1203b. DUTY TO REPORT BLOOD TEST RESULTS

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

* * *

(g) Health care facilities have a responsibility to ensure that all health care providers who work in the health care facility and may provide health care to a person injured as a result of a motor vehicle ~~accident~~ crash are aware of their responsibilities under this section. Every health care facility that provides health care to persons injured as a result of motor vehicle ~~accidents~~ crashes shall:

(1) adopt a policy that implements this section;

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

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

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

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

§ 1603. INVESTIGATION OF ACCIDENTS CRASHES

The Commissioner of Public Safety shall ~~forthwith~~ immediately after receiving notice of ~~an accident~~ a crash where a personal injury occurs, and, in case of notice of ~~an accident~~ a crash where an injury occurs to property, may cause such ~~accident~~ crash to be investigated by an enforcement officer, and where such investigation reveals facts tending to show culpability on the part

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

* * * Certificate of Title * * *

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

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

* * *

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

* * * Gasoline Tax * * *

* * * Calibration of Tank Vehicles * * *

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

§ 3104. CALIBRATION OF TANK VEHICLES

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

* * * Lien Filing Fees * * *

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

§ 3121. LIEN FILING FEES

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

* * * Snowmobiles; Exhaust Systems * * *

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

§ 3205. SNOWMOBILE EQUIPMENT; WINDSHIELD; USE OF
HEADLIGHT; ILLEGAL NOISE LEVEL; EXEMPTION FROM
EQUIPMENT REQUIREMENT

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

* * *

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

* * *

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

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

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

(4) ~~Consumer information on noise levels.~~ Any person selling or offering to sell a snowmobile or replacement ~~muffler~~ exhaust system shall include in the specifications thereof precise information concerning the designed maximum sound levels of the snowmobile or replacement ~~muffler~~ exhaust system as outlined by the SSCC.

* * *

* * * 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 3303. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED

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

* * *

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

§ 3305. FEES

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

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

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

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

* * *

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

* * *

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

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

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

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

§ 3305b. BOATING SAFETY EDUCATION; RULES

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

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

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

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

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

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

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

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

* * *

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

(1) the Department of Public Safety;

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

(3) the U.S. Power Squadrons;

- (4) a political subdivision;
- (5) a municipal corporation;
- (6) a State agency;
- (7) a public or nonpublic school; and
- (8) any group, firm, association, or person.

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

* * *

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

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

(5) any Unpowered vessels.

(A) A sailing vessel shall exhibit:

(i) sidelights; and

(ii) a sternlight.

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

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

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

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

(2) Motorboats.

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

(i) a masthead light forward;

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

(iii) sidelights; and

(iv) a sternlight.

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

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

(b)(1) Personal flotation devices. Each vessel, except sailboards, shall, consistent with federal regulations, carry for each individual aboard at least one wearable U.S. Coast Guard-approved personal flotation device consistent with federal regulations that is in good and serviceable condition for each

individual aboard and capable of being used in accordance with the U.S. Coast Guard approval label.

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Distance requirements.

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

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

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

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

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

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

(1) inspect its documents;

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

(3) conduct a safety inspection for required equipment.

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

§ 3312. OPERATIONS RULES AS BETWEEN VESSELS

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

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

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

* * *

§ 3312a. OPERATION OF PERSONAL WATERCRAFT

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

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

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

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

§ 3313. COLLISIONS, ACCIDENTS CRASHES, AND CASUALTIES

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

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

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

(a) The Commissioner of Public Safety may authorize the holding of public regattas, motorboat or other ~~boat~~ vessel races, marine parades, tournaments, water skiing events, exhibitions, or triathlons on any waters of this State and any associated public roads. He or she shall adopt and may, from time to time, amend rules concerning the safety of motorboats and other vessels and ~~persons~~ individuals on these vessels, either observers or participants, and of ~~persons~~ individuals swimming, cycling, or running in or observing an event. Whenever a public regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon is proposed to be held, the person in charge shall, at least 15 days prior to the event, file an application with the Department of Public Safety for permission to hold the regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon. A copy of such application shall be sent to the municipality and organized lake association where the event is to be held 15 days in advance of the event to allow for comment. The application shall set forth the date, time, and location where it is proposed to hold the regatta, motorboat or other ~~boat~~ vessel race, marine parade, tournament, water skiing event, exhibition, or triathlon and it shall not

be conducted without authorization of the Department of Public Safety in writing, except that this provision shall not apply to unscheduled ~~boat~~ vessel races to which the public has not been invited.

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

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

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

* * *

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

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

* * *

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

§ 3801. DEFINITIONS

* * *

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

* * *

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

* * *

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

* * *

* * * 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

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

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

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

* * * Incorrect Capitalization * * *

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

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

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

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

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

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

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

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

* * * Commercial Driver's Licenses * * *

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

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

* * *

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

* * * Records Inspection * * *

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

(a) Each person who purchases or in any manner acquires a vessel, snowmobile, or all-terrain vehicle as salvage shall keep and maintain for a period of not less than five years such records as may be prescribed by the Commissioner that are reasonably necessary to substantiate the information contained in the application required by sections ~~3840~~ 3833 and ~~3842~~ 3835 of this title. These records shall include parts and accessories obtained and used for the repair or rebuilding, or both, of a vessel, snowmobile, or all-terrain

vehicle, and such financial records that will allow the Commissioner to determine if the person qualifies to become or remain licensed as a “salvage dealer.”

* * * Enforcement in 1998 * * *

Sec. 33. REPEAL

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

* * * Signal Lamps * * *

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

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

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

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

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

(C) If the applicant is a constable, the application shall be accompanied by a certification by the town clerk that the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable’s authority to engage in enforcement activities under 24 V.S.A. § 1936a.

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

(B) A blue signal lamp or an amber signal lamp, or a combination thereof, may be authorized for all EMS vehicles or vehicles owned or leased

by a fire department, provided that the Commissioner shall require the lamp or lamps be mounted so as to be visible primarily from the rear of the vehicle.

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

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

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

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

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

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

§ 1255. EXCEPTIONS

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

(b) All persons with motor vehicles equipped as provided in subdivisions 1252(a)(1) and (2) of this title shall use the sirens or colored signal lamps, or both, only in the direct performance of their official duties. When any person other than a law enforcement officer is operating a motor vehicle equipped as provided in subdivision 1252(a)(1) of this title, the colored signal ~~lamp~~ lamps shall be either removed, covered, or hooded. When any person other than an authorized ~~ambulance~~ emergency medical service vehicle operator, firefighter, or authorized operator of vehicles used in rescue ~~operation~~ operations is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the colored signal lamps shall be either removed, covered, or hooded unless the operator holds a senior operator license.

* * * All-Terrain Vehicles * * *

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

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

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

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

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

* * *

~~(E) On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. Notwithstanding subdivision 3506(b)(16) of this title, protective headgear is not required when an ATV is operated on a frozen body of water pursuant to this subdivision. [Repealed.]~~

* * *

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

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

(b) An ATV shall not be operated:

* * *

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

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

(B) properly secured protective headgear that is used as intended by the manufacturer of the headgear and conforms to ASTM International or National Operating Committee on Standards for Athletic Equipment safety standards, provided that the ATV is equipped with manufacturer-installed

rollover protection and safety belts that have not been removed or modified in a way that reduces their effectiveness.

* * * Effective Dates * * *

Sec. 38. EFFECTIVE DATES

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

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

(c) Notwithstanding 1 V.S.A. § 214, Secs. 1 (display of number plates; 23 V.S.A. § 511) and 2 (temporary plate; 23 V.S.A. § 518) shall take effect retroactively on September 8, 2020.

(d) All other sections shall take effect on July 1, 2021.