

No. 41. An act relating to miscellaneous changes to laws related to vehicles.

(S.99)

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

* * * New Motor Vehicle Arbitration * * *

Sec. 1. 9 V.S.A. § 4173(d) is amended to read:

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect that the consumer claims entitles ~~him or her~~ the consumer to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or ~~his or her~~ the manufacturer's delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced ~~if the repair proves unsatisfactory~~ for the duration of the within one year following the expiration of the express warranty term in accordance with subsection 4179(a) of this title.

* * * Definition of Mail * * *

Sec. 2. 23 V.S.A. § 4(87) is added to read:

(87) "Mail," "mail or deliver," "mails," "mails or delivers," "mailing," "mailing or delivering," "mailed," and "mailed or delivered" mean any method of delivery authorized by the Commissioner, which may include by hand, U.S. mail, and electronic transmission.

* * * Mobile Identification * * *

Sec. 3. 23 V.S.A. § 116 is added to read:

§ 116. ISSUANCE OF MOBILE IDENTIFICATION

(a) Definitions. As used in this section:

(1) “Data field” means a discrete piece of information that appears on a mobile identification.

(2) “Full profile” means all the information provided on a mobile identification.

(3) “Limited profile” means a portion of the information provided on a mobile identification.

(4) “Mobile identification” means an electronic representation of the information contained on a nonmobile credential.

(5) “Mobile identification holder” means an individual to whom a mobile identification has been issued.

(6) “Nonmobile credential” means a nondriver identification card issued under section 115 of this title, a driver’s license issued under section 603 of this title, a junior operator’s license issued under section 602 of this title, a learner’s permit issued under section 617 of this title, a commercial driver’s license issued under section 4111 of this title, or a commercial learner’s permit issued under section 4112 of this title.

(b) Issuance. The Commissioner of Motor Vehicles may issue a mobile identification to an individual in addition to, and not instead of, a nonmobile credential. If issued, the mobile identification shall:

(1) be capable of producing both a full profile and a limited profile;

(2) satisfy the purpose for which the profile is presented;

(3) allow the mobile identification holder to maintain physical possession of the device on which the mobile identification is accessed during verification; and

(4) not be a substitute for an individual producing a nonmobile credential upon request.

(c) Agreements with other entities. The Commissioner may enter into agreements to facilitate the issuance, use, and verification of a mobile identification or other electronic credentials issued by the Commissioner or another state.

(d) Administration.

(1) The Commissioner may operate, or may operate through a third-party administrator, a verification system for mobile identifications.

(2) Access to the verification system and any data field by a person presented with a mobile identification requires the credential holder's consent, and, if consent is granted, the Commissioner may release the following through the verification system:

(A) for a full profile, all data fields that appear on the mobile identification; and

(B) for a limited profile, only the data fields represented in the limited profile for the mobile identification.

* * * License Plate Stickers; Validation Stickers * * *

Sec. 4. 23 V.S.A. § 305 is amended to read:

§ 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, ~~validation stickers~~, and number plates upon initial registration, and registration certificates ~~and validation stickers~~ for each succeeding renewal period of registration upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the month of issue, unless a longer initial registration period is authorized by law or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue.

(b) The Commissioner shall issue a registration certificate, ~~validation sticker~~, and a number plate or number plates for each motor vehicle owned by the State, which shall be valid for a period of five years. Such motor vehicle shall be considered properly registered while the issued number plate or number plates are attached to the motor vehicle. The Commissioner may

replace such number plate or number plates when in ~~his or her~~ the Commissioner's discretion their condition requires.

(c) ~~Except as otherwise provided in subsection (d) of this section, no plate is valid unless the validation sticker is affixed to the rear plate in the manner prescribed by the Commissioner in section 511 of this title. [Repealed.]~~

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available electronically and for printing. An electronic or printed receipt shall serve as a temporary registration for 10 days after the date of the transaction. An electronic receipt may be shown to an enforcement officer using a portable electronic device. Use of a portable electronic device to display the receipt does not in itself constitute consent for an officer to access other contents of the device.

Sec. 5. 23 V.S.A. § 326 is amended to read:

§ 326. REFUND UPON LOSS OF VEHICLE

The Commissioner may cancel the registration of a motor vehicle when the owner ~~thereof~~ of the motor vehicle proves to ~~his or her~~ the Commissioner's satisfaction that ~~it~~ the motor vehicle has been totally destroyed by fire or, through crash or wear, has become wholly unfit for use and has been dismantled. After the Commissioner cancels the registration and the owner returns to the Commissioner either the registration certificate, or the number plate or number plates ~~and the validation sticker~~, the Commissioner shall

certify to the Commissioner of Finance and Management the fact of the cancellation, giving the name of the owner of the motor vehicle, ~~his or her~~ the owner's address, the amount of the registration fee paid, and the date of cancellation. The Commissioner of Finance and Management shall issue ~~his or her~~ the Commissioner of Finance and Management's warrant in favor of the owner for such percent of the registration fee paid as the unexpired term of the registration bears to the entire registration period, but in no case shall the Commissioner of Finance and Management retain less than \$5.00 of the fee paid.

Sec. 6. 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus \$26.00.

(b) Evidence of the registration shall be a ~~sticker, as determined by the Commissioner, affixed to~~ registration certificate and the number plate issued pursuant to chapter 31 of this title.

Sec. 7. 23 V.S.A. § 453(f) is amended to read:

(f) In any year that number plates are reused ~~and validation stickers are issued~~, the Commissioner shall not be required to issue new number plates to persons renewing registrations under this section.

Sec. 8. 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates ~~and temporary validation stickers~~, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of \$5.00 for each temporary plate issued.

Sec. 9. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle to be registered in this State, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal, provided that the purchaser deposits with such dealer, for transmission to the Commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. If a properly licensed purchaser either attaches to the motor vehicle,

snowmobile, or all-terrain vehicle or carries in the motorboat such number plate or decal, ~~he or she~~ the purchaser may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. ~~An individual shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate with temporary validation stickers, a temporary number plate, or a temporary decal attached to the motor vehicle or carried in the motorboat except as provided in this section.~~

Sec. 10. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal to a purchaser, a dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee, deposited with ~~him or her~~ the dealer by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with ~~temporary validation stickers~~, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a vehicle or motorboat, the dealer may accept from the purchaser a properly executed registration, tax, and title application and the required fees for transmission to the Commissioner. The dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to

subsection 2015(b) of this title, to forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

Sec. 11. 23 V.S.A. § 465 is amended to read:

§ 465. LOANING OF PLATES, VEHICLES, OR MOTORBOATS

PROHIBITED

A dealer shall not lend or lease registration certificates, ~~validation stickers,~~ numbers, decals, or number plates that have been assigned to ~~him or her~~ the dealer under the provisions of this chapter, nor shall ~~he or she~~ the dealer lend or lease a vehicle or motorboat to which ~~his or her~~ the dealer's decals, numbers, or number plates have been attached, nor lend or lease ~~his or her~~ the dealer's decals, numbers, or number plates to a subagent.

Sec. 12. 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, ~~or~~ number plate, ~~or validation sticker~~ is \$123.00.

Sec. 13. 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 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. [Repealed.]~~

(c) Violation. A person shall not operate a motor vehicle unless a number plate or 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. [Repealed.]~~

* * *

Sec. 14. VALIDATION STICKER REQUIREMENTS IN RULE

(a) Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations.

(1) Notwithstanding Department of Motor Vehicles, Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations (CVR 14-050-027), Secs. I(3)(a) and III:

(A) the Department of Motor Vehicles shall not issue temporary and permanent validation stickers, temporary and permanent validating stickers, or "S" stickers;

(B) operators of snowmobiles shall not be required to display temporary or permanent validation stickers, temporary or permanent validating stickers, or "S" stickers; and

(C) the Vermont Association of Snow Travelers (VAST) shall not be required to maintain a log of "S" stickers or have unused registration "S"

stickers available for inspection in Department of Motor Vehicles audits, nor shall VAST agents be eligible to issue “S” stickers.

(2) The Department of Motor Vehicles shall amend the Approved Helmets and VAST Snowmobile Registrations rule to eliminate requirements related to temporary and permanent validation stickers, temporary and permanent validating stickers, and “S” stickers the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

(b) Vermont Dealer Licensing and Schedule of Penalties and Suspension.

(1) Notwithstanding Department of Motor Vehicles, Vermont Dealer Licensing and Schedule of Penalties and Suspension (CVR 14-050-050), Sec. VI(j), there shall not be an administrative penalty assessed for a dealer failing to display a validation sticker on a dealer’s registration plate.

(2) The Department of Motor Vehicles shall amend the Vermont Dealer Licensing and Schedule of Penalties and Suspension rule to eliminate the administrative penalty for a dealer failing to display a validation sticker on a dealer’s registration plate the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

* * * Electronic Proof of Registration * * *

Sec. 15. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT
AND CORRECTED CERTIFICATES

(a) ~~A person~~ An individual shall not operate a motor vehicle nor draw a trailer or semi-trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle or electronically on 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.

* * *

(d)(1) An operator cited for violating subsection (a) of this section shall not be convicted if the operator sends a copy of or produces to the issuing enforcement agency within seven business days after the traffic stop proof of a valid registration certificate that was in effect at the time of the traffic stop.

(2) An operator cited for violating subsection (a) of this section with respect to 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~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

* * * Registration Fees; Plug-In Electric Vehicles * * *

Sec. 16. 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a~~ pleasure car type, and all vehicles powered by electricity as defined in

subdivision 4(28) of this title, and including a pleasure car that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be \$74.00; and the biennial fee shall be \$136.00.

Sec. 17. 23 V.S.A. § 362 is amended to read:

§ 362. SPECIALIZED FUEL MOTOR VEHICLES AND MOTOR BUSES

(a) The annual registration fee for ~~the registration of~~ any “specialized fuel driven motor vehicle”, as defined in ~~section~~ subdivision 4(22) of this title, and of motor buses, as defined in section 3002 of this title, shall be one and three-quarters times the amount of the annual fee provided for a motor vehicle of the classification and weight under the terms of this chapter.

(b) Notwithstanding subsection (a) of this section, the annual and biennial registration fees for a pleasure car, as defined in subdivision 4(28) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be determined pursuant to section 361 of this chapter, and the annual registration fee for a motorcycle, as defined in subdivision 4(18)(A) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be determined pursuant to section 364 of this chapter.

* * * Distracted Driving; Hands-Free Use * * *

Sec. 18. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

(a) ~~Definition~~ Definitions. As used in this section, ~~“hands-free;~~

(1) “Hands-free use” means the use of a portable electronic device without use of utilizing either hand by employing an internal feature of, or an attachment to, the device or a motor vehicle.

(2) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

(3) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(4) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) Use of handheld portable electronic device prohibited.

(1) An individual shall not use a portable electronic device while operating:

(A) a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles; or

~~(2) In addition, an individual shall not use a portable electronic device while operating~~

~~(B) a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):~~

~~(A) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).~~

~~(B) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off the public highway and has halted in a location where the vehicle can safely and lawfully remain stationary including while temporarily stationary because of traffic, a traffic control device, or other temporary delays.~~

~~(3)(2) The prohibitions of this subsection shall not apply:~~

~~(A) To hands-free use;~~

~~(B) To activation or deactivation of hands-free use, as long as any accessory for securely mounting the device is not affixed to the windshield in violation of section 1125 of this title. provided the portable electronic device is securely mounted or the activation or deactivation is done through an internal~~

feature of the device or the motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device;

(C) ~~When~~ when use of a portable electronic device is necessary for an individual to communicate with law enforcement or emergency service personnel under emergency circumstances or in response to a direction or order from law enforcement;

(D) ~~To~~ to use of an ignition interlock device, as defined in section 1200 of this title;

(E) ~~To~~ to use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle ~~in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(3)(E), “securely mounted” means the device is placed in an accessory or location in the vehicle, other than the operator’s hands, where the device will remain stationary under typical driving conditions; or~~

(F) when the operator has moved the motor vehicle to the side of or off the public highway and has halted, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.

* * *

* * * Total Abstinence Program * * *

Sec. 19. 23 V.S.A. § 1209a is amended to read:

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND

DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows:

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

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

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

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

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

(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) after the ~~person~~ individual operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a ~~person~~ someone subject to the one-year hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and

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

(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) the ~~person~~ individual has satisfied the requirements of subsection (b) of this section; and

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

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

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

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

(b) Total Abstinence Program.

(1) As used in this subsection:

(A) “Drug” means:

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

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

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

(2)(A) Notwithstanding any other provision of this subchapter, a ~~person~~ an individual whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Commissioner for reinstatement of ~~his or her~~ the individual's driving privilege if the individual satisfies the requirements set forth in subdivision (3) of this subsection (b).

~~The person shall have completed three years of total abstinence from consumption of alcohol and nonprescription regulated drugs. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.~~

(B) The beginning date for the period of total abstinence shall be not earlier than the effective date of the suspension or revocation from which the ~~person~~ individual is requesting reinstatement and shall not include any period during which the ~~person~~ individual is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination, or another examination if it is approved as a preliminary screening test under this subchapter, to be conducted prior to reinstatement under this subdivision (2). The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

~~(2)(3)~~ If the Commissioner or a medical review board convened by the Commissioner is satisfied by a preponderance of the evidence that the applicant has ~~abstained for the required number of years~~ maintained total abstinence for the three years immediately preceding the application, has successfully completed a therapy program as required under this section, and has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the ~~person~~ applicant provides a written acknowledgment that ~~he or she cannot drink any amount of alcohol at all and cannot consume nonprescription regulated drugs under any circumstances~~ the applicant must maintain total abstinence at all times while participating in the Total

Abstinence Program, the ~~person's~~ applicant's license or privilege to operate shall be reinstated immediately, subject to the condition that the ~~person's~~ applicant's suspension or revocation will be put back in effect in the event any further investigation reveals a ~~return to the consumption of alcohol or drugs~~ failure to maintain total abstinence and to ~~such~~ any additional conditions as the Commissioner may impose to advance the public interest in public safety. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the ~~person~~ applicant is exempt under subdivision (a)(4) of this section.

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

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

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

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

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision ~~(6)~~ and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.

(c) Screening and therapy programs. In the case of a second or subsequent suspension, the Commissioner shall notify the ~~person that he or she is required~~ individual of the requirement to enroll in the alcohol and driving education screening and therapy program provided for in this section within 30 days ~~of~~ after license suspension. If the ~~person~~ individual fails to enroll or fails to remain so enrolled until completion, the Drinking Driver Rehabilitation

Program shall report such failure to the sentencing court. The court may order the ~~person~~ individual to appear and show cause why ~~he or she~~ the individual failed to comply.

(d) Judicial review. ~~A person~~ An individual aggrieved by a decision of a designated counselor under this section may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

* * *

Sec. 20. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS

(a) Not later than September 1, 2023, the Commissioner of Motor Vehicles shall provide written notice to all individuals participating in or applying to participate in the Total Abstinence Program as of the effective date of this section of amendments to 23 V.S.A. § 1209a and that, as of the effective date of this section, they must maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act, at all times while participating in or applying to participate in the Total Abstinence Program. Notice shall be mailed to an individual's residence or mailing address as currently listed with the Department of Motor Vehicles.

(b) Notwithstanding any provision of law to the contrary, the license or privilege to operate of an individual participating in the Total Abstinence Program on the effective date of this section may be suspended or revoked for life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 19 of this act, in the event that any further investigation reveals a failure to maintain total

abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act.

* * * Overweight Permits * * *

Sec. 21. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

* * *

(3) No vehicle may exceed a gross weight in excess of 80,000 pounds unless the operator or owner of the vehicle has complied with the provisions of section 1400 of this title or except as otherwise provided in this section.

* * *

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ operating on designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between

axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight limits, or tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

* * *

(16) Notwithstanding the axle load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a

maximum gross weight of 90,000 pounds on State highways without permit and upon posted State and town highways ~~and those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways~~ when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

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

(B) ~~On those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways, the provisions of subsection 1391(c) of this title shall apply unless other axle load limits, tolerances, or both, are authorized under federal law. Unless prohibited by federal law, the provisions of this subdivision (16) shall apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.~~

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

[Repealed.]

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer

combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

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

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

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

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

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

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

* * *

(19)(A) A person issued a permit under the provisions of subdivision (13), (14), ~~(16)~~, or (17) of this section, and upon payment of a \$10.00 administrative fee for each additional permit, may obtain additional permits for the same vehicle, provided the additional permit is for a lesser weight and provided the vehicle or combination of vehicles meets the minimum requirements for the permit sought as set forth in this section.

* * *

Sec. 22. [Deleted.]

* * * Electronic Permits * * *

Sec. 23. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person ~~or corporation~~ shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

* * *

~~(21) All permits issued pursuant to this section shall be carried in the vehicle. The fine for violation of this subdivision shall be \$150.00. A violation of this subdivision shall be considered an offense separate from an overweight violation. [Repealed.]~~

Sec. 24. 23 V.S.A. § 1455 is added to read:

§ 1455. CARRYING OF PERMITS IN THE PERMITTED MOTOR

VEHICLE

All permits issued pursuant to this subchapter shall be carried in the motor vehicle in either paper or electronic form. Use of a portable electronic device to display an electronic permit does not in itself constitute consent for an enforcement officer to access other contents of the device. The civil penalty for violation of this section shall be \$150.00. A violation of this section shall be considered an offense separate from any other related violations.

* * * Title * * *

* * * Prospective Elimination of 15-Year Limitation; Electronic Title * * *

Sec. 25. 23 V.S.A. § 2012 is amended to read:

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

* * *

(10) a vehicle that is more than 15 years old on January 1, 2024.

Sec. 26. 23 V.S.A. § 2013 is amended to read:

§ 2013. ~~WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT
VEHICLE TITLE UPON REQUEST~~

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

(2) ~~In addition, a Vermont resident may apply at any time to the Commissioner to obtain an “exempt vehicle title” for a vehicle that is more than 15 years old. Such titles shall be in a form prescribed by the Commissioner and shall include a legend indicating that the title is issued under the authority of this subdivision. The Commissioner shall issue an exempt vehicle title if the applicant pays the applicable fee and fulfills the requirements of this section, and if the Commissioner is satisfied that:~~

- ~~(A) the applicant is the owner of the vehicle;~~
- ~~(B) the applicant is a Vermont resident; and~~
- ~~(C) the vehicle is not subject to any liens or encumbrances.~~

[Repealed.]

(3) ~~Prior to issuing an exempt vehicle title pursuant to subdivision (2) of this subsection, the Commissioner shall require all of the following:~~

~~(A) The applicant to furnish one of the following proofs of ownership, in order of preference:~~

~~(i) a previous Vermont or out-of-state title indicating the applicant's ownership;~~

~~(ii) an original or a certified copy of a previous Vermont or out-of-state registration indicating the applicant's ownership;~~

~~(iii) sufficient evidence of ownership as determined by the Commissioner, including bills of sale or original receipts for major components of homebuilt vehicles; or~~

~~(iv) a notarized affidavit certifying that the applicant is the owner of the vehicle and is unable to produce the proofs listed in subdivisions (i)–(iii) of this subdivision (3)(A) despite reasonable efforts to do so.~~

~~(B) A notarized affidavit certifying:~~

~~(i) the date the applicant purchased or otherwise took ownership of the vehicle;~~

~~(ii) the name and address of the seller or transferor, if known;~~

~~(iii) that the applicant is a Vermont resident; and~~

~~(iv) that the vehicle is not subject to any liens or encumbrances.~~

~~(C) Assignment of a new vehicle identification number pursuant to section 2003 of this title, if the vehicle does not have one. [Repealed.]~~

* * *

Sec. 27. 23 V.S.A. § 2017 is amended to read:

§ 2017. ISSUANCE OF CERTIFICATE; RECORDS

(a) The Commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, without regard to the age of the vehicle.

(b) The Commissioner may issue an electronic certificate of title, provided that the applicant is entitled to the issuance of the certificate of title pursuant to subsection (a) of this section.

(c) The Commissioner shall maintain ~~at his or her central office~~ a record of all certificates of title issued ~~by him or her for vehicles 15 years old and newer,~~ and of all exempt vehicle titles issued ~~by him or her,~~ under a distinctive title number assigned to the vehicle; under the identification number of the vehicle; alphabetically, under the name of the owner; and, in the discretion of the Commissioner, by any other method ~~he or she~~ the Commissioner determines. The original records may be maintained on microfilm or electronic imaging.

Sec. 28. 23 V.S.A. § 2091(a) is amended to read:

(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title ~~and for vehicles that are more than 15 years old,~~ any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total

loss, shall apply to the Commissioner for a salvage certificate of title within 15 days ~~of~~ after the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.

* * * Nonresident Title * * *

Sec. 29. 23 V.S.A. § 2020 is amended to read:

§ 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED

If the Commissioner is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Commissioner may register the vehicle but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Commissioner as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; ~~or,~~

(2) As a condition of issuing a certificate of title, require ~~the~~ an applicant who is a Vermont resident to file with the Commissioner a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the

vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond. The Commissioner shall not issue titles to nonresidents under the provisions of this subdivision.

* * * Towing; Abandoned Vehicles * * *

Sec. 30. 23 V.S.A. § 4(88) is added to read:

(88) "Towing business" means a person that regularly engages in one or more of the following: recovery, impoundment, transport, storage, or disposal of motor vehicles.

Sec. 31. 23 V.S.A. § 2151 is amended to read:

§ 2151. DEFINITIONS

As used in this subchapter:

(1)(A) “Abandoned motor vehicle” means:

(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property and has a valid registration plate or public vehicle identification number that has not been removed, destroyed, or altered; or

(ii) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if:

(I) the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered;
or

(II) a law enforcement officer has requested that the vehicle be removed by a towing business.

(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner that does not interfere with the normal movement of traffic.

(2) “Landowner” means a person who owns or leases or otherwise has authority to control use of real property.

(3) “Law enforcement officer” means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council under 20 V.S.A. § 2358.

(4) “Motor vehicle” means all vehicles propelled or drawn by power other than muscular power that have, or could have, one or more of the following:

(A) a registration plate, registration decal, or certificate of number;

(B) a public vehicle identification number; or

(C) a certificate of title.

~~(3)~~(5) “Public vehicle identification number” means the public vehicle identification number that is usually visible through the windshield and attached to the driver’s side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver’s side of the vehicle.

Sec. 32. 23 V.S.A. § 2153(a) is amended to read:

(a) A landowner on whose property an abandoned motor vehicle ~~is located~~ was discovered or has been relocated to shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department within ~~30~~ 90 days ~~of~~ after the date the vehicle was discovered ~~on or brought to the property unless the vehicle has been removed from the property or~~

relocated. An abandoned motor vehicle certification form shall indicate the date that the abandoned motor vehicle was discovered or ~~brought to the property~~ relocated; the make, color, model, and location of the vehicle; the name, address, and telephone number of the landowner of the property where the vehicle is currently located; and a certification of the public vehicle identification number, if any, ~~to be recorded~~ prepared by a law enforcement officer, licensed dealer, or inspection station designated by the Commissioner of Motor Vehicles. This subsection shall not be construed as creating a private right of action against the landowner of the property where an abandoned motor vehicle is located.

Sec. 33. 23 V.S.A. § 2158 is amended to read:

§ 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

(a) A towing service may charge a fee of up to ~~\$40.00~~ \$125.00 for towing an abandoned motor vehicle from public property under the provisions of sections 2151–2157 of this ~~title~~ subchapter. This fee shall be paid to the towing service upon the issuance by the Department of Motor Vehicles of a certificate of abandoned motor vehicles under section 2156 of this title. The Commissioner of Motor Vehicles shall notify the Commissioner of Finance and Management who shall issue payment to the towing service for vehicles removed from public property. ~~Payments under this section shall terminate upon the payment of a total of \$16,000.00 for towing abandoned motor~~

~~vehicles from public property in any fiscal year. A towing company shall not be eligible for more than 50 percent of this annual allocation.~~

~~(b) The Commissioner of Motor Vehicles is authorized to expend up to \$16,000.00 of the Department's annual appropriation for the purpose of this section. [Repealed.]~~

Sec. 34. [Deleted.]

Sec. 35. TOWING PRACTICES; REPORT

(a) The Office of the Attorney General shall study motor vehicle towing practices, including practices related to abandonment or suspected abandonment of motor vehicles, such as the use of liens and bonds to ensure the recoupment of costs borne by towing companies; storage practices; and pricing.

(b) In conducting the study, the Office of the Attorney General shall:

(1) consult with the Department of Financial Regulation, the Department of Motor Vehicles, the Department of Public Safety, the Office of Professional Regulation, and the Office of the Vermont State Treasurer; and

(2) solicit input and public comment from interested persons and hold at least one public hearing.

(c) The study shall, at a minimum, address:

(1) pricing of pleasure car and commercial vehicle towing and recovery, including from State and town highways that are restricted based on motor vehicle size;

- (2) crash site remediation, including costs borne by towing companies;
- (3) storage practices, including:
 - (A) pricing;
 - (B) vehicle access for removal of personal belongings; and
 - (C) vehicle access for removal of cargo;
- (4) practices relating to abandonment or suspected abandonment when necessary or appropriate;
- (5) best practices from other states, including:
 - (A) a comprehensive survey of the following from other states, with a focus on states neighboring Vermont:
 - (i) motor vehicle lien laws;
 - (ii) laws related to access to towed motor vehicles for purposes of removal of personal belongings and cargo; and
 - (iii) laws related to pricing, including for towing and recovery, remediation, and storage;
 - (B) the use of statutory liens when a motor vehicle has been towed at the request of the owner or the motor vehicle has been abandoned, as defined in 23 V.S.A. § 2151(1), in order to secure payment of a towing business's towing and recovery, storage, and remediation charges;
 - (C) the retention of the motor vehicle and the contents of the motor vehicle until a towing business's towing and recovery, storage, and remediation charges have been paid; and

(D) the use of a surety bond in lieu of the payment of a towing business's towing and recovery, storage, and remediation charges in order to secure the release of a motor vehicle that is being retained until a towing business's towing and recovery, storage, and remediation charges have been paid:

(6) any applicable recommendations for amendments to State statute;
and

(7) any other information that the Office of the Attorney General deems pertinent to the study.

(d)(1) The Attorney General shall file a written report on the study, including any recommendations it deems appropriate, with the House Committees on Commerce and Economic Development, on Government Operations and Military Affairs, and on Transportation and the Senate Committees on Economic Development, Housing and General Affairs, on Finance, on Government Operations, and on Transportation on or before December 15, 2023.

(2) The recommendations in the written report shall balance consumer protections and the needs of towing businesses, reflecting the necessary role towing businesses serve in maintaining the health, safety, and welfare of Vermonters.

* * * Proof of Liability Insurance; Snowmobiles * * *

Sec. 36. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

* * *

(19) Without carrying proof of liability insurance as described in this subdivision. No owner or operator of a snowmobile shall operate or permit the operation of the snowmobile on the Statewide Snowmobile Trail System or public right of way, except on the property of the owner, without having in effect a liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner. Such financial responsibility shall be maintained and evidenced in a form prescribed by the Commissioner. The standards and process established in subsection 801(c) of this title shall be adopted. An operator may prove financial responsibility 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. An operator cited for violating this subsection shall not be convicted if the operator sends or produces to the issuing enforcement agency within seven business days after the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

* * *

* * * Commercial Driver's License; Federal Motor Carrier Safety
Administration Drug and Alcohol Clearinghouse * * *

Sec. 37. 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL
LEARNER'S PERMIT QUALIFICATION STANDARDS

(a) Before issuing a commercial driver's license or commercial learner's permit, the Commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past 10 years and conduct a check of the applicant's operating record by querying the National Driver Register established under 49 U.S.C. § 30302 ~~and~~, the Commercial Driver's License Information System established under 49 U.S.C. § 31309, and the Commercial Driver's License Drug and Alcohol Clearinghouse established under 49 C.F.R. Part 382, Subpart G and required pursuant to 49 C.F.R. § 382.725 to determine if:

- (1) the applicant has already been issued a commercial driver's license;
- (2) the applicant's commercial driver's license has been suspended, revoked, or canceled; ~~or~~
- (3) the applicant has been convicted of any offense listed in 49 U.S.C. § 30304(a)(3); or

(4) the applicant has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or the applicant's employer has reported actual knowledge, as defined at 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

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

* * *

(4) Who has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or for whom an employer has reported actual knowledge, as defined in 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

* * *

* * * Purchase and Use Tax * * *

Sec. 38. 32 V.S.A. § 8902(5) is amended to read:

(5) “Taxable cost” means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

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

(B) The amount received from the sale of a motor vehicle last registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide (New England edition), or any comparable publication, provided such sale occurs within three months ~~of~~ after the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member

of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment; and an additional 60 days following the ~~person's~~ individual's return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles.

* * *

Sec. 39. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(22) Motor vehicles that have been registered to the applicant ~~for a period of at least three years~~ in a jurisdiction that imposes a state sales or use tax on motor vehicles. An applicant for exemption under this subdivision shall bear the burden of establishing to the satisfaction of the Commissioner that the vehicle was registered in a qualifying jurisdiction ~~for the requisite period.~~

* * *

* * * Gross Weight Limits on Highways; Report * * *

Sec. 40. REPORT ON INCREASING GROSS WEIGHT LIMITS ON
HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT

(a) The Secretary of Transportation or designee, in collaboration with the Commissioner of Forests, Parks and Recreation or designee; the Executive Director of the Vermont League of Cities and Towns or designee; and the

President of the Vermont Forest Products Association or designee and with the assistance of the Commissioner of Motor Vehicles or designee, shall examine adding one or more additional special annual permits to 23 V.S.A. § 1392 to allow for the operation of motor vehicles at a gross vehicle weight over 99,000 pounds and shall file a written report on the examination and any recommendations with the House and Senate Committees on Transportation on or before January 15, 2024.

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

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

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

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

(4) reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;

- (5) permit fees for any additional special annual gross vehicle weight permits;
- (6) additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations; and
- (7) impacts of any additional special annual gross vehicle permits on the forest economy and on the management and forest cover of Vermont's landscape.

* * * Implementation of DMV Modernization Project; Driver Services * * *

Sec. 41. IMPLEMENTATION OF DEPARTMENT OF MOTOR VEHICLES
MODERNIZATION PROJECT; GENERAL ASSEMBLY
OVERSIGHT

(a) Findings. The General Assembly finds that:

(1) The Department of Motor Vehicles provides services to almost all Vermonters, including, in fiscal year 2022, engaging in more than a million transactions, with almost half of all transactions being conducted online.

(2) The Department is in the middle of the DMV Core System Modernization project, with an estimated launch date for the vehicle services module in November 2023 and with the driver services module expected to launch approximately 18 months after it commences in February 2024.

(3) As part of its design and implementation of the vehicle services module, the Department has discovered that one of the barriers to modernizing Department operations is certain outdated statutes. In order to best modernize

and optimize Department processes for the future during the months-long module design and development process, the Commissioner of Motor Vehicles has had to make business decisions based on the needs of the Department to modernize processes to best meet the needs of Vermonters. These business decisions will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(4) The driver services module of the DMV Core System Modernization project will design and implement processes to issue and maintain driver's licenses and other credentials; support fraud detection and investigation; administer hearings; and administer, manage, and report driver restrictions, convictions, and other information related to driver improvement.

(5) Driver services processes are regulated by statute in 23 V.S.A. chapters 1, 3, 5, 9, 11, 24, 25, and 39, as well as more than 15 rules adopted pursuant to authority under Title 23.

(6) It is anticipated that in designing and implementing the driver services module, the Commissioner will, in order to modernize and optimize Department processes to best serve Vermonters, need to make additional business decisions that will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(7) Of the modernization projects in which the State is currently engaged, the DMV Core System Modernization Project will likely have the most significant impact on existing statutory language, but it is anticipated that

other modernization projects, such as the one that the Department of Labor will undertake related to unemployment insurance, will raise similar tensions between promoting efficiencies as part of modernization and contending with outdated statutory provisions.

(8) A collaborative partnership between the Department and the General Assembly throughout the driver services module, monitored during legislative adjournment by the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and members of the House and Senate Committees on Transportation, provides the best opportunity to save money, promote transparency, streamline the process of amending statute to optimize potential efficiencies for Vermonters, and serve as a model for collaboration between branches of State government in future modernization projects.

(b) Reports.

(1) The Commissioner of Motor Vehicles shall file three written reports on the design and implementation of the driver services module of the DMV Core System Modernization project with the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation. The first shall be due on or before July 31, 2024, the second shall be due on or before October 15, 2024, and the third shall be due on or before January 15, 2025.

(2) To the extent practicable, at the time each written report is filed, the Department shall include recommendations on which provisions of statute and

rule the Department anticipates will need to be amended or repealed in order to best modernize and optimize Department processes related to the provision of driver services.

(c) General Assembly oversight. To the extent practicable, the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation shall promptly express any concerns to the Department regarding any Department recommendations contained in any written report filed pursuant to subsection (b) of this section.

* * * Excessive Motor Vehicle Noise Report * * *

Sec. 42. EXCESSIVE MOTOR VEHICLE NOISE REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Public Safety and the Vermont League of Cities and Towns, shall study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont.

(b) The study and report shall, at a minimum, address:

(1) if there should be a noise standard in statute or the Periodic Inspection Manual, or both, and, if so, what that standard should be;

(2) costs to incorporate noise testing into the State motor vehicle inspection required under 23 V.S.A. § 1222 and the State's Periodic Inspection Manual;

(3) costs to train law enforcement officers on noise testing;

(4) possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a motor vehicle's exhaust system, whether as part of enforcement of the State motor vehicle inspection, and labeling on one or more components of a motor vehicle's exhaust system; and

(5) approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

(c) On or before January 1, 2025, the Commissioner of Motor Vehicles shall submit a written report to the House and Senate Committees on Judiciary and on Transportation with the Commissioner's findings and any recommendations for legislative action.

* * * Outreach to Municipalities on Speed Limits * * *

Sec. 43. OUTREACH TO MUNICIPALITIES ON SPEED LIMITS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and implement a program to provide outreach to municipalities on the setting, posting, and enforcement of speed limits on town highways. The outreach materials shall, at a minimum, provide information on applicable State statutes, applicable portions of the Manual on Uniform Traffic Control Devices, and best practices when it comes to setting and posting speed limits on town highways.

* * * ATV Fees and Penalties * * *

Sec. 44. REPEALS

(a) 2018 Acts and Resolves No. 158, Secs. 29 (July 1, 2023 amendment to 23 V.S.A. § 3513(a)) and 43(c) (effective date) are repealed.

(b) 2022 Acts and Resolves No. 185, Sec. E.702 (July 1, 2023 amendment to 23 V.S.A. § 3513) is repealed.

Sec. 45. 2022 Acts and Resolves No. 185, Sec. H.100(d) is amended to read:

(d) Secs. E.240.1 (7 V.S.A. § 845); E.240.2 (32 V.S.A. § 7909); ~~E.702 (Fish and Wildlife)~~; F.100(b), F.101(b), F.102(b) and F.103 (Executive Branch; Exempt Employees, Misc. Statutory Salaries; Fiscal Year 2024); F.104–106 (Judicial Branch; Statutory Salaries, Fiscal Year 2024); F.107 (Sheriffs, Statutory Salaries, Fiscal Year 2024); F.108 (State’s Attorney’s; Statutory Salaries; Fiscal Year 2024); and Secs. F.109(a)(2), F.109(b)(3), and F.109(c)(2) (Appropriations; Fiscal Year 2024) shall take effect on July 1, 2023.

Sec. 46. 23 V.S.A. § 3513(a) is amended to read:

(a) The amount of 90 percent of the fees and penalties collected under this chapter, except interest, is allocated to the ~~Agency of Natural Resources~~ Department of Forests, Parks and Recreation for use by the Vermont ATV Sportsman’s Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff’s department, municipal

police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The ~~Agency of Natural Resources~~ Department of Forests, Parks and Recreation shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this ~~program~~ Program.

* * * Effective Dates * * *

Sec. 47. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 2 (definition of mail; 23 V.S.A. § 4(87)), 14 (validation sticker requirements in rule), 15 (electronic proof of registration; 23 V.S.A. § 307), 16 and 17 (plug-in electric vehicle registration fees; 23 V.S.A. §§ 361 and 362), 20 (current Total Abstinence Program participants), and 23 and 24 (electronic permits; 23 V.S.A. §§ 1392(21) and 1455) shall take effect on passage.

(b) Sec. 19 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual's license was reinstated under the Total Abstinence Program.

(c) Secs. 4–13 (license plate stickers; validation stickers) shall take effect on November 1, 2023.

(d) Secs. 25–28 (title; 23 V.S.A. §§ 2012, 2013, 2017, and 2091(a)) shall take effect upon completion of the vehicle services module of the DMV Core System Modernization project.

(e) Sec. 37 (commercial driver’s license clearinghouse; 23 V.S.A. § 4108) shall take effect on November 18, 2024.

(f) All other sections shall take effect on July 1, 2023.

Date Governor signed bill: June 1, 2023