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**Act No. 165 (S.309). An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels**

**Subjects: Motor vehicles; law enforcement; registration; Department of Motor Vehicles; fire extinguishers; signal lamps; certificates of title; vessels; motorboats; car seats; child restraint systems; commercial driver's licenses; commercial learner's permits; transporters; all-surface vehicles; residents; low-number plates; weight limitations; sirens; motorboat numbering; record keeping; emergency warning lamps; masking violations; airbags; automobile supplemental restraint systems; tinted windows; veterans' license plates; vulnerable users**

This act amends the statutory definition of a transporter of motor vehicles to include persons who sell or exchange new or used motor vehicles but do not sell or exchange enough of them to meet the threshold to be a dealer. It also allows transporters to register with the Department of Motor Vehicles (DMV) by self-certifying that they have insurance and a Vermont business location, rather than requiring proof. The act allows for all-surface vehicles to have up to eight wheels and specifies how motor vehicle title records must be stored. The act allows temporary residents to register motor vehicles in Vermont under certain circumstances and allows low-number plates on trucks registered for less than 26,001 pounds. It addresses the return of prorated registration fees for registrations cancelled before the beginning of the second, third, fourth, and fifth years of a five-year registration fee, which applies to some trailers.

Beginning on July 1, 2026, the act allows for tinted windows in motor vehicles only if the visible light transmission through the window is not less than the level required under federal regulations for pleasure cars. The act expresses legislative intent that a vehicle with windows tinted in excess of the amended statute pose a danger to the operator, passengers, and other highway users and the vehicle should fail the annual safety inspection. The act requires the DMV to update its Periodic Inspection Manual to reflect the updated statute and legislative intent and directs the DMV, in consultation with the Department of Public Safety, to conduct public outreach regarding window tinting to provide information on what will be permitted and prohibited beginning on July 1, 2026, under the amended statute and the Periodic Inspection Manual.

The act expresses legislative intent that the DMV should provide information on what is rust, for purposes of failing the annual safety inspection, to all certified inspection mechanics and that surface rust should not be sufficient for a motor vehicle to fail inspection because that rust does not cause diminished braking performance that prevents a motor vehicle from adequately stopping. The act requires the DMV to issue a clarifying administrative bulletin to all certified inspection mechanics that details the rejection criteria for rotors and drums in the Periodic Inspection Manual, explains the difference between surface rust and rust that is considerable for purposes of the rejection criteria, and provides information that an inspection mechanic must give to the owner of

a motor vehicle that fails the annual safety inspection due to rusting on rotors and drums. It also requires that contact information for the DMV be included on all notices of failure issued by certified inspection mechanics. The act allows sirens and emergency warning lamps to be used on certain government owned motor vehicles without a permit but explicitly prohibits other motor vehicles from using blue lights and flashing lights in a color other than amber, with an exception for motorcycle headlamp modulation systems that meet federal standards.

The act modifies Vermont's child restraint system (commonly known as car seat) statutes to be more consistent with the American Academy of Pediatrics' 2018 Policy Statement, including requiring a child to be in a rear-facing car seat with a five-point harness until two years of age, then in a front-facing car seat with a five-point harness until five years of age or until the child meets the weight and height limit of the seat as set by the manufacturer, then in a booster seat until eight years of age. The act also requires any child under 18 years of age who is not required to be in a car seat or booster seat to be restrained with a safety belt and specifies that a child under 13 years of age must always, if practical, ride in the rear seat of a motor vehicle. The act requires the Department of Health to conduct a public outreach campaign to educate Vermonters on the changes in the law, the Policy Statement, and car seat safety.

The act amends the existing exemption from the certificate of title requirement vehicles that are more than 15 years old on January 1, 2024, to apply only as long as the vehicle has been registered in Vermont and has not had a change in ownership since January 1, 2024; this amendment is retroactive to January 1, 2024. The act modifies the requirements for carrying fire extinguishers on motorboats to align with federal law and adds a new allowance, pursuant to federal law, for previously approved fire extinguishers on a motorboat with a model year between 1953 and 2017 to continue to be used until they are no longer in good and serviceable condition. The act requires that a motorboat in Vermont have a Vermont number once it has been in Vermont for more than 60 days, rather than 90 days, as required by federal law. It also updates Vermont law to align with a federal prohibition on states allowing anyone to mask or enter into a diversion program that would prevent a commercial learner's permit holder's or commercial driver's license holder's conviction for any violation other than parking, vehicle weight, or vehicle defect violations from appearing on the Commercial Driver's License Information System driver record.

The act maintains existing crime and criminal penalty provisions for knowingly installing, reinstalling, or causing to be installed or reinstalled an object in lieu of a vehicle airbag, but expands upon the prohibition to apply to the knowing manufacturing, importing, distributing, offering for sale, selling, leasing, transferring, installing, reinstalling, causing to be installed, or causing to be reinstalled a counterfeit automobile supplemental restraint component or a nonfunctional airbag or to the knowing installation or reinstallation as an automobile supplemental restraint system component anything that causes the diagnostic system for the motor vehicle to fail to warn the operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle. The act requires licensed dealers to provide written disclosures to buyers of used motor vehicles about

certain aspects of the vehicle's inspection history and status and to retain a signed record of the disclosure for two years after the transfer of ownership.

The act expresses legislative intent to properly honor veterans discharged or released from active service under conditions other than dishonorable and for the DMV and Vermont Office of Veterans' Affairs to jointly determine which specialty plates should be offered to veterans and to allow for new specialty plates for appropriate recognition under certain circumstances; the act amends relevant statutes on driver's licenses and license plates accordingly. The act also directs the DMV Commissioner to create a conservation plate for motorcycles. The act updates certain statutes relating to pedestrians, bicycle operators, and vulnerable users, including requiring at least four feet of clearance to pass a vulnerable user, eliminating the prohibition on walking along or on the roadway if sidewalks are provided, and directing the Agency of Transportation to study and report on "Idaho Stops" and other potential policy changes for bicycle operators and on appropriate updates to laws on the rights and responsibilities of vulnerable road users.

The act identifies potential dangers that plug-in electric vehicles (PEVs) pose to first responders and firefighters when responding to crashes that may involve a PEV. It requires the DMV to begin issuing PEV license plates not later than July 1, 2026, and to require all registered PEVs to display PEV plates not later than July 1, 2028. The act also directs the Community Justice Unit of the Office of the Attorney General to report on whether and how Vermont should create a distracted driving diversion program as an alternative to civil penalties and points for violations of the distracted driving laws, including texting while driving and using a handheld device.

Multiple effective dates, beginning on January 1, 2024