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S.99

An act relating to miscellaneous changes to laws related to vehicles

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.

1                                   \* \* \* Mobile Identification \* \* \*

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

3           § 116. ISSUANCE OF MOBILE IDENTIFICATION

4           (a) Definitions. As used in this section:

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

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

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

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

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

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

21           (b) Issuance. The Commissioner of Motor Vehicles may issue a mobile

1 identification to an individual in addition to, and not instead of, a nonmobile  
2 credential. If issued, the mobile identification shall:

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

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

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

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

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

14 (d) Administration.

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

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

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

1 identification; and

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

4 \* \* \* License Plate Stickers; Validation Stickers \* \* \*

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

6 § 305. REGISTRATION PERIODS

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

16 (b) The Commissioner shall issue a registration certificate, ~~validation~~  
17 ~~sticker~~, and a number plate or number plates for each motor vehicle owned by  
18 the State, which shall be valid for a period of five years. Such motor vehicle  
19 shall be considered properly registered while the issued number plate or  
20 number plates are attached to the motor vehicle. The Commissioner may  
21 replace such number plate or number plates when in ~~his or her~~ the

1 Commissioner's discretion their condition requires.

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

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

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

14 § 326. REFUND UPON LOSS OF VEHICLE

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

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

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

11 § 364b. ALL-SURFACE VEHICLES; REGISTRATION

12 (a) The annual fee for registration of an all-surface vehicle (ASV) shall be  
13 the sum of the fees established by sections 3305 and 3504 of this title, plus  
14 \$26.00.

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

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

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

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

2 § 457. TEMPORARY PLATES

3 At the time of the issuance of a registration certificate to a dealer as  
4 provided in this chapter, the Commissioner shall furnish the dealer with a  
5 sufficient number of number plates ~~and temporary validation stickers,~~  
6 temporary number plates, or temporary decals for use during the 60-day period  
7 immediately following sale of a vehicle or motorboat by the dealer. The plates  
8 and decals shall have the same general design as the plates or decals furnished  
9 individual owners, but the plates and decals may be of a material and color as  
10 the Commissioner may determine. The Commissioner shall collect a fee of  
11 \$5.00 for each temporary plate issued.

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

13 § 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

14 On the day of the sale or exchange of a motor vehicle, motorboat,  
15 snowmobile, or all-terrain vehicle to be registered in this State, a dealer may  
16 issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-  
17 terrain vehicle, or to be carried in or on the motorboat, a number plate ~~with~~  
18 ~~temporary validation stickers,~~ a temporary number plate, or a temporary decal,  
19 provided that the purchaser deposits with such dealer, for transmission to the  
20 Commissioner, a properly executed application for the registration of such  
21 motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required

1 fee. If a properly licensed purchaser either attaches to the motor vehicle,  
2 snowmobile, or all-terrain vehicle or carries in the motorboat such number  
3 plate or decal, ~~he or she~~ the purchaser may operate the same for a period not to  
4 exceed 60 consecutive days immediately following the purchase. ~~An~~  
5 ~~individual shall not operate a motor vehicle, motorboat, snowmobile, or all-~~  
6 ~~terrain vehicle with a number plate with temporary validation stickers, a~~  
7 ~~temporary number plate, or a temporary decal attached to the motor vehicle or~~  
8 ~~carried in the motorboat except as provided in this section.~~

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

10 § 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

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

18 (b) If a number plate with ~~temporary validation stickers~~, a temporary  
19 registration plate, or a temporary decal is not issued by a dealer in connection  
20 with the sale or exchange of a vehicle or motorboat, the dealer may accept  
21 from the purchaser a properly executed registration, tax, and title application



1 and the required fees for transmission to the Commissioner. The dealer shall  
2 have 15 calendar days, or up to 30 calendar days as applicable pursuant to  
3 subsection 2015(b) of this title, to forward to the Commissioner the application  
4 and fee together with such other information as the Commissioner may require.

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

6 § 465. LOANING OF PLATES, VEHICLES, OR MOTORBOATS

7 PROHIBITED

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

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

15 § 494. FEES

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

18 Sec. 13. 23 V.S.A. § 511 is amended to read:

19 § 511. MANNER OF DISPLAY

20 (a) Number plates. A motor vehicle operated on any highway shall have  
21 displayed in a conspicuous place either one or two number plates as the

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

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

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

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

1 ~~plate.~~ [Repealed.]

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

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

12 \* \* \*

13 Sec. 14. VALIDATION STICKER REQUIREMENTS IN RULE

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

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

19 (A) the Department of Motor Vehicles shall not issue temporary and  
20 permanent validation stickers, temporary and permanent validating stickers, or  
21 “S” stickers;

1           (B) operators of snowmobiles shall not be required to display  
2           temporary or permanent validation stickers, temporary or permanent validating  
3           stickers, or “S” stickers; and

4           (C) the Vermont Association of Snow Travelers (VAST) shall not be  
5           required to maintain a log of “S” stickers or have unused registration “S”  
6           stickers available for inspection in Department of Motor Vehicles audits, nor  
7           shall VAST agents be eligible to issue “S” stickers.

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

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

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

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

1 V.S.A. chapter 25.

2 \* \* \* Electronic Proof of Registration \* \* \*

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

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

6 (a) ~~A person~~ An individual shall not operate a motor vehicle nor draw a  
7 trailer or semi-trailer unless all required registration certificates are carried in  
8 some easily accessible place in the motor vehicle or electronically on a  
9 portable electronic device; however, use of a device for this purpose does not  
10 in itself constitute consent for an enforcement officer to access other contents  
11 of the device.

12 \* \* \*

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

17 (2) An operator cited for violating subsection (a) of this section with  
18 respect to a pleasure car, motorcycle, or truck that could be registered for less  
19 than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00,  
20 which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if  
21 ~~he or she~~ the operator is cited within the 14 days following the expiration of

1 the motor vehicle's registration.

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

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

4 § 361. PLEASURE CARS

5 The annual registration fee for ~~registration of any motor vehicle of the a~~  
6 ~~pleasure car type, and all vehicles powered by electricity~~ as defined in  
7 subdivision 4(28) of this title, and including a pleasure car that is a plug-in  
8 electric vehicle, as defined in subdivision 4(85) of this title, shall be \$74.00;  
9 and the biennial fee shall be \$136.00.

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

11 § 362. SPECIALIZED FUEL MOTOR VEHICLES AND MOTOR BUSES

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

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

1 title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this  
2 title, shall be determined pursuant to section 364 of this chapter.

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

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

5 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

6 PROHIBITED

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

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

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

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

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

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

20 (4) “Use” means the use of a portable electronic device in any way that  
21 is not a hands-free use, including an operator of a motor vehicle holding a

1 portable electronic device in the operator's hand or hands while operating a  
2 motor vehicle.

3 (b) Use of handheld portable electronic device prohibited.

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

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

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

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

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

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



1 device, or other temporary delays.

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

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

4 (B) ~~To~~ to activation or deactivation of hands-free use, ~~as long as any~~  
5 ~~accessory for securely mounting the device is not affixed to the windshield in~~  
6 ~~violation of section 1125 of this title. provided the portable electronic device is~~  
7 securely mounted or the activation or deactivation is done through an internal  
8 feature of the device or the motor vehicle being operated and without the  
9 operator utilizing either hand to hold the portable electronic device;

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

14 (D) ~~To~~ to use of an ignition interlock device, as defined in section  
15 1200 of this title;

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



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

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

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

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

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

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

20           (C) after the ~~person~~ individual operates under an ignition interlock  
21     RDL or ignition interlock certificate for 18 months or, in the case of a ~~person~~

1 someone subject to the one-year hard suspension prescribed in subdivision  
2 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant  
3 period arising from a violation of section 1213 of this title, except if otherwise  
4 provided in subdivision (4) of this subsection (a); and

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

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

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

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

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

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

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

1 reinstatement if:

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

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

9 (b) Total Abstinence Program.

10 (1) As used in this subsection:

11 (A) “Drug” means:

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

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

19 (B) “Total abstinence” means refraining from consuming any amount  
20 of alcohol or drugs at any time, regardless of whether the alcohol or drugs are  
21 consumed by an individual when attempting to operate, operating, or in actual

1 physical control of a vehicle.

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

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

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

1 payment of the fee would present a hardship to the applicant.

2 ~~(2)~~(3) If the Commissioner or a medical review board convened by the  
3 Commissioner is satisfied by a preponderance of the evidence that the  
4 applicant has ~~abstained for the required number of years~~ maintained total  
5 abstinence for the three years immediately preceding the application, has  
6 successfully completed a therapy program as required under this section, and  
7 has operated under a valid ignition interlock RDL or under an ignition  
8 interlock certificate for at least three years following the suspension or  
9 revocation, and the ~~person~~ applicant provides a written acknowledgment that  
10 ~~he or she cannot drink any amount of alcohol at all and cannot consume~~  
11 ~~nonprescription regulated drugs under any circumstances~~ the applicant must  
12 maintain total abstinence at all times while participating in the Total  
13 Abstinence Program, the ~~person's~~ applicant's license or privilege to operate  
14 shall be reinstated immediately, subject to the condition that the ~~person's~~  
15 applicant's suspension or revocation will be put back in effect in the event any  
16 further investigation reveals a ~~return to the consumption of alcohol or drugs~~  
17 failure to maintain total abstinence and to ~~such~~ any additional conditions as the  
18 Commissioner may impose to advance the public interest in public safety. The  
19 requirement to operate under an ignition interlock RDL or ignition interlock  
20 certificate shall not apply if the ~~person~~ applicant is exempt under subdivision  
21 (a)(4) of this section.

1           ~~(3)~~(4) If after notice and an opportunity for a hearing the Commissioner  
2 later finds that the ~~person~~ individual was violating the conditions of the  
3 ~~person's~~ individual's reinstatement under this subsection, the ~~person's~~  
4 individual's operating license or privilege to operate shall be immediately  
5 suspended or revoked for life.

6           ~~(4)~~(5) If the Commissioner finds that a ~~person~~ an individual reinstated  
7 under this subsection is suspended pursuant to section 1205 of this title or is  
8 convicted of a violation of section 1201 of this title subsequent to  
9 reinstatement under this subsection, the ~~person~~ individual shall be conclusively  
10 presumed to be in violation of the conditions of ~~his or her~~ the reinstatement.

11           ~~(5)~~(6) ~~A person~~ An individual shall be eligible for reinstatement under  
12 this subsection only once following a suspension or revocation for life.

13           ~~(6)~~(7)(A) If an applicant for reinstatement under this subsection (b)  
14 resides in a jurisdiction other than Vermont, the Commissioner may elect not  
15 to conduct an investigation. If the Commissioner elects not to conduct an  
16 investigation, ~~he or she~~ the Commissioner shall provide a letter to the  
17 applicant's jurisdiction of residence stating that Vermont does not object to the  
18 jurisdiction issuing the applicant a license if the applicant is required to operate  
19 only vehicles equipped with an ignition interlock device for at least a three-  
20 year period, unless exempt under subdivision (a)(4) of this section, and is  
21 required to complete any alcohol rehabilitation or treatment requirements of



1 the licensing jurisdiction.

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

8 (c) Screening and therapy programs. In the case of a second or subsequent  
9 suspension, the Commissioner shall notify the ~~person that he or she is required~~  
10 individual of the requirement to enroll in the alcohol and driving education  
11 screening and therapy program provided for in this section within 30 days of  
12 after license suspension. If the ~~person~~ individual fails to enroll or fails to  
13 remain so enrolled until completion, the Drinking Driver Rehabilitation  
14 Program shall report such failure to the sentencing court. The court may order  
15 the ~~person~~ individual to appear and show cause why ~~he or she~~ the individual  
16 failed to comply.

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

20 \* \* \*

1 Sec. 20. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS

2 (a) Not later than September 1, 2023, the Commissioner of Motor Vehicles  
3 shall provide written notice to all individuals participating in or applying to  
4 participate in the Total Abstinence Program as of the effective date of this  
5 section of amendments to 23 V.S.A. § 1209a and that, as of the effective date  
6 of this section, they must maintain total abstinence, as defined in 23 V.S.A.  
7 § 1209a(b)(1) as amended by Sec. 19 of this act, at all times while participating  
8 in or applying to participate in the Total Abstinence Program. Notice shall be  
9 mailed to an individual's residence or mailing address as currently listed with  
10 the Department of Motor Vehicles.

11 (b) Notwithstanding any provision of law to the contrary, the license or  
12 privilege to operate of an individual participating in the Total Abstinence  
13 Program on the effective date of this section may be suspended or revoked for  
14 life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 19 of this  
15 act, in the event that any further investigation reveals a failure to maintain total  
16 abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of  
17 this act.

18 \* \* \* Overweight Permits \* \* \*

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

20 § 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

21 Except as provided in section 1400 of this title, a person or corporation shall

1 not operate or cause to be operated a motor vehicle in excess of the total  
2 weight, including vehicle, object, or contrivance and load, of:

3 \* \* \*

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

7 \* \* \*

8 (13) Despite the axle-load provisions of section 1391 of this title and the  
9 maximum gross load of subdivision (4) of this section, a special annual permit,  
10 which shall expire with the vehicle's registration, except for vehicles not  
11 registered in Vermont in which case the permit shall become void on January 1  
12 following date of issue, may be issued to a person ~~or corporation~~ operating on  
13 designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00  
14 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This  
15 special permit shall be issued only for a combination of vehicle and semi-  
16 trailer or trailer equipped with five or more axles, with a distance between  
17 axles that meets the minimum requirements of registering the vehicle to 80,000  
18 pounds as allowed under subdivision (4) of this section. The maximum gross  
19 load under this special permit shall be 90,000 pounds. Unless authorized by  
20 federal law, this subdivision shall not apply to operation on the Dwight D.  
21 Eisenhower National System of Interstate and Defense Highways.

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

12                                   \* \* \*

13           (16) Notwithstanding the axle load provisions of section 1391 of this  
14 title and the maximum gross load of subdivision (4) of this section, a five or  
15 more axle truck tractor, semi-trailer combination, or truck trailer combination,  
16 when the load consists solely of unprocessed milk products as defined in  
17 subdivision 4(55) of this title, may be registered for and operated with a  
18 maximum gross weight of 90,000 pounds on State highways without permit  
19 and upon posted State and town highways ~~and those highways designated as~~  
20 ~~the Dwight D. Eisenhower National System of Interstate and Defense~~  
21 ~~Highways~~ when the vehicle has been issued a permit in compliance with the

1 provisions of section 1400 of this title; however:

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

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

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

16 [Repealed.]

17 (17) Notwithstanding the gross vehicle weight provisions of subdivision  
18 (4) of this section, a truck trailer combination or truck tractor, semi-trailer  
19 combination with six or more load-bearing axles registered for 80,000 pounds  
20 shall be allowed to bear a maximum of 99,000 pounds by special annual  
21 permit, which shall expire with the vehicle's registration, except for vehicles

1 not registered in Vermont in which case the permit shall become void on  
2 January 1 following the date of issue, for operating on designated routes on  
3 State and town highways, subject to the following:

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

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

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

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

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

1 (F) The fee for the annual permit as provided in this subdivision (17)  
2 shall be ~~\$415.00~~ \$382.00 for vehicles bearing up to 90,000 pounds and  
3 \$560.00 for vehicles bearing up to 99,000 pounds.

4 \* \* \*

5 (19)(A) A person issued a permit under the provisions of subdivision  
6 (13), (14), ~~(16)~~, or (17) of this section, and upon payment of a \$10.00  
7 administrative fee for each additional permit, may obtain additional permits for  
8 the same vehicle, provided the additional permit is for a lesser weight and  
9 provided the vehicle or combination of vehicles meets the minimum  
10 requirements for the permit sought as set forth in this section.

11 \* \* \*

12 Sec. 22. [Deleted.]

13 \* \* \* Electronic Permits \* \* \*

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

15 § 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

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

19 \* \* \*

20 (21) ~~All permits issued pursuant to this section shall be carried in the~~  
21 ~~vehicle. The fine for violation of this subdivision shall be \$150.00. A~~

1 ~~violation of this subdivision shall be considered an offense separate from an~~  
2 ~~overweight violation. [Repealed.]~~

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

4 § 1455. CARRYING OF PERMITS IN THE PERMITTED MOTOR

5 VEHICLE

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

12 \* \* \* Title \* \* \*

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

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

15 § 2012. EXEMPTED VEHICLES

16 No certificate of title need be obtained for:

17 \* \* \*

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



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

2 § 2013. ~~WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT~~  
3 ~~VEHICLE TITLE UPON REQUEST~~

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

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

15 (A) ~~the applicant is the owner of the vehicle;~~

16 (B) ~~the applicant is a Vermont resident; and~~

17 (C) ~~the vehicle is not subject to any liens or encumbrances.~~

18 [Repealed.]

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

21 (A) ~~The applicant to furnish one of the following proofs of~~

1 ownership, in order of preference:

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

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

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

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

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

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

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

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

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

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

20 \* \* \*

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

2 § 2017. ISSUANCE OF CERTIFICATE; RECORDS

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

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

10 (c) The Commissioner shall maintain at his or her central office a record of  
11 all certificates of title issued by him or her for vehicles 15 years old and newer,  
12 and of all exempt vehicle titles issued by him or her, under a distinctive title  
13 number assigned to the vehicle; under the identification number of the vehicle;  
14 alphabetically, under the name of the owner; and, in the discretion of the  
15 Commissioner, by any other method he or she the Commissioner determines.

16 The original records may be maintained on microfilm or electronic imaging.

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

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

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

8 \* \* \* Nonresident Title \* \* \*

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

10 § 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED

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

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

18 (2) As a condition of issuing a certificate of title, require ~~the~~ an  
19 applicant who is a Vermont resident to file with the Commissioner a bond in  
20 the form prescribed by the Commissioner and executed by the applicant, and  
21 either accompanied by the deposit of cash with the Commissioner or also

1 executed by a person authorized to conduct a surety business in this State. The  
2 bond shall be in an amount equal to one and one-half times the value of the  
3 vehicle as determined by the Commissioner and conditioned to indemnify any  
4 prior owner and lienholder and any subsequent purchaser of the vehicle or  
5 person acquiring any security interest in it, and their respective successors in  
6 interest, against any expense, loss, or damage, including reasonable attorney's  
7 fees, by reason of the issuance of the certificate of title of the vehicle or on  
8 account of any defect in or undisclosed security interest upon the right, title,  
9 and interest of the applicant in and to the vehicle. Any such interested person  
10 has a right of action to recover on the bond for any breach of its conditions, but  
11 the aggregate liability of the surety to all persons shall not exceed the amount  
12 of the bond. The bond, and any deposit accompanying it, shall be returned at  
13 the end of three years or earlier if the vehicle is no longer registered in this  
14 State and the currently valid certificate of title is surrendered to the  
15 Commissioner, unless the Commissioner has been notified of the pendency of  
16 an action to recover on the bond. The Commissioner shall not issue titles to  
17 nonresidents under the provisions of this subdivision.

18 \* \* \* Towing; Abandoned Vehicles \* \* \*

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

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

1 of motor vehicles.

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

3 § 2151. DEFINITIONS

4 As used in this subchapter:

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

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

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

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

16 or

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

19 (B) “Abandoned motor vehicle” does not include a vehicle or other  
20 equipment used or to be used in construction or in the operation or  
21 maintenance of highways or public utility facilities, which is left in a manner

1 that does not interfere with the normal movement of traffic.

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

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

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

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

12 (B) a public vehicle identification number; or

13 (C) a certificate of title.

14 ~~(3)~~(5) “Public vehicle identification number” means the public vehicle  
15 identification number that is usually visible through the windshield and  
16 attached to the driver’s side of the dashboard, instrument panel, or windshield  
17 pillar post or on the doorjamb on the driver’s side of the vehicle.

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

19 (a) A landowner on whose property an abandoned motor vehicle ~~is located~~  
20 was discovered or has been relocated shall apply to the Department for an  
21 abandoned motor vehicle certification on forms supplied by the Department

1 within ~~30~~ 90 days ~~of~~ after the date the vehicle was discovered ~~on or brought to~~  
2 ~~the property unless the vehicle has been removed from the property or~~  
3 relocated. An abandoned motor vehicle certification form shall indicate the  
4 date that the abandoned motor vehicle was discovered or ~~brought to the~~  
5 ~~property~~ relocated; the make, color, model, and location of the vehicle; the  
6 name, address, and telephone number of the landowner of the property where  
7 the vehicle is currently located; and a certification of the public vehicle  
8 identification number, if any, ~~to be recorded~~ prepared by a law enforcement  
9 officer, licensed dealer, or inspection station designated by the Commissioner  
10 of Motor Vehicles. This subsection shall not be construed as creating a private  
11 right of action against the landowner of the property where an abandoned  
12 motor vehicle is located.

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

14 § 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

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



1 removed from public property. ~~Payments under this section shall terminate~~  
2 ~~upon the payment of a total of \$16,000.00 for towing abandoned motor~~  
3 ~~vehicles from public property in any fiscal year. A towing company shall not~~  
4 ~~be eligible for more than 50 percent of this annual allocation.~~

5 (b) ~~The Commissioner of Motor Vehicles is authorized to expend up to~~  
6 ~~\$16,000.00 of the Department's annual appropriation for the purpose of this~~  
7 ~~section. [Repealed.]~~

8 Sec. 34. [Deleted.]

9 Sec. 35. TOWING PRACTICES; REPORT

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

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

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

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

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

- 1           (1) pricing of pleasure car and commercial vehicle towing and recovery,  
2           including from State and town highways that are restricted based on motor  
3           vehicle size;
- 4           (2) crash site remediation, including costs borne by towing companies;
- 5           (3) storage practices, including:
  - 6               (A) pricing;
  - 7               (B) vehicle access for removal of personal belongings; and
  - 8               (C) vehicle access for removal of cargo;
- 9           (4) practices relating to abandonment or suspected abandonment when  
10           necessary or appropriate;
- 11           (5) best practices from other states, including:
  - 12               (A) a comprehensive survey of the following from other states, with a  
13               focus on states neighboring Vermont:
    - 14                   (i) motor vehicle lien laws;
    - 15                   (ii) laws related to access to towed motor vehicles for purposes of  
16                   removal of personal belongings and cargo; and
    - 17                   (iii) laws related to pricing, including for towing and recovery,  
18                   remediation, and storage;
  - 19               (B) the use of statutory liens when a motor vehicle has been towed at  
20               the request of the owner or the motor vehicle has been abandoned, as defined

1 in 23 V.S.A. § 2151(1), in order to secure payment of a towing business's  
2 towing and recovery, storage, and remediation charges;

3 (C) the retention of the motor vehicle and the contents of the motor  
4 vehicle until a towing business's towing and recovery, storage, and  
5 remediation charges have been paid; and

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

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

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

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



1 for an enforcement officer to access other contents of the device. An operator  
2 cited for violating this subsection shall not be convicted if the operator sends or  
3 produces to the issuing enforcement agency within seven business days after  
4 the traffic stop proof of financial responsibility that was in effect at the time of  
5 the traffic stop.

6 \* \* \*

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

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

10 § 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL  
11 LEARNER'S PERMIT QUALIFICATION STANDARDS

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

1 (1) the applicant has already been issued a commercial driver's license;

2 (2) the applicant's commercial driver's license has been suspended,

3 revoked, or canceled; ~~or~~

4 (3) the applicant has been convicted of any offense listed in 49 U.S.C.

5 § 30304(a)(3); or

6 (4) the applicant has a verified positive, adulterated, or substituted

7 controlled substances test result; has an alcohol confirmation test with a

8 concentration of 0.04 or higher; has refused to submit to a test in violation of

9 49 C.F.R. § 382.211; or the applicant's employer has reported actual

10 knowledge, as defined at 49 C.F.R. § 382.107, that the applicant used alcohol

11 on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in

12 violation of 49 C.F.R. § 382.207, used alcohol following an accident in

13 violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of

14 49 C.F.R. § 382.213.

15 (b) The Commissioner shall not issue a commercial driver's license or

16 commercial learner's permit to any individual:

17 \* \* \*

18 (4) Who has a verified positive, adulterated, or substituted controlled

19 substances test result; has an alcohol confirmation test with a concentration of

20 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R.

21 § 382.211; or for whom an employer has reported actual knowledge, as defined

1 in 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of  
2 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R.  
3 § 382.207, used alcohol following an accident in violation of 49 C.F.R.  
4 § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

5 \* \* \*

6 \* \* \* Purchase and Use Tax \* \* \*

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

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

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

21 (B) The amount received from the sale of a motor vehicle last

1 registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the  
2 clean trade-in value of the same make, type, model, and year of manufacture as  
3 designated by the manufacturer and as shown in the NADA Official Used Car  
4 Guide (New England edition), or any comparable publication, provided such  
5 sale occurs within three months ~~of~~ after the taxable purchase. However, this  
6 three-month period shall be extended day-for-day for any time that a member  
7 of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10),  
8 spends outside Vermont due to activation or deployment; and an additional  
9 60 days following the ~~person's~~ individual's return from activation or  
10 deployment. Such amount shall be reported on forms supplied by the  
11 Commissioner of Motor Vehicles.

12 \* \* \*

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

14 § 8911. EXCEPTIONS

15 The tax imposed by this chapter shall not apply to:

16 \* \* \*

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



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\* \* \*

\* \* \* 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

1 permits based on highway type, including limited access State highway, non-  
2 limited-access State highway, class 1 town highway, and class 2 town  
3 highway;

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

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

8 (5) permit fees for any additional special annual gross vehicle weight  
9 permits;

10 (6) additional penalties, including civil penalties and permit revocation,  
11 for gross vehicle weight violations; and

12 (7) impacts of any additional special annual gross vehicle permits on the  
13 forest economy and on the management and forest cover of Vermont's  
14 landscape.

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

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

19 (a) Findings. The General Assembly finds that:

20 (1) The Department of Motor Vehicles provides services to almost all  
21 Vermonters, including, in fiscal year 2022, engaging in more than a million

1 transactions, with almost half of all transactions being conducted online.

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

6 (3) As part of its design and implementation of the vehicle services  
7 module, the Department has discovered that one of the barriers to modernizing  
8 Department operations is certain outdated statutes. In order to best modernize  
9 and optimize Department processes for the future during the months-long  
10 module design and development process, the Commissioner of Motor Vehicles  
11 has had to make business decisions based on the needs of the Department to  
12 modernize processes to best meet the needs of Vermonters. These business  
13 decisions will, upon future implementation, conflict with statute if certain  
14 statutes are not amended through the legislative process.

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

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

1 pursuant to authority under Title 23.

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

7 (7) Of the modernization projects in which the State is currently  
8 engaged, the DMV Core System Modernization Project will likely have the  
9 most significant impact on existing statutory language, but it is anticipated that  
10 other modernization projects, such as the one that the Department of Labor will  
11 undertake related to unemployment insurance, will raise similar tensions  
12 between promoting efficiencies as part of modernization and contending with  
13 outdated statutory provisions.

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

1        (b) Reports.

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

9            (2) To the extent practicable, at the time each written report is filed, the  
10           Department shall include recommendations on which provisions of statute and  
11           rule the Department anticipates will need to be amended or repealed in order to  
12           best modernize and optimize Department processes related to the provision of  
13           driver services.

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

19                            \* \* \* Excessive Motor Vehicle Noise Report \* \* \*

20            Sec. 42. EXCESSIVE MOTOR VEHICLE NOISE REPORT

21            (a) The Commissioner of Motor Vehicles, in consultation with the

1 Commissioner of Public Safety and the Vermont League of Cities and Towns,  
2 shall study and report on current and potential enforcement practices around  
3 excessive motor vehicle noise and make recommendations on ways to limit  
4 excessive motor vehicle noise in Vermont.

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

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

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

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

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

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

20 (c) On or before January 1, 2025, the Commissioner of Motor Vehicles  
21 shall submit a written report to the House and Senate Committees on Judiciary

1 and on Transportation with the Commissioner's findings and any  
2 recommendations for legislative action.

3 \* \* \* Outreach to Municipalities on Speed Limits \* \* \*

4 Sec. 43. OUTREACH TO MUNICIPALITIES ON SPEED LIMITS

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

13 \* \* \* ATV Fees and Penalties \* \* \*

14 Sec. 44. REPEALS

15 (a) 2018 Acts and Resolves No. 158, Secs. 29 (July 1, 2023 amendment to  
16 23 V.S.A. § 3513(a)) and 43(c) (effective date) are repealed.

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

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

20 (d) Secs. E.240.1 (7 V.S.A. § 845); E.240.2 (32 V.S.A. § 7909); ~~E.702~~  
21 ~~(Fish and Wildlife)~~; F.100(b), F.101(b), F.102(b) and F.103 (Executive

1 Branch; Exempt Employees, Misc. Statutory Salaries; Fiscal Year 2024);  
2 F.104–106 (Judicial Branch; Statutory Salaries, Fiscal Year 2024); F.107  
3 (Sheriffs, Statutory Salaries, Fiscal Year 2024); F.108 (State’s Attorney’s;  
4 Statutory Salaries; Fiscal Year 2024); and Secs. F.109(a)(2), F.109(b)(3), and  
5 F.109(c)(2) (Appropriations; Fiscal Year 2024) shall take effect on July 1,  
6 2023.

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

8 (a) The amount of 90 percent of the fees and penalties collected under this  
9 chapter, except interest, is allocated to the ~~Agency of Natural Resources~~  
10 Department of Forests, Parks and Recreation for use by the Vermont ATV  
11 Sportsman’s Association (VASA) for development and maintenance of a  
12 Statewide ATV Trail Program, for trail liability insurance, and to contract for  
13 law enforcement services with any constable, sheriff’s department, municipal  
14 police department, the Department of Public Safety, and the Department of  
15 Fish and Wildlife for purposes of trail compliance pursuant to this chapter.  
16 The Departments of Public Safety and of Fish and Wildlife are authorized to  
17 contract with VASA to provide these law enforcement services. The ~~Agency~~  
18 ~~of Natural Resources~~ Department of Forests, Parks and Recreation shall retain  
19 for its use up to \$7,000.00 during each fiscal year to be used for administration  
20 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.