

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

S.309

An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels

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

* * * Transporters * * *

Sec. 1. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

* * *

(8)(A)(i) “Dealer” means a person, partnership, corporation, or other entity engaged in the business of selling or exchanging new or used motor vehicles, snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as part of or incidental to such business, repair such vehicles or motorboats, sell parts and accessories, or lease or rent such vehicles or motorboats. “Dealer” ~~shall~~ does not include a finance or auction dealer or a transporter.

(ii)(I) For a dealer in new or used cars or motor trucks, “engaged in the business” means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the immediately preceding year, or 24 in the two immediately preceding years.

(II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, “engaged in the business” means having sold or exchanged at least one snowmobile, motorboat, or all-terrain vehicle, respectively, in the

1 immediately preceding year or two in the two immediately preceding years.

2 (III) For a dealer in trailers, semi-trailers, or trailer coaches,
3 “engaged in the business” means having sold or exchanged at least one trailer,
4 semi-trailer, or trailer coach in the immediately preceding year or a
5 combination of two such vehicles in the two immediately preceding years.

6 However, the sale or exchange of a trailer with a gross vehicle weight rating of
7 3,500 pounds or less shall be excluded under this subdivision (III).

8 (IV) For a dealer in motorcycles or motor-driven cycles,
9 “engaged in the business” means having sold or exchanged at least one
10 motorcycle or motor-driven cycle in the immediately preceding year or a
11 combination of two such vehicles in the two immediately preceding years.

12 * * *

13 (42)(A) “Transporter” means:

14 (i) a person engaged in the business of delivering vehicles of a
15 type required to be registered from a manufacturing, assembling, or
16 distributing plant to dealers or sales agents of a manufacturer;

17 (ii) a person regularly engaged in the business of towing trailer
18 coaches, owned by them or temporarily in their custody, on their own wheels
19 over public highways, or towing office trailers owned by them or temporarily
20 in their custody, on their own wheels over public highways;

21 (iii) a person regularly engaged and properly licensed for the

1 short-term rental of “storage trailers” owned by them and who move these
2 storage trailers on their own wheels over public highways;

3 (iv) a person regularly engaged in the business of moving modular
4 homes over public highways;

5 (v) dealers, owners of motor vehicle auction sites, and automobile
6 repair shop owners when engaged in the transportation of motor vehicles to
7 and from their place of business for repair purposes; or

8 (vi) the following, provided that the transportation and delivery of
9 motor vehicles is a common and usual incident to their business:

10 (I) persons towing overwidth trailers owned by them in
11 connection with their business;

12 (II) persons whose business is the repossession of motor
13 vehicles; ~~and~~

14 (III) persons whose business involves moving vehicles from
15 the place of business of a registered dealer to another registered dealer, or
16 between a motor vehicle auction site and a registered dealer or another motor
17 vehicle auction site, leased vehicles to the lessor at the expiration of the lease,
18 or vehicles purchased at the place of auction of an auction dealer to the
19 purchaser; and

20 (IV) persons who sell or exchange new or used motor vehicles
21 but who are not engaged in business as that phrase is defined in subdivision

1 (8)(A)(ii) of this section.

2 * * *

3 Sec. 2. 23 V.S.A. § 491 is amended to read:

4 § 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF
5 TRANSPORTER PLATES

6 (a) A transporter may apply for and the Commissioner of Motor Vehicles,
7 in ~~his or her~~ the Commissioner's discretion, may issue a certificate of
8 registration and a general distinguishing number plate. Before a person may be
9 registered as a transporter, ~~he or she~~ the person shall ~~present proof~~ self-certify
10 the following on a form provided by the Commissioner:

11 (1) ~~of~~ compliance with section 800 of this title; and

12 (2) that ~~he or she~~ the person either owns or leases a permanent place of
13 business located in this State where business will be conducted during
14 regularly established business hours and the required records stored and
15 maintained.

16 (b) When ~~he or she~~ a transporter displays ~~thereon his or her~~ the
17 transporter's registration plate, a the transporter or ~~his or her~~ the transporter's
18 employee or contractor may transport a motor vehicle owned by the
19 transporter, repossessed, or temporarily in the transporter's custody, and it
20 shall be considered ~~to be~~ properly registered under this title. ~~Transporter's~~ A
21 transporter's registration plates shall not be used for any other purposes and

1 shall not be used by the holder of such number plates for personal purposes.

2 * * * Definition of All-Surface Vehicle * * *

3 Sec. 3. 23 V.S.A. § 4(80) is amended to read:

4 (80) An “all-surface vehicle” or “ASV” means any non-highway
5 recreational vehicle, except a snowmobile, when used for cross-country travel
6 on trails or on any one of the following or combination of the following: land,
7 water, snow, ice, marsh, swampland, and natural terrain. An all-surface
8 vehicle shall be designed for use both on land and in water, with or without
9 tracks, shall be capable of flotation and shall be equipped with a skid-steering
10 system, a sealed body, a fully contained cooling system, and ~~six or~~ up to eight
11 tires designed to be inflated with an operating pressure not exceeding
12 10 pounds per square inch as recommended by the manufacturer. An all-
13 surface vehicle shall have a net weight of 1,500 pounds or less, shall have a
14 width of 75 inches or less, shall be equipped with an engine of not more than
15 50 horsepower, and shall have a maximum speed of not more than 25 miles per
16 hour. An ASV when operated in water shall be considered to be a motorboat
17 and shall be subject to the provisions of chapter 29, subchapter 2 of this title.
18 An ASV operated anywhere except in water shall be subject to the provisions
19 of chapter 31 of this title.

20 * * * Record Keeping * * *

21 Sec. 4. 23 V.S.A. § 117 is added to read:

1 § 117. RECORD-KEEPING REQUIREMENTS; CERTIFICATES OF TITLE

2 (a) Original records. Original certificate of title records, including
3 surrendered certificates of title and requests for salvage title, as issued pursuant
4 to chapters 21 and 36 of this title, shall be maintained as an electronic image or
5 electronic copy or other form of image, which allows for the tracing of
6 anything for which the Department of Motor Vehicles issues a certificate of
7 title, for a period of five years.

8 (b) Electronic format. Records of title shall be maintained in a format,
9 determined by the Commissioner, that allows for the tracing of anything for
10 which the Department of Motor Vehicles issues a certificate of title.

11 Sec. 5. 23 V.S.A. § 2017(c) is amended to read:

12 (c) The Commissioner shall maintain a record of all certificates of title
13 issued and of all exempt vehicle titles issued ~~under a distinctive title number~~
14 ~~assigned to the vehicle; under the identification number of the vehicle;~~
15 ~~alphabetically, under the name of the owner; and, in the discretion of the~~
16 ~~Commissioner, by any other method the Commissioner determines. The~~
17 ~~original records may be maintained on microfilm or electronic imaging~~
18 pursuant to section 117 of this title.

19 Sec. 6. 23 V.S.A. § 2027(c) is amended to read:

20 (c) The Commissioner shall file and retain ~~for five years~~ every surrendered
21 certificate of title ~~so as to permit the tracing of title of the corresponding~~

1 ~~vehicles~~ pursuant to section 117 of this title.

2 Sec. 7. 23 V.S.A. § 2092 is amended to read:

3 § 2092. ISSUANCE OF SALVAGE TITLE

4 The Commissioner shall file and maintain in the manner provided in section
5 ~~2017~~ 117 of this title each application received and when satisfied as to its
6 genuineness and regularity and that the applicant is entitled to the issuance of a
7 salvage certificate of title, shall issue a salvage certificate of title to the vehicle.

8 Sec. 8. 23 V.S.A. § 3810(b)(1) is amended to read:

9 (b)(1) The Commissioner shall maintain ~~at his or her central office~~ a record
10 of all certificates of title issued by ~~him or her~~:

11 ~~(A) under a distinctive title number assigned to the vessel,~~
12 ~~snowmobile, or all terrain vehicle;~~

13 ~~(B) under the identification number of the vessel, snowmobile, or all~~
14 ~~terrain vehicle;~~

15 ~~(C) alphabetically, under the name of the owner; and, in the~~
16 ~~discretion of the Commissioner, by any other method he or she determines the~~
17 ~~Commissioner pursuant to section 117 of this title.~~

18 Sec. 9. 23 V.S.A. § 3820(c) is amended to read:

19 (c) The Commissioner shall file and retain every surrendered certificate of
20 title for five years. ~~The file shall be maintained so as to permit the tracing of~~
21 ~~title of the vessel, snowmobile, or all terrain vehicle designated pursuant to~~

1 section 117 of this title.

2 * * * Registration; Residents * * *

3 Sec. 10. 23 V.S.A. § 301 is amended to read:

4 § 301. PERSONS REQUIRED TO REGISTER

5 (a) Residents, except as provided in chapter 35 of this title, shall annually
6 register motor vehicles owned or leased for a period of more than 30 days and
7 operated by them, unless currently registered in Vermont.

8 (b) Temporary residents and foreign partnerships, firms, associations, and
9 corporations having a place of business in this State may annually register
10 motor vehicles owned or leased for a period of more than 30 days and operated
11 by them or an employee.

12 (c) Notwithstanding this section, a resident who has moved into the State
13 from another jurisdiction shall register ~~his or her~~ the resident's motor vehicle
14 within 60 days ~~of~~ after moving into the State. ~~A person~~

15 (d) An individual shall not operate a motor vehicle nor draw a trailer or
16 semi-trailer on any highway unless such vehicle is registered as provided in
17 this chapter. Vehicle owners who have apportioned power units registered in
18 this State under the International Registration Plan are exempt from the
19 requirement to register their trailers in this State.

20 (e) As used in this section:

21 (1) "Resident" means an individual living in the State who intends to

1 make the State the individual's place of domicile either permanently or for an
2 indefinite number of years.

3 (2) "Temporary resident" means an individual living in the State for a
4 particular purpose involving a defined period, including students, migrant
5 workers employed in seasonal occupations, and individuals employed under a
6 contract with a fixed term, provided that the motor vehicle will be used in the
7 State on a regular basis.

8 Sec. 11. 23 V.S.A. § 303(a) is amended to read:

9 (a) The Commissioner or ~~his or her~~ the Commissioner's duly authorized
10 agent shall register a motor vehicle, trailer, or semi-trailer ~~when~~ that is required
11 or permitted to be registered in Vermont upon application therefor, on a form
12 prescribed by the Commissioner that is filed with the Commissioner, showing
13 such motor vehicle to be properly equipped and in good mechanical condition,
14 ~~is filed with him or her,~~ and accompanied by the required registration fee and
15 evidence of the applicant's ownership of the vehicle in such form as the
16 Commissioner may reasonably require. Except for State or municipal vehicles,
17 registrants and titled owners shall be identical.

18 * * * Weight Limitations on Low-Number Plates * * *

19 Sec. 12. 23 V.S.A. § 304(c) is amended to read:

20 (c) The Commissioner shall issue registration numbers 101 through 9999,
21 which shall be known as reserved registration numbers, for pleasure cars,

1 ~~motor trucks that are~~ registered at the ~~pleasure car rate~~ for less than 26,001
2 pounds, and motorcycles in the following manner:

3 * * *

4 (4) A person holding a reserved registration number on a pleasure car, a
5 truck ~~that is registered at the pleasure car rate~~ for less than 26,001 pounds, or a
6 motorcycle may be issued the same reserved registration number for the other
7 authorized vehicle types, provided that the person receives ~~no~~ not more than
8 one such plate or set of plates for each authorized vehicle type.

9 * * * License Plates; Registration; Prorated Refunds * * *

10 Sec. 13. 23 V.S.A. § 327 is amended to read:

11 § 327. REFUND WHEN PLATES NOT USED

12 Subject to the conditions set forth in subdivisions ~~(1), (2), and (3)~~ (1)–(4) of
13 this section, the Commissioner may cancel the registration of a motor vehicle,
14 snowmobile, or motorboat when the owner returns to the Commissioner either
15 the number plates, if any, or the registration certificate. Upon cancellation of
16 the registration, the Commissioner shall notify the Commissioner of Finance
17 and Management, who shall issue a refund as follows:

18 (1) For registrations ~~cancelled~~ canceled prior to the beginning of the
19 registration period, the refund is the full amount of the fee paid, less a charge
20 of \$5.00.

21 (2) For registrations ~~cancelled~~ canceled within 30 days ~~of~~ after the date

1 of issue, the refund is the full amount of the fee paid, less a charge of \$5.00.

2 The owner of a motor vehicle must prove to the Commissioner's satisfaction
3 that the number plates have not been used or attached to a motor vehicle.

4 (3) For registrations ~~cancelled~~ canceled prior to the beginning of the
5 second year of a two-year registration period, the refund is one-half of the full
6 amount of the two-year fee paid, less a charge of \$5.00.

7 (4) For registrations canceled prior to conclusion of a five-year
8 registration period, the refund is as follows:

9 (A) four-fifths of the full amount of the five-year fee paid less a
10 charge of \$5.00 if canceled prior to the beginning of the second year;

11 (B) three-fifths of the full amount of the five-year fee paid less a
12 charge of \$5.00 if canceled prior to the beginning of the third year;

13 (C) two-fifths of the full amount of the five-year fee paid less a
14 charge of \$5.00 if canceled prior to the beginning of the fourth year; and

15 (D) one-fifth of the full amount of the five-year fee paid less a charge
16 of \$5.00 if canceled prior to the beginning of the fifth year.

17 * * * Tinted Windows * * *

18 Sec. 14. 23 V.S.A. § 1125 is amended to read:

19 § 1125. OBSTRUCTING WINDSHIELDS; AND WINDOWS

20 (a) Prohibition. Except as otherwise provided in this section, ~~a person~~ an
21 individual shall not operate a motor vehicle on which material or items have

1 been painted or adhered on or over, or hung in back of, any transparent part of
2 a motor vehicle windshield, vent windows, or side windows located
3 immediately to the left and right of the operator. The prohibition of this
4 section on hanging items shall apply ~~only~~ to shading or tinting material or
5 when a hanging item materially obstructs the driver's view.

6 (b) General exemptions. Notwithstanding subsection (a) of this section, a
7 ~~person~~ an individual may operate a motor vehicle with material or items
8 painted or adhered on or over, or hung in back of, the windshield, vent
9 windows, or side windows:

10 (1) in a space not over four inches high and 12 inches long in the lower
11 right-hand corner of the windshield;

12 (2) in such space as the Commissioner of Motor Vehicles may specify
13 for location of any sticker required by governmental regulation;

14 (3) in a space not over two inches high and two and one-half inches long
15 in the upper left-hand corner of the windshield;

16 (4) if the operator is a ~~person~~ an individual employed by the federal,
17 State, or local government or a volunteer emergency responder operating an
18 authorized emergency vehicle, who places any necessary equipment in back of
19 the windshield of the vehicle, provided the equipment does not interfere with
20 the operator's control of the driving mechanism of the vehicle;

21 (5) on a motor vehicle that is for sale by a licensed automobile dealer

1 prior to the sale of the vehicle, in a space not over three inches high and six
2 inches long in the upper left-hand corner of the windshield, and in a space not
3 over four inches high and 18 inches long in the upper right-hand corner of the
4 windshield; ~~or~~

5 (6) if the object is a rearview mirror; or is an electronic toll-collection
6 transponder located either between the roof line and the rearview mirror post
7 or behind the rearview mirror; or

8 (7) if the object is shading or tinting material and the visible light
9 transmission of that shading or tinting material is not less than the level of
10 visible light transmission required under 49 C.F.R. § 571.205, as amended.

11 (c) Medical exemption. The Commissioner may grant an exemption to the
12 prohibition of this section upon application from ~~a person~~ an individual
13 required for medical reasons to be shielded from the rays of the sun and who
14 attaches to the application a document signed by a licensed physician or
15 optometrist certifying that shielding from the rays of the sun is a medical
16 necessity. The physician or optometrist certification shall be renewed every
17 four years. However, when a licensed physician or optometrist has previously
18 certified to the Commissioner that an applicant's condition is both permanent
19 and stable, the exemption may be renewed by the applicant without submission
20 of a form signed by a licensed physician or optometrist. Additionally, the
21 window shading or tinting permitted under this subsection shall be limited to

1 the vent windows or side windows located immediately to the left and right of
2 the operator. The exemption provided in this subsection shall terminate upon
3 the transfer of the approved vehicle and at that time the applicable window
4 tinting shall be removed by the seller. ~~Furthermore, if the material described in~~
5 ~~this subsection tears or bubbles or is otherwise worn to prohibit clear vision, it~~
6 ~~shall be removed or replaced.~~

7 (d) Rear side window obstructions. The rear side windows and the back
8 window may be obstructed only if the motor vehicle is equipped on each side
9 with a securely attached mirror, ~~which~~ that provides the operator with a clear
10 view of the roadway in the rear and on both sides of the motor vehicle.

11 (e) Removal. Any shading or tinting material that is painted or adhered on
12 or over, or hung in back of, the windshield, vent windows, or side windows in
13 accordance with subdivision (b)(7) or subsection (c) of this section shall be
14 removed if it tears, bubbles, or is otherwise worn to prohibit clear vision.

15 (f) Definition. As used in this section, “visible light transmission” means
16 the amount of visible light that can pass through shading, tinting, or glazing
17 material applied to or within the transparent portion of a window or windshield
18 of a motor vehicle.

19 Sec. 15. LEGISLATIVE INTENT; TINTED WINDOWS

20 It is the intent of the General Assembly that a motor vehicle with shading or
21 tinting material that is not allowed under 23 V.S.A. § 1125, as amended by

1 Sec. 14 of this act, poses a danger to the individual operating the motor
2 vehicle, any passengers in the motor vehicle, and other highway users and that
3 such a motor vehicle shall fail the annual safety inspection required under
4 23 V.S.A. § 1222.

5 Sec. 16. RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED
6 WINDOWS; OUTREACH

7 (a) The Department of Motor Vehicles shall, unless extended by the
8 Legislative Committee on Administrative Rules, adopt amendments to
9 Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-
10 022) consistent with the legislative intent in Sec. 15 of this act to be effective
11 not later than the effective date of Sec. 14 of this act. The amendments shall
12 include what level of visible light transmission is required for windshields and
13 the windows to the immediate right and left of the driver under 49 C.F.R.
14 § 571.205 as of the effective date of the amendments.

15 (b) The Department of Motor Vehicles, in consultation with the
16 Department of Public Safety, shall implement a public outreach campaign on
17 window tinting to provide information on the prohibitions and exceptions
18 under 23 V.S.A. § 1125, as amended by Sec. 14 of this act, and the
19 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with
20 amendments adopted under the Administrative Procedure Act consistent with
21 subsection (a) of this section, including what level of visible light transmission

1 is currently required for windshields and the windows to the immediate right
2 and left of the driver under 49 C.F.R. § 571.205. The Department of Motor
3 Vehicles shall start to disseminate information as required under this
4 subsection (b) not later than two months prior to the effective date of Sec. 14
5 of this act and shall disseminate information on window tinting through e-mail,
6 bulletins, software updates, and the Department of Motor Vehicles’ website.

7 * * * Rusted Brake Rotors; Safety Inspection * * *

8 Sec. 17. RUSTED BRAKE ROTORS; LEGISLATIVE INTENT;

9 BULLETIN; CONTACT INFORMATION FOR FAILURES

10 (a) Legislative intent. It is the intent of the General Assembly that:

11 (1) the Department of Motor Vehicles provide information on the
12 existing definition of “rust” in Department of Motor Vehicles, Inspection of
13 Motor Vehicles (CVR 14-050-022) (Periodic Inspection Manual), which is “a
14 condition of any swelling, delamination, or pitting,” to all inspection
15 mechanics certified by the Commissioner of Motor Vehicles so there is
16 consistency amongst inspection stations in how the Periodic Inspection Manual
17 is interpreted and applied.

18 (2) that the presence of rust on brake rotors, by itself, does not constitute
19 a failure for the purpose of the annual safety inspection required under
20 23 V.S.A. § 1222 and that the presence of rust that is temporary, also known as
21 surface rust, which sometimes results from the vehicle being parked for a

1 period of time, not be sufficient for a motor vehicle to fail inspection because
2 such rust does not cause diminished braking performance that prevents a motor
3 vehicle from adequately stopping.

4 (b) Bulletin. The Department of Motor Vehicles shall issue a clarifying
5 administrative bulletin to all inspection mechanics certified by the
6 Commissioner of Motor Vehicles that:

7 (1) details the rejection criteria for rotors and drums in the Periodic
8 Inspection Manual;

9 (2) explains the difference between surface rust and rust that is
10 considerable for purposes of determining if the rejection criteria are met, which
11 requires that the existing rust be a condition of any swelling, delamination, or
12 pitting; and

13 (3) provides information that an inspection mechanic should provide to
14 the owner of a vehicle that fails inspection because of rusting on rotors and
15 drums.

16 (c) Contact information. The Department of Motor Vehicles shall include
17 how to contact the Department of Motor Vehicles with questions about the
18 annual safety inspection and the Periodic Inspection Manual on all notices of
19 failure issued by inspection mechanics certified by the Commissioner of Motor
20 Vehicles.

1 * * * Emergency Warning Lamps and Sirens * * *

2 Sec. 18. 23 V.S.A. § 1251 is amended to read:

3 § 1251. SIRENS AND ~~COLORED SIGNAL~~ EMERGENCY WARNING

4 LAMPS; OUT-OF-STATE EMERGENCY AND RESCUE

5 VEHICLES

6 (a) Prohibition. A motor vehicle shall not be operated upon a highway of
7 this State equipped with any of the following:

8 (1) ~~a siren or signal lamp colored other than amber~~ unless either a permit
9 authorizing ~~this equipment~~ the siren, issued by the Commissioner of Motor
10 Vehicles, is carried in the vehicle or a permit is not required pursuant to section
11 1252 of this subchapter;

12 (2) an emergency warning lamp unless either a permit authorizing the
13 emergency warning lamp, issued by the Commissioner, is carried in the vehicle
14 or a permit is not required pursuant to section 1252 of this subchapter;

15 (3) a blue light of any kind unless either a permit authorizing the blue
16 light, issued by the Commissioner, is carried in the vehicle or a permit is not
17 required pursuant to section 1252 of this subchapter; or

18 (4) a lamp or lamps that is not an emergency warning lamp and provides
19 a flashing light in a color other than amber.

20 (b) Permit transfer. A permit may be transferred following the same
21 procedure and subject to the same time limits as set forth in section 321 of this

1 title. The Commissioner may adopt additional rules as may be required to
2 govern the acquisition of permits and the use pertaining to sirens and ~~colored~~
3 ~~signal~~ emergency warning lamps.

4 ~~(b)~~(c) Exception for vehicles from another state. Notwithstanding the
5 provisions of subsection (a) of this section, when responding to emergencies,
6 law enforcement vehicles, ambulances, fire vehicles, or vehicles owned or
7 leased by, or provided to, volunteer firefighters or rescue squad members that
8 are registered or licensed by another state or province may use sirens and
9 ~~signal~~ emergency warning lamps in Vermont, and a permit shall not be
10 required for such use, ~~as long as~~ provided the vehicle is properly permitted or
11 otherwise permitted to use the sirens and emergency warning lamps without
12 permit in its home state or province.

13 Sec. 19. 23 V.S.A. § 1252 is amended to read:

14 § 1252. LAW ENFORCEMENT AND EMERGENCY SERVICES

15 VEHICLES; ISSUANCE OF PERMITS FOR SIRENS OR

16 COLORED EMERGENCY WARNING LAMPS, OR BOTH; USE

17 OF AMBER LAMPS

18 (a) Law enforcement vehicles.

19 ~~(1) When satisfied as to the condition and use of the vehicle, the~~
20 ~~Commissioner shall issue and may revoke, for cause, permits for sirens and~~
21 ~~colored signal lamps in the following manner~~ Law enforcement vehicles

1 owned and operated by the government. The following are authorized for use,
2 without permit, on all law enforcement vehicles owned or leased by the federal
3 government, a municipality, a county, the State, or the Vermont Criminal
4 Justice Council:

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

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

17 ~~(C)(2)~~ Law enforcement vehicles owned or leased by a certified law
18 enforcement officer.

19 (A) When satisfied as to the condition and use of the vehicle, the
20 Commissioner shall issue and may revoke, for cause, permits for sirens and
21 emergency warning lamps in the following manner:

1 (i) sirens, blue emergency warning lamps, or blue and white
2 emergency warning lamps, or a combination thereof; and

3 (ii) a red emergency warning lamp or a red and amber emergency
4 warning lamp, provided that the emergency warning lamp is mounted so as to
5 be visible primarily from the rear of the vehicle.

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

9 (3) Law enforcement vehicles owned or leased by a certified constable.

10 (A) ~~If the applicant is a~~ The following are authorized for use, without
11 permit, on all law enforcement vehicles owned or leased by a Vermont
12 Criminal Justice Council certified constable, ~~the application shall be~~
13 accompanied by a certification by the town clerk that the applicant is the duly
14 elected or appointed constable and attesting that the town for a municipality
15 that has not voted to limit the constable's authority to engage in enforcement
16 activities under 24 V.S.A. § 1936a: a red emergency warning lamp or a red
17 and amber emergency warning lamp, provided that the emergency warning
18 lamp is mounted so as to be visible primarily from the rear of the vehicle.

19 (B) A constable for a municipality that has voted to limit the
20 constable's authority to engage in enforcement activities under 24 V.S.A.
21 § 1936a shall not operate, in the course of the constable's elected duties, a

1 motor vehicle with a siren or an emergency warning lamp.

2 ~~(2)~~(b) Emergency services vehicles.

3 (1) Emergency services vehicles owned and operated by the
4 government. The following are authorized for use, without permit, on all
5 emergency services vehicles owned or leased by the federal government, a
6 municipality, or the State:

7 (A) sirens and red emergency warning lamps or red and white
8 emergency warning lamps; and

9 (B) a blue emergency warning lamp or a blue and amber emergency
10 warning lamp provided that the emergency warning lamp is mounted so as to
11 be visible primarily from the rear of the vehicle.

12 (2) Emergency services vehicles not owned and operated by the
13 government.

14 (A) When satisfied as to the condition and use of the vehicle, the
15 Commissioner shall issue and may revoke, for cause, permits for sirens and
16 emergency warning lamps in the following manner:

17 (i) Sirens and red emergency warning lamps or red and white
18 signal emergency warning lamps may be authorized for all ambulances and
19 other emergency medical service (EMS) vehicles, vehicles owned or leased by
20 a fire department, vehicles used solely in rescue operations, or vehicles owned
21 or leased by, or provided to, volunteer firefighters and voluntary rescue squad

1 members, including a vehicle owned by a volunteer's employer when the
2 volunteer has the written authorization of the employer to use the vehicle for
3 emergency fire or rescue activities.

4 ~~(B)~~(ii) A blue ~~signal~~ emergency warning lamp or ~~an~~ a blue and amber
5 signal emergency warning lamp, or a combination thereof, may be authorized
6 for all EMS vehicles or vehicles owned or leased by a fire department,
7 provided that the Commissioner shall require the emergency warning lamp or
8 lamps be mounted so as to be visible primarily from the rear of the vehicle.

9 ~~(3)~~ [Repealed.]

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

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

15 ~~(6)~~ ~~Sirens and~~ (c) Restored vehicles. A combination of one or more of
16 red or signal lamps, red and white signal lamps, or sirens and blue signal
17 lamps, or blue and white signal lamps may be authorized for restored
18 emergency or enforcement vehicles used for exhibition purposes. Sirens and
19 lamps authorized under this ~~subdivision~~ subsection may only be activated
20 during an exhibition, such as a car show or parade.

21 ~~(b)~~(d) Amber signal lamps. Amber signal lamps shall be used on road

1 maintenance vehicles, service vehicles, and wreckers and shall be used on all
2 registered snow removal equipment when in use removing snow on public
3 highways, and the amber lamps shall be mounted so as to be visible from all
4 sides of the motor vehicle.

5 Sec. 20. 23 V.S.A. § 1254 is added to read:

6 § 1254. EMERGENCY WARNING LAMP; DEFINITION

7 As used in sections 1251–1255 of this subchapter, “emergency warning
8 lamp”:

9 (1) means a lamp or lamps that provide a flashing light to identify an
10 authorized vehicle on an emergency mission that may be a rotating beacon or
11 pairs of alternately or simultaneously flashing lamps; and

12 (2) does not include a lamp or lamps that provide an exclusively amber
13 flashing light.

14 Sec. 21. 23 V.S.A. § 1255(b) is amended to read:

15 (b) All persons with motor vehicles equipped as provided in ~~subdivisions~~
16 ~~subsections~~ 1252(a)(4) and ~~(2)(b)~~ of this ~~title~~ subchapter shall use the sirens or
17 ~~colored-signal~~ emergency warning lamps, or both, only in the direct
18 performance of ~~their~~ official duties. When any ~~person~~ individual other than a
19 law enforcement officer is operating a motor vehicle equipped as provided in
20 ~~subdivision~~ subsection 1252(a)(4) of this ~~title~~ subchapter, the ~~colored-signal~~
21 emergency warning lamps shall be either removed, covered, or hooded. When

1 any ~~person~~ individual other than an authorized emergency medical service
2 vehicle operator, firefighter, or authorized operator of vehicles used in rescue
3 operations is operating a motor vehicle equipped as provided in subdivision
4 1252(a)(2)(b) of this ~~title~~ subchapter, the ~~colored signal~~ emergency warning
5 lamps shall be either removed, covered, or hooded unless the operator holds a
6 senior operator license.

7 Sec. 22. 23 V.S.A. § 4(1) is amended to read:

8 (1) “Authorized emergency vehicle” means a vehicle of a fire
9 department, ~~police~~ law enforcement vehicle, public and private ambulance, and
10 a vehicle ~~to which a permit has been issued pursuant to subdivision 1252(a)(1)~~
11 ~~or (2)~~ equipped as provided in subsections 1252(a) and (b) of this title.

12 Sec. 23. 23 V.S.A. § 1050a(b) is amended to read:

13 (b) The driver of a vehicle shall yield the right of way to any authorized
14 vehicle obviously and actually engaged in work upon a highway when the
15 vehicle displays flashing lights meeting the requirements of subsection
16 1252(b)(d) of this title.

17 * * * Child Restraint Systems * * *

18 Sec. 24. 23 V.S.A. § 1258 is amended to read:

19 § 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS

20 UNDER AGE 18 YEARS OF AGE

21 (a) No ~~person~~ individual shall operate a motor vehicle, other than a type I

1 school bus, in this State upon a public highway unless every occupant under
2 ~~age 18 years of age~~ is properly restrained in a federally approved child
3 ~~passenger restraining~~ restraint system as defined in 49 C.F.R. § 571.213, as
4 may be amended, or a federally approved safety belt, as follows:

5 (1) ~~all children~~ a child under the two years of age ~~of one and all children~~
6 ~~weighing less than 20 pounds, regardless of age,~~ shall be ~~restrained in a rear-~~
7 ~~facing position,~~ properly secured in a federally approved ~~child passenger~~
8 ~~restraining~~ rear-facing child restraint system with a harness, ~~which shall not be~~
9 ~~installed in front of an active air bag~~ as those terms are defined in 49 C.F.R.
10 § 571.213, as may be amended, until the child reaches the weight or height
11 limit of the rear-facing child restraint system as set by the manufacturer;

12 (2) a child ~~weighing more than 20 pounds, and who is one year of age or~~
13 ~~older and under the age of eight~~ five years, of age who is not properly secured
14 in a federally approved rear-facing child restraint system in accordance with
15 subdivision (1) of this subsection shall be ~~restrained in a child passenger~~
16 ~~restraining system~~ properly secured in a forward-facing federally approved
17 child restraint system with a harness until the child reaches the weight or
18 height limit of the child restraint system as set by the manufacturer; and

19 (3) a child under eight years of age who is not properly secured in a
20 federally approved child restraint system in accordance with subdivision (1) or
21 (2) of this subsection shall be properly secured in a booster seat, as defined in

1 49 C.F.R. § 571.213, as may be amended;

2 (4) a child ~~eight through 17~~ under 18 years of age who is not properly
3 secured in a federally approved child restraint system in accordance with
4 subdivision (1), (2), or (3) of this subsection shall be restrained in a safety belt
5 system ~~or a child passenger restraining system;~~

6 (5) a child under 13 years of age shall always, if practical, ride in a rear
7 seat of a motor vehicle; and

8 (6) no child shall be secured in a rear-facing child restraint system in the
9 front seat of a motor vehicle that is equipped with an active passenger-side
10 airbag unless the airbag is deactivated.

11 (b) ~~A person~~ An individual shall not be adjudicated in violation of this
12 section if:

13 (1) the motor vehicle is regularly used to transport passengers for hire,
14 except a motor vehicle owned or operated by a child care facility;

15 (2) the motor vehicle was manufactured without safety belts; or

16 (3) the ~~person~~ individual has been ordered by an enforcement officer, a
17 firefighter, or an authorized civil authority to evacuate ~~persons~~ individuals
18 from a stricken area.

19 (c) The civil penalty for violation of this section shall be as follows:

20 (1) \$25.00 for a first violation;

21 (2) \$50.00 for a second violation; and

1 (3) \$100.00 for third and subsequent violations.

2 Sec. 25. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH

3 CAMPAIGN

4 (a) The Department of Health, in consultation with the State Highway
5 Safety Office, shall implement a public outreach campaign on car seat safety
6 that builds upon the current Be Seat Smart program; utilizes materials on child
7 safety prepared by the U.S. Department of Transportation, Traffic Safety
8 Marketing; is consistent with the recommendations from the American
9 Academy of Pediatrics in the Child Passenger Safety Policy Statement
10 published in 2018; and educates Vermonters on 23 V.S.A. § 1258, as amended
11 by Sec. 24 of this act.

12 (b) The public outreach campaign shall disseminate information on car seat
13 safety through e-mail; a dedicated web page on car seat safety that is linked
14 through the websites for the Agency of Transportation and the Department of
15 Health; social media platforms; community posting websites; radio; television;
16 and informational materials that can be printed and shall be made available to
17 all pediatricians, obstetricians, and midwives licensed in the State and all Car
18 Seat Inspection Stations in the State.

19 * * * Exempt Vehicle Title * * *

20 Sec. 26. 23 V.S.A. § 2001(15) is amended to read:

21 (15) “Title or certificate of title” means a written instrument or

1 document that certifies ownership of a vehicle and is issued by the
2 Commissioner or equivalent official of another jurisdiction. These terms do not
3 include an exempt vehicle title ~~authorized to be issued under subdivision~~
4 ~~2013(a)(2) of this chapter.~~

5 Sec. 27. 23 V.S.A. § 2002(a)(1) is amended to read:

6 (1) for any certificate of title, including a salvage certificate of title, ~~or~~
7 ~~an exempt vehicle title~~, \$42.00;

8 Sec. 28. 23 V.S.A. § 2012 is amended to read:

9 § 2012. EXEMPTED VEHICLES

10 No certificate of title need be obtained for:

11 * * *

12 (10) a vehicle that is more than 15 years old on January 1, 2024 that has
13 been registered in Vermont and has not had a change in ownership since
14 January 1, 2024.

15 Sec. 29. 23 V.S.A. § 2016 is amended to read:

16 § 2016. COMMISSIONER TO CHECK IDENTIFICATION NUMBER

17 The Commissioner, upon receiving application for a first certificate of title
18 ~~or exempt vehicle title~~, shall check the identification number of the vehicle
19 shown in the application against the records of vehicles required to be
20 maintained by section 2017 of this title and against the record of stolen and
21 converted vehicles required to be maintained by section 2084 of this title.

1 Sec. 30. 23 V.S.A. § 2021 is amended to read:

2 § 2021. REFUSAL OF CERTIFICATE

3 The Commissioner shall refuse issuance of a certificate of title ~~or an exempt~~
4 ~~vehicle title~~ if any required fee is not paid or ~~if he or she~~ the Commissioner has
5 reasonable grounds to believe that:

6 * * *

7 * * * Vessels * * *

8 * * * Fire Extinguishers * * *

9 Sec. 31. 23 V.S.A. § 3306 is amended to read:

10 § 3306. LIGHTS AND EQUIPMENT

11 * * *

12 (c) ~~Every motorboat, except a motorboat that is less than 26 feet in length,~~
13 ~~that has an outboard motor and an open construction, and is not carrying~~
14 ~~passengers for hire shall carry on board, fully charged and in good condition,~~
15 ~~U.S. Coast Guard approved hand portable fire extinguishers~~ U.S. Coast Guard-
16 approved hand portable fire extinguishers that are unexpired, fully charged,
17 and in both good and serviceable condition shall be carried on board every
18 motorboat as follows:

19 (1) motorboats with no fixed fire extinguisher system in the machinery
20 space and that are:

21 (A) less than 26 feet in length, not fewer than one extinguisher;

1 (B) 26 feet or longer, but less than 40 feet, not fewer than two
2 extinguishers; and

3 (C) 40 feet or longer, not fewer than three extinguishers; and

4 (2) motorboats with a fixed fire extinguisher system in the machinery
5 space and that are:

6 (A) less than 26 feet in length, no extinguishers required;

7 (B) 26 feet or longer but less than 40 feet, not fewer than one
8 extinguisher; and

9 ~~(B)~~(C) 40 feet or longer, not fewer than two extinguishers.

10 (d) Notwithstanding subsection (c) of this section, motorboats less than 26
11 feet in length, propelled by outboard motors, and not carrying passengers for
12 hire need not carry portable fire extinguishers if the construction of the boats
13 will not permit the entrapment of explosive or flammable gases or vapors.

14 (e)(1) The extinguishers referred to by this section are class B-I or 5-B
15 extinguishers, but one class B-II or 20-B extinguisher may be substituted for
16 two class B-I or 5-B extinguishers.

17 (2) Notwithstanding subdivision (1) of this subsection, motorboats with
18 a model year between 1953 and 2017 with previously approved fire
19 extinguishers that are not in compliance with the types identified in subdivision
20 (1) of this subsection need not be replaced until such time as they are no longer
21 in good and serviceable condition.

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

7 ~~(f)~~(g) Nothing in this section shall be construed to prevent the discharge of
8 adequately treated wastes from any vessel operating under the provisions of a
9 valid discharge permit issued by the Department of Environmental
10 Conservation.

11 ~~(g)~~(h) Motorboats operated on waters that the U.S. Coast Guard has
12 determined to be navigable waters of the United States and therefore subject to
13 the jurisdiction of the United States must have lights and other safety
14 equipment as required by U.S. Coast Guard rules and regulations.

15 * * * Vermont Numbering Provisions * * *

16 Sec. 32. 23 V.S.A. § 3307(a) is amended to read:

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

19 (1) already covered by a number in effect that has been awarded to it
20 under federal law or a federally approved numbering system of another state if
21 the boat has not been within the State for more than ~~90~~ 60 days;

1 (2) a motorboat from a country other than the United States if the boat
2 has not been within the State for more than ~~90~~ 60 days;

3 * * *

4 * * * Commercial Driver's Licenses and Permits; * * *

5 * * * Prohibition on Masking or Diversion * * *

6 Sec. 33. 23 V.S.A. § 4122 is amended to read:

7 § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON
8 MASKING OR DIVERSION

9 (a) No judge or court, State's Attorney, or law enforcement officer may
10 utilize the provisions of 13 V.S.A. § 7041 or any other program to defer
11 imposition of sentence or judgment if the defendant holds a commercial
12 driver's license or was operating a commercial motor vehicle when the
13 violation occurred and is charged with violating any State or local traffic law
14 other than a parking violation.

15 (b) In accordance with 49 C.F.R. § 384.226, no court, State's Attorney, or
16 law enforcement officer may mask or allow an individual to enter into a
17 diversion program that would prevent a commercial learner's permit holder's
18 or commercial driver's license holder's conviction for any violation, in any
19 type of motor vehicle, of a state or local traffic control law other than parking,
20 vehicle weight, or vehicle defect violations from appearing on the Commercial
21 Driver's License Information System (CDLIS) driver record.

1 * * * Airbags * * *

2 Sec. 34. 13 V.S.A. § 2026 is amended to read:

3 § 2026. INSTALLATION OF OBJECT IN LIEU OF AIR BAG

4 (a) No person shall knowingly:

5 (1) manufacture, import, distribute, offer for sale, sell, lease, transfer,
6 install, or reinstall, or knowingly cause to be installed, or cause to be
7 reinstalled: a counterfeit automobile supplemental restraint system component,
8 a nonfunctional airbag, or

9 (1) an object in lieu of a vehicle air bag that was designed in accordance
10 with the federal safety regulation an automobile supplement restraint system
11 component, when the object does not comply with the requirements of
12 49 C.F.R. § 571.208, as amended, for the make, model, and year of a vehicle;
13 or

14 (2) an inoperable vehicle air bag, knowing the air bag is inoperable
15 install or reinstall as an automobile supplemental restraint system component
16 anything that causes the diagnostic system for a motor vehicle to fail to warn
17 the motor vehicle operator that an airbag is not installed or fail to warn the
18 motor vehicle operator that a counterfeit automobile supplemental restraint
19 system component or nonfunctional airbag is installed in the motor vehicle.

20 (b) A person who violates subsection (a) of this section shall be imprisoned
21 for not more than three years or fined not more than \$10,000.00, or both.

1 (c) A person who violates subsection (a) of this section, and serious bodily
2 injury, as defined in section 1021 of this title, or death results, shall be
3 imprisoned for not more than 15 years or fined not more than \$10,000.00, or
4 both.

5 (d) Subsection (a) of this section shall not apply to the sale, lease, transfer,
6 installation, or reinstallation of an airbag in a motor vehicle exclusively used
7 for law enforcement.

8 (e) As used in this section:

9 (1) "Airbag" means an inflatable restraint device for occupants of motor
10 vehicles that is part of an automobile supplemental restraint system.

11 (2) "Automobile supplemental restraint system" means a passive
12 inflatable crash protection system that a vehicle manufacturer designs to
13 protect automobile occupants in the event of a collision in conjunction with a
14 seat belt assembly, as defined in 49 C.F.R. § 571.209, and that consists of one
15 or more airbags and all components required to ensure that each airbag:

16 (A) operates as designed in a crash; and

17 (B) meets federal motor vehicle safety standards for the specific
18 make, model, and year of manufacture of the vehicle in which the airbag is
19 installed.

20 (3) "Counterfeit automobile supplemental restraint system component"
21 means a replacement component, including an airbag, for an automobile

1 supplemental restraint system that without the authorization of a manufacturer,
2 or a person that supplies parts to the manufacturer, displays a trademark that is
3 identical or substantially similar to the manufacturer's or supplier's genuine
4 trademark.

5 (4) "Install" and "reinstall" require the completion of installation work
6 related to the automobile supplemental restraint system of a motor vehicle and
7 either:

8 (A) for the motor vehicle to be returned to the owner or operator; or

9 (B) for the transfer of title for the motor vehicle.

10 (5) "Nonfunctional airbag" means a replacement airbag that:

11 (A) was previously deployed or damaged;

12 (B) has a fault that the diagnostic system for a motor vehicle detects
13 once the airbag is installed;

14 (C) may not be sold or leased under 49 U.S.C. § 30120(j); or

15 (D) includes a counterfeit automobile supplemental restraint system
16 component or other part or object that is installed for the purpose of misleading
17 a motor vehicle owner or operator into believing that a functional airbag is
18 installed.

19 (6) "Nonfunctional airbag" does not include an unrepaired deployed
20 airbag or an airbag that is installed in a motor vehicle:

21 (A) that is a totaled motor vehicle, as defined in 23 V.S.A.

1 § 2001(14); or

2 (B) for which the owner was issued a salvaged certificate of title

3 pursuant to 23 V.S.A. § 2091 or a similar title from another state.

4 * * * Effective Dates * * *

5 Sec. 35. EFFECTIVE DATES

6 (a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 28 (certificate of
7 title exemptions; 23 V.S.A. § 2012) shall take effect retroactively on January 1,
8 2024.

9 (b) Secs. 14 and 15 (tinted windows; 23 V.S.A. § 1125) shall take effect on
10 July 1, 2026.

11 (c) All other sections shall take effect on July 1, 2024.