

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred Senate Bill No.
3 309 entitled “An act relating to miscellaneous changes to laws related to the
4 Department of Motor Vehicles, motor vehicles, and vessels” respectfully
5 reports that it has considered the same and recommends that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 * * * Transporters * * *

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

10 § 4. DEFINITIONS

11 * * *

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

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

1 (II) For a dealer in snowmobiles, motorboats, or all-terrain
2 vehicles, “engaged in the business” means having sold or exchanged at least
3 one snowmobile, motorboat, or all-terrain vehicle, respectively, in the
4 immediately preceding year or two in the two immediately preceding years.

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

9 However, the sale or exchange of a trailer with a gross vehicle weight rating of
10 3,500 pounds or less shall be excluded under this subdivision (III).

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

15 * * *

16 (42)(A) “Transporter” means:

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

20 (ii) a person regularly engaged in the business of towing trailer
21 coaches, owned by them or temporarily in their custody, on their own wheels

1 over public highways, or towing office trailers owned by them or temporarily
2 in their custody, on their own wheels over public highways;

3 (iii) a person regularly engaged and properly licensed for the
4 short-term rental of “storage trailers” owned by them and who move these
5 storage trailers on their own wheels over public highways;

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

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

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

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

15 (II) persons whose business is the repossession of motor
16 vehicles; and

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

1 or vehicles purchased at the place of auction of an auction dealer to the
2 purchaser; and

3 (IV) persons who sell or exchange new or used motor vehicles
4 but who are not engaged in business as that phrase is defined in subdivision
5 (8)(A)(ii) of this section.

6 * * *

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

8 § 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF
9 TRANSPORTER PLATES

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

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

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

20 (b) When ~~he or she~~ a transporter displays ~~thereon his or her~~ the
21 transporter's registration plate, a the transporter or ~~his or her~~ the transporter's

1 employee or contractor may transport a motor vehicle owned by the
2 transporter, repossessed, or temporarily in the transporter’s custody, and it
3 shall be considered ~~to be~~ properly registered under this title. ~~Transporter’s A~~
4 transporter’s registration plates shall not be used for any other purposes and
5 shall not be used by the holder of such number plates for personal purposes.

6 * * * Definition of All-Surface Vehicle * * *

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

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

1 An ASV operated anywhere except in water shall be subject to the provisions
2 of chapter 31 of this title.

3 * * * Record Keeping * * *

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

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

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

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

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

16 (c) The Commissioner shall maintain a record of all certificates of title
17 issued and of all exempt vehicle titles issued ~~under a distinctive title number~~
18 ~~assigned to the vehicle; under the identification number of the vehicle;~~
19 ~~alphabetically, under the name of the owner; and, in the discretion of the~~
20 ~~Commissioner, by any other method the Commissioner determines. The~~

1 ~~original records may be maintained on microfilm or electronic imaging~~
2 pursuant to section 117 of this title.

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

4 (c) The Commissioner shall file and retain ~~for five years~~ every surrendered
5 certificate of title ~~so as to permit the tracing of title of the corresponding~~
6 vehicles pursuant to section 117 of this title.

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

8 § 2092. ISSUANCE OF SALVAGE TITLE

9 The Commissioner shall file and maintain in the manner provided in section
10 ~~2017~~ 117 of this title each application received and when satisfied as to its
11 genuineness and regularity and that the applicant is entitled to the issuance of a
12 salvage certificate of title, shall issue a salvage certificate of title to the vehicle.

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

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

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

18 (B) ~~under the identification number of the vessel, snowmobile, or all-~~
19 ~~terrain vehicle;~~

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

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

5 (c) The Commissioner shall file and retain every surrendered certificate of
6 title for five years. ~~The file shall be maintained so as to permit the tracing of~~
7 ~~title of the vessel, snowmobile, or all terrain vehicle designated~~ pursuant to
8 section 117 of this title.

9 * * * Registration; Residents * * *

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

11 § 301. PERSONS REQUIRED TO REGISTER

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

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

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

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

6 (e) As used in this section:

7 (1) “Resident” means an individual living in the State who intends to
8 make the State the individual’s place of domicile either permanently or for an
9 indefinite number of years.

10 (2) “Temporary resident” means an individual living in the State for a
11 particular purpose involving a defined period, including students, migrant
12 workers employed in seasonal occupations, and individuals employed under a
13 contract with a fixed term, provided that the motor vehicle will be used in the
14 State on a regular basis.

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

16 (a) The Commissioner or ~~his or her~~ the Commissioner’s duly authorized
17 agent shall register a motor vehicle, trailer, or semi-trailer ~~when~~ that is required
18 or permitted to be registered in Vermont upon application therefor, on a form
19 prescribed by the Commissioner that is filed with the Commissioner, showing
20 such motor vehicle to be properly equipped and in good mechanical condition;
21 ~~is filed with him or her,~~ and accompanied by the required registration fee and

1 evidence of the applicant's ownership of the vehicle in such form as the
2 Commissioner may reasonably require. Except for State or municipal vehicles,
3 registrants and titled owners shall be identical.

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

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

6 (c) The Commissioner shall issue registration numbers 101 through 9999,
7 which shall be known as reserved registration numbers, for pleasure cars,
8 ~~motor trucks that are registered at the pleasure car rate~~ for less than 26,001
9 pounds, and motorcycles in the following manner:

10 * * *

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

16 * * * License Plates; Registration; Prorated Refunds * * *

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

18 § 327. REFUND WHEN PLATES NOT USED

19 Subject to the conditions set forth in subdivisions ~~(1), (2), and (3)~~ (1)–(4) of
20 this section, the Commissioner may cancel the registration of a motor vehicle,
21 snowmobile, or motorboat when the owner returns to the Commissioner either

1 the number plates, if any, or the registration certificate. Upon cancellation of
2 the registration, the Commissioner shall notify the Commissioner of Finance
3 and Management, who shall issue a refund as follows:

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

7 (2) For registrations ~~cancelled~~ canceled within 30 days ~~of~~ after the date
8 of issue, the refund is the full amount of the fee paid, less a charge of \$5.00.

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

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

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

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

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

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

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

3 * * * Emergency Warning Lamps and Sirens * * *

4 Sec. 14. 23 V.S.A. § 1251 is amended to read:

5 § 1251. ~~SIRENS AND COLORED SIGNAL~~ EMERGENCY WARNING
6 LAMPS; OUT-OF-STATE EMERGENCY AND RESCUE
7 VEHICLES

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

10 (1) a siren or signal lamp colored other than amber unless either a permit
11 authorizing this equipment the siren, issued by the Commissioner of Motor
12 Vehicles, is carried in the vehicle or a permit is not required pursuant to section
13 1252 of this subchapter;

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

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

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

1 (b) Permit transfer. A permit may be transferred following the same
2 procedure and subject to the same time limits as set forth in section 321 of this
3 title. The Commissioner may adopt additional rules as may be required to
4 govern the acquisition of permits and the use pertaining to sirens and ~~colored~~
5 ~~signal~~ emergency warning lamps.

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

15 Sec. 15. 23 V.S.A. § 1252 is amended to read:

16 § 1252. LAW ENFORCEMENT AND EMERGENCY SERVICES

17 VEHICLES; ISSUANCE OF PERMITS FOR SIRENS OR

18 COLORED EMERGENCY WARNING LAMPS, OR BOTH; USE

19 OF AMBER LAMPS

20 (a) Law enforcement vehicles.

1 ~~(1) When satisfied as to the condition and use of the vehicle, the~~
2 ~~Commissioner shall issue and may revoke, for cause, permits for sirens and~~
3 ~~colored signal lamps in the following manner~~ Law enforcement vehicles
4 ~~owned and operated by the government. The following are authorized for use,~~
5 ~~without permit, on all law enforcement vehicles owned or leased by the federal~~
6 ~~government, a municipality, the State, or the Vermont Criminal Justice~~
7 ~~Council:~~

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

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

20 ~~(2) Law enforcement vehicles owned or leased by a certified~~
21 ~~constable.~~

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

10 (B) A constable for a municipality that has voted to limit the
11 constable’s authority to engage in enforcement activities under 24 V.S.A.
12 § 1936a shall not operate, in the course of the constable’s elected duties, a
13 motor vehicle with a siren or an emergency warning lamp.

14 (2)(b) Emergency services vehicles.

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

19 (A) sirens and red emergency signal lamps or red and white
20 emergency warning lamps; and

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

4 (2) Emergency services vehicles not owned and operated by the
5 government.

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

9 (i) Sirens and red emergency warning lamps or red and white
10 signal emergency warning lamps may be authorized for all ambulances and
11 other emergency medical service (EMS) vehicles, vehicles owned or leased by
12 a fire department, vehicles used solely in rescue operations, or vehicles owned
13 or leased by, or provided to, volunteer firefighters and voluntary rescue squad
14 members, including a vehicle owned by a volunteer's employer when the
15 volunteer has the written authorization of the employer to use the vehicle for
16 emergency fire or rescue activities.

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

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

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

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

7 ~~(6)~~ Sirens and (c) Restored vehicles. A combination of one or more of
8 red ~~or signal lamps,~~ red and white signal lamps, ~~or sirens and~~ blue ~~signal~~
9 ~~lamps,~~ or blue and white signal lamps may be authorized for restored
10 emergency or enforcement vehicles used for exhibition purposes. Sirens and
11 lamps authorized under this ~~subdivision subsection~~ may only be activated
12 during an exhibition, such as a car show or parade.

13 ~~(b)~~(d) Amber signal lamps. Amber signal lamps shall be used on road
14 maintenance vehicles, service vehicles, and wreckers and shall be used on all
15 registered snow removal equipment when in use removing snow on public
16 highways, and the amber lamps shall be mounted so as to be visible from all
17 sides of the motor vehicle.

18 Sec. 16. 23 V.S.A. § 1254 is added to read:

19 § 1254. EMERGENCY WARNING LAMP; DEFINITION

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

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

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

6 Sec. 17. 23 V.S.A. § 1255(b) is amended to read:

7 (b) All persons with motor vehicles equipped as provided in ~~subdivisions~~
8 ~~subsections~~ 1252(a)(4) and ~~(2)(b)~~ of this ~~title~~ subchapter shall use the sirens or
9 ~~colored-signal~~ emergency warning lamps, or both, only in the direct
10 performance of ~~their~~ official duties. When any ~~person~~ individual other than a
11 law enforcement officer is operating a motor vehicle equipped as provided in
12 ~~subdivision~~ subsection 1252(a)(4) of this ~~title~~ subchapter, the ~~colored-signal~~
13 emergency warning lamps shall be either removed, covered, or hooded. When
14 any ~~person~~ individual other than an authorized emergency medical service
15 vehicle operator, firefighter, or authorized operator of vehicles used in rescue
16 operations is operating a motor vehicle equipped as provided in subdivision
17 1252(a)(2)(b) of this ~~title~~ subchapter, the ~~colored-signal~~ emergency warning
18 lamps shall be either removed, covered, or hooded unless the operator holds a
19 senior operator license.

1 Sec. 18. 23 V.S.A. § 4(1) is amended to read:

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

6 Sec. 19. 23 V.S.A. § 1050a(b) is amended to read:

7 (b) The driver of a vehicle shall yield the right of way to any authorized
8 vehicle obviously and actually engaged in work upon a highway when the
9 vehicle displays flashing lights meeting the requirements of subsection
10 1252~~(b)~~(d) of this title.

11 * * * Child Restraint Systems * * *

12 Sec. 20. 23 V.S.A. § 1258 is amended to read:

13 § 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS
14 UNDER AGE 18 YEARS OF AGE

15 (a) No ~~person~~ individual shall operate a motor vehicle, other than a type I
16 school bus, in this State upon a public highway unless every occupant under
17 age 18 years of age is properly restrained in a federally approved child
18 ~~passenger restraining~~ restraint system as defined in 49 C.F.R. § 571.213, as
19 may be amended, or a federally approved safety belt, as follows:

20 (1) ~~all children~~ a child under the two years of age ~~of one and all children~~
21 ~~weighing less than 20 pounds, regardless of age, shall be restrained in a rear-~~

1 ~~facing position~~, properly secured in a federally approved ~~child passenger~~
2 ~~restraining rear-facing child restraint system with a harness, which shall not be~~
3 ~~installed in front of an active air bag~~ as those terms are defined in 49 C.F.R.
4 § 571.213, as may be amended, until the child reaches the weight or height
5 limit of the rear-facing child restraint system as set by the manufacturer;

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

13 (3) a child under eight years of age who is not properly secured in a
14 federally approved child restraint system in accordance with subdivision (1) or
15 (2) of this subsection shall be properly secured in a booster seat, as defined in
16 49 C.F.R. § 571.213, as may be amended;

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

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

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

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

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

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

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

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

15 (1) \$25.00 for a first violation;

16 (2) \$50.00 for a second violation; and

17 (3) \$100.00 for third and subsequent violations.

18 Sec. 21. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH

19 CAMPAIGN

20 (a) The Department of Health, in consultation with the State Highway

21 Safety Office, shall implement a public outreach campaign on car seat safety

1 that builds upon the current Be Seat Smart program; utilizes materials on child
2 safety prepared by the U.S. Department of Transportation, Traffic Safety
3 Marketing; is consistent with the recommendations from the American
4 Academy of Pediatrics in the Child Passenger Safety Policy Statement
5 published in 2018; and educates Vermonters on 23 V.S.A. § 1258, as amended
6 by Sec. 20 of this act.

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

14 * * * Exempt Vehicle Title * * *

15 Sec. 22. 23 V.S.A. § 2001(15) is amended to read:

16 (15) “Title or certificate of title” means a written instrument or
17 document that certifies ownership of a vehicle and is issued by the
18 Commissioner or equivalent official of another jurisdiction. These terms do not
19 include an exempt vehicle title ~~authorized to be issued under subdivision~~
20 ~~2013(a)(2) of this chapter.~~

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

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

4 Sec. 24. 23 V.S.A. § 2012 is amended to read:

5 § 2012. EXEMPTED VEHICLES

6 No certificate of title need be obtained for:

7 * * *

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

11 Sec. 25. 23 V.S.A. § 2016 is amended to read:

12 § 2016. COMMISSIONER TO CHECK IDENTIFICATION NUMBER

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

1 Sec. 26. 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. 27. 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 less than one extinguisher;

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

3 (C) 40 feet or longer, not less 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 less than one
8 extinguisher; and

9 ~~(B)~~(C) 40 feet or longer, not less 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. 28. 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. 29. 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.

*** Airbags ***

1
2 Sec. 30. 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:

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

2 § 2001(14); or

3 (B) for which the owner was issued a salvaged certificate of title
4 pursuant to 23 V.S.A. § 2091 or a similar title from another state.

5 * * * Effective Dates * * *

6 Sec. 31. EFFECTIVE DATES

7 (a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 24 (certificate of
8 title exemptions; 23 V.S.A. § 2012) shall take effect retroactively on January 1,
9 2024.

10 (b) All other sections shall take effect on July 1, 2024.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE