

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; Department of Motor Vehicles; transporters; all-
4 surface vehicles; record keeping; certificates of title; registration;
5 residents; low-number plates; weight limitations; signal lamps; sirens;
6 law enforcement; vessels; motorboats; fire extinguishers; motorboat
7 numbering; commercial driver’s licenses; commercial learner’s
8 permits; masking violations

9 Statement of purpose of bill as introduced: This bill proposes to make
10 miscellaneous changes to laws related to motor vehicles and vessels.

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

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

14 * * * Transporters * * *

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

16 § 4. DEFINITIONS

17 * * *

18 (8)(A)(i) “Dealer” means a person, partnership, corporation, or other
19 entity engaged in the business of selling or exchanging new or used motor
20 vehicles, snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as

1 part of or incidental to such business, repair such vehicles or motorboats, sell
2 parts and accessories, or lease or rent such vehicles or motorboats. “Dealer”
3 ~~shall~~ does not include a finance or auction dealer or a transporter.

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

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

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

16 However, the sale or exchange of a trailer with a gross vehicle weight rating of
17 3,500 pounds or less shall be excluded under this subdivision (III).

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

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(42)(A) “Transporter” means:

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

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

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

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

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

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

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

1 (II) persons whose business is the repossession of motor
2 vehicles; ~~and~~

3 (III) persons whose business involves moving vehicles from
4 the place of business of a registered dealer to another registered dealer, or
5 between a motor vehicle auction site and a registered dealer or another motor
6 vehicle auction site, leased vehicles to the lessor at the expiration of the lease,
7 or vehicles purchased at the place of auction of an auction dealer to the
8 purchaser; and

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

12 * * *

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

14 § 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF
15 TRANSPORTER PLATES

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

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

1 10 pounds per square inch as recommended by the manufacturer. An all-
2 surface vehicle shall have a net weight of 1,500 pounds or less, shall have a
3 width of 75 inches or less, shall be equipped with an engine of not more than
4 50 horsepower, and shall have a maximum speed of not more than 25 miles per
5 hour. An ASV when operated in water shall be considered to be a motorboat
6 and shall be subject to the provisions of chapter 29, subchapter 2 of this title.
7 An ASV operated anywhere except in water shall be subject to the provisions
8 of chapter 31 of this title.

9 * * * Record Keeping * * *

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

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

12 (a) Original records. Original certificate of title records, including
13 surrendered certificates of title and requests for salvage title, as issued pursuant
14 to chapters 21 and 36 of this title, shall be maintained as an electronic image or
15 electronic copy or other form of image, which allows for the tracing of
16 anything for which the Department of Motor Vehicles issues a certificate of
17 title, for a period of five years.

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

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

1 (c) The Commissioner shall maintain a record of all certificates of title
2 issued and of all exempt vehicle titles issued ~~under a distinctive title number~~
3 ~~assigned to the vehicle; under the identification number of the vehicle;~~
4 ~~alphabetically, under the name of the owner; and, in the discretion of the~~
5 ~~Commissioner, by any other method the Commissioner determines. The~~
6 ~~original records may be maintained on microfilm or electronic imaging~~
7 pursuant to section 117 of this title.

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

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

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

13 § 2092. ISSUANCE OF SALVAGE TITLE

14 The Commissioner shall file and maintain in the manner provided in section
15 ~~2017~~ 117 of this title each application received and when satisfied as to its
16 genuineness and regularity and that the applicant is entitled to the issuance of a
17 salvage certificate of title, shall issue a salvage certificate of title to the vehicle.

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

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

1 motor vehicles owned or leased for a period of more than 30 days and operated
2 by them **or an employee.**

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

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

11 (e) As used in this section:

12 (1) “Resident” means an individual living in the State who intends to
13 make the State the individual's place of domicile either permanently or for an
14 indefinite number of years.

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

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

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

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

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

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

17 * * *

18 (4) A person holding a reserved registration number on a pleasure car, a
19 truck ~~that is registered at the pleasure-car rate~~ for less than 26,001 pounds, or a
20 motorcycle may be issued the same reserved registration number for the other

1 authorized vehicle types, provided that the person receives ~~no~~ not more than
2 one such plate or set of plates for each authorized vehicle type.

3 * * * License Plates; Registration; Prorated Refunds * * *

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

5 § 327. REFUND WHEN PLATES NOT USED

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

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

15 (2) For registrations ~~cancelled~~ canceled within 30 days ~~of~~ after the date
16 of issue, the refund is the full amount of the fee paid, less a charge of \$5.00.
17 The owner of a motor vehicle must prove to the Commissioner's satisfaction
18 that the number plates have not been used or attached to a motor vehicle.

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

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

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

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

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

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

11 *** Emergency Warning Lamps and Sirens ***

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

13 § 1251. SIRENS AND **COLORED SIGNAL EMERGENCY WARNING**
14 **LAMPS; OUT-OF-STATE EMERGENCY AND RESCUE**
15 **VEHICLES**

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

18 (1) a siren ~~or signal lamp colored other than amber~~ unless either a permit
19 authorizing ~~this equipment~~ **the siren**, issued by the Commissioner of Motor
20 Vehicles, is carried in the vehicle or a permit is not required pursuant to section
21 1252 of this subchapter;

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

4 (3) a blue light of any kind unless either a permit authorizing the blue
5 light, issued by the Commissioner, is carried in the vehicle or a permit is not
6 required pursuant to section 1252 of this subchapter.

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

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

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

2 § 1252. LAW ENFORCEMENT VEHICLES; ISSUANCE OF PERMITS

3 FOR SIRENS OR COLORED EMERGENCY WARNING LAMPS,

4 OR BOTH; USE OF AMBER LAMPS

5 (a) Law enforcement vehicles.

6 ~~(1) 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 ~~colored signal lamps in the following manner~~ Law enforcement vehicles

9 owned and operated by the government. ~~The following are authorized for use,~~

10 ~~without permit, on all law enforcement vehicles owned or leased by the federal~~

11 ~~government, a municipality, the State, or the Vermont Criminal Justice~~

12 Council:

13 ~~(A)~~ (A) Sirens, blue signal emergency warning lamps, or blue and white

14 ~~signal~~ emergency warning lamps, 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.~~

18 (B) A red signal emergency warning lamp or ~~an a red and~~ amber

19 signal emergency warning lamp, ~~or a combination thereof,~~ ~~may be authorized~~

20 ~~for all law enforcement vehicles owned or leased by a law enforcement~~

21 ~~agency, a certified law enforcement officer, or the Vermont Criminal Justice~~

1 ~~Council~~, provided that the ~~Commissioner shall require~~ the lamp or lamps be
2 are mounted so as to be visible primarily from the rear of the vehicle.

3 ~~(C)~~(2) Law enforcement vehicles owned or leased by a certified
4 constable.

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

14 (B) A constable for a municipality that has voted to limit the
15 constable's authority to engage in enforcement activities under 24 V.S.A.
16 § 1936a shall not operate, in the course of the constable's elected duties, a
17 motor vehicle with a siren or an emergency warning lamp.

18 ~~(2)~~(b) Emergency services 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 emergency warning lamps in the following manner:

1 (A) Sirens and red or red and white signal emergency warning lamps
2 may be authorized for all ambulances and other emergency medical service
3 (EMS) vehicles, vehicles owned or leased by a fire department, vehicles used
4 solely in rescue operations, or vehicles owned or leased by, or provided to,
5 volunteer firefighters and voluntary rescue squad members, including a vehicle
6 owned by a volunteer’s employer when the volunteer has the written
7 authorization of the employer to use the vehicle for emergency fire or rescue
8 activities.

9 (B) A blue signal emergency warning lamp or an a blue and amber
10 signal emergency warning lamp, or a combination thereof, may be authorized
11 for all EMS vehicles or vehicles owned or leased by a fire department,
12 provided that the Commissioner shall require the lamp or lamps be mounted so
13 as to be visible primarily from the rear of the vehicle.

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

15 ~~(4)~~(2) No motor vehicle, other than one owned by the applicant, shall be
16 issued a permit until the Commissioner has recorded the information regarding
17 both the owner of the vehicle and the applicant for the permit.

18 ~~(5)~~(3) Upon application to the Commissioner, the Commissioner may
19 issue a single permit for all the vehicles owned or leased by the applicant.

20 ~~(6)~~(4) Sirens and red or red and white signal lamps or sirens and blue or
21 blue and white signal lamps may be authorized for restored emergency or

1 enforcement vehicles used for exhibition purposes. Sirens and lamps
2 authorized under this subdivision may only be activated during an exhibition,
3 such as a car show or parade.

4 ~~(b)~~(c) Amber signal lamps. Amber signal lamps shall be used on road
5 maintenance vehicles, service vehicles, and wreckers and shall be used on all
6 registered snow removal equipment when in use removing snow on public
7 highways, and the amber lamps shall be mounted so as to be visible from all
8 sides of the motor vehicle.

9 Sec. 15a. 23 V.S.A. § 1254 is added to read:

10 § 1254. EMERGENCY WARNING LAMP; DEFINITION

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

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

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

18 Sec. 16. 23 V.S.A. § 1255(b) is amended to read:

19 (b) All persons with motor vehicles equipped as provided in ~~subdivisions~~
20 subsections 1252(a)(4) and (2)(b) of this title subchapter shall use the sirens or
21 colored-signal emergency warning lamps, or both, only in the direct

1 performance of ~~their~~ official duties. When any ~~person~~ individual other than a
2 law enforcement officer is operating a motor vehicle equipped as provided in
3 ~~subdivision~~ subsection 1252(a)(4) of this ~~title~~ subchapter, the colored signal
4 emergency warning lamps shall be either removed, covered, or hooded. When
5 any ~~person~~ individual other than an authorized emergency medical service
6 vehicle operator, firefighter, or authorized operator of vehicles used in rescue
7 operations is operating a motor vehicle equipped as provided in subdivision
8 1252(a)(2)(b)(1) of this ~~title~~ subchapter, the colored signal emergency warning
9 lamps shall be either removed, covered, or hooded unless the operator holds a
10 senior operator license.

11 Sec. 17. 23 V.S.A. § 4(1) is amended to read:

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

16 Sec. 18. 23 V.S.A. § 1050a(b) is amended to read:

17 (b) The driver of a vehicle shall yield the right of way to any authorized
18 vehicle obviously and actually engaged in work upon a highway when the
19 vehicle displays flashing lights meeting the requirements of subsection
20 1252(b)(c) of this title.

1 shown in the application against the records of vehicles required to be
2 maintained by section 2017 of this title and against the record of stolen and
3 converted vehicles required to be maintained by section 2084 of this title.

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

5 § 2021. REFUSAL OF CERTIFICATE

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

9 * * *

10 * * * Vessels * * *

11 * * * Fire Extinguishers * * *

12 Sec. 24. 23 V.S.A. § 3306 is amended to read:

13 § 3306. LIGHTS AND EQUIPMENT

14 * * *

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

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

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

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

6 (C) 40 feet or longer, not less than three extinguishers; and

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

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

10 (B) 26 feet or longer but less than 40 feet, not less than one
11 extinguisher; and

12 ~~(B)~~(C) 40 feet or longer, not less than two extinguishers.

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

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

20 (2) Notwithstanding subdivision (1) of this subsection, motorboats with
21 a model year between 1953 and 2017 with previously approved fire

1 extinguishers that are not in compliance with the types identified in subdivision
2 (1) of this subsection need not be replaced until such time as they are no longer
3 in good and serviceable condition.

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

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

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

