

H.204. An Act Relating to the Collection and Recycling of Waste Motor Vehicle Tire

- H.204 establishes an extended producer responsibility program for “waste tires”.
- “Waste tires” are defined under the bill as a “motor vehicle tire that has been removed from a motor vehicle and is no longer suitable for its original purpose because of wear, tear, damage, defect or other reason.
- But, what is a motor vehicle?

Definition of Motor Vehicle under H.204

(8) “Motor vehicle” means all vehicles operated in the State that are propelled or drawn by power other than muscular power.

(A) “Motor vehicle” includes:

- (i) “all-terrain vehicles,” which has the same meaning as in 23 V.S.A. § 3501(1);
- (ii) “motorcycles,” which has the same meaning as in 23 V.S.A. § 4(18);
- (iii) farm tractors and farm trailers; and
- (iv) “motor-driven cycles,” which has the same meaning as in 23 V.S.A. § 4(45)(A).

(B) “Motor vehicle” does not mean:

- (i) an “electric personal assistive mobility device,” which has the same meaning as in 23 V.S.A. § 4(66);
- (ii) an “electric bicycle,” which has the same meaning as in 23 V.S.A. § 4(46)(A);
- (iii) a “motor-assisted bicycle,” which has the same meaning as in 23 V.S.A. § 4(45)(B)(i), or a motor-assisted bicycle that has been modified to meet the physical needs or abilities of the operator or a passenger;
- (iv) an “adaptive electric cycle,” which has the same meaning as in 19 V.S.A. § 2901;
- (v) a lawn mower; or
- (vi) a specialized construction vehicle, such as motorized highway building equipment, a road-making appliance, a tracked vehicle, and an aircraft pushback tractor.

Yes—It's a Motor Vehicle

- All terrain vehicles, 23 V.S.A. § 3501(1):

(1) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having not less than two low pressure tires (10 pounds per square inch, or less); not wider than 72 inches, with two-wheel ATVs having permanent, full-time power to both wheels; and having a dry weight of less than 2,500 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title. An ATV does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.

- Motorcycles, 23 V.S.A. § 4(18):

(18)(A) “Motorcycle” means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and includes autocycles but excludes motor-driven cycles, motor-assisted bicycles, electric bicycles, golf carts, track driven vehicles, tractors, and electric personal assistive mobility devices.

(B) “Autocycle” means a three-wheeled motorcycle:

- (i) in which the occupants sit with their legs forward;
- (ii) designed to be controlled with a steering wheel and pedals; and
- (iii) equipped with safety belts for all occupants.

(C) “Fully enclosed autocycle” means an autocycle equipped with a windshield and that has full top and side enclosures capable of supporting the vehicle’s weight and protecting the occupants when the vehicle is resting on the enclosures.

- Farm Tractors and Farm Trailers, no definition provided.

- Motor Driven Cycles, 23 V.S.A. § 4(45)(A), unless modified (see below):

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and that is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. Electric personal assistive mobility devices, motor-assisted bicycles, and electric bicycles are not motor-driven cycles.

No—It's Not a Motor Vehicle

- Electric Personal Assistive Mobility Device, 23 V.S.A. § 4(66):

(66) “Electric personal assistive mobility device” (EPAMD) means a self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 h.p.).

- Electric Bicycle, 23 V.S.A. § 4(46):

(46)(A) “Electric bicycle” means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(i) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(ii) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(iii) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(B) An electric bicycle is not a motor vehicle and is a vehicle to the same extent that a bicycle is a vehicle.

(C) Electric bicycles shall be regulated in accordance with section 1136a of this title.

- Motor-Assisted Bicycle, 23 V.S.A. § 45(B)(i), or modified motor-assisted bicycle that has been modified to meet the physical needs of abilities of the operator or passenger:

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that in itself is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds and either:

(I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3 horsepower; or

(II) has an electric motor with a power output of not more than 1,000 watts and does not meet the requirements of one of the three classes in subdivisions (46)(A)(i)-(iii) of this section.

- Adaptive electric cycle, 19 V.S.A. § 2901:

(1) “Adaptive electric cycle” means an electric bicycle or an electric cargo bicycle that has been modified to meet the physical needs or abilities of the operator or a passenger.

- Lawn mower, no definition

- Specialized construction vehicle, no definition, but examples, such as motorized highway building equipment, a road making appliance, tracked vehicle, and an aircraft pushback tractor.