

Short Side-by-Side Comparison of S.123:
As Passed Senate and as Passed by House

Section	As Passed Senate	As Proposed by House Transportation	Notes
1	Same	Same	• Same
2	Same	Same	• Same
3	Same	Same	• Same
4	Same	Same	• Same
5	Same	Same	• Same
6	Same	Same	• Same
7	Same	Same	• Same
8	<p>23 V.S.A. § 608 is amended to read: § 608. FEES</p> <p style="text-align: center;">* * *</p> <p><u>(b) Individuals receiving Supplemental Security Income or Social Security Disability Income and individuals with a disability as defined in 9 V.S.A. § 4501 shall be provided with operator’s licenses or operator privilege cards for the following fees:</u></p> <p><u>(1) Original issuance: \$20.00.</u></p> <p><u>(2) Renewal every four years: \$20.00.</u></p> <p><u>(3) Replacement of lost, destroyed, or mutilated card or a new name is required: \$10.00.</u></p> <p><u>(c) An additional fee of \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-year period, to be coincidental with the length of the operator’s license.</u></p> <p><u>(d)(1) Individuals under 23 years of age who were in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall be provided with operator’s licenses or operator privilege cards at no charge.</u></p> <p><u>(2) No additional fee shall be due for a motorcycle endorsement for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.</u></p>	<p>23 V.S.A. § 608 is amended to read: § 608. FEES</p> <p style="text-align: center;">* * *</p> <p><u>(b) An additional fee of \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-year period, to be coincidental with the length of the operator’s license.</u></p> <p><u>(c)(1) Individuals under 23 years of age who were in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall be provided with operator’s licenses or operator privilege cards at no charge.</u></p> <p><u>(2) No additional fee shall be due for a motorcycle endorsement for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.</u></p>	<ul style="list-style-type: none">• House version does not include reduced license fees for recipients of SSI and SSDI.
9	Same	Same	• Same

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10	Same	Same	• Same
11	<p>23 V.S.A. § 4122 is amended to read: § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON MASKING OR DIVERSION</p> <p>(a) No court, State’s Attorney, or law enforcement officer may utilize the provisions of 13 V.S.A. § 7041 or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver’s license, <u>commercial learner’s permit</u>, or was operating a commercial motor vehicle when the violation occurred and is charged with violating any State or local traffic law other than a parking violation.</p> <p style="text-align: center;">* * *</p>	<p>23 V.S.A. § 4122 is amended to read: § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON MASKING OR DIVERSION</p> <p>(a) No court, State’s Attorney, or law enforcement officer may utilize the provisions of 13 V.S.A. § 7041 or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver’s license, <u>commercial learner’s permit</u>, or was operating a commercial motor vehicle when the violation occurred and is charged with violating any State or local traffic law other than a parking <u>violation, vehicle weight, or vehicle defect violations</u>.</p> <p style="text-align: center;">* * *</p>	<ul style="list-style-type: none"> • House version allows deferred imposition for vehicle weight and vehicle defect violations, in addition to parking violations. • Change aligns with federal law and with provisions of H.44
12	Same	Same	• Same
13	Same	Same	• Same
14	Same	Same	• Same
15	Same	Same	• Same
16	Same	Same	• Same
17	<p>INFORMATION REGARDING PRIVILEGE CARDS AND NONDRIVER IDENTIFICATION CARDS; INTENT</p> <p><u>It is the intent of the General Assembly that the Commissioner of Motor Vehicles shall ensure that any individual who is unable to or does not wish to comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201-202 shall be informed of the option of obtaining an operator’s privilege card pursuant to the provisions of 23 V.S.A. § 603(f) or a nondriver identification card pursuant to the provisions of 23 V.S.A. § 115.</u></p>	<p>INFORMATION REGARDING PRIVILEGE CARDS AND NONDRIVER IDENTIFICATION CARDS; INTENT</p> <p><u>It is the intent of the General Assembly that the Commissioner of Motor Vehicles shall ensure that any individual who is unable to or does not wish to comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201 and 202 shall <u>continue to be</u> informed of the option of obtaining an operator’s privilege card pursuant to the provisions of 23 V.S.A. § 603(f) or a nondriver identification card pursuant to the provisions of 23 V.S.A. § 115.</u></p>	<ul style="list-style-type: none"> • Minor language changes in House version.

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18	<p>OUTREACH</p> <p>On or before November 15, 2025, the Department of Motor Vehicles shall develop and implement a public education and outreach campaign to inform Vermont residents about:</p> <p>(1) an individual’s rights to obtain an operator’s license, privilege card, or nondriver identification card;</p> <p>(2) an individual’s rights to self-attest with respect to the gender marker on the individual’s operator’s license, privilege card, or nondriver identification card; and</p> <p>(3) reduced fees that are available to individuals who meet certain requirements.</p>	<p>OUTREACH; UPDATES</p> <p>(a) On or before November 15, 2025, the Department of Motor Vehicles shall develop and implement a public education and outreach campaign to inform Vermont residents about:</p> <p>(1) an individual’s ability to obtain an operator’s license, operator’s privilege card, or nondriver identification card;</p> <p>(2) an individual’s ability under Vermont law to self-attest with respect to the gender marker on the individual’s operator’s license, operator’s privilege card, or nondriver identification card; and</p> <p>(3) reduced fees that are available to individuals who meet certain requirements.</p> <p>(b) The Commissioner shall provide two brief, written updates to the House and Senate Committees on Transportation regarding the implementation and utilization of 23 V.S.A. §§ 115b and 604. The first shall be due not more than 30 days after the Department implements the provisions of 23 V.S.A. §§ 115b and 604 and the second shall be due in January 2026.</p>	<ul style="list-style-type: none">House version makes wording changes and adds new subsection requiring updates on early renewal provisions.
19	Same	Same	• Same
20	Same	Same	• Same
21	Same	Same	• Same
22	Same	Same	• Same
23	Same	Same	• Same
24	Same	Same	• Same
25	Same	Same	• Same
26	Same	Same	• Same
27	Same	Same	• Same
28	Same	Same	• Same
29	Same	Same	• Same
30	Same	Same	• Same
31	Same	Same	• Same

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32	Same	Same	• Same
33/NA	23 V.S.A. § 114 is amended to read: § 114. FEES (a) The Commissioner shall be paid the following fees for miscellaneous transactions: * * * (24) <u>Bulk electronic records request</u> \$0.303 per record * * *	N/A	• Deleted in House version
34/33	Same	Same	• Same
35/34	Same	Same	• Same
36/35	Same	Same	• Same
37/36	Same	Same	• Same
38/37	Same	Same	• Same
39/NA	23 V.S.A. § 1125 is amended to read: § 1125. OBSTRUCTING WINDSHIELDS; <u>AND</u> WINDOWS (a) <u>Prohibition.</u> Except as otherwise provided in this section, a person <u>an individual</u> shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or hung in back of, any transparent part of a motor vehicle windshield, vent windows, or side windows located immediately to the left and right of the operator. The prohibition of this section on hanging items shall apply only to shading or tinting material or when a hanging item materially obstructs the driver's view. (b) <u>General exemptions.</u> Notwithstanding subsection (a) of this section, a person <u>an individual</u> may operate a motor vehicle with material or items painted or adhered on or over, or hung in back of, the windshield, vent windows, or side windows: (1) in a space not over four inches high and 12 inches long in the lower right-hand corner of the windshield;	N/A	• Deleted in House version

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<p>(2) in such <u>any</u> space as the Commissioner of Motor Vehicles may specify for location of any sticker required by governmental regulation;</p> <p>(3) in a space not over two inches high and two and one-half inches long in the upper left-hand corner of the windshield;</p> <p>(4) if the operator is a person <u>an individual</u> employed by the federal, State, or local government or a volunteer emergency responder operating an authorized emergency vehicle, who places any necessary equipment in back of the windshield of the vehicle, provided the equipment does not interfere with the operator's control of the driving mechanism of the vehicle;</p> <p>(5) on a motor vehicle that is for sale by a licensed automobile dealer prior to the sale of the vehicle, in a space not over three inches high and six inches long in the upper left-hand corner of the windshield, and in a space not over four inches high and 18 inches long in the upper right-hand corner of the windshield; or</p> <p>(6) if the object is a rearview mirror; or is an electronic toll-collection transponder located either between the roof line and the rearview mirror post or behind the rearview mirror; <u>or</u></p> <p><u>(7) if the object is shading or tinting material and the visible light transmission of the motor vehicle windshield, vent window, or side window with that shading or tinting material is not less than 70 percent.</u></p> <p>(c) <u>Medical exemption.</u> The Commissioner may grant an exemption to the prohibition of this section upon application from a person <u>an individual</u> required for medical reasons to be shielded from the rays of the sun and who attaches to the application a document signed by a licensed physician or optometrist certifying that shielding from the rays of the sun is a medical necessity. The physician or optometrist certification shall be renewed</p>		
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	<p>every four years. However, when a licensed physician or optometrist has previously certified to the Commissioner that an applicant’s condition is both permanent and stable, the exemption may be renewed by the applicant without submission of a form signed by a licensed physician or optometrist. Additionally, the window shading or tinting permitted under this subsection shall be limited to the vent windows or side windows located immediately to the left and right of the operator. The exemption provided in this subsection shall terminate upon the transfer of the approved vehicle and at that time the applicable window tinting shall be removed by the seller. Furthermore, if the material described in this subsection tears or bubbles or is otherwise worn to prohibit clear vision, it shall be removed or replaced.</p> <p>(d) <u>Rear side window obstructions.</u> The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which <u>that</u> provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.</p> <p>(e) <u>Removal.</u> Any shading or tinting material that is painted or adhered on or over, or hung in back of, the windshield, vent windows, or side windows in accordance with subdivision (b)(7) or subsection (c) of this section shall be removed if it tears, bubbles, or is otherwise worn to prohibit clear vision.</p> <p>(f) <u>Definition.</u> As used in this section, “visible light transmission” means the amount of visible light that can pass through shading, tinting, or glazing material applied to or within the transparent portion of a window or windshield of a motor vehicle.</p>		
40/NA	<p>LEGISLATIVE INTENT; TINTED WINDOWS</p> <p><u>It is the intent of the General Assembly that a motor vehicle with shading or tinting material that is not allowed</u></p>	N/A	<ul style="list-style-type: none">Deleted in House version

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	<u>under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, poses a danger to the individual operating the motor vehicle, any passengers in the motor vehicle, and other highway users and that such a motor vehicle shall fail the annual safety inspection required under 23 V.S.A. § 1222.</u>		
41/NA	<p>RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED</p> <p>WINDOWS; OUTREACH</p> <p>(a) <u>The Department of Motor Vehicles shall, unless extended by the Legislative Committee on Administrative Rules, adopt amendments to Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-022) consistent with the legislative intent in Sec. 40 of this act to be effective not later than July 1, 2026. The amendments shall include the level of visible light transmission required for windshields and the windows to the immediate right and left of the driver as of the effective date of the amendments.</u></p> <p>(b) <u>The Department of Motor Vehicles, in consultation with the Department of Public Safety, shall implement a public outreach campaign on window tinting to provide information on the prohibitions and exceptions under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, and the requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with amendments adopted under the Administrative Procedure Act consistent with subsection (a) of this section, including what level of visible light transmission is currently required for windshields and the windows to the immediate right and left of the driver. The Department of Motor Vehicles shall start to disseminate information as required under this subsection not later than two months prior to the effective date of Sec. 39 of this act and shall disseminate information on window tinting through email, bulletins, software updates, and the Department of Motor Vehicles’ website.</u></p>	N/A	<ul style="list-style-type: none">Deleted in House version

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42/38	Same	Same	• Same
43/39	<p>MOTOR VEHICLES; PURCHASE AND USE TAX; INSPECTIONS; STUDY COMMITTEE; REPORT</p> <p><u>(a) Creation. There is created the Purchase and Use Motor Vehicle Tax and Inspections Study Committee to examine the assessment of purchase and use tax on motor vehicles and the inspection of motor vehicles whose onboard diagnostic malfunction indicator light is on.</u></p> <p><u>(b) Membership. The Committee shall be composed of the following members:</u></p> <p><u>(1) the Commissioner of Motor Vehicles or designee;</u></p> <p><u>(2) a member, appointed by the Vermont Vehicle and Automotive Distributors Association or designee;</u></p> <p><u>(3) a member, appointed by the Vermont Insurance Agents Association; and</u></p> <p><u>(4) a member, appointed by the Vermont Community Action Partnership.</u></p> <p><u>(c) Powers and duties. The Committee shall study the assessment of purchase and use tax on motor vehicles and the inspection of motor vehicles whose onboard diagnostic malfunction indicator light is on, including the following issues:</u></p> <p><u>(1) the potential fiscal impact to the State of assessing the purchase and use tax against the amount that a used vehicle was purchased for, rather than the clean trade-in value of the vehicle;</u></p> <p><u>(2) the potential for assessing the purchase and use tax against the amount that a used vehicle was purchased for, if the difference between the purchase price and the clean trade-in value of the vehicle is equal to or less than the cost of repairs necessary for the vehicle to pass inspection pursuant to 23 V.S.A. § 1222;</u></p> <p><u>(3) the assessment of the purchase and use tax on vehicles that were purchased and first registered in another</u></p>	<p>MOTOR VEHICLE PURCHASE AND USE TAX; INSPECTIONS; REPORT</p> <p><u>(a) On or before January 31, 2026, the Commissioner of Motor Vehicles shall submit a written report to the House Committees on Transportation and on Ways and Means and the Senate Committees on Finance and on Transportation regarding the process for determining the taxable cost of a used motor vehicle for purposes of the purchase and use tax and the impact of annual motor vehicle safety and emissions inspections on Vermonters.</u></p> <p><u>(b) The report shall include, at a minimum, the following:</u></p> <p><u>(1) the number of persons during calendar years 2024 and 2025 who utilized the dealer appraisal process for determining the taxable cost of a used motor vehicle for purposes of the purchase and use tax;</u></p> <p><u>(2) the age and type of vehicles for which the dealer appraisal process was utilized during calendar years 2024 and 2025;</u></p> <p><u>(3) the difference between the clean trade-in value and the appraised value of vehicles for which the dealer appraisal process was utilized during calendar years 2024 and 2025;</u></p> <p><u>(4) the number of appeals of the taxable cost of a motor vehicle that were filed in calendar years 2024 and 2025;</u></p> <p><u>(5) the number appeals that resulted in a revision of the taxable cost and the difference between the originally assessed taxable cost and the revised taxable cost following the appeal;</u></p> <p><u>(6) a summary of issues identified by persons contacting the Department pursuant to subsection (c) of this section;</u></p>	<ul style="list-style-type: none">• Senate proposes study committee to examine issues related to purchase and use tax and inspections• House proposes report regarding issues related to purchase and use tax and inspections

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<p><u>state prior to the vehicle owner moving to Vermont and registering the vehicle in Vermont, including any potential impacts that the current manner in which the purchase and use tax is assessed on such vehicles may have on vehicle owners' decisions to move to Vermont or register their vehicles in Vermont, or both;</u></p> <p><u>(4) potential changes to the statutes and rules governing the purchase and use tax that could mitigate any negative impacts on vehicle owners' decisions to relocate to Vermont or register their vehicles in Vermont, or both, that are identified pursuant to subdivision (3) of this subsection; and</u></p> <p><u>(5) potential modifications to the periodic inspection manual to permit vehicles whose onboard diagnostic malfunction indicator light is illuminated to pass inspection pursuant to 23 V.S.A. § 1222 if the issue causing the indicator light to illuminate does not affect the safety of the vehicle with respect to the operator, any passengers, or any other vehicles.</u></p> <p><u>(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Motor Vehicles.</u></p> <p><u>(e) Report. On or before January 15, 2026, the Committee shall submit a written report to the House and Senate Committees on Transportation with its findings and any recommendations for legislative action.</u></p> <p><u>(f) Meetings.</u></p> <p><u>(1) The Commissioner of Motor Vehicles or designee shall call the first meeting of the Committee to occur on or before September 1, 2025.</u></p> <p><u>(2) The Commissioner of Motor Vehicles or designee shall be the Chair.</u></p> <p><u>(3) A majority of the membership shall constitute a quorum.</u></p>	<p><u>(7) a summary of funding and other assistance related to annual motor vehicle safety and emissions inspections that is available to Vermonters with lower income;</u></p> <p><u>(8) an examination of the potential approaches to reduce the financial burden of annual motor vehicle safety and emissions inspections on Vermonters, including the potential to reduce the frequency of inspections to every two years; and</u></p> <p><u>(9) any recommendations for legislative action.</u></p> <p><u>(c)(1) The Commissioner of Motor Vehicles shall establish an email address or other electronic means, or both, for Vermonters to contact the Department of Motor Vehicles regarding concerns with the motor vehicle purchase and use tax process.</u></p> <p><u>(2) The Commissioner of Motor Vehicles shall establish an email address or other electronic means, or both, for Vermonters to contact the Department of Motor Vehicles regarding the affordability of the annual motor vehicle inspection process and suggestions for reducing the financial impact of the inspection process on Vermonters.</u></p> <p><u>(3) The Commissioner shall conduct outreach at Department locations, on the Department's website, and through motor vehicle dealers to make the public aware of the opportunity to contact the Department pursuant to subdivisions (1) and (2) of this subsection.</u></p>	

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	<p><u>(4) The Committee shall cease to exist on January 30, 2026.</u></p> <p><u>(g) Compensation and reimbursement. Members of the Committee who are not otherwise compensated for their attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to Department of Motor Vehicles.</u></p>		
NA/40	N/A	<p>23 V.S.A. § 1139 is amended to read:</p> <p>§ 1139. RIDING ON ROADWAYS AND BICYCLE PATHS</p> <p>(a) A person <u>Due care and riding on the right. An individual</u> operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction. Bicyclists generally shall ride as near to the right side of the improved area of the highway right-of-way as is safe, except that a bicyclist:</p> <p style="text-align: center;">* * *</p> <p>(b) Persons riding <u>Riding two abreast. Individuals</u> operating bicycles upon a roadway may <u>shall</u> not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or except as otherwise permitted by the Commissioner of Public Safety in connection with a public sporting event in which case the Commissioner shall be authorized to adopt such rules as the public good requires. Persons <u>Individuals</u> riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.</p> <p>(c) <u>Obedience to traffic-control devices and traffic-control signals. An individual operating a bicycle shall follow all traffic-control devices and traffic-control signals governing motor vehicles except that an individual operating a bicycle who is facing a “walk” signal, as</u></p>	<ul style="list-style-type: none">• Added by House

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		<p><u>defined in section 1023 of this chapter, may make a turn or proceed across the roadway or intersection in the direction of the signal but shall yield the right of way to any vehicles or pedestrians in the roadway or intersection.</u></p> <p>(d) <u>Riding on a partially controlled access highway.</u> Bicycles may be operated on the shoulders of partially controlled access highways, which are those highways where access is controlled by public authority but where there are some connections with selected public highways, some crossings at grade, and some private driveway connections. The Traffic Committee may determine that any portion of these highways is unsafe and therefore closed to bicycle operation.</p>	
NA/41	N/A	<p>23 V.S.A. § 1139a is added to read: § 1139a. BICYCLE CONTROL SIGNALS</p> <p>(a) <u>Bicycles shall obey bicycle-control signals. An individual operating a bicycle shall obey the instructions of a bicycle-control signal, if present, instead of any traffic-control signal for motor vehicles.</u></p> <p>(b) <u>Bicycle-control signal legend.</u></p> <p>(1) <u>Green bicycle signal.</u></p> <p>(A) <u>An individual operating a bicycle facing a green bicycle signal may proceed straight through the intersection or turn right or left unless a sign prohibits such a turn, provided that:</u></p> <p>(i) <u>the individual operating the bicycle will not be in conflict with any simultaneous motor vehicle movements at that location; or</u></p> <p>(ii) <u>the bicycle movement at that location is not modified by lane-use signs, turn-prohibition signs, pavement markings, separate turn signal indications, or other traffic-control devices.</u></p> <p>(B) <u>An individual operating a bicycle pursuant to a green bicycle signal, including when turning right and left, shall yield the right-of-way to other individuals</u></p>	<ul style="list-style-type: none">• Added by House

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operating bicycles and pedestrians that are in the intersection when the signal is exhibited.

(2) Steady yellow bicycle signal. An individual operating a bicycle facing a steady yellow bicycle signal is warned that the steady green signal is being terminated and that the red signal will be exhibited immediately following the steady yellow signal, at which time bicycle traffic traveling in that direction shall not enter the intersection.

(3) Steady red bicycle signal.

(A) An individual operating a bicycle facing a steady red bicycle signal alone shall stop at a clearly marked stop line, or if there is none, shall stop before entering the crosswalk on the near side of the intersection.

(B) Except when a sign is in place prohibiting a turn, an individual operating a bicycle facing a steady red bicycle signal may:

(i) cautiously enter the intersection to turn right; or

(ii) after stopping as required pursuant to subdivision (A) of this subdivision (b)(3), turn left from a one-way street onto a one-way street.

(C) An individual making a turn pursuant to subdivision (B) of this subdivision (b)(3) shall yield the right-of-way to pedestrians and other vehicles that are in the intersection.

(D) An individual operating a bicycle shall not turn right when facing a red arrow signal unless a sign permitting such a turn is present.

(E) An individual operating a bicycle to the left of adjacent motor vehicle traffic approaching the same intersection shall be prohibited from turning right when facing a steady red bicycle signal and an individual operating a bicycle to the right of adjacent motor vehicle traffic approaching the same intersection shall be

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		<u>prohibited from turning left when facing a steady red bicycle signal.</u>	
NA/42	N/A	<p>BICYCLE OPERATION AT STOP SIGNS AND SIGNALS; EDUCATION; OUTREACH</p> <p><u>On or before April 1, 2026, the Commissioners of Motor Vehicles and of Public Safety, in consultation with stakeholders representing bicyclists, pedestrians, municipalities, and law enforcement agencies, shall develop education and outreach materials to inform vehicle operators, law enforcement officers, municipalities, and members of the public regarding the laws governing to the operation of bicycles on roadways, including at signalized intersections. The materials shall include both written and graphical materials explaining permitted bicycle operations and requirements for the operation of motor vehicles in relation to bicycles, including safe passing distance requirements.</u></p>	<ul style="list-style-type: none"> Added by House
NA/43	N/A	<p>FINDINGS; INTENT; LEGAL TRAILS</p> <p><u>(a) Findings. The General Assembly finds the following:</u></p> <p><u>(1) Outdoor recreation is a significant part of Vermont's identity and economy.</u></p> <p><u>(2) Trails provide Vermonters and visitors with access to natural beauty throughout the State and are used for a wide variety of outdoor recreational activities throughout the year.</u></p> <p><u>(3) Some trails are also used by Vermonters for travel or to access their homes and properties.</u></p> <p><u>(4) The State and municipalities use some trails to provide maintenance to State and municipal lands and facilities, as well as to provide public safety and rescue services.</u></p> <p><u>(5) Trails may require regular maintenance to ensure that they remain passable and can continue to</u></p>	<ul style="list-style-type: none"> Added by House

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		<p><u>support recreation, travel, access, and various public services.</u></p> <p><u>(6) While many trails in Vermont have been established through private easements or other agreements, a subset of trails, known as legal trails, lie along public rights-of-way that were once town highways and are governed by the provisions of 19 V.S.A. chapter 3.</u></p> <p><u>(b) Intent. It is the intent of the General Assembly to clarify municipalities' authority to exclusively or cooperatively maintain legal trails under the provisions of 19 V.S.A. chapter 3.</u></p>	
NA/44	N/A	<p>19 V.S.A. chapter 3 is amended to read:</p> <p>CHAPTER 3. TOWN HIGHWAYS</p> <p>§ 301. DEFINITIONS</p> <p>As used in this chapter:</p> <p style="text-align: center;">* * *</p> <p>(2) <u>"Legislative body" includes boards of selectmen, aldermen, and village trustees means a legislative body as defined in 24 V.S.A. § 2001.</u></p> <p>(3) <u>"Selectmen" includes village trustees and aldermen "Selectboard" means a selectboard as defined in 24 V.S.A. § 2001.</u></p> <p style="text-align: center;">* * *</p> <p>(8)<u>(A)</u> <u>"Trail" means a public right-of-way that is not a highway and that:</u></p> <p style="padding-left: 40px;"><u>(i) municipalities have the authority to exclusively or cooperatively maintain; and</u></p> <p style="padding-left: 40px;"><u>(A)(ii)(I) previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or</u></p> <p style="padding-left: 40px;"><u>(B)(II) a new public right-of-way laid out as a trail by the selectmen legislative body for the purpose of providing access to abutting properties or for recreational use.</u></p>	<ul style="list-style-type: none"> • Identical to language that appeared in Senate version of H.488

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		<p>(B) Nothing in this section <u>subdivision (8)</u> shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of selectmen <u>legislative bodies</u> to reasonably regulate the uses of recreational trails.</p> <p>§ 302. CLASSIFICATION OF TOWN HIGHWAYS</p> <p>(a) For the purposes of this section and receiving State aid, all town highways shall be categorized into one or another of the following classes:</p> <p style="text-align: center;">* * *</p> <p>(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable, they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places that by their nature have more than normal amount of traffic. The selectmen <u>legislative body</u>, with the approval of the Agency, shall determine which highways are to be class 2 highways.</p> <p>(3) Class 3 town highways:</p> <p>(A) Class 3 town highways are all traveled town highways other than class 1 or 2 highways. The selectmen <u>legislative body</u>, after conference with a representative of the Agency, shall determine which highways are class 3 town highways.</p> <p style="text-align: center;">* * *</p> <p>(5) Trails shall not be considered highways and the town. A municipality shall <u>have the authority to maintain trails but shall</u> not be responsible for any maintenance, including culverts and bridges.</p> <p style="text-align: center;">* * *</p> <p>§ 303. TOWN HIGHWAY CONTROL</p> <p>Town highways shall be under the general supervision and control of the selectmen <u>legislative body</u> of the town where the roads are located. Selectmen <u>The legislative body of a town</u> shall supervise all expenditures.</p>	
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Short Side-by-Side Comparison of S.123:
As Passed Senate and as Passed by House

		<p>§ 304. DUTIES OF SELECTBOARD</p> <p>(a) It shall be the duty and responsibility of the selectboard of the town to, or acting as a board, it shall have the authority to:</p> <p style="text-align: center;">* * *</p> <p>(16) Unless the town electorate votes otherwise, under the provisions of 17 V.S.A. § 2646, appoint a road commissioner, or remove him or her <u>the road commissioner</u> from office, pursuant to 17 V.S.A. § 2651. Road commissioners, elected or appointed, shall have only the powers and authority regarding highways granted to them by the selectboard.</p> <p style="text-align: center;">* * *</p> <p>(24) <u>Maintain trails, but shall not be required to maintain trails.</u></p> <p style="text-align: center;">* * *</p>	
44/45	<p>EFFECTIVE DATES</p> <p>(a) <u>Secs. 39 and 40 shall take effect on July 1, 2026.</u></p> <p>(b) <u>This section and the remaining sections of this act shall take effect on July 1, 2025.</u></p>	<p>EFFECTIVE DATES</p> <p>(a) <u>This section and Secs. 15 and 16 (early renewal of operator’s licenses, operator’s privilege cards, and nondriver identification) shall take effect on passage.</u></p> <p>(b) <u>The remaining sections shall take effect on July 1, 2025.</u></p>	<ul style="list-style-type: none">• Senate includes delayed effective date for window tinting provisions, which do not appear in House proposal.• House includes effective date on passage for early renewal of license and ID (Senate effective date for those sections is July 1)