

1 S.123

2 An act relating to miscellaneous changes to laws related to motor vehicles It
3 is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Plug-in Electric Vehicles * * *

5 Sec. 1. 23 V.S.A. § 4(28) is amended to read:

6 (28) "Pleasure car" shall include all motor vehicles not otherwise
7 defined in this title and shall include plug-in electric vehicles, battery electric
8 vehicles, or plug-in hybrid electric vehicles as defined pursuant to subdivision
9 (85) of this section.

10 * * * Veteran's Designation * * *

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

12 § 7. ENHANCED DRIVER'S LICENSE; MAINTENANCE OF DATABASE
13 INFORMATION; FEE

14 * * *

15 (b)(1) In addition to any other requirement of law or rule, before an
16 enhanced license may be issued to an individual, the individual shall present
17 for inspection and copying satisfactory documentary evidence to determine
18 identity and U.S. citizenship. ~~An~~ A new application shall be accompanied by a
19 photo identity document, documentation showing the individual's date and
20 place of birth, proof of the individual's Social Security number, and

21 documentation showing the individual's principal residence address. New and
22 renewal application forms shall include a space for the applicant to request that
23 a "veteran" designation be placed on the enhanced license.

24 (2) If a veteran, as defined in 38 U.S.C. § 101(2) and including an
25 individual disabled during active military, naval, air, or space service, as
26 defined in 38 U.S.C. § 101(24), requests a veteran designation and provides a
27 Department of Defense Form 214 or other proof of veteran status specified by
28 the Commissioner, and the Office of Veterans' Affairs confirms the
29 individual's status as an honorably discharged veteran; a veteran discharged
30 under honorable conditions; or an individual disabled during active military,
31 naval, air, or space service, the identification card shall include the term
32 "veteran" on its face.

33 (3) To be issued, an enhanced license must meet the same
34 requirements as those for the issuance of a U.S. passport. Before an
35 application may be processed, the documents and information shall be verified
36 as determined by the Commissioner.

37 (4) Any additional personal identity information not currently
38 required by the U.S. Department of Homeland Security shall need the approval
39 of either the General Assembly or the Legislative Committee on
40 Administrative Rules prior to the implementation of the requirements.

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* * * Documentation of Anatomical Gift * * *

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Sec. 3. 23 V.S.A. § 115 is amended to read:

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§ 115. NONDRIVER IDENTIFICATION CARDS

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* * *

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(g) An identification card issued to a first-time applicant and any

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subsequent renewals by that person shall contain a photograph or imaged

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likeness of the applicant. The photographic identification card shall be

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available at a location designated by the Commissioner. An individual issued

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an identification card under this subsection that contains an imaged likeness

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may renew ~~his or her~~ the individual's identification card by mail. Except that a

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renewal by an individual required to have a photograph or imaged likeness

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under this subsection must be made in person so that an updated imaged

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likeness of the individual is obtained not less often than once every nine years.

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* * *

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(k) At the option of the applicant, ~~his or her~~ the applicant's valid Vermont

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license may be surrendered in connection with an application for an

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identification card. In those instances, the fee due under subsection (a) of this

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section shall be reduced by:

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* * *

66 * * * Disability Placards for Volunteer Drivers * * *

68 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR

70 (a) As used in this section:

74 * * *

77 * * *

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81 plates shall be issued without additional fees for a vehicle registered or leased
82 to an individual who is blind or has an ambulatory disability or to a parent or
83 guardian of an individual with a permanent disability. The Commissioner
84 shall issue these placards or plates under rules adopted by ~~him or her~~ the
85 Commissioner after proper application has been made to the Commissioner
86 by any person residing within the State. Application forms shall be available
87 on request at the Department of Motor Vehicles.

88 (1) Upon application for a special registration plate or removable
89 windshield placard, the Commissioner shall send a form prescribed by ~~him or~~
90 ~~her~~ the Commissioner to the applicant to be signed and returned by a licensed
91 physician, licensed physician assistant, or licensed advanced practice registered
92 nurse. The Commissioner shall file the form for future reference and issue the
93 placard or plate. A new application shall be submitted every four years in the
94 case of placards and at every third registration renewal for plates but in no case
95 greater than every four years. When a licensed physician, licensed physician
96 assistant, or licensed advanced practice registered nurse has previously
97 certified to the Commissioner that an applicant's condition is both permanent
98 and stable, a special registration plate or placard need not be renewed.

99 * * *

(4) An applicant for a registration plate or placard for individuals with disabilities may request the Civil Division of the Superior Court in the county in which ~~he or she~~ the applicant resides to review a decision by the Commissioner to deny ~~his or her~~ the applicant's application for a special registration plate or placard.

(6) On a form prescribed by the Commissioner, a nonprofit organization that provides volunteer drivers to transport individuals who have an ambulatory disability or are blind may apply to the Commissioner for a placard. ~~Placards shall be marked "volunteer driver."~~ The organization shall ensure proper use of placards and maintain an accurate and complete record of

120 the volunteer drivers to whom the placards are given by the organization.
121 Placards shall be returned to the organization when the volunteer driver is no
122 longer performing that service. Abuse of the privileges provided by the
123 placards may result in the privileges being revoked and the placards
124 repossessed by the Commissioner. Revocation may occur only after suitable
125 notice and opportunity for a hearing. Hearings shall be held in accordance
126 with sections 105–107 of this title.

127 * * *

128 (e)(1) An individual, other than an eligible person, who for ~~his or her~~ the
129 individual's own purposes parks a vehicle in a space for individuals with
130 disabilities shall be subject to a civil penalty of not less than \$200.00 for each
131 violation and shall be liable for towing charges.

132 (2) An individual, other than an eligible person, who displays a special
133 registration plate or removable windshield placard not issued to ~~him or her~~ the
134 individual under this section and parks a vehicle in a space for individuals with
135 disabilities, shall be subject to a civil penalty of not less than \$400.00 for each
136 violation and shall be liable for towing charges.

137 * * *

138 (f) Individuals who have a temporary ambulatory disability may apply for a
139 temporary removable windshield placard to the Commissioner on a form

140 prescribed by ~~him or her~~ the Commissioner. The placard shall be valid for a
141 period of up to six months and displayed as required under the provisions of
142 subsection (c) of this section. The application shall be signed by a licensed
143 physician, licensed physician assistant, or licensed advanced practice registered
144 nurse. The validation period of the temporary placard shall be established on
145 the basis of the written recommendation from a licensed physician, licensed
146 physician assistant, or licensed advanced practice registered nurse. The
147 Commissioner shall adopt rules to implement the provisions of this subsection.

148 * * * Fees * * *

149 Sec. 5. 23 V.S.A. § 115(a) is amended to read:

150 (a)(1) Any Vermont resident may make application to the Commissioner
151 and be issued an identification card that is attested by the Commissioner as to
152 true name, correct age, residential address unless the listing of another address
153 is requested by the applicant or is otherwise authorized by law, and any other
154 identifying data as the Commissioner may require that shall include, in the case
155 of minor applicants, the written consent of the applicant's parent, guardian, or
156 other person standing in loco parentis.

157 (2) Every application for an identification card shall be signed by the
158 applicant and shall contain such evidence of age and identity as the

159 Commissioner may require, consistent with subsection (l) of this section. New
160 and renewal application forms shall include a space for the applicant to request
161 that a “veteran” designation be placed on the applicant’s identification card. If
162 a veteran, as defined in 38 U.S.C. § 101(2) and including an individual
163 disabled during active military, naval, air, or space service, as defined in 38
164 U.S.C. § 101(24), requests a veteran designation and provides a Department of
165 Defense Form 214 or other proof of veteran status specified by the
166 Commissioner, and the Office of Veterans’ Affairs confirms the veteran’s
167 status as an honorably discharged veteran; a veteran discharged under
168 honorable conditions; or an individual disabled during active military, naval,
169 air, or space service, the identification card shall include the term “veteran” on
170 its face.

171 (3) The Commissioner shall require payment of a fee of \$29.00 at the
172 time application for an identification card is made, except that an initial
173 nondriver identification card shall be issued at no charge to:

174 (A) an individual who surrenders the individual’s
175 license in connection with a suspension or revocation under
176 subsection 636(b) of this title due to a physical or mental
177 condition; or

178 (B) an individual under 23 years of age who was in
179 the care and custody of the Commissioner for Children and
180 Families pursuant to 33 V.S.A.
181 § 4903(4) in Vermont after attaining 14 years of age.

182 Sec. 6. 23 V.S.A. § 376 is amended to read:

183 § 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE
184 ORGANIZATION MOTOR VEHICLES

185 * * *

186 (h)(1) The EV infrastructure fee, required pursuant subsections 361(b) and
187 (c) of this subchapter, shall not be charged for vehicles owned by the State.
188 (2) The EV infrastructure fee, required pursuant subsections 361(b) and
189 (c) of this subchapter, shall not be charged for vehicles that are owned by any
190 county or municipality in the State and used by that county or municipality or
191 another county or municipality in this State for county or municipal purposes.

192 (i)(1) The EV infrastructure fee, required pursuant subsections 361(b) and
193 (c) of this subchapter, shall not be charged for a motor truck, trailer,
194 ambulance, or other motor vehicle that is:

195 (A) owned by a volunteer fire department or other volunteer
196 firefighting organization, an ambulance service, or an organization conducting
197 rescue operations; and

198 (B) used solely for firefighting, emergency medical, or rescue
199 purposes, or any combination of those activities.

200 (2) A motor vehicle or trailer subject to the provisions of this subsection
201 shall be plainly marked on both sides of the body or cab to indicate its
202 ownership.

203 Sec. 7. 23 V.S.A. § 378 is amended to read:

204 § 378. VETERANS' EXEMPTIONS

205 No fees, including the annual emissions fee required pursuant to 3 V.S.A. §
206 2822(m)(1) and the electric vehicle infrastructure fees required pursuant to
207 section 361 of this subchapter, shall be charged ~~an honorably discharged to a~~
208 veteran of the U.S. Armed Forces who received a discharge under other than
209 dishonorable conditions and is a resident of the State of Vermont for the
210 registration of a motor vehicle that the veteran has acquired with financial
211 assistance from the U.S. Department of Veterans Affairs, or for the registration

212 of a motor vehicle owned by ~~him or her~~ the veteran during ~~his or her~~ the
213 veteran's lifetime obtained as a replacement thereof, when ~~his or her~~ the
214 veteran's application is accompanied by a copy of an approved VA Form
215 214502 issued by the U.S. Department of Veterans Affairs certifying ~~him or~~
216 ~~her~~ the veteran to be entitled to the financial assistance.

217 Sec. 8. 23 V.S.A. § 608 is amended to read:

218 § 608. FEES

219 * * *

220 (b) Individuals receiving Supplemental Security Income or Social Security
221 Disability Income and individuals with a disability as defined in 9 V.S.A. §
222 4501 shall be provided with operator's licenses or operator privilege cards for
223 the following fees:

224 (1)Original issuance: \$20.00.

225 (2)Renewal every four years: \$20.00.

226 (3)Replacement of lost, destroyed, or mutilated card or a new
227 name is required: \$10.00.

228 (c) An additional fee of \$4.00 per year shall be paid for a motorcycle
229 endorsement. The endorsement may be obtained for either a two-year or
230 fouryear period, to be coincidental with the length of the operator's license.

231 (d)(1) Individuals under 23 years of age who were in the care and custody
232 of the Commissioner for Children and Families pursuant to 33 V.S.A.
233 § 4903(4) in Vermont after attaining 14 years of age shall be provided with
234 operator's licenses or operator privilege cards at no charge.

235 (2) No additional fee shall be due for a motorcycle endorsement for an
236 individual under 23 years of age who was in the care and custody of the
237 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in
238 Vermont after attaining 14 years of age.

239 * * * Learner's Permits * * *

240 Sec. 9. 23 V.S.A. § 617 is amended to read:

241 § 617. LEARNER'S PERMIT

242 * * *

243 (b)(1) Notwithstanding the provisions of subsection (a) of this section, any
244 licensed person may apply to the Commissioner of Motor Vehicles for a
245 learner's permit for the operation of a motorcycle in the form prescribed by the
246 Commissioner. The Commissioner shall offer both a motorcycle learner's
247 permit that authorizes the operation of three-wheeled motorcycles only and a
248 motorcycle learner's permit that authorizes the operation of any motorcycle.
249 The Commissioner shall require payment of a fee of \$24.00 at the time
250 application is made, except that no fee shall be charged for an individual under

251 23 years of age who was in the care and custody of the Commissioner for
252 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
253 attaining 14 years of age.

254 (2) After the applicant has successfully passed all parts of
255 the applicable motorcycle endorsement examination, other than a skill
256 test, the Commissioner may issue to the applicant a learner's permit
257 that entitles the applicant, subject to subsection 615(a) of this title, to
258 operate a three-wheeled motorcycle only, or to operate any motorcycle,
259 upon the public highways for a period of 120 days from the date of
260 issuance. The fee for the examination shall be \$11.00, except that no
261 fee shall be charged for an individual under 23 years of age who was in
262 the care and custody of the Commissioner for Children and Families
263 pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of
264 age.

265 (3) A motorcycle learner's permit may be renewed only
266 twice upon payment of a \$24.00 fee. An individual under 23 years of
267 age who was in the care and custody of the Commissioner for Children
268 and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
269 attaining 14 years of age shall not be charged a fee for the renewal of a
270 motorcycle learner's permit.

290 § 4903(4) in Vermont after attaining 14 years of age shall not be charged a fee
291 for a learner's permit or a duplicate or renewal thereof.

292 (3) A replacement learner's permit for the operation of a
293 motorcycle may be generated from the applicant's electronic account for no
294 charge.

295 (e)(1) A learner's permit, ~~which is not a learner's permit~~ for the operation
296 of a motorcycle, shall contain a photograph or imaged likeness of the
297 individual. A learner's permit for a motor vehicle shall contain a photograph
298 or imaged likeness of the individual if the permit is obtained in person. ~~The~~
299 ~~photographic learner's permit shall be available at locations designated by the~~
300 ~~Commissioner.~~

301 (2) An individual issued a permit under this subsection may renew ~~his or~~
302 ~~her~~ the individual's permit by mail or online, but a permit holder who chooses
303 to have a photograph or imaged likeness under this subsection must renew in
304 person so that an updated imaged likeness of the individual is obtained not less
305 often than once every nine years.

306 * * *

307 * * * Commercial Learner's Permit * * *

308 Sec. 10. 23 V.S.A. § 4111a is amended to read:

309 § 4111a. COMMERCIAL LEARNER'S PERMIT

310 (a) Contents of permit. A commercial learner's permit shall contain the
311 following:

312 * * *

313 (3) physical and other information to identify and describe the permit
314 holder, including the month, day, and year of birth; sex; ~~and~~ height; and
315 photograph;

316 * * *

317 Sec. 11. 23 V.S.A. § 4122 is amended to read:

318 § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON
319 MASKING OR DIVERSION

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

326 * * *

327 * * * License Examinations * * *

328 Sec. 12. 23 V.S.A. § 632 is amended to read:

329 § 632. EXAMINATION REQUIRED; WAIVER

330 (a) Before an operator's or a junior operator's license is issued to an
331 applicant for the first time in this State, or before a renewal license is issued to
332 an applicant whose previous Vermont license had expired more than three
333 years prior to the application for renewal, the applicant shall pass a satisfactory
334 examination, except that the Commissioner may, in ~~his or her~~ the
335 Commissioner's discretion, waive the examination when the applicant holds a
336 chauffeur's, junior operator's, or operator's license in force at the time of
337 application or within three years prior to the application in some other
338 jurisdiction where an examination is required similar to the examination
339 required in this State.

340 (b) The examination shall consist of:

341 * * *

342 (3) at the discretion of the Commissioner, such other examination or
343 demonstration as ~~he or she~~ the Commissioner may prescribe, including an oral
344 eye examination.

345 (c) An applicant may have an individual of ~~his or her~~ the applicant's
346 choosing at the oral examination or road test to serve as an interpreter,
347 including to translate any oral commands given as part of the road test.

348 Sec. 13. 23 V.S.A. § 634 is amended to read:

349 § 634. FEE FOR EXAMINATION

350

* * *

351

(b)(1) ~~A~~ Beginning on or before July 1, 2026, a scheduling fee of \$29.00

352

shall be paid by the applicant before the applicant may schedule the road test

353

required under section 632 of this title. ~~Unless an applicant gives the~~

354

~~Department at least 48 hours' notice of cancellation, if~~

355

(2) If the applicant does not appear as scheduled, the \$29.00

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scheduling fee ~~is~~ shall be forfeited, unless either:

357

(A) the applicant gives the Department at least 48 hours'

358

notice; or

359

(B) the applicant shows good cause for the cancellation, as

360

determined by the Commissioner.

361

(3) If the applicant appears for the scheduled road test, the fee shall

362

be applied toward the license examination fee. ~~The Commissioner may waive~~

363

~~the scheduling fee until the Department is capable of administering the fee~~

364

~~electronically.~~

365

* * *

366

* * * Non-Real ID Operator's Privilege Cards * * *

367

Sec. 14. 23 V.S.A. § 603 is amended to read:

368

§ 603. APPLICATION FOR AND ISSUANCE OF LICENSE

369 (a)(1) The Commissioner or ~~his or her~~ the Commissioner's authorized
370 agent may license operators and junior operators when an application, on a
371 form prescribed by the Commissioner, signed and sworn to by the applicant for
372 the license, is filed with ~~him or her~~ the Commissioner, accompanied by the
373 required license fee and any valid license from another state or Canadian
374 jurisdiction is surrendered.

375 (2) The Commissioner may, however, in ~~his or her~~ the Commissioner's
376 discretion, refuse to issue a license to any person whenever ~~he or she~~ the
377 Commissioner is satisfied from information given ~~him or her~~ the
378 Commissioner by credible persons, and upon investigation, that the person is
379 mentally or physically unfit or, because of ~~his or her~~ the person's habits or
380 record as to crashes or convictions, is unsafe to be trusted with the operation of
381 motor vehicles. A person refused a license under the provisions of this
382 subsection shall be entitled to hearing as provided in sections 105–107 of this
383 title.

384 * * *

385 (d) Except as provided in subsection (e) of this section:

386 (1) ~~A~~ An applicant who is a citizen of a foreign country shall
387 produce ~~his or her~~ the applicant's passport and visa, alien registration receipt
388 card (green card), or other proof of legal presence for inspection and copying

389 as a part of the application process for an operator's license, junior operator's
390 license, or learner's permit.

391 (2) An operator's license, junior operator's license, or learner's
392 permit issued to an applicant who is a citizen of a foreign country shall expire
393 coincidentally with ~~his or her~~ the applicant's authorized duration of stay.

394 (e)(1) A citizen of a foreign country unable to establish legal presence in
395 the United States who furnishes reliable proof of Vermont residence and of
396 name, date of birth, and place of birth, and who satisfies all other requirements
397 of this chapter for obtaining a license or permit, shall be eligible to obtain an
398 operator's privilege card, a junior operator's privilege card, or a learner's
399 privilege card.

400 * * *

401 (f) ~~Persons~~ Applicant's able to establish lawful presence in the United
402 States but who otherwise fail to comply with the requirements of the REAL ID
403 Act of 2005, Pub. L. No. 109-13, §§ 201-202, shall be eligible for an
404 operator's privilege card, a junior operator's privilege card, or a learner's
405 privilege card, provided the applicant furnishes reliable proof of Vermont
406 residence and of name, date of birth, and place of birth, and satisfies all other
407 requirements of this chapter for obtaining a license or permit. The
408 Commissioner shall require applicants under this subsection to furnish a

409 document or a combination of documents that reliably proves the applicant's
410 Vermont residence and ~~his or her~~ the applicant's name, date of birth, and place
411 of birth.

412 * * *

413 (h) A privilege card issued under this section shall:

414 (1) on its face bear the phrase "~~privilege card~~" "non-Real ID" and text
415 indicating that it is not valid for federal identification or official purposes; and

416 * * *

417 * * * License Extension * * *

418 Sec. 15. 23 V.S.A § 604 is added to read:

419 § 604. EARLY RENEWAL

420 (a) The holder of an operator's license or privilege card issued under the
421 provisions of this subchapter may renew the operator's license or privilege
422 card at any time prior to the expiration of the operator's license or privilege
423 card. If one or more years remain before the expiration of the operator's
424 license or privilege card, the Commissioner shall reduce the cost of the
425 renewed operator's license or privilege card by an amount that is proportionate
426 to the number of years rounded down to the next whole year remaining before
427 the expiration of the operator's license or privilege card.

428 (b) All application and documentation requirements for the renewal of an
429 operator's license or privilege card shall apply to the early renewal of an
430 operator's license or privilege card.

431 Sec. 16. 23 V.S.A. § 115b is added to read:

432 § 115b. EARLY RENEWAL

433 (a) The holder of nondriver identification card issued under the provisions
434 of section 115 of this chapter may renew the nondriver identification card at
435 any time prior to the expiration of the nondriver identification card. If one or
436 more years remain before the expiration of the nondriver identification card,
437 the Commissioner shall reduce the cost of the renewed nondriver identification
438 card by an amount that is proportionate to the number of years rounded down
439 to the next whole year remaining before the expiration of the nondriver
440 identification card.

441 (b) All application and documentation requirements for the renewal of a
442 nondriver identification card pursuant to section 115 of this chapter shall apply
443 to the early renewal of a nondriver identification card.

444 Sec. 17. INFORMATION REGARDING PRIVILEGE CARDS AND

445 NONDRIVER IDENTIFICATION CARDS; INTENT

446 It is the intent of the General Assembly that the Commissioner of Motor
447 Vehicles shall ensure that any individual who is unable to or does not wish to

448 comply with the requirements of the REAL ID Act of 2005, Pub. L. No.
449 10913, §§ 201-202 shall be informed of the option of obtaining an operator's
450 privilege card pursuant to the provisions of 23 V.S.A. § 603(f) or a nondriver
451 identification card pursuant to the provisions of 23 V.S.A. § 115.

452 Sec. 18. OUTREACH

453 On or before November 15, 2025, the Department of Motor Vehicles shall
454 develop and implement a public education and outreach campaign to inform
455 Vermont residents about:

456 (1) an individual's rights to obtain an operator's license, privilege
457 card, or nondriver identification card;

458 (2) an individual's rights to self-attest with respect to the gender
459 marker on the individual's operator's license, privilege card, or nondriver
460 identification card; and

461 (3) reduced fees that are available to individuals who meet certain
462 requirements.

463 * * * Commercial Driving Instructors * * *

464 Sec. 19. 23 V.S.A. § 705 is amended to read:

465 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

466 (a) In order to qualify for an instructor's license, each applicant shall:

467 (1) not have been convicted of:

- 468 (A) a felony nor incarcerated for a felony within the
469 10 years prior to the date of application;
- 470 (B) a violation of section 1201 of this title or a like
471 offense in another jurisdiction reported to the Commissioner
472 pursuant to subdivision 3905(a)(2) of this title within the three
473 years prior to the date of application;
- 474 (C) a subsequent violation of an offense listed in
475 subdivision
476 2502(a)(5) of this title or of section 674 of this title; or
- 477 (D) a sex offense that requires registration pursuant
478 to 13 V.S.A. chapter 167, subchapter 3;
- 479 (2) pass ~~such an~~ examination as required by the
480 Commissioner ~~shall require~~ on:
- 481 (A) traffic laws;
482 (B) safe driving practices;
483 (C) operation of motor vehicles; and
484 (D) qualifications as a teacher;
- 485 (3) be physically able to operate a motor vehicle and to train
486 others in such operation;

487 (4) have five years' experience as a licensed operator and be
488 at least 21 years of age on date of application; and

489 (5) pay the application and license fees prescribed in section
490 702 of this

491 title.

492 (b)Commercial motor vehicle instructors shall satisfy the requirements of
493 subdivisions (a)(1), (2), (3), and (5) of this section, and:

494 (1) If the commercial motor vehicle instructor is a behind
495 the wheel

496 (BTW) instructor, shall either:

497 (A)(i) hold a CDL of the same or higher class and with all
498 endorsements necessary to operate the commercial motor vehicle for which
499 training is to be provided;

500 (ii) have at least two years of experience driving a commercial
501 motor vehicle requiring the same or higher class of CDL and any applicable
502 endorsements required to operate the commercial motor vehicle for which
503 training is to be provided; and

504 (iii) meet any additional applicable State requirements for
505 commercial motor vehicle instructors; or

506 (B)(i) hold a CDL of the same or higher class and with all
507 endorsements necessary to operate the commercial motor vehicle for which
508 training is to be provided;

509 (ii) have at least two years' experience as a BTW instructor; and

510 (iii) meet any additional applicable State requirements for
511 commercial motor vehicle instructors.

512 (2) If the commercial motor vehicle instructor is a theory
513 instructor, the instructor shall:

514 (A)(i) hold a CDL of the same or higher class and with all
515 endorsements necessary to operate the commercial motor vehicle for which
516 training is to be provided;

517 (ii) have at least two years of experience driving a commercial
518 motor vehicle requiring the same or higher class of CDL and any applicable
519 endorsements required to operate the commercial motor vehicle for which
520 training is to be provided; and

521 (iii) meet any additional applicable State requirements for
522 commercial motor vehicle instructors; or

523 (B)(i) hold a CDL of the same or higher class and with all
524 endorsements necessary to operate the commercial motor vehicle for which
525 training is to be provided;

526 (ii) have at least two years' experience as a BTW instructor;
527 and

528 (iii) meet any additional applicable State requirements for
529 commercial motor vehicle instructors.

530 * * * Motorcycle Instructors * * *

531 Sec. 20. 23 V.S.A. § 734 is amended to read:

532 § 734. INSTRUCTOR REQUIREMENTS AND TRAINING

533 * * *

534 (b) The Department shall establish minimum requirements for the
535 qualifications of a rider training instructor. The minimum requirements shall
536 include the following:

537 * * *

538 (3) the instructor shall have at least ~~four~~ two years of licensed
539 experience as a motorcycle riding experience operator during the last ~~five~~ four
540 years;

541 * * *

542 (7) an applicant shall not be eligible for instructor status until ~~his or her~~
543 the applicant's driving record for the preceding five years, or the maximum
544 number of years less than five for which a state retains driving records, is
545 furnished; and

546 * * *

547 * * * Motor Vehicle Taxes * * *

548 Sec. 21. 32 V.S.A. § 8902 is amended to read:

549 § 8902. DEFINITIONS

550 Unless otherwise expressly provided, as used in this chapter:

551 * * *

552 (5)(A) “Taxable cost” means the purchase price as defined in
553 subdivision (4) of this section or the taxable cost as determined under section
554 8907 of this title.

555 (B) For any purchaser who has paid tax on the purchase or use of a
556 motor vehicle that was sold or traded by the purchaser or for which the
557 purchaser received payment under a contract of insurance, the taxable cost of
558 the replacement motor vehicle other than a leased vehicle shall exclude:

559 ~~(A)~~(i) The value allowed by the seller on any motor vehicle accepted
560 by the seller as part of the consideration of the motor vehicle, provided the
561 motor vehicle accepted by the seller is owned and previously or currently
562 registered or titled by the purchaser, with no change of ownership since
563 registration or titling, except for motor vehicles for which registration is not
564 required under the provisions of Title 23 or motor vehicles received under the
565 provisions of subdivision 8911(8) of this title.

566 ~~(B)~~(ii) The amount received from the sale of a motor vehicle last
567 registered or titled in the seller's name, the amount not to exceed the clean
568 trade-in value of the same make, type, model, and year of manufacture as
569 designated by the manufacturer and as shown in the ~~NADA Official Used Car~~
570 ~~Guide (New England edition)~~ J.D. Power Values, or any comparable
571 publication, provided ~~such~~ the sale occurs within three months after the taxable
572 purchase. However, this three-month period shall be extended day-for-day for
573 any time that a member of a guard unit or of the U.S. Armed Forces, as defined
574 in 38 U.S.C. § 101(10), spends outside Vermont due to activation or
575 deployment and an additional 60 days following the individual's return from
576 activation or deployment. ~~Such~~ The amount shall be reported on forms
577 supplied by the Commissioner of Motor Vehicles.

578 ~~(C)~~(iii) The amount actually paid to the purchaser within three
579 months prior to the taxable purchase by any insurer under a contract of
580 collision, comprehensive, or similar insurance with respect to a motor vehicle
581 owned by ~~him or her~~ the purchaser, provided that the vehicle is not subject to
582 the tax imposed by subsection 8903(d) of this title and provided that one of
583 these events occur:

584 ~~(i)~~(I) the motor vehicle with respect to which ~~such~~ the payment is

585 made by the insurer is accepted by the seller as a trade-in on the purchased
586 motor vehicle before the repair of the damage giving rise to insurer's payment;
587 or

588 ~~(ii)~~(II) the motor vehicle with respect to which ~~such~~ the payment
589 is made to the insurer is treated as a total loss and is sold for dismantling.

590 ~~(D)~~(C) A purchaser shall be entitled to a partial or complete refund of
591 taxes paid under subsection 8903(a) or (b) of this title if an insurer makes a
592 payment to ~~him or her~~ the purchaser under contract of collision,
593 comprehensive, or similar insurance after ~~he or she~~ the purchaser has paid the
594 tax imposed by this chapter, if ~~such~~ the payment by the insurer is either:

595 * * *

596 ~~(E)~~(D) The purchase price of a motor vehicle subject to the tax
597 imposed by subsections 8903(a) and (b) of this title shall not be reduced by the
598 value received or allowed in connection with the transfer of a vehicle that was
599 registered for use as a short-term rental vehicle.

600 * * *

601 Sec. 22. 32 V.S.A. § 8907 is amended to read:

602 § 8907. COMMISSIONER; COMPUTATION OF TAXABLE COSTS

603 (a) The Commissioner may investigate the taxable cost of any motor
604 vehicle transferred subject to the provisions of this chapter. If the motor

605 vehicle is not acquired by purchase in Vermont or is received for an amount
606 that does not represent actual value, or if no tax form is filed or it appears to
607 the Commissioner that a tax form contains fraudulent or incorrect information,
608 the Commissioner may, in the Commissioner's discretion, fix the taxable cost
609 of the motor vehicle at the clean trade-in value of vehicles of the same make,
610 type, model, and year of manufacture as designated by the manufacturer, as
611 shown in ~~the NADA Official Used Car Guide (New England Edition)~~ J.D.
612 Power Values or any comparable publication, less the lease end value of any
613 leased vehicle. The Commissioner may develop a process to determine the
614 value of vehicles that do not have clean trade-in value in J.D. Power Values.
615 The Commissioner may compute and assess the tax due and notify the
616 purchaser verbally, if the purchaser is at a DMV location, or immediately by
617 ~~certified~~ mail, and the purchaser shall remit the same within 15 days ~~thereafter~~
618 after notice is sent or provided.

619 * * *

620 Sec. 23. 32 V.S.A. § 8914 is amended to read:

621 § 8914. REFUND

622 Any overpayment of such tax as determined by the Commissioner shall be
623 refunded. To be eligible to receive a refund, a person shall submit a request
624 for a refund within one year after paying the tax.

625 * * * Refund of Registration Fee * * *

626 Sec. 24. 23 V.S.A. § 326 is amended to read:

627 § 326. REFUND UPON LOSS OF VEHICLE

628 The Commissioner may cancel the registration of a motor vehicle when the
629 owner of the motor vehicle proves to the Commissioner's satisfaction that the
630 motor vehicle has been totally destroyed by fire or, through crash or wear, has
631 become wholly unfit for use and has been dismantled. After the Commissioner
632 cancels the registration and the owner returns to the Commissioner either the
633 registration certificate or the number plate or number plates, or other proof of
634 cancellation to the satisfaction of the Commissioner, the Commissioner shall
635 certify to the Commissioner of Finance and Management the fact of the
636 cancellation, giving the name of the owner of the motor vehicle, the owner's
637 address, the amount of the registration fee paid, and the date of cancellation.
638 The Commissioner of Finance and Management shall issue the Commissioner
639 of Finance and Management's warrant in favor of the owner for such percent
640 of the registration fee paid as the unexpired term of the registration bears to the
641 entire registration period, but in no case shall the Commissioner of Finance and
642 Management retain less than \$5.00 of the fee paid.

643 * * * Fuel Tax Refunds * * *

644 Sec. 25. 23 V.S.A. § 3020 is amended to read:

645 § 3020. CREDITS AND REFUNDS

646 (a) Credits.

647 (1) A user who purchased fuel within this State from a dealer or
648 distributor upon which ~~he or she~~ the user paid the tax at the time of purchase,
649 or a user exempt from the payment of the tax under subsection 3003(d) of this
650 title who purchased fuel within this State upon which ~~he or she~~ the user paid
651 tax at the time of purchase, shall be entitled to a credit equal to the amount of
652 tax per gallon in effect when the fuel was purchased. When the amount of the
653 credit to which any user is entitled for any reporting period exceeds the amount
654 of ~~his or her~~ the user's tax for the same period, the excess shall be credited to
655 the user's tax account and the user shall be notified of the date and amount of
656 the credit by mail.

657 * * *

658 (3) A user who also sells or delivers fuel subject to the tax imposed by
659 32 V.S.A. chapter 233 upon which the tax imposed by this chapter has been
660 paid shall be entitled to a credit equal to the amount of such tax paid pursuant
661 to this chapter. When the amount of the credit to which any user is entitled for
662 any reporting period exceeds the amount of ~~his or her~~ the user's tax for the
663 same period, the excess shall be credited to the user's tax account and the user
664 shall be notified of the date and amount of the credit by mail.

665 * * *.

666 (b)Refunds. A user may request, in writing by mail, a refund of any
667 credits in the user's tax account, but in no case may a user collect a refund
668 requested more than ~~33~~ 12 months following the date the amount was
669 credited to the user's tax account.

670 * * *

671 * * * Alteration of Odometers * * *

672 Sec. 26. 23 V.S.A. § 1704a is amended to read:

673 § 1704a. ALTERATION OF ODOMETERS

674 (a) Any person who sells No person shall:

675 (1) sell, attempts attempt to sell, or ~~causes~~ cause to be sold
676 any motor vehicle, highway building appliance, motorboat, all-terrain
677 vehicle, or snowmobile ~~and has actual knowledge that if the~~
678 odometer, hubometer reading, or clock meter reading has been
679 changed, tampered with, or defaced without first disclosing ~~same and~~
680 ~~a person who changes, tampers with, or defaces, or who attempts that~~
681 information to the buyer;

682 (2) change, tamper with, or deface, or attempt to change,
683 tamper with, or deface; any ~~gauge, dial, or other mechanical~~
684 ~~instrument, commonly known as an~~ odometer, hubometer, or clock

685 meter; in a motor vehicle, highway building appliance, motorboat, all-
686 terrain vehicle, or snowmobile, ~~which, under normal circumstances~~
687 ~~and without being changed, tampered with, or defaced, is designed to~~
688 ~~show by numbers or words the distance that the motor vehicle,~~
689 ~~highway building appliance, motorboat, all terrain vehicle, or~~
690 ~~snowmobile travels;~~ or who

691 (3) willfully ~~misrepresents~~ misrepresent the odometer,
692 hubometer, or clock meter reading on the odometer disclosure
693 statement or similar statement,
694 title, or bill of sale.

695 (b) A person who violates subsection (a) of this section shall be fined not
696 more than \$1,000.00 for a first offense and fined not more than \$2,500.00 for
697 each subsequent offense.

698 * * * Definition of Conviction * * *

699 Sec. 27. 23 V.S.A. § 102 is amended to read:

700 § 102. DUTIES OF COMMISSIONER

701 * * *

702 (d)(1) The Commissioner may authorize background investigations for
703 potential employees, which may include criminal, traffic, and financial records
704 checks; provided, however, that the potential employee is notified and has the

705 right to withdraw ~~his or her~~ their name from application. Additionally,
706 employees who are involved in the manufacturing or production of operator's
707 licenses and identification cards, including enhanced licenses, or who have the
708 ability to affect the identity information that appears on a license or
709 identification card, or current employees who will be assigned to such
710 positions, shall be subject to appropriate background checks and shall be
711 provided notice of the background check and the contents of that check. These
712 background checks shall include a name-based and fingerprint-based criminal
713 history records check using at a minimum the Federal Bureau of
714 Investigation's National Crime Information Center and the Integrated
715 Automated Fingerprint Identification database and State repository records on
716 each covered employee.

717 (2) Employees may be subject to further appropriate
718 security clearances if required by federal law, including background
719 investigations that may include criminal and traffic records checks and
720 providing proof of U.S.
721 citizenship.

722 (3) The Commissioner may, in connection with a formal
723 disciplinary investigation, authorize a criminal or traffic record
724 background investigation of a current employee; provided, however,

725 that the background review is relevant to the issue under disciplinary
726 investigation. Information acquired through the investigation shall be
727 provided to the Commissioner or designated division director and must
728 be maintained in a secure manner. If the information acquired is used
729 as a basis for any disciplinary action, it must be given to the employee
730 during any pretermination hearing or contractual grievance hearing to
731 allow the employee an opportunity to respond to or dispute the
732 information.

733 If no disciplinary action is taken against the employee, the information
734 acquired through the background check shall be destroyed.

735 (e) As used in this section, “conviction” has the same meaning as in
736 subdivision 4(60) of this title.

737 Sec. 28. 23 V.S.A. § 108 is amended to read:

738 § 108. APPLICATION FORMS

739 (a) The Commissioner shall prepare and furnish all forms for applications,
740 crash reports, conviction reports, a pamphlet containing the full text of the
741 motor vehicle laws of the State, and all other forms needed in the proper
742 conduct of ~~his or her~~ the Commissioner’s office. ~~He or she~~ The Commissioner
743 shall furnish an adequate supply of ~~such~~ registration forms, license

744 applications, and motor vehicle laws each year to each town clerk, and to ~~such~~
745 other persons ~~as may so~~ upon request.

746 (b) As used in this section, “conviction” has the same meaning as in
747 subdivision 4(60) of this title.

748 Sec. 29. 23 V.S.A. § 1709 is amended to read:

749 § 1709. REPORT OF CONVICTIONS TO COMMISSIONER OF MOTOR
750 VEHICLES

751 (a) The Judicial Bureau and every court having jurisdiction over offenses
752 committed under any law of this State or municipal ordinance regulating the
753 operation of motor vehicles on the highways shall forward a record of any
754 conviction to the Commissioner within 10 days for violation of any State or
755 local law relating to motor vehicle traffic control, other than a parking
756 violation.

757 (b) As used in this section, “conviction” has the same meaning as in
758 subdivision 4(60) of this title.

759 Sec. 30. 23 V.S.A. § 1200 is amended to read:

760 § 1200. DEFINITIONS

761 As used in this subchapter:

762 * * *

765 *** Drunken Driving ***

767 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

770 * * *

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783 of this title.

784 * * *

785 (b) Form of officer's affidavit. A law enforcement officer's affidavit in
786 support of a suspension under this section shall be in a standardized form for
787 use throughout the State and shall be sufficient if it contains the following
788 statements:

789 * * *

790 (4) The officer informed the person of ~~his or her~~ the
791 person's rights under subsection 1202(d) of this title.

792 (5) The officer obtained an evidentiary test (noting the time
793 and date the test was taken) and the test indicated that the person's
794 alcohol concentration was at or above a legal limit specified in
795 subsection 1201(a) or (d) of this title, or the person refused to submit to
796 an evidentiary test.

797 * * *

798 (c) Notice of suspension. On behalf of the Commissioner of Motor
799 Vehicles, a law enforcement officer requesting or directing the administration
800 of an evidentiary test shall serve notice of intention to suspend and of
801 suspension on a person who refuses to submit to an evidentiary test or on a
802 person who submits to a test the results of which indicate that the person's

803 alcohol concentration was at or above a legal limit specified in subsection
804 1201(a) or (d) of this title, at the time of operating, attempting to operate, or
805 being in actual physical control of a vehicle in violation of section 1201 of this
806 title. The notice shall be signed by the law enforcement officer requesting the
807 test. A copy of the notice shall be sent to the Commissioner of Motor
808 Vehicles, and a copy shall be mailed or given to the defendant within three
809 business days after the date the officer receives the results of the test. If
810 mailed, the notice is deemed received three days after mailing to the address
811 provided by the defendant to the law enforcement officer. A copy of the
812 affidavit of the law enforcement officer shall also be mailed by first-class mail
813 or given to the defendant within seven days after the date of notice.

814 * * *

815 (h) Final hearing.

816 (1) If the defendant requests a hearing on the merits, the
817 court shall schedule a final hearing on the merits to be held within 21
818 days after the date of the preliminary hearing. In no event may a final
819 hearing occur more than 42 days after the date of the alleged offense
820 without the consent of the defendant or for good cause shown. The
821 final hearing may only be continued by the consent of the defendant or

824 * * *

835 * * *

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842 reasonable grounds to believe that the person was operating, attempting to
843 operate, or in actual physical control of a vehicle in violation of section 1201
844 of this title and that the person submitted to a test and the test results indicated
845 that the person's alcohol concentration was at or above a legal limit specified
846 in subsection 1201(a) or (d) of this title, at the time the person was operating,
847 attempting to operate, or in actual physical control, the person's operating
848 license, or nonresident operating privilege, or the privilege of an unlicensed
849 operator to operate a vehicle shall be suspended or shall remain suspended for
850 the required term and until the person complies with section 1209a of this title.
851 Upon a finding in favor of the person, the Commissioner shall cause the
852 suspension to be canceled and removed from the record, without payment of
853 any fee.

854 * * *

855 (n) Presumption. In a proceeding under this section, if at any time within
856 two hours of operating, attempting to operate, or being in actual physical
857 control of a vehicle a person had an alcohol concentration ~~of~~ at or above a legal
858 limit specified in subsection 1201(a) or (d) of this title, it shall be a rebuttable
859 presumption that the person's alcohol concentration was at or above the
860 applicable limit at the time of operating, attempting to operate, or being in
861 actual physical control.

862

* * *

863 Sec. 32. 23 V.S.A. § 1205(d) is amended to read:

864 (d) Form of notice. The notice of intention to suspend and of suspension
865 shall be in a form prescribed by the Supreme Court. The notice shall include
866 an explanation of rights, a form to be used to request a hearing, and, if a
867 hearing is requested, the date, time, and location of the Criminal Division of
868 the Superior Court where the person must appear for a preliminary hearing.

869 The notice shall also contain, in boldface print, the following:

870 (1) You have the right to ask for a hearing to contest the
871 suspension of your operator's license.

872 (2) ~~This notice shall serve as a temporary operator's license~~
873 ~~and is valid until 12:01 a.m. of the date of suspension.~~ If this is your
874 first violation of section 1201 of this title and if you do not request a
875 hearing, your license will be suspended as provided in this notice. If
876 this is your second or subsequent violation of section 1201 of this title,
877 your license will be suspended on the 11th day after you receive this
878 notice. It is a crime to drive while your license is suspended unless you
879 have been issued an ignition interlock restricted driver's license or
880 ignition interlock certificate.

881

* * *

882 * * * Fee for Bulk Electronic Records Request * * *

883 Sec. 33. 23 V.S.A. § 114 is amended to read:

884 § 114. FEES

885 (a) The Commissioner shall be paid the following fees for miscellaneous
886 transactions:

887 * * *

888 (24) Bulk electronic records request \$0.303 per record

889 * * *

890 * * * Registration Fees for Trucks * * *

891 Sec. 34. 23 V.S.A. § 367 is amended to read:

892 § 367. TRUCKS

893 (a)(1) The annual fee for registration of tractors, truck-tractors, or motor
894 trucks except truck cranes, truck shovels, road oilers, bituminous distributors,
895 and farm trucks used as specified in subsection (f) of this section shall be based
896 on the total weight of the truck-tractor or motor truck, including body and cab
897 plus the heaviest load to be carried. In computing the fees for registration of
898 tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached,
899 except trailers or semi-trailers with a gross weight of less than ~~6,000~~ 6,099
900 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or
901 motor truck, the weight of the trailer or semi-trailer, and the weight of the

902 heaviest load to be carried by the combined vehicles. In addition to the fee set
903 out in the following schedule, the fee for vehicles weighing between ~~40,000~~
904 10,100 and ~~25,999~~ 26,099 pounds inclusive shall be an additional \$42.53, the
905 fee for vehicles weighing between ~~26,000~~ 26,100 and ~~39,999~~ 40,099 pounds
906 inclusive shall be an additional \$85.03, the fee for vehicles weighing between
907 ~~40,000~~ 40,100 and ~~59,999~~ 60,099 pounds inclusive shall be an additional
908 \$297.68, and the fee for vehicles ~~60,000~~ 60,100 pounds and over shall be an
909 additional \$467.80. The fee shall be computed at the following rates per 1,000
910 pounds of weight determined pursuant to this subdivision and rounded up to
911 the nearest whole dollar; the minimum fee for registering a tractor,
912 trucktractor, or motor truck to ~~6,000~~ 6,099 pounds shall be the same as for the
913 pleasure car type:

914 \$18.21 when the weight ~~exceeds 6,000 pounds but does not exceed~~
915 ~~8,000 pounds~~ is at least 6,100 pounds but not more than 8,099 pounds.

916 \$20.83 when the weight ~~exceeds 8,000 pounds but does not exceed~~
917 ~~12,000 pounds~~ is at least 8,100 pounds but not more than 12,099 pounds.

918 \$22.97 when the weight ~~exceeds 12,000 pounds but does not exceed~~
919 ~~16,000 pounds~~ is at least 12,100 pounds but not more than 16,099 pounds.

920 \$24.56 when the weight ~~exceeds 16,000 pounds but does not exceed~~
921 ~~20,000 pounds~~ is at least 16,100 pounds but not more than 20,099 pounds.

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943 Unless otherwise expressly provided, as used in this chapter:

944 * * *

945 (6) “Motor vehicle” ~~shall have~~ has the same ~~definition~~ meaning as in 23
946 V.S.A. § 4(21).

947 * * *

948 (12) “Mail” has the same meaning as in 23 V.S.A. § 4(87).

949 Sec. 36. 32 V.S.A. § 8905 is amended to read:

950 § 8905. COLLECTION OF TAX; EDUCATION; APPEALS

951 (a) Every purchaser of a motor vehicle subject to a tax under subsection
952 8903(a) of this title shall forward ~~such~~ the tax form to the Commissioner,
953 together with the amount of tax due at the time of first registering or
954 transferring a registration to ~~such~~ the motor vehicle as a condition precedent to
955 registration ~~thereof~~ of the vehicle.

956 (b) Every person subject to a use tax under subsection 8903(b) of this title
957 shall forward ~~such~~ the tax form and the tax due to the Commissioner with the
958 registration application or transfer, as the case may be, and fee at the time of
959 first registering or transferring a registration to ~~such~~ the motor vehicle as a
960 condition precedent to registration ~~thereof~~ of the vehicle.

961 * * *

962 (d) Every person required to collect the use tax under subsection 8903(d) of
963 this title shall forward ~~such~~ the tax and a report of ~~same~~ the tax on forms
964 prescribed and furnished by the Commissioner at the frequency determined by
965 the Commissioner.

966 * * *

967 (f) Every person subject to the tax imposed by subsection 8903(g) of this
968 title shall forward the tax form and the tax due to the Commissioner along with
969 the title application and fee at the time of applying for a certificate of title to
970 ~~such~~ the motor vehicle as a condition precedent to the titling ~~thereof~~ of the
971 motor vehicle.

972 (g) The Commissioner shall establish procedures for taxpayers to file an
973 appeal regarding the taxpayer's liability for the tax due pursuant to section
974 8903 of this chapter and compliance with the requirements of this section. The
975 procedures shall include a process by which a taxpayer can resolve the dispute
976 prior to the issuance of a final administrative decision on the appeal.

977 (h) The Commissioner shall create educational and outreach materials for
978 taxpayers that provide information regarding the appeal process established
979 pursuant to subsection (g) of this section and opportunities to resolve disputes.

980 * * * Excessive Speed * * *

981 Sec. 37. 23 V.S.A. § 2502 is amended to read:

982 § 2502. POINT ASSESSMENT; SCHEDULE

983 (a) Unless the assessment of points is waived by a Superior judge or a
984 Judicial Bureau hearing officer in the interests of justice and in accordance
985 with subsection 2501(b) of this title, a person operating a motor vehicle shall
986 have points assessed against ~~his or her~~ the person's driving record for
987 convictions for moving violations of the indicated motor vehicle statutes in
988 accord with the following schedule: (All references are to this title of the
989 Vermont Statutes Annotated.)

990 * * *

991 (9) Eight points assessed for sections 1003 ~~and~~, 1007, and 1097. State
992 speed zones and local speed limits, more than 30 miles per hour over and in
993 excess of the speed limit.

994 * * *

995 * * * Tinted Windows * * *

996 Sec. 38. 2024 Acts and Resolves No. 165, Secs. 14, 15, and 16 are amended to
997 read:

998 Sec. 14. [Deleted.]

999 Sec. 15. [Deleted.]

1000 Sec. 16. [Deleted.]

1001 Sec. 39. 23 V.S.A. § 1125 is amended to read:

1002 § 1125. OBSTRUCTING WINDSHIELDS, AND WINDOWS

1003 (a) Prohibition. Except as otherwise provided in this section, ~~a person~~ an
1004 individual shall not operate a motor vehicle on which material or items have
1005 been painted or adhered on or over, or hung in back of, any transparent part of
1006 a motor vehicle windshield, vent windows, or side windows located
1007 immediately to the left and right of the operator. The prohibition of this
1008 section on hanging items shall apply ~~only~~ to shading or tinting material or
1009 when a hanging item materially obstructs the driver's view.

1010 (b) General exemptions. Notwithstanding subsection (a) of this section, ~~a~~
1011 ~~person~~ an individual may operate a motor vehicle with material or items
1012 painted or adhered on or over, or hung in back of, the windshield, vent
1013 windows, or side windows:

1014 (1) in a space not over four inches high and 12 inches long
1015 in the lower right-hand corner of the windshield;

1016 (2) in ~~such~~ any space as the Commissioner of Motor
1017 Vehicles may specify for location of any sticker required by
1018 governmental regulation;

1019 (3) in a space not over two inches high and two and one-
1020 half inches long in the upper left-hand corner of the windshield;

1021 (4) if the operator is ~~a person~~ an individual employed by the
1022 federal, State, or local government or a volunteer emergency responder
1023 operating an authorized emergency vehicle, who places any necessary
1024 equipment in back of the windshield of the vehicle, provided the
1025 equipment does not interfere with the operator's control of the driving
1026 mechanism of the vehicle;

1027 (5) on a motor vehicle that is for sale by a licensed
1028 automobile dealer prior to the sale of the vehicle, in a space not over
1029 three inches high and six inches long in the upper left-hand corner of
1030 the windshield, and in a space not over four inches high and 18 inches
1031 long in the upper right-hand corner of the windshield; ~~or~~

1032 (6) if the object is a rearview mirror; or is an electronic toll-
1033 collection transponder located either between the roof line and the
1034 rearview mirror post or behind the rearview mirror; or

1035 (7) if the object is shading or tinting material and the visible
1036 light transmission of the motor vehicle windshield, vent window, or
1037 side window with that shading or tinting material is not less than 70
1038 percent.

1039 (c) Medical exemption. The Commissioner may grant an exemption to
1040 the prohibition of this section upon application from ~~a person~~ an individual

1041 required for medical reasons to be shielded from the rays of the sun and who
1042 attaches to the application a document signed by a licensed physician or
1043 optometrist certifying that shielding from the rays of the sun is a medical
1044 necessity. The physician or optometrist certification shall be renewed every
1045 four years. However, when a licensed physician or optometrist has previously
1046 certified to the Commissioner that an applicant's condition is both permanent
1047 and stable, the exemption may be renewed by the applicant without submission
1048 of a form signed by a licensed physician or optometrist. Additionally, the
1049 window shading or tinting permitted under this subsection shall be limited to
1050 the vent windows or side windows located immediately to the left and right of
1051 the operator. The exemption provided in this subsection shall terminate upon
1052 the transfer of the approved vehicle and at that time the applicable window
1053 tinting shall be removed by the seller. ~~Furthermore, if the material described~~
1054 ~~in this subsection tears or bubbles or is otherwise worn to prohibit clear vision,~~
1055 ~~it shall be removed or replaced.~~

1056 (d) Rear side window obstructions. The rear side windows and the back
1057 window may be obstructed only if the motor vehicle is equipped on each side
1058 with a securely attached mirror, ~~which~~ that provides the operator with a clear
1059 view of the roadway in the rear and on both sides of the motor vehicle.

1060 (e) Removal. Any shading or tinting material that is painted or adhered on
1061 or over, or hung in back of, the windshield, vent windows, or side windows in
1062 accordance with subdivision (b)(7) or subsection (c) of this section shall be
1063 removed if it tears, bubbles, or is otherwise worn to prohibit clear vision.

1064 (f) Definition. As used in this section, “visible light transmission” means
1065 the amount of visible light that can pass through shading, tinting, or glazing
1066 material applied to or within the transparent portion of a window or windshield
1067 of a motor vehicle.

1068 Sec. 40. LEGISLATIVE INTENT; TINTED WINDOWS

1069 It is the intent of the General Assembly that a motor vehicle with shading or
1070 tinting material that is not allowed under 23 V.S.A. § 1125, as amended by
1071 Sec. 39 of this act, poses a danger to the individual operating the motor
1072 vehicle, any passengers in the motor vehicle, and other highway users and that
1073 such a motor vehicle shall fail the annual safety inspection required under 23
1074 V.S.A. § 1222.

1075 Sec. 41. RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED
1076 WINDOWS; OUTREACH

1077 (a) The Department of Motor Vehicles shall, unless extended by the
1078 Legislative Committee on Administrative Rules, adopt amendments to

1079 Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-
1080 050022) consistent with the legislative intent in Sec. 40 of this act to be
1081 effective not later than July 1, 2026. The amendments shall include the level
1082 of visible light transmission required for windshields and the windows to the
1083 immediate right and left of the driver as of the effective date of the
1084 amendments.

1085 (b)The Department of Motor Vehicles, in consultation with the
1086 Department of Public Safety, shall implement a public outreach campaign on
1087 window tinting to provide information on the prohibitions and exceptions
1088 under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, and the
1089 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with
1090 amendments adopted under the Administrative Procedure Act consistent with
1091 subsection (a) of this section, including what level of visible light
1092 transmission is currently required for windshields and the windows to the
1093 immediate right and left of the driver. The Department of Motor Vehicles
1094 shall start to disseminate information as required under this subsection not
1095 later than two months prior to the effective date of Sec. 39 of this act and
1096 shall disseminate information on window tinting through email, bulletins,
1097 software updates, and the Department of Motor Vehicles' website.

1098 * * * All-Terrain Vehicles * * *

1099 Sec. 42. 23 V.S.A. § 3501 is amended to read:

1100 § 3501. DEFINITIONS

1101 As used in this chapter:

1102 (1) “All-terrain vehicle” or “ATV” means any nonhighway recreational
1103 vehicle, except snowmobiles, having not less than two low pressure tires (10
1104 pounds per square inch, or less); not wider than ~~64~~ 72 inches, with two-wheel
1105 ATVs having permanent, full-time power to both wheels; and having a dry
1106 weight of less than 2,500 pounds, when used for cross-country travel on trails
1107 or on any one of the following or a combination thereof: land, water, snow, ice,
1108 marsh, swampland, and natural terrain. An ATV on a public highway shall be
1109 considered a motor vehicle, as defined in section 4 of this title, only for the
1110 purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),
1111 (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);
1112 (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title.

1113 An ATV does not include an electric personal assistive mobility device, a
1114 motor-assisted bicycle, or an electric bicycle.

1115 * * *

1116 * * * Purchase and Use Tax and Inspections Study
1117 Committee * * *

1118 Sec. 43. MOTOR VEHICLES; PURCHASE AND USE TAX;

1119 INSPECTIONS; STUDY COMMITTEE; REPORT

1120 (a) Creation. There is created the Purchase and Use Motor Vehicle Tax
1121 and Inspections Study Committee to examine the assessment of purchase and
1122 use tax on motor vehicles and the inspection of motor vehicles whose onboard
1123 diagnostic malfunction indicator light is on.

1124 (b) Membership. The Committee shall be composed of the following
1125 members:

1126 (1) the Commissioner of Motor Vehicles or designee;

1127 (2) a member, appointed by the Vermont Vehicle and Automotive
1128 Distributors Association or designee;

1129 (3) a member, appointed by the Vermont Insurance Agents
1130 Association; and

1131 (4) a member, appointed by the Vermont Community Action
1132 Partnership.

1133 (c) Powers and duties. The Committee shall study the assessment of
1134 purchase and use tax on motor vehicles and the inspection of motor vehicles
1135 whose onboard diagnostic malfunction indicator light is on, including the
1136 following issues:

1137 (1) the potential fiscal impact to the State of assessing the purchase
1138 and use tax against the amount that a used vehicle was purchased for, rather
1139 than the clean trade-in value of the vehicle;

1140 (2) the potential for assessing the purchase and use tax against the
1141 amount that a used vehicle was purchased for, if the difference between the
1142 purchase price and the clean trade-in value of the vehicle is equal to or less
1143 than the cost of repairs necessary for the vehicle to pass inspection pursuant to
1144 23 V.S.A. § 1222;
1145 (3) the assessment of the purchase and use tax on vehicles that were
1146 purchased and first registered in another state prior to the vehicle owner
1147 moving to Vermont and registering the vehicle in Vermont, including any
1148 potential impacts that the current manner in which the purchase and use tax is
1149 assessed on such vehicles may have on vehicle owners' decisions to move to
1150 Vermont or register their vehicles in Vermont, or both;
1151 (4) potential changes to the statutes and rules governing the
1152 purchase and use tax that could mitigate any negative impacts on vehicle
1153 owners' decisions to relocate to Vermont or register their vehicles in Vermont,
1154 or both, that are identified pursuant to subdivision (3) of this subsection; and
1155 (5) potential modifications to the periodic inspection manual to
1156 permit vehicles whose onboard diagnostic malfunction indicator light is
1157 illuminated to pass inspection pursuant to 23 V.S.A. § 1222 if the issue
1158 causing the indicator light to illuminate does not affect the safety of the vehicle
1159 with respect to the operator, any passengers, or any other vehicles.

1160 (d) Assistance. The Committee shall have the administrative, technical,
1161 and legal assistance of the Department of Motor Vehicles.

1162 (e) Report. On or before January 15, 2026, the Committee shall submit a
1163 written report to the House and Senate Committees on Transportation with its
1164 findings and any recommendations for legislative action.

1165 (f) Meetings.

1166 (1) The Commissioner of Motor Vehicles or designee shall call the
1167 first meeting of the Committee to occur on or before September 1, 2025.

1168 (2) The Commissioner of Motor Vehicles or designee shall be the
1169 Chair.

1170 (3) A majority of the membership shall constitute a quorum.

1171 (4) The Committee shall cease to exist on January 30, 2026.

1172 (g) Compensation and reimbursement. Members of the Committee who
1173 are not otherwise compensated for their attendance at meetings shall be
1174 entitled to per diem compensation and reimbursement of expenses as permitted
1175 under 32 V.S.A. § 1010 for not more than four meetings. These payments
1176 shall be made from monies appropriated to Department of Motor Vehicles.

1177 * * * Effective Dates * * *

1178 Sec. 44. EFFECTIVE DATES

1179 (a) Secs. 39 and 40 shall take effect on July 1, 2026.

- 1 (b) This section and the remaining sections of this act shall take effect on 2
July 1, 2025.