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S.123

An act relating to miscellaneous changes to laws related to motor vehicles

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

* * * Plug-in Electric Vehicles * * *

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

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

* * * Veteran’s Designation * * *

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

§ 7. ENHANCED DRIVER’S LICENSE; MAINTENANCE OF DATABASE INFORMATION; FEE

* * *

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

1 renewal application forms shall include a space for the applicant to request that
2 a “veteran” designation be placed on the enhanced license.

3 (2) If a veteran, as defined in 38 U.S.C. § 101(2) and including an
4 individual disabled during active military, naval, air, or space service, as
5 defined in 38 U.S.C. § 101(24), requests a veteran designation and provides a
6 Department of Defense Form 214 or other proof of veteran status specified by
7 the Commissioner, and the Office of Veterans’ Affairs confirms the
8 individual’s status as an honorably discharged veteran; a veteran discharged
9 under honorable conditions; or an individual disabled during active military,
10 naval, air, or space service, the identification card shall include the term
11 “veteran” on its face.

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

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

20 * * *

21 * * * Documentation of Anatomical Gift * * *

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

2 § 115. NONDRIVER IDENTIFICATION CARDS

3 * * *

4 (g) An identification card issued to a first-time applicant and any
5 subsequent renewals by that person shall contain a photograph or imaged
6 likeness of the applicant. The photographic identification card shall be
7 available at a location designated by the Commissioner. An individual issued
8 an identification card under this subsection that contains an imaged likeness
9 may renew ~~his or her~~ the individual's identification card by mail. Except that a
10 renewal by an individual required to have a photograph or imaged likeness
11 under this subsection must be made in person so that an updated imaged
12 likeness of the individual is obtained not less often than once every nine years.

13 * * *

14 (k) At the option of the applicant, ~~his or her~~ the applicant's valid Vermont
15 license may be surrendered in connection with an application for an
16 identification card. In those instances, the fee due under subsection (a) of this
17 section shall be reduced by:

18 * * *

19 (n) The Commissioner shall provide a form that, upon the individual's
20 execution, shall serve as a document of an anatomical gift under 18 V.S.A.
21 chapter 110. An indicator shall be placed on the nondriver identification card

1 of any individual who has executed an anatomical gift form in accordance with
2 this section.

3 * * * Disability Placards for Volunteer Drivers * * *

4 Sec. 4. 23 V.S.A. § 304a is amended to read:

5 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
6 INDIVIDUALS WITH DISABILITIES

7 (a) As used in this section:

8 (1) “Ambulatory disability” means an impairment that prevents or
9 impedes walking. An individual shall be considered to have an ambulatory
10 disability if ~~he or she~~ the individual:

11 * * *

12 (F) is severely limited in ~~his or her~~ the individual’s ability to walk
13 due to an arthritic, neurological, or orthopedic condition.

14 * * *

15 (b) Special registration plates or removable windshield placards, or both,
16 shall be issued by the Commissioner. The placard shall be issued without a fee
17 to an individual who is blind or has an ambulatory disability. One set of plates
18 shall be issued without additional fees for a vehicle registered or leased to an
19 individual who is blind or has an ambulatory disability or to a parent or
20 guardian of an individual with a permanent disability. The Commissioner shall
21 issue these placards or plates under rules adopted by ~~him or her~~ the

1 Commissioner after proper application has been made to the Commissioner by
2 any person residing within the State. Application forms shall be available on
3 request at the Department of Motor Vehicles.

4 (1) Upon application for a special registration plate or removable
5 windshield placard, the Commissioner shall send a form prescribed by ~~him or~~
6 ~~her~~ the Commissioner to the applicant to be signed and returned by a licensed
7 physician, licensed physician assistant, or licensed advanced practice
8 registered nurse. The Commissioner shall file the form for future reference
9 and issue the placard or plate. A new application shall be submitted every four
10 years in the case of placards and at every third registration renewal for plates
11 but in no case greater than every four years. When a licensed physician,
12 licensed physician assistant, or licensed advanced practice registered nurse has
13 previously certified to the Commissioner that an applicant's condition is both
14 permanent and stable, a special registration plate or placard need not be
15 renewed.

16 * * *

17 (3) An individual with a disability who abuses such privileges or allows
18 individuals not disabled to abuse the privileges provided in this section may
19 have this privilege revoked after suitable notice and opportunity for hearing
20 has been given ~~him or her~~ the individual by the Commissioner. Hearings
21 under the provisions of this section shall be held in accordance with sections

1 105–107 of this title and shall be subject to review by the Civil Division of the
2 Superior Court of the county where the individual with a disability resides.

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

8 * * *

9 (6) On a form prescribed by the Commissioner, a nonprofit organization
10 that provides volunteer drivers to transport individuals who have an
11 ambulatory disability or are blind may apply to the Commissioner for a
12 placard. ~~Placards shall be marked "volunteer driver."~~ The organization shall
13 ensure proper use of placards and maintain an accurate and complete record of
14 the volunteer drivers to whom the placards are given by the organization.
15 Placards shall be returned to the organization when the volunteer driver is no
16 longer performing that service. Abuse of the privileges provided by the
17 placards may result in the privileges being revoked and the placards
18 repossessed by the Commissioner. Revocation may occur only after suitable
19 notice and opportunity for a hearing. Hearings shall be held in accordance
20 with sections 105–107 of this title.

21 * * *

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

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

10 * * *

11 (f) Individuals who have a temporary ambulatory disability may apply for a
12 temporary removable windshield placard to the Commissioner on a form
13 prescribed by ~~him or her~~ the Commissioner. The placard shall be valid for a
14 period of up to six months and displayed as required under the provisions of
15 subsection (c) of this section. The application shall be signed by a licensed
16 physician, licensed physician assistant, or licensed advanced practice
17 registered nurse. The validation period of the temporary placard shall be
18 established on the basis of the written recommendation from a licensed
19 physician, licensed physician assistant, or licensed advanced practice
20 registered nurse. The Commissioner shall adopt rules to implement the
21 provisions of this subsection.

1 air, or space service, the identification card shall include the term “veteran” on
2 its face.

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

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

9 (B) an individual under 23 years of age who was in the care and
10 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.
11 § 4903(4) in Vermont after attaining 14 years of age.

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

13 § 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE

14 ORGANIZATION MOTOR VEHICLES

15 * * *

16 (h)(1) The EV infrastructure fee, required pursuant subsections 361(b) and
17 (c) of this subchapter, shall not be charged for vehicles owned by the State.

18 (2) The EV infrastructure fee, required pursuant subsections 361(b) and
19 (c) of this subchapter, shall not be charged for vehicles that are owned by any
20 county or municipality in the State and used by that county or municipality or
21 another county or municipality in this State for county or municipal purposes.

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

4 (A) owned by a volunteer fire department or other volunteer
5 firefighting organization, an ambulance service, or an organization conducting
6 rescue operations; and

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

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

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

13 § 378. VETERANS' EXEMPTIONS

14 No fees, including the annual emissions fee required pursuant to 3 V.S.A.
15 § 2822(m)(1) and the electric vehicle infrastructure fees required pursuant to
16 section 361 of this subchapter, shall be charged ~~an honorably discharged to a~~
17 veteran of the U.S. Armed Forces who received a discharge under other than
18 dishonorable conditions and is a resident of the State of Vermont for the
19 registration of a motor vehicle that the veteran has acquired with financial
20 assistance from the U.S. Department of Veterans Affairs, or for the registration
21 of a motor vehicle owned by ~~him or her~~ the veteran during ~~his or her~~ the

1 veteran's lifetime obtained as a replacement thereof, when ~~his or her~~ the
2 veteran's application is accompanied by a copy of an approved VA Form 21-
3 4502 issued by the U.S. Department of Veterans Affairs certifying ~~him or her~~
4 the veteran to be entitled to the financial assistance.

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

6 § 608. FEES

7 * * *

8 (b) Individuals receiving Supplemental Security Income or Social Security
9 Disability Income and individuals with a disability as defined in 9 V.S.A.
10 § 4501 shall be provided with operator's licenses or operator privilege cards
11 for the following fees:

12 (1) Original issuance: \$20.00.

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

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

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

19 (d)(1) Individuals under 23 years of age who were in the care and custody
20 of the Commissioner for Children and Families pursuant to 33 V.S.A.

1 § 4903(4) in Vermont after attaining 14 years of age shall be provided with
2 operator's licenses or operator privilege cards at no charge.

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

7 * * * Learner's Permits * * *

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

9 § 617. LEARNER'S PERMIT

10 * * *

11 (b)(1) Notwithstanding the provisions of subsection (a) of this section, any
12 licensed person may apply to the Commissioner of Motor Vehicles for a
13 learner's permit for the operation of a motorcycle in the form prescribed by the
14 Commissioner. The Commissioner shall offer both a motorcycle learner's
15 permit that authorizes the operation of three-wheeled motorcycles only and a
16 motorcycle learner's permit that authorizes the operation of any motorcycle.
17 The Commissioner shall require payment of a fee of \$24.00 at the time
18 application is made, except that no fee shall be charged for an individual under
19 23 years of age who was in the care and custody of the Commissioner for
20 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
21 attaining 14 years of age.

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

10 (3) A motorcycle learner's permit may be renewed only twice upon
11 payment of a \$24.00 fee. An individual under 23 years of age who was in the
12 care and custody of the Commissioner for Children and Families pursuant to
13 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be
14 charged a fee for the renewal of a motorcycle learner's permit.

15 (4) If, during the original permit period and two renewals the permittee
16 has not successfully passed the applicable skill test or motorcycle rider training
17 course, the permittee may not obtain another motorcycle learner's permit for a
18 period of 12 months from the expiration of the permit unless:

19 (A) ~~he or she~~ the permittee has successfully completed the applicable
20 motorcycle rider training course; or

1 (B) the learner's permit and renewals thereof authorized the
2 operation of any motorcycle and the permittee is seeking a learner's permit for
3 the operation of three-wheeled motorcycles only.

4 * * *

5 (c) No learner's permit may be issued to any person under 18 years of age
6 unless the parent or guardian of, or a person standing in loco parentis to, the
7 applicant files ~~his or her~~ written consent to the issuance with the
8 Commissioner.

9 (d)(1) An applicant shall pay \$24.00 to the Commissioner for each
10 learner's permit or a duplicate or renewal thereof.

11 (2) An applicant under 23 years of age who was in the care and custody
12 of the Commissioner for Children and Families pursuant to 33 V.S.A.
13 § 4903(4) in Vermont after attaining 14 years of age shall not be charged a fee
14 for a learner's permit or a duplicate or renewal thereof.

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

17 (e)(1) A learner's permit, ~~which is not a learner's permit~~ for the operation
18 of a motorcycle, shall contain a photograph or imaged likeness of the
19 individual. A learner's permit for a motor vehicle shall contain a photograph
20 or imaged likeness of the individual if the permit is obtained in person. ~~The~~

1 ~~photographic learner's permit shall be available at locations designated by the~~
2 ~~Commissioner.~~

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

8 * * *

9 * * * Commercial Learner's Permit * * *

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

11 § 4111a. COMMERCIAL LEARNER'S PERMIT

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

14 * * *

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

18 * * *

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

2 § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON
3 MASKING OR DIVERSION

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

10 * * *

11 * * * License Examinations * * *

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

13 § 632. EXAMINATION REQUIRED; WAIVER

14 (a) Before an operator's or a junior operator's license is issued to an
15 applicant for the first time in this State, or before a renewal license is issued to
16 an applicant whose previous Vermont license had expired more than three
17 years prior to the application for renewal, the applicant shall pass a satisfactory
18 examination, except that the Commissioner may, in ~~his or her~~ the
19 Commissioner's discretion, waive the examination when the applicant holds a
20 chauffeur's, junior operator's, or operator's license in force at the time of
21 application or within three years prior to the application in some other

1 jurisdiction where an examination is required similar to the examination
2 required in this State.

3 (b) The examination shall consist of:

4 * * *

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

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

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

12 § 634. FEE FOR EXAMINATION

13 * * *

14 (b)(1) A Beginning on or before July 1, 2026, a scheduling fee of \$29.00
15 shall be paid by the applicant before the applicant may schedule the road test
16 required under section 632 of this title. ~~Unless an applicant gives the~~
17 ~~Department at least 48 hours' notice of cancellation, if~~

18 (2) If the applicant does not appear as scheduled, the \$29.00 scheduling
19 fee ~~is~~ shall be forfeited, unless either:

1 mentally or physically unfit or, because of ~~his or her~~ the person's habits or
2 record as to crashes or convictions, is unsafe to be trusted with the operation of
3 motor vehicles. A person refused a license under the provisions of this
4 subsection shall be entitled to hearing as provided in sections 105–107 of this
5 title.

6 * * *

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

8 (1) ~~A~~ An applicant who is a citizen of a foreign country shall produce
9 ~~his or her~~ the applicant's passport and visa, alien registration receipt card
10 (green card), or other proof of legal presence for inspection and copying as a
11 part of the application process for an operator's license, junior operator's
12 license, or learner's permit.

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

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

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* * *

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

* * *

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

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

* * *

* * * License Extension * * *

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

2 § 604. EARLY RENEWAL

3 (a) The holder of an operator’s license or privilege card issued under the
4 provisions of this subchapter may renew the operator’s license or privilege
5 card at any time prior to the expiration of the operator’s license or privilege
6 card. If one or more years remain before the expiration of the operator’s
7 license or privilege card, the Commissioner shall reduce the cost of the
8 renewed operator’s license or privilege card by an amount that is proportionate
9 to the number of years rounded down to the next whole year remaining before
10 the expiration of the operator’s license or privilege card.

11 (b) All application and documentation requirements for the renewal of an
12 operator’s license or privilege card shall apply to the early renewal of an
13 operator’s license or privilege card.

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

15 § 115b. EARLY RENEWAL

16 (a) The holder of nondriver identification card issued under the provisions
17 of section 115 of this chapter may renew the nondriver identification card at
18 any time prior to the expiration of the nondriver identification card. If one or
19 more years remain before the expiration of the nondriver identification card,
20 the Commissioner shall reduce the cost of the renewed nondriver identification
21 card by an amount that is proportionate to the number of years rounded down

1 to the next whole year remaining before the expiration of the nondriver
2 identification card.

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

6 Sec. 17. INFORMATION REGARDING PRIVILEGE CARDS AND
7 NONDRIVER IDENTIFICATION CARDS; INTENT

8 It is the intent of the General Assembly that the Commissioner of Motor
9 Vehicles shall ensure that any individual who is unable to or does not wish to
10 comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-
11 13, §§ 201-202 shall be informed of the option of obtaining an operator's
12 privilege card pursuant to the provisions of 23 V.S.A. § 603(f) or a nondriver
13 identification card pursuant to the provisions of 23 V.S.A. § 115.

14 Sec. 18. OUTREACH

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

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

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

4 (3) reduced fees that are available to individuals who meet certain
5 requirements.

6 * * * Commercial Driving Instructors * * *

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

8 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

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

10 (1) not have been convicted of:

11 (A) a felony nor incarcerated for a felony within the 10 years prior to
12 the date of application;

13 (B) a violation of section 1201 of this title or a like offense in another
14 jurisdiction reported to the Commissioner pursuant to subdivision 3905(a)(2)
15 of this title within the three years prior to the date of application;

16 (C) a subsequent violation of an offense listed in subdivision
17 2502(a)(5) of this title or of section 674 of this title; or

18 (D) a sex offense that requires registration pursuant to 13 V.S.A.
19 chapter 167, subchapter 3;

20 (2) pass ~~such an~~ an examination as required by the Commissioner ~~shall~~
21 ~~require~~ on:

- 1 (A) traffic laws;
- 2 (B) safe driving practices;
- 3 (C) operation of motor vehicles; and
- 4 (D) qualifications as a teacher;

5 (3) be physically able to operate a motor vehicle and to train others in
6 such operation;

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

9 (5) pay the application and license fees prescribed in section 702 of this
10 title.

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

13 (1) If the commercial motor vehicle instructor is a behind the wheel
14 (BTW) instructor, shall either:

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

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

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

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

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

7 (iii) meet any additional applicable State requirements for
8 commercial motor vehicle instructors.

9 (2) If the commercial motor vehicle instructor is a theory instructor, the
10 instructor shall:

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

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

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

1 number of years less than five for which a state retains driving records, is
2 furnished; and

3 * * *

4 * * * Motor Vehicle Taxes * * *

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

6 § 8902. DEFINITIONS

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

8 * * *

9 (5)(A) “Taxable cost” means the purchase price as defined in
10 subdivision (4) of this section or the taxable cost as determined under section
11 8907 of this title.

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

16 ~~(A)~~(i) The value allowed by the seller on any motor vehicle accepted
17 by the seller as part of the consideration of the motor vehicle, provided the
18 motor vehicle accepted by the seller is owned and previously or currently
19 registered or titled by the purchaser, with no change of ownership since
20 registration or titling, except for motor vehicles for which registration is not

1 required under the provisions of Title 23 or motor vehicles received under the
2 provisions of subdivision 8911(8) of this title.

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

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

1 vehicle is not acquired by purchase in Vermont or is received for an amount
2 that does not represent actual value, or if no tax form is filed or it appears to
3 the Commissioner that a tax form contains fraudulent or incorrect information,
4 the Commissioner may, in the Commissioner's discretion, fix the taxable cost
5 of the motor vehicle at the clean trade-in value of vehicles of the same make,
6 type, model, and year of manufacture as designated by the manufacturer, as
7 shown in ~~the NADA Official Used Car Guide (New England Edition)~~ J.D.
8 Power Values or any comparable publication, less the lease end value of any
9 leased vehicle. The Commissioner may develop a process to determine the
10 value of vehicles that do not have clean trade-in value in J.D. Power Values.
11 The Commissioner may compute and assess the tax due and notify the
12 purchaser verbally, if the purchaser is at a DMV location, or immediately by
13 certified mail, and the purchaser shall remit the same within 15 days thereafter
14 after notice is sent or provided.

15 * * *

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

17 § 8914. REFUND

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

1 * * * Refund of Registration Fee * * *

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

3 § 326. REFUND UPON LOSS OF VEHICLE

4 The Commissioner may cancel the registration of a motor vehicle when the
5 owner of the motor vehicle proves to the Commissioner's satisfaction that the
6 motor vehicle has been totally destroyed by fire or, through crash or wear, has
7 become wholly unfit for use and has been dismantled. After the Commissioner
8 cancels the registration and the owner returns to the Commissioner either the
9 registration certificate or the number plate or number plates, or other proof of
10 cancellation to the satisfaction of the Commissioner, the Commissioner shall
11 certify to the Commissioner of Finance and Management the fact of the
12 cancellation, giving the name of the owner of the motor vehicle, the owner's
13 address, the amount of the registration fee paid, and the date of cancellation.
14 The Commissioner of Finance and Management shall issue the Commissioner
15 of Finance and Management's warrant in favor of the owner for such percent
16 of the registration fee paid as the unexpired term of the registration bears to the
17 entire registration period, but in no case shall the Commissioner of Finance and
18 Management retain less than \$5.00 of the fee paid.

19 * * * Fuel Tax Refunds * * *

1 * * *

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

6 * * *

7 * * * Alteration of Odometers * * *

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

9 § 1704a. ALTERATION OF ODOMETERS

10 (a) ~~Any person who sells~~ No person shall:

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

17 (2) change, tamper with, or deface, or attempt to change, tamper with, or
18 deface; any ~~gauge, dial, or other mechanical instrument, commonly known as~~
19 ~~an~~ odometer, hubometer, or clock meter; in a motor vehicle, highway building
20 appliance, motorboat, all-terrain vehicle, or snowmobile, ~~which, under normal~~
21 ~~circumstances and without being changed, tampered with, or defaced, is~~

1 ~~designed to show by numbers or words the distance that the motor vehicle,~~
2 ~~highway building appliance, motorboat, all terrain vehicle, or snowmobile~~
3 ~~travels;~~ or who

4 (3) willfully ~~misrepresents~~ misrepresent the odometer, hubometer, or
5 clock meter reading on the odometer disclosure statement or similar statement,
6 title, or bill of sale.

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

10 * * * Definition of Conviction * * *

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

12 § 102. DUTIES OF COMMISSIONER

13 * * *

14 (d)(1) The Commissioner may authorize background investigations for
15 potential employees, which may include criminal, traffic, and financial records
16 checks; provided, however, that the potential employee is notified and has the
17 right to withdraw ~~his or her~~ their name from application. Additionally,
18 employees who are involved in the manufacturing or production of operator's
19 licenses and identification cards, including enhanced licenses, or who have the
20 ability to affect the identity information that appears on a license or
21 identification card, or current employees who will be assigned to such

1 positions, shall be subject to appropriate background checks and shall be
2 provided notice of the background check and the contents of that check. These
3 background checks shall include a name-based and fingerprint-based criminal
4 history records check using at a minimum the Federal Bureau of
5 Investigation's National Crime Information Center and the Integrated
6 Automated Fingerprint Identification database and State repository records on
7 each covered employee.

8 (2) Employees may be subject to further appropriate security clearances
9 if required by federal law, including background investigations that may
10 include criminal and traffic records checks and providing proof of U.S.
11 citizenship.

12 (3) The Commissioner may, in connection with a formal disciplinary
13 investigation, authorize a criminal or traffic record background investigation of
14 a current employee; provided, however, that the background review is relevant
15 to the issue under disciplinary investigation. Information acquired through the
16 investigation shall be provided to the Commissioner or designated division
17 director and must be maintained in a secure manner. If the information
18 acquired is used as a basis for any disciplinary action, it must be given to the
19 employee during any pretermination hearing or contractual grievance hearing
20 to allow the employee an opportunity to respond to or dispute the information.

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

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

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

6 § 108. APPLICATION FORMS

7 (a) The Commissioner shall prepare and furnish all forms for applications,
8 crash reports, conviction reports, a pamphlet containing the full text of the
9 motor vehicle laws of the State, and all other forms needed in the proper
10 conduct of ~~his or her~~ the Commissioner’s office. ~~He or she~~ The Commissioner
11 shall furnish an adequate supply of ~~such~~ registration forms, license
12 applications, and motor vehicle laws each year to each town clerk, and to ~~such~~
13 other persons ~~as may so~~ upon request.

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

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

17 § 1709. REPORT OF CONVICTIONS TO COMMISSIONER OF MOTOR
18 VEHICLES

19 (a) The Judicial Bureau and every court having jurisdiction over offenses
20 committed under any law of this State or municipal ordinance regulating the
21 operation of motor vehicles on the highways shall forward a record of any

1 conviction to the Commissioner within 10 days for violation of any State or
2 local law relating to motor vehicle traffic control, other than a parking
3 violation.

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

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

7 § 1200. DEFINITIONS

8 As used in this subchapter:

9 * * *

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

12 * * * Drunken Driving * * *

13 Sec. 31. 23 V.S.A. § 1205 is amended to read:

14 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

15 (a) Refusal; alcohol concentration at or above legal limits; suspension
16 periods.

17 * * *

18 (2) Upon affidavit of a law enforcement officer that the officer had
19 reasonable grounds to believe that the person was operating, attempting to
20 operate, or in actual physical control of a vehicle in violation of section 1201
21 of this title and that the person submitted to a test and the test results indicated

1 that the person's alcohol concentration was at or above a limit specified in
2 subsection 1201(a) of this title, at the time of operating, attempting to operate,
3 or being in actual physical control, the Commissioner shall suspend the
4 person's operating license or nonresident operating privilege or the privilege of
5 an unlicensed operator to operate a vehicle for a period of 90 days and until the
6 person complies with section 1209a of this title. However, during the
7 suspension, an eligible person may operate under the terms of an ignition
8 interlock RDL or ignition interlock certificate issued pursuant to section 1213
9 of this title.

10 * * *

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

15 * * *

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

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

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* * *

(c) Notice of suspension. On behalf of the Commissioner of Motor Vehicles, a law enforcement officer requesting or directing the administration of an evidentiary test shall serve notice of intention to suspend and of suspension on a person who refuses to submit to an evidentiary test or on a person who submits to a test the results of which indicate that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, at the time of operating, attempting to operate, or being in actual physical control of a vehicle in violation of section 1201 of this title. The notice shall be signed by the law enforcement officer requesting the test. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, and a copy shall be mailed or given to the defendant within three business days after the date the officer receives the results of the test. If mailed, the notice is deemed received three days after mailing to the address provided by the defendant to the law enforcement officer. A copy of the affidavit of the law enforcement officer shall also be mailed by first-class mail or given to the defendant within seven days after the date of notice.

* * *

(h) Final hearing.

(1) If the defendant requests a hearing on the merits, the court shall schedule a final hearing on the merits to be held within 21 days after the date

1 of the preliminary hearing. In no event may a final hearing occur more than 42
2 days after the date of the alleged offense without the consent of the defendant
3 or for good cause shown. The final hearing may only be continued by the
4 consent of the defendant or for good cause shown. The issues at the final
5 hearing shall be limited to the following:

6 * * *

7 (D) Whether the test was taken and the test results indicated that the
8 person's alcohol concentration was at or above a legal limit specified in
9 subsection 1201(a) or (d) of this title, at the time of operating, attempting to
10 operate, or being in actual physical control of a vehicle in violation of section
11 1201 of this title, whether the testing methods used were valid and reliable, and
12 whether the test results were accurate and accurately evaluated. Evidence that
13 the test was taken and evaluated in compliance with rules adopted by the
14 Department of Public Safety shall be prima facie evidence that the testing
15 methods used were valid and reliable and that the test results are accurate and
16 were accurately evaluated.

17 * * *

18 (i) Finding by the court. The court shall electronically forward a report of
19 the hearing to the Commissioner. Upon a finding by the court that the law
20 enforcement officer had reasonable grounds to believe that the person was
21 operating, attempting to operate, or in actual physical control of a vehicle in

1 violation of section 1201 of this title and that the person refused to submit to a
2 test, or upon a finding by the court that the law enforcement officer had
3 reasonable grounds to believe that the person was operating, attempting to
4 operate, or in actual physical control of a vehicle in violation of section 1201
5 of this title and that the person submitted to a test and the test results indicated
6 that the person's alcohol concentration was at or above a legal limit specified
7 in subsection 1201(a) or (d) of this title, at the time the person was operating,
8 attempting to operate, or in actual physical control, the person's operating
9 license, or nonresident operating privilege, or the privilege of an unlicensed
10 operator to operate a vehicle shall be suspended or shall remain suspended for
11 the required term and until the person complies with section 1209a of this title.
12 Upon a finding in favor of the person, the Commissioner shall cause the
13 suspension to be canceled and removed from the record, without payment of
14 any fee.

15 * * *

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

1 applicable limit at the time of operating, attempting to operate, or being in
2 actual physical control.

3 * * *

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

5 (d) Form of notice. The notice of intention to suspend and of suspension
6 shall be in a form prescribed by the Supreme Court. The notice shall include
7 an explanation of rights, a form to be used to request a hearing, and, if a
8 hearing is requested, the date, time, and location of the Criminal Division of
9 the Superior Court where the person must appear for a preliminary hearing.
10 The notice shall also contain, in boldface print, the following:

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

13 (2) ~~This notice shall serve as a temporary operator's license and is valid~~
14 ~~until 12:01 a.m. of the date of suspension.~~ If this is your first violation of
15 section 1201 of this title and if you do not request a hearing, your license will
16 be suspended as provided in this notice. If this is your second or subsequent
17 violation of section 1201 of this title, your license will be suspended on the
18 11th day after you receive this notice. It is a crime to drive while your license
19 is suspended unless you have been issued an ignition interlock restricted
20 driver's license or ignition interlock certificate.

21 * * *

1 out in the following schedule, the fee for vehicles weighing between ~~10,000~~
2 10,100 and ~~25,999~~ 26,099 pounds inclusive shall be an additional \$42.53, the
3 fee for vehicles weighing between ~~26,000~~ 26,100 and ~~39,999~~ 40,099 pounds
4 inclusive shall be an additional \$85.03, the fee for vehicles weighing between
5 ~~40,000~~ 40,100 and ~~59,999~~ 60,099 pounds inclusive shall be an additional
6 \$297.68, and the fee for vehicles ~~60,000~~ 60,100 pounds and over shall be an
7 additional \$467.80. The fee shall be computed at the following rates per 1,000
8 pounds of weight determined pursuant to this subdivision and rounded up to
9 the nearest whole dollar; the minimum fee for registering a tractor, truck-
10 tractor, or motor truck to ~~6,000~~ 6,099 pounds shall be the same as for the
11 pleasure car type:

12 \$18.21 when the weight ~~exceeds 6,000 pounds but does not exceed~~
13 ~~8,000 pounds~~ is at least 6,100 pounds but not more than 8,099 pounds.

14 \$20.83 when the weight ~~exceeds 8,000 pounds but does not exceed~~
15 ~~12,000 pounds~~ is at least 8,100 pounds but not more than 12,099 pounds.

16 \$22.97 when the weight ~~exceeds 12,000 pounds but does not exceed~~
17 ~~16,000 pounds~~ is at least 12,100 pounds but not more than 16,099 pounds.

18 \$24.56 when the weight ~~exceeds 16,000 pounds but does not exceed~~
19 ~~20,000 pounds~~ is at least 16,100 pounds but not more than 20,099 pounds.

20 \$25.71 when the weight ~~exceeds 20,000 pounds but does not exceed~~
21 ~~30,000 pounds~~ is at least 20,100 pounds but not more than 30,099 pounds.

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* * *

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

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

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

* * * Excessive Speed * * *

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

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against ~~his or her~~ the person's driving record for

1 convictions for moving violations of the indicated motor vehicle statutes in
2 accord with the following schedule: (All references are to this title of the
3 Vermont Statutes Annotated.)

4 * * *

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

8 * * *

9 * * * Tinted Windows * * *

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

12 Sec. 14. [Deleted.]

13 Sec. 15. [Deleted.]

14 Sec. 16. [Deleted.]

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

16 § 1125. OBSTRUCTING WINDSHIELDS; AND WINDOWS

17 (a) Prohibition. Except as otherwise provided in this section, ~~a person~~ an
18 individual shall not operate a motor vehicle on which material or items have
19 been painted or adhered on or over, or hung in back of, any transparent part of
20 a motor vehicle windshield, vent windows, or side windows located
21 immediately to the left and right of the operator. The prohibition of this

1 section on hanging items shall apply ~~only~~ to shading or tinting material or
2 when a hanging item materially obstructs the driver's view.

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

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

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

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

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

18 (5) on a motor vehicle that is for sale by a licensed automobile dealer
19 prior to the sale of the vehicle, in a space not over three inches high and six
20 inches long in the upper left-hand corner of the windshield, and in a space not

1 over four inches high and 18 inches long in the upper right-hand corner of the
2 windshield; ~~or~~

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

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

9 (c) Medical exemption. The Commissioner may grant an exemption to the
10 prohibition of this section upon application from ~~a person~~ an individual
11 required for medical reasons to be shielded from the rays of the sun and who
12 attaches to the application a document signed by a licensed physician or
13 optometrist certifying that shielding from the rays of the sun is a medical
14 necessity. The physician or optometrist certification shall be renewed every
15 four years. However, when a licensed physician or optometrist has previously
16 certified to the Commissioner that an applicant's condition is both permanent
17 and stable, the exemption may be renewed by the applicant without submission
18 of a form signed by a licensed physician or optometrist. Additionally, the
19 window shading or tinting permitted under this subsection shall be limited to
20 the vent windows or side windows located immediately to the left and right of
21 the operator. The exemption provided in this subsection shall terminate upon

1 the transfer of the approved vehicle and at that time the applicable window
2 tinting shall be removed by the seller. ~~Furthermore, if the material described in~~
3 ~~this subsection tears or bubbles or is otherwise worn to prohibit clear vision, it~~
4 ~~shall be removed or replaced.~~

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

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

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

17 Sec. 40. LEGISLATIVE INTENT; TINTED WINDOWS

18 It is the intent of the General Assembly that a motor vehicle with shading or
19 tinting material that is not allowed under 23 V.S.A. § 1125, as amended by
20 Sec. 39 of this act, poses a danger to the individual operating the motor
21 vehicle, any passengers in the motor vehicle, and other highway users and that

1 such a motor vehicle shall fail the annual safety inspection required under
2 23 V.S.A. § 1222.

3 Sec. 41. RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED
4 WINDOWS; OUTREACH

5 (a) The Department of Motor Vehicles shall, unless extended by the
6 Legislative Committee on Administrative Rules, adopt amendments to
7 Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-
8 022) consistent with the legislative intent in Sec. 40 of this act to be effective
9 not later than July 1, 2026. The amendments shall include the level of visible
10 light transmission required for windshields and the windows to the immediate
11 right and left of the driver as of the effective date of the amendments.

12 (b) The Department of Motor Vehicles, in consultation with the
13 Department of Public Safety, shall implement a public outreach campaign on
14 window tinting to provide information on the prohibitions and exceptions
15 under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, and the
16 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with
17 amendments adopted under the Administrative Procedure Act consistent with
18 subsection (a) of this section, including what level of visible light transmission
19 is currently required for windshields and the windows to the immediate right
20 and left of the driver. The Department of Motor Vehicles shall start to
21 disseminate information as required under this subsection not later than two

1 months prior to the effective date of Sec. 39 of this act and shall disseminate
2 information on window tinting through email, bulletins, software updates, and
3 the Department of Motor Vehicles' website.

4 * * * All-Terrain Vehicles * * *

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

6 § 3501. DEFINITIONS

7 As used in this chapter:

8 (1) "All-terrain vehicle" or "ATV" means any nonhighway recreational
9 vehicle, except snowmobiles, having not less than two low pressure tires (10
10 pounds per square inch, or less); not wider than ~~64~~ 72 inches, with two-wheel
11 ATVs having permanent, full-time power to both wheels; and having a dry
12 weight of less than 2,500 pounds, when used for cross-country travel on trails
13 or on any one of the following or a combination thereof: land, water, snow, ice,
14 marsh, swampland, and natural terrain. An ATV on a public highway shall be
15 considered a motor vehicle, as defined in section 4 of this title, only for the
16 purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),
17 (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);
18 (4)(A) and (B); and (5) of this title and as provided in section 1201 of this title.
19 An ATV does not include an electric personal assistive mobility device, a
20 motor-assisted bicycle, or an electric bicycle.

21 * * *

1 * * * Purchase and Use Tax and Inspections Study Committee * * *

2 Sec. 43. MOTOR VEHICLES; PURCHASE AND USE TAX;
3 INSPECTIONS; STUDY COMMITTEE; REPORT

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

8 (b) Membership. The Committee shall be composed of the following
9 members:

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

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

13 (3) a member, appointed by the Vermont Insurance Agents Association;

14 and

15 (4) a member, appointed by the Vermont Community Action
16 Partnership.

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

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

4 (2) the potential for assessing the purchase and use tax against the
5 amount that a used vehicle was purchased for, if the difference between the
6 purchase price and the clean trade-in value of the vehicle is equal to or less
7 than the cost of repairs necessary for the vehicle to pass inspection pursuant to
8 23 V.S.A. § 1222;

9 (3) the assessment of the purchase and use tax on vehicles that were
10 purchased and first registered in another state prior to the vehicle owner
11 moving to Vermont and registering the vehicle in Vermont, including any
12 potential impacts that the current manner in which the purchase and use tax is
13 assessed on such vehicles may have on vehicle owners' decisions to move to
14 Vermont or register their vehicles in Vermont, or both;

15 (4) potential changes to the statutes and rules governing the purchase
16 and use tax that could mitigate any negative impacts on vehicle owners'
17 decisions to relocate to Vermont or register their vehicles in Vermont, or both,
18 that are identified pursuant to subdivision (3) of this subsection; and

19 (5) potential modifications to the periodic inspection manual to permit
20 vehicles whose onboard diagnostic malfunction indicator light is illuminated to
21 pass inspection pursuant to 23 V.S.A. § 1222 if the issue causing the indicator

1 light to illuminate does not affect the safety of the vehicle with respect to the
2 operator, any passengers, or any other vehicles.

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

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

8 (f) Meetings.

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

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

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

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

14 (g) Compensation and reimbursement. Members of the Committee who
15 are not otherwise compensated for their attendance at meetings shall be entitled
16 to per diem compensation and reimbursement of expenses as permitted under
17 32 V.S.A. § 1010 for not more than four meetings. These payments shall be
18 made from monies appropriated to Department of Motor Vehicles.

19 * * * Effective Dates * * *

20 Sec. 44. EFFECTIVE DATES

21 (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.