

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; Department of Motor Vehicles; plug-in electric
4 vehicles (PEVs); veterans; documentation of anatomical gift;
5 disability placards; registration certificates; fees; learner’s permits;
6 licensing examinations; commercial driving instructors; fees; taxes;
7 non-Real ID; odometer alteration; convictions; drunken driving; bulk
8 electronic record fees; truck registration fees

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

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

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

13 * * * Plug-in Electric Vehicles * * *

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

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

19 * * * Veteran’s Designation * * *

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

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

3 * * *

4 (b)(1) In addition to any other requirement of law or rule, before an
5 enhanced license may be issued to an individual, the individual shall present
6 for inspection and copying satisfactory documentary evidence to determine
7 identity and U.S. citizenship. ~~An~~ A new application shall be accompanied by a
8 photo identity document, documentation showing the individual’s date and
9 place of birth, proof of the individual’s Social Security number, and
10 documentation showing the individual’s principal residence address. New and
11 renewal application forms shall include a space for the applicant to request that
12 a “veteran” designation be placed on the enhanced license.

13 (2) If a veteran, as defined in 38 U.S.C. § 101(2) and including an
14 individual disabled during active military, naval, air, or space service, as
15 defined in 38 U.S.C. § 101(24), requests a veteran designation and provides a
16 Department of Defense Form 214 or other proof of veteran status specified by
17 the Commissioner, and the Office of Veterans’ Affairs confirms the
18 individual’s status as an honorably discharged veteran; a veteran discharged
19 under honorable conditions; or an individual disabled during active military,
20 naval, air, or space service, the identification card shall include the term
21 “veteran” on its face.

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

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

9 * * *

10 * * * Documentation of Anatomical Gift * * *

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

12 § 115. NONDRIVER IDENTIFICATION CARDS

13 * * *

14 (g) An identification card issued to a first-time applicant and any
15 subsequent renewals by that person shall contain a photograph or imaged
16 likeness of the applicant. The photographic identification card shall be
17 available at a location designated by the Commissioner. An individual issued
18 an identification card under this subsection that contains an imaged likeness
19 may renew ~~his or her~~ the individual's identification card by mail. Except that a
20 renewal by an individual required to have a photograph or imaged likeness

1 under this subsection must be made in person so that an updated imaged
2 likeness of the individual is obtained not less often than once every nine years.

3 * * *

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

8 * * *

9 (n) The Commissioner shall provide a form that, upon the individual's
10 execution, shall serve as a document of an anatomical gift under 18 V.S.A.
11 chapter 110. An indicator shall be placed on the nondriver identification card
12 of any individual who has executed an anatomical gift form in accordance with
13 this section.

14 * * * Disability Placards for Volunteer Drivers * * *

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

16 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
17 INDIVIDUALS WITH DISABILITIES

18 (a) As used in this section:

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

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

(b) Special registration plates or removable windshield placards, or both, shall be issued by the Commissioner. The placard shall be issued without a fee to an individual who is blind or has an ambulatory disability. One set of plates shall be issued without additional fees for a vehicle registered or leased to an individual who is blind or has an ambulatory disability or to a parent or guardian of an individual with a permanent disability. The Commissioner shall issue these placards or plates under rules adopted by ~~him or her~~ the Commissioner after proper application has been made to the Commissioner by any person residing within the State. Application forms shall be available on request at the Department of Motor Vehicles.

(1) Upon application for a special registration plate or removable windshield placard, the Commissioner shall send a form prescribed by ~~him or her~~ the Commissioner to the applicant to be signed and returned by a licensed physician, licensed physician assistant, or licensed advanced practice registered nurse. The Commissioner shall file the form for future reference and issue the placard or plate. A new application shall be submitted every four years in the case of placards and at every third registration renewal for plates

1 but in no case greater than every four years. When a licensed physician,
2 licensed physician assistant, or licensed advanced practice registered nurse has
3 previously certified to the Commissioner that an applicant’s condition is both
4 permanent and stable, a special registration plate or placard need not be
5 renewed.

6 * * *

7 (3) An individual with a disability who abuses such privileges or allows
8 individuals not disabled to abuse the privileges provided in this section may
9 have this privilege revoked after suitable notice and opportunity for hearing
10 has been given ~~him or her~~ the individual by the Commissioner. Hearings
11 under the provisions of this section shall be held in accordance with sections
12 105–107 of this title and shall be subject to review by the Civil Division of the
13 Superior Court of the county where the individual with a disability resides.

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

19 * * *

20 (6) On a form prescribed by the Commissioner, a nonprofit organization
21 that provides volunteer drivers to transport individuals who have an

1 ambulatory disability or are blind may apply to the Commissioner for a
2 placard. ~~Placards shall be marked “volunteer driver.”~~ The organization shall
3 ensure proper use of placards and maintain an accurate and complete record of
4 the volunteer drivers to whom the placards are given by the organization.
5 Placards shall be returned to the organization when the volunteer driver is no
6 longer performing that service. Abuse of the privileges provided by the
7 placards may result in the privileges being revoked and the placards
8 repossessed by the Commissioner. Revocation may occur only after suitable
9 notice and opportunity for a hearing. Hearings shall be held in accordance
10 with sections 105–107 of this title.

11 * * *

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

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

21 * * *

1 (f) Individuals who have a temporary ambulatory disability may apply for a
2 temporary removable windshield placard to the Commissioner on a form
3 prescribed by ~~him or her~~ the Commissioner. The placard shall be valid for a
4 period of up to six months and displayed as required under the provisions of
5 subsection (c) of this section. The application shall be signed by a licensed
6 physician, licensed physician assistant, or licensed advanced practice
7 registered nurse. The validation period of the temporary placard shall be
8 established on the basis of the written recommendation from a licensed
9 physician, licensed physician assistant, or licensed advanced practice
10 registered nurse. The Commissioner shall adopt rules to implement the
11 provisions of this subsection.

12 * * * Replacement Registration Certificates * * *

13 Sec. 5. 23 V.S.A. § 307 is amended to read:

14 § 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT
15 AND CORRECTED CERTIFICATES

16 * * *

17 (c) A corrected registration certificate shall be furnished by the
18 Commissioner upon request and receipt of a fee of \$20.00. A replacement
19 registration certificate may be generated from the individual's electronic
20 account for no charge.

21 * * *

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

2 § 378. VETERANS' EXEMPTIONS

3 No fees, including the annual emissions fee required pursuant to 3 V.S.A.
4 § 2822(m)(1) and the electric vehicle infrastructure fees required pursuant to
5 section 361 of this subchapter, shall be charged an honorably discharged to a
6 veteran of the U.S. Armed Forces who received a discharge under other than
7 dishonorable conditions and is a resident of the State of Vermont for the
8 registration of a motor vehicle that the veteran has acquired with financial
9 assistance from the U.S. Department of Veterans Affairs, or for the registration
10 of a motor vehicle owned by ~~him or her~~ the veteran during ~~his or her~~ the
11 veteran's lifetime obtained as a replacement thereof, when ~~his or her~~ the
12 veteran's application is accompanied by a copy of an approved VA Form 21-
13 4502 issued by the U.S. Department of Veterans Affairs certifying ~~him or her~~
14 the veteran to be entitled to the financial assistance.

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

16 § 608. FEES

17 * * *

18 (b) Individuals receiving Supplemental Security Income or Social Security
19 Disability Income and individuals with a disability as defined in 9 V.S.A.
20 § 4501 shall be provided with operator's licenses or operator privilege cards
21 for the following fees:

1 (e)(1) A learner’s permit, ~~which is not a learner’s permit~~ for the operation
2 of a motorcycle, shall contain a photograph or imaged likeness of the
3 individual. A learner’s permit for a motor vehicle shall contain a photograph
4 or imaged likeness of the individual if the permit is obtained in person. ~~The~~
5 ~~photographic learner’s permit shall be available at locations designated by the~~
6 ~~Commissioner.~~

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

12 * * *

13 * * * Commercial Learner’s Permit * * *

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

15 § 4111a. COMMERCIAL LEARNER’S PERMIT

16 (a) Contents of permit. A commercial learner’s permit shall contain the
17 following:

18 * * *

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

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

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

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

* * *

* * * License Examinations * * *

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

§ 632. EXAMINATION REQUIRED; WAIVER

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

1 application or within three years prior to the application in some other
2 jurisdiction where an examination is required similar to the examination
3 required in this State.

4 (b) The examination shall consist of:

5 * * *

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

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

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

13 § 634. FEE FOR EXAMINATION

14 * * *

15 (b) ~~A scheduling fee of \$29.00 shall be paid by the applicant before the~~
16 ~~applicant may schedule the road test required under section 632 of this title.~~
17 ~~Unless an applicant gives the Department at least 48 hours' notice of~~
18 ~~cancellation, if the applicant does not appear as scheduled, the \$29.00~~
19 ~~scheduling fee is forfeited. If the applicant appears for the scheduled road test,~~
20 ~~the fee shall be applied toward the license examination fee. The Commissioner~~

1 ~~may waive the scheduling fee until the Department is capable of administering~~
2 ~~the fee electronically.~~ [Repealed.]

3 * * *

4 * * * Commercial Driving Instructors * * *

5 Sec. 14. 23 V.S.A. § 705 is amended to read:

6 § 705. QUALIFICATIONS FOR INSTRUCTOR’S LICENSE

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

8 (1) not have been convicted of:

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

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

14 (C) a subsequent violation of an offense listed in subdivision
15 2502(a)(5) of this title or of section 674 of this title; or

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

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

20 (A) traffic laws;

21 (B) safe driving practices;

1 (C) operation of motor vehicles; and

2 (D) qualifications as a teacher;

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

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

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

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

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

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

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

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

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

4 (ii) have at least two years’ experience as a BTW instructor; and

5 (iii) meet any additional applicable State requirements for
6 commercial motor vehicle instructors.

7 (2) If the commercial motor vehicle instructor is a theory instructor, the
8 instructor shall:

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

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

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

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

21 (ii) have at least two years’ experience as a BTW instructor; and

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

3 * * * Motorcycle Instructors * * *

4 Sec. 15. 23 V.S.A. § 734 is amended to read:

5 § 734. INSTRUCTOR REQUIREMENTS AND TRAINING

6 * * *

7 (b) The Department shall establish minimum requirements for the
8 qualifications of a rider training instructor. The minimum requirements shall
9 include the following:

10 * * *

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

14 * * *

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

19 * * *

1 trade-in value of the same make, type, model, and year of manufacture as
2 designated by the manufacturer and as shown in the ~~NADA Official Used Car~~
3 ~~Guide (New England edition)~~ J.D. Power Values, or any comparable
4 publication, provided ~~such~~ the sale occurs within three months after the taxable
5 purchase. However, this three-month period shall be extended day-for-day for
6 any time that a member of a guard unit or of the U.S. Armed Forces, as defined
7 in 38 U.S.C. § 101(10), spends outside Vermont due to activation or
8 deployment and an additional 60 days following the individual's return from
9 activation or deployment. ~~Such~~ The amount shall be reported on forms
10 supplied by the Commissioner of Motor Vehicles.

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

17 ~~(+)(I)~~ the motor vehicle with respect to which ~~such~~ the payment
18 is made by the insurer is accepted by the seller as a trade-in on the purchased
19 motor vehicle before the repair of the damage giving rise to insurer's payment;
20 or

1 the Commissioner may, in the Commissioner’s discretion, fix the taxable cost
2 of the motor vehicle at the clean trade-in value of vehicles of the same make,
3 type, model, and year of manufacture as designated by the manufacturer, as
4 shown in ~~the NADA Official Used Car Guide (New England Edition)~~ J.D.
5 Power Values or any comparable publication, less the lease end value of any
6 leased vehicle. The Commissioner may develop a process to determine the
7 value of vehicles that do not have clean trade-in value in J.D. Power Values.
8 The Commissioner may compute and assess the tax due and notify the
9 purchaser verbally, if the purchaser is at a DMV location, or immediately by
10 ~~certified~~ mail, and the purchaser shall remit the same within 15 days ~~thereafter~~
11 after notice is sent or provided.

12 * * *

13 Sec. 18. 32 V.S.A. § 8914 is amended to read:

14 § 8914. REFUND

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

1 requirements of this chapter for obtaining a license or permit. The
2 Commissioner shall require applicants under this subsection to furnish a
3 document or a combination of documents that reliably proves the applicant’s
4 Vermont residence and ~~his or her~~ the applicant’s name, date of birth, and place
5 of birth.

6 * * *

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

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

10 * * *

11 * * * Fuel Tax Refunds * * *

12 Sec. 21. 23 V.S.A. § 3020 is amended to read:

13 § 3020. CREDITS AND REFUNDS

14 (a) Credits.

15 (1) A user who purchased fuel within this State from a dealer or
16 distributor upon which ~~he or she~~ the user paid the tax at the time of purchase,
17 or a user exempt from the payment of the tax under subsection 3003(d) of this
18 title who purchased fuel within this State upon which ~~he or she~~ the user paid
19 tax at the time of purchase, shall be entitled to a credit equal to the amount of
20 tax per gallon in effect when the fuel was purchased. When the amount of the
21 credit to which any user is entitled for any reporting period exceeds the amount

1 of ~~his or her~~ the user's tax for the same period, the excess shall be credited to
2 the user's tax account and the user shall be notified of the date and amount of
3 the credit by mail.

4 * * *

5 (3) A user who also sells or delivers fuel subject to the tax imposed by
6 32 V.S.A. chapter 233 upon which the tax imposed by this chapter has been
7 paid shall be entitled to a credit equal to the amount of such tax paid pursuant
8 to this chapter. When the amount of the credit to which any user is entitled for
9 any reporting period exceeds the amount of ~~his or her~~ the user's tax for the
10 same period, the excess shall be credited to the user's tax account and the user
11 shall be notified of the date and amount of the credit by mail.

12 * * *

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

17 * * *

18 * * * Alteration of Odometers * * *

19 Sec. 22. 23 V.S.A. § 1704a is amended to read:

20 § 1704a. ALTERATION OF ODOMETERS

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

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

7 (2) change, tamper with, or deface, or attempt to change, tamper with, or
8 deface; any ~~gauge, dial, or other mechanical instrument, commonly known as~~
9 ~~an~~ odometer, hubometer, or clock meter; in a motor vehicle, highway building
10 appliance, motorboat, all-terrain vehicle, or snowmobile, ~~which, under normal~~
11 ~~circumstances and without being changed, tampered with, or defaced, is~~
12 ~~designed to show by numbers or words the distance that the motor vehicle,~~
13 ~~highway building appliance, motorboat, all terrain vehicle, or snowmobile~~
14 ~~travels;~~ or who

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

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

1 include criminal and traffic records checks and providing proof of U.S.
2 citizenship.

3 (3) The Commissioner may, in connection with a formal disciplinary
4 investigation, authorize a criminal or traffic record background investigation of
5 a current employee; provided, however, that the background review is relevant
6 to the issue under disciplinary investigation. Information acquired through the
7 investigation shall be provided to the Commissioner or designated division
8 director and must be maintained in a secure manner. If the information
9 acquired is used as a basis for any disciplinary action, it must be given to the
10 employee during any pretermination hearing or contractual grievance hearing
11 to allow the employee an opportunity to respond to or dispute the information.
12 If no disciplinary action is taken against the employee, the information
13 acquired through the background check shall be destroyed.

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

16 Sec. 24. 23 V.S.A. § 108 is amended to read:

17 § 108. APPLICATION FORMS

18 (a) The Commissioner shall prepare and furnish all forms for applications,
19 crash reports, conviction reports, a pamphlet containing the full text of the
20 motor vehicle laws of the State, and all other forms needed in the proper
21 conduct of ~~his or her~~ the Commissioner’s office. ~~He or she~~ The Commissioner

1 shall furnish an adequate supply of ~~such~~ registration forms, license
2 applications, and motor vehicle laws each year to each town clerk, and to ~~such~~
3 other persons ~~as may so~~ upon request.

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

6 Sec. 25. 23 V.S.A. § 1709 is amended to read:

7 § 1709. REPORT OF CONVICTIONS TO COMMISSIONER OF MOTOR
8 VEHICLES

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

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

17 Sec. 26. 23 V.S.A. § 1200 is amended to read:

18 § 1200. DEFINITIONS

19 As used in this subchapter:

20 * * *

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

3 * * * Drunken Driving * * *

4 Sec. 27. 23 V.S.A. § 1205 is amended to read:

5 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

6 (a) Refusal; alcohol concentration **at or** above legal limits; suspension
7 periods.

8 * * *

9 (2) Upon affidavit of a law enforcement officer that the officer had
10 reasonable grounds to believe that the person was operating, attempting to
11 operate, or in actual physical control of a vehicle in violation of section 1201
12 of this title and that the person submitted to a test and the test results indicated
13 that the person’s alcohol concentration was at or above a limit specified in
14 subsection 1201(a) of this title, at the time of operating, attempting to operate,
15 or being in actual physical control, the Commissioner shall suspend the
16 person’s operating license or nonresident operating privilege or the privilege of
17 an unlicensed operator to operate a vehicle for a period of 90 days and until the
18 person complies with section 1209a of this title. However, during the
19 suspension, an eligible person may operate under the terms of an ignition
20 interlock RDL or ignition interlock certificate issued pursuant to section 1213
21 of this title.

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

* * *

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

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

* * *

(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

1 title. The notice shall be signed by the law enforcement officer requesting the
2 test. A copy of the notice shall be sent to the Commissioner of Motor
3 Vehicles, and a copy shall be mailed or given to the defendant within three
4 business days after the date the officer receives the results of the test. If
5 mailed, the notice is deemed received three days after mailing to the address
6 provided by the defendant to the law enforcement officer. A copy of the
7 affidavit of the law enforcement officer shall also be mailed by first-class mail
8 or given to the defendant within seven days after the date of notice.

9 * * *

10 (h) Final hearing.

11 (1) If the defendant requests a hearing on the merits, the court shall
12 schedule a final hearing on the merits to be held within 21 days after the date
13 of the preliminary hearing. In no event may a final hearing occur more than 42
14 days after the date of the alleged offense without the consent of the defendant
15 or for good cause shown. The final hearing may only be continued by the
16 consent of the defendant or for good cause shown. The issues at the final
17 hearing shall be limited to the following:

18 * * *

19 (D) Whether the test was taken and the test results indicated that the
20 person's alcohol concentration was at or above a legal limit specified in
21 subsection 1201(a) or (d) of this title, at the time of operating, attempting to

1 operate, or being in actual physical control of a vehicle in violation of section
2 1201 of this title, whether the testing methods used were valid and reliable, and
3 whether the test results were accurate and accurately evaluated. Evidence that
4 the test was taken and evaluated in compliance with rules adopted by the
5 Department of Public Safety shall be prima facie evidence that the testing
6 methods used were valid and reliable and that the test results are accurate and
7 were accurately evaluated.

8 * * *

9 (i) Finding by the court. The court shall electronically forward a report of
10 the hearing to the Commissioner. Upon a finding by the court that the law
11 enforcement officer had reasonable grounds to believe that the person was
12 operating, attempting to operate, or in actual physical control of a vehicle in
13 violation of section 1201 of this title and that the person refused to submit to a
14 test, or upon a finding by the court that the law enforcement officer had
15 reasonable grounds to believe that the person was operating, attempting to
16 operate, or in actual physical control of a vehicle in violation of section 1201
17 of this title and that the person submitted to a test and the test results indicated
18 that the person's alcohol concentration was at or above a legal limit specified
19 in subsection 1201(a) or (d) of this title, at the time the person was operating,
20 attempting to operate, or in actual physical control, the person's operating
21 license, or nonresident operating privilege, or the privilege of an unlicensed

1 operator to operate a vehicle shall be suspended or shall remain suspended for
2 the required term and until the person complies with section 1209a of this title.
3 Upon a finding in favor of the person, the Commissioner shall cause the
4 suspension to be canceled and removed from the record, without payment of
5 any fee.

6 * * *

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

14 * * *

15 Sec. 28. 23 V.S.A. § 1205(d) is amended to read:

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

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

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

3 (2) ~~This notice shall serve as a temporary operator’s license and is valid~~
4 ~~until 12:01 a.m. of the date of suspension.~~ If this is your first violation of
5 section 1201 of this title and if you do not request a hearing, your license will
6 be suspended as provided in this notice. If this is your second or subsequent
7 violation of section 1201 of this title, your license will be suspended on the
8 11th day after you receive this notice. It is a crime to drive while your license
9 is suspended unless you have been issued an ignition interlock restricted
10 driver’s license or ignition interlock certificate.

11 * * *

12 * * * Fee for Bulk Electronic Records Request * * *

13 Sec. 29. 23 V.S.A. § 114 is amended to read:

14 § 114. FEES

15 (a) The Commissioner shall be paid the following fees for miscellaneous
16 transactions:

17 * * *

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

19 * * *

1 * * * Registration Fees for Trucks * * *

2 Sec. 30. 23 V.S.A. § 367 is amended to read:

3 § 367. TRUCKS

4 (a)(1) The annual fee for registration of tractors, truck-tractors, or motor
5 trucks except truck cranes, truck shovels, road oilers, bituminous distributors,
6 and farm trucks used as specified in subsection (f) of this section shall be based
7 on the total weight of the truck-tractor or motor truck, including body and cab
8 plus the heaviest load to be carried. In computing the fees for registration of
9 tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached,
10 except trailers or semi-trailers with a gross weight of less than ~~6,000~~ 6,099
11 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or
12 motor truck, the weight of the trailer or semi-trailer, and the weight of the
13 heaviest load to be carried by the combined vehicles. In addition to the fee set
14 out in the following schedule, the fee for vehicles weighing between ~~10,000~~
15 10,100 and ~~25,999~~ 26,099 pounds inclusive shall be an additional \$42.53, the
16 fee for vehicles weighing between ~~26,000~~ 26,100 and ~~39,999~~ 40,099 pounds
17 inclusive shall be an additional \$85.03, the fee for vehicles weighing between
18 ~~40,000~~ 40,100 and ~~59,999~~ 60,099 pounds inclusive shall be an additional
19 \$297.68, and the fee for vehicles ~~60,000~~ 60,100 pounds and over shall be an
20 additional \$467.80. The fee shall be computed at the following rates per 1,000
21 pounds of weight determined pursuant to this subdivision and rounded up to

1 the nearest whole dollar; the minimum fee for registering a tractor, truck-
2 tractor, or motor truck to ~~6,000~~ 6,099 pounds shall be the same as for the
3 pleasure car type:

4 \$18.21 when the weight ~~exceeds 6,000 pounds but does not exceed~~
5 ~~8,000 pounds~~ is at least 6,100 pounds but not more than 8,099 pounds.

6 \$20.83 when the weight ~~exceeds 8,000 pounds but does not exceed~~
7 ~~12,000 pounds~~ is at least 8,100 pounds but not more than 12,099 pounds.

8 \$22.97 when the weight ~~exceeds 12,000 pounds but does not exceed~~
9 ~~16,000 pounds~~ is at least 12,100 pounds but not more than 16,099 pounds.

10 \$24.56 when the weight ~~exceeds 16,000 pounds but does not exceed~~
11 ~~20,000 pounds~~ is at least 16,100 pounds but not more than 20,099 pounds.

12 \$25.71 when the weight ~~exceeds 20,000 pounds but does not exceed~~
13 ~~30,000 pounds~~ is at least 20,100 pounds but not more than 30,099 pounds.

14 \$26.26 when the weight ~~exceeds 30,000 pounds but does not exceed~~
15 ~~40,000 pounds~~ 30,100 pounds but not more than 40,099 pounds.

16 \$26.90 when the weight ~~exceeds 40,000 pounds but does not exceed~~
17 ~~50,000 pounds~~ is at least 40,100 pounds but not more than 50,099 pounds.

18 \$27.13 when the weight ~~exceeds 50,000 pounds but does not exceed~~
19 ~~60,000 pounds~~ is at least 50,100 pounds but not more than 60,099 pounds.

20 \$28.06 when the weight ~~exceeds 60,000 pounds but does not exceed~~
21 ~~70,000 pounds~~ is at least 60,100 pounds but not more than 70,099 pounds.

1 \$29.00 when the weight ~~exceeds 70,000 pounds but does not exceed~~
2 ~~80,000 pounds~~ is at least 70,100 pounds but not more than 80,099 pounds.

3 \$29.94 when the weight ~~exceeds 80,000 pounds but does not exceed~~
4 ~~90,000 pounds~~ is at least 80,100 pounds but not more than 90,099 pounds.

5 (2) ~~Fractions of 1,000 pounds shall be computed at the next highest~~
6 ~~1,000 pounds, excepting, however, fractions of hundredweight shall be~~
7 ~~disregarded.~~ [Repealed.]

8 * * *

9 * * * Effective Date * * *

10 Sec. 31. EFFECTIVE DATE

11 This act shall take effect on July 1, 2025.