

1 Introduced by Senate Committee on Transportation

2 Date:

3 Subject: <Subjects>

4 Statement of purpose of bill as introduced: This bill proposes to <Purpose>

5 An act relating to miscellaneous amendments to laws relating to motor
6 vehicles

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

8 * * * Nondriver Identification Cards * * *

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

10 § 115. NONDRIVER IDENTIFICATION CARDS

11 (a)(1) Any Vermont resident who does not have an operator's license may
12 make application to the Commissioner and be issued an identification card that
13 is attested by the Commissioner as to true name, correct age, residential
14 address unless the listing of another address is requested by the applicant or is
15 otherwise authorized by law, and any other identifying data as the
16 Commissioner may require that shall include, in the case of minor applicants,
17 the written consent of the applicant's parent, guardian, or other person standing
18 in loco parentis.

19 * * *

* * *

* * *

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1 application for an identification card pursuant to this section. In those
2 instances, the fee due under subsection (a) of this section shall be reduced by:

3 * * *

4 (m)(1) An individual sentenced to serve a period of imprisonment of six
5 months or more committed to the custody of the Commissioner of Corrections
6 who is eligible for a nondriver identification card under the requirements of
7 this section shall, upon proper application and submission of documentation
8 required for a non-REAL ID or REAL ID identification card and in advance of
9 release from a correctional facility, be provided with a nondriver identification
10 card for a fee of \$0.00.

11 * * *

12 * * * Operator's Licenses * * *

13 Sec. 2. 23 V.S.A. § 613 is amended to read:

14 § 613. REPLACEMENT LICENSE

15 * * *

16 (c)(1) An individual committed to the custody of the Commissioner of
17 Corrections for a period of six months or more, who holds an unexpired license
18 issued under the provisions of this subchapter or who held a Vermont
19 operator's license that expired not more than three years prior shall:

20 (A) be eligible to apply for a replacement license pursuant to the
21 provisions of this section; and

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

3 * * *

4 (4) A replacement learner's permit issued pursuant to subsection (g) of
5 this section shall be issued for a fee of \$0.00.

6 * * *

7 (g)(1) An individual committed to the custody of the Commissioner of
8 Corrections for a period of six months or more who holds an unexpired
9 learner's permit issued under the provisions of this section or who held a
10 learner's permit issued under the provisions of this section that expired not
11 more than two years prior shall:

12 (A) be eligible to apply for a replacement learner's permit pursuant to
13 the provisions of this section; and

14 (B) upon proper application and submission of all required
15 documentation in advance of release from a correctional facility, be provided
16 with a replacement learner's permit upon release.

17 (2) To obtain a replacement learner's permit pursuant to the provisions
18 of this subsection, an individual shall be required to provide proof of Vermont
19 residence and the individual's mailing address upon release from the custody
20 of the Commissioner of Corrections.

1 (3) As part of reentry planning, the Department of Corrections shall
2 inquire with each individual regarding whether the individual would like, if
3 eligible, to obtain a replacement learner's permit pursuant to the provisions of
4 this section and shall provide the individual with information regarding
5 required documentation and any associated costs.

6 (4) If an individual would like to obtain a replacement learner's permit
7 pursuant to the provisions of this section and is eligible, the Department of
8 Corrections shall coordinate with the Department of Motor Vehicles to provide
9 a replacement learner's permit to the individual at the time the individual is
10 released from the custody of the Commissioner of Corrections.

11 * * * Insufficient Funds for Fees * * *

12 Sec. 4. 23 V.S.A. § 110 is amended to read:

13 § 110. ~~BAD CHECKS~~ INSUFFICIENT FUNDS RECEIVED FOR FEES

14 (a) Whenever any check or electronic funds transfer, including a credit or
15 debit charge, issued in payment of any fee or for any other purpose is tendered
16 to the Department of Motor Vehicles and payment is not honored by the bank
17 on which the check is drawn or entity to whom the electronic funds transfer is
18 submitted, the Commissioner shall send a written notice of ~~its~~ nonpayment to
19 the ~~maker or person presenting the check and if the check is not immediately~~
20 ~~made good~~ who provided insufficient funds and, if the required amounts are
21 not immediately paid, the Commissioner shall suspend the license or

1 registration of the person or persons. In no case shall the license or registration
2 be reinstated until settlement has been made in full. Settlement in full shall
3 also include the payment of any penalties assessed by the State Treasurer.

4 (b) The Commissioner may require payment for any transaction solely by
5 certified check or in cash from persons whose licenses or registrations are
6 under suspension pursuant to subsection (a) of this section or from persons
7 who have repeatedly tendered checks or electronic payments to the Department
8 that have not been honored ~~by the bank on which drawn.~~

9 * * *

10 * * * License Plates * * *

11 Sec. 5. 23 V.S.A. § 511 is amended to read:

12 § 511. MANNER OF DISPLAY

13 (a) Number plates.

14 (1) A motor vehicle operated on any highway shall have displayed in a
15 conspicuous place ~~either one or two number plates as the Commissioner may~~
16 ~~require. Such number plates shall be~~ a number plate furnished by the
17 Commissioner ~~and, which~~ shall show the number assigned to ~~such the~~ vehicle
18 by the Commissioner. ~~If only one number plate is furnished, the same~~ The
19 plate shall be securely attached to the rear of the vehicle. ~~If two are furnished,~~
20 ~~one shall be securely attached to the rear and one to the front of the vehicle.~~

(2)(A) ~~The number~~ Number plates shall be kept entirely unobscured, and the numerals and letters ~~thereon~~ on the plates shall be plainly legible at all times.

(B) Numerals and letters on number plates shall not be colored, tinted, or changed in any manner from their appearance at the time the plate was issued.

(C) Number plates shall not be covered by any material or substance that changes or tints the color of the plate, or the numerals and letters on the plate.

(3) ~~They~~ Number plates shall be kept horizontal, shall be so fastened as not to swing, excepting, however, there may be installed on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

* * *

(e) Temporary and in-transit registration plates. A motor vehicle issued a temporary or in-transit registration plate under sections 312, 458, 463, and 516–518 of this title operated on any highway shall have the temporary or in-

1 transit registration plate displayed horizontally in a conspicuous place on the
2 rear of the vehicle, including in the rear window. The temporary or in-transit
3 registration plate shall be kept entirely unobscured, and the numerals and
4 letters thereon shall be plainly legible at all times as provided pursuant to
5 subsection (a) of this section.

6 * * * Penalties for Operation of Prohibited Vehicles in Smugglers' Notch * * *

7 Sec. 6. 23 V.S.A. § 1006b is amended to read:

8 § 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT

9 ROUTE 108; VEHICLE OPERATION PROHIBITED

10 * * *

11 (b) Vehicle operation prohibition.

12 * * *

13 (2)(A) The employer of an operator who is operating a vehicle in the
14 scope of employment and violates this subsection or the operator of a vehicle
15 who is operating a vehicle for personal purposes and violates this subsection
16 shall be subject to a civil penalty of ~~\$1,000.00~~ \$10,000.00 or, if the violation
17 results in substantially impeding the flow of traffic on Vermont Route 108, a
18 civil penalty of ~~\$2,000.00~~ \$20,000.00. For a second or subsequent conviction
19 within a three-year period, the applicable penalty shall be doubled.

20 (B) In addition to the penalties set forth in subdivision (A) of this
21 subdivision (b)(2), an individual who operates a prohibited vehicle in

1 Smugglers' Notch in violation of this subsection (b) shall be guilty of a
2 moving violation and shall be assessed points pursuant to the provisions of
3 section 2502 of this title.

4 * * *

5 Sec. 7. 23 V.S.A. § 2502 is amended to read:

6 § 2502. POINT ASSESSMENT; SCHEDULE

7 (a) Unless the assessment of points is waived by a Superior judge or a
8 Judicial Bureau hearing officer in the interests of justice and in accordance
9 with subsection 2501(b) of this title, a person operating a motor vehicle shall
10 have points assessed against the person's driving record for convictions for
11 moving violations of the indicated motor vehicle statutes in accord with the
12 following schedule: (All references are to this title of the Vermont Statutes
13 Annotated.)

14 * * *

15 (4) Five points assessed for:

16 * * *

17 (F) Operation of vehicle prohibited in Smugglers' Notch;

18 * * *

19 * * * Salvage Titles * * *

20 Sec. 8. 23 V.S.A. § 2091 is amended to read:

§ 2091. SALVAGE CERTIFICATES OF TITLE; FORWARDING OF
PLATES AND TITLES OF CRUSHED VEHICLES

(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss shall apply to the Commissioner for a salvage certificate of title within 15 days after the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.

(b)(1) Except as provided in subsection (c) of this section, the application shall be accompanied by:

~~(1)(A)~~ any certificate of title for the vehicle; and

~~(2)(B)~~ any other information or documents that the Commissioner may reasonably require to establish ownership of the vehicle and the existence or nonexistence of any security interest in the vehicle.

(2) Supporting documents used to transfer ownership of a vehicle to an insurer following payment of damages:

(3) As used in subdivision (2) of this subsection, “supporting documents” includes a power of attorney and odometer disclosure forms.

* * *

* * * Duplicate Titles * * *

Sec. 9. 23 V.S.A. § 2022 is amended to read:

§ 2022. DUPLICATE CERTIFICATE

(a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate title upon furnishing information satisfactory to the Commissioner. ~~§~~ The duplicate title shall be mailed or, if the person is at a Department of Motor Vehicles location, hand-delivered to the first lienholder named in ~~§~~ the title or, if none, to the owner.

* * *

Sec. 10. 23 V.S.A. § 3815 is amended to read:

§ 3815. DUPLICATE CERTIFICATE

1 (a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes
2 illegible, the first lienholder or, if none, the owner or legal representative of the
3 owner named in the certificate of title, as shown by the records of the
4 Commissioner, shall promptly make application for and may obtain a duplicate
5 title upon furnishing information satisfactory to the Commissioner. ~~It~~ The
6 duplicate title shall be mailed or, if the person is at a Department of Motor
7 Vehicles location, hand-delivered to the first lienholder named in ~~it~~ the title or,
8 if none, to the owner.

9 * * *

10 * * * Title Appeals * * *

11 Sec. 11. 23 V.S.A. § 2005 is amended to read:

12 § 2005. APPEAL

13 A person aggrieved by an act or omission of the Commissioner under this
14 chapter may appeal to the Civil Division of the Washington Unit of the
15 Superior Court ~~for Washington County~~ in the same manner as is provided for
16 in other civil actions.

17 * * * Abandoned Motor Vehicles * * *

18 Sec. 12. 23 V.S.A. § 2012 is amended to read:

19 § 2012. EXEMPTED VEHICLES

20 No certificate of title need be obtained for:

21 * * *

1 (2) a vehicle;

2 (A) owned by a manufacturer or dealer and held for sale, even though
3 incidentally moved on the highway or used for purposes of testing or
4 demonstration;~~or;~~

5 (B) used by an educational institution approved by the Agency of
6 Education for driver training purposes;~~;~~ or

7 (C) ~~a vehicle~~ used by a manufacturer solely for testing;

8 * * *

9 Sec. 13. 23 V.S.A. § 2158 is amended to read:

10 § 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

11 (a)(1) A towing service may charge a fee of up to \$125.00 for towing an
12 abandoned motor vehicle from public property under the provisions of sections
13 2151–2157 of this subchapter. This fee shall be paid to either the towing
14 service or an appropriate State agency upon the issuance by the Department of
15 Motor Vehicles of a certificate of abandoned motor vehicles under section
16 2156 of this title. The Commissioner of Motor Vehicles shall notify the
17 Commissioner of Finance and Management who shall issue payment to the
18 towing service or State agency, as applicable, for vehicles removed from
19 public property.

20 (2) If the fee is to be paid to a State agency instead of a towing service,
21 the State agency shall provide the Commissioner of Motor Vehicles with proof

1 acceptable to the Commissioner that the State agency already paid the towing
2 service for the removal of the vehicle.

3 * * *

4 * * * Diesel Fuel Tax * * *

5 Sec. 14. 23 V.S.A. § 3015 is amended to read:

6 § 3015. COMPUTATION AND PAYMENT OF TAX

7 (a) Each report required under section 3014 of this title from licensed
8 distributors, dealers, or users shall be accompanied by evidence of an
9 electronic funds transfer payment or a remittance payable to the Department of
10 Motor Vehicles for the amount of tax due, which shall be computed and
11 transmitted in the following manner:

12 * * *

13 ~~(3)(A)~~(b)(1) Distributors and dealers filing a report required under
14 subsection 3014(a) of this title shall transmit payment of taxes due to the
15 Department of Motor Vehicles by means of an electronic funds transfer.

16 ~~(B)~~(2) Users filing a report required under subsection 3014(b) of this
17 title shall transmit payment of taxes due to the Department of Motor Vehicles
18 by means of an electronic funds transfer payment or by a remittance through
19 the U.S. mail. If a remittance is sent through the U.S. mail properly addressed
20 to the Department of Motor Vehicles, it shall be deemed received on the date
21 shown by the postmark on the envelope containing the report only for purposes

1 of avoiding penalty and interest. In the event a mailing date is affixed to the
2 envelope by a machine owned or under the control of the person submitting the
3 report and the U.S. Post Office has corrected or changed the date stamped
4 thereon by causing the official U.S. Post Office postmark to also be imprinted
5 on the envelope, the date shown by the official Post Office postmark shall be
6 the accepted date if different from the original postmark.

7 ~~(4)~~(c) All taxes, interest, user license fees, and penalties collected by the
8 Department of Motor Vehicles under this chapter shall be paid immediately to
9 the State Treasurer and credited to the Transportation Fund.

10 ~~(5)~~(d) Notwithstanding ~~subdivision (4)~~ subsection (c) of this section, the
11 one cent per gallon fee imposed by this chapter shall be deposited into the
12 Petroleum Cleanup Fund established by 10 V.S.A. § 1941. These fees shall be
13 deemed the petroleum distributor licensing fee established by 10 V.S.A.
14 § 1942.

15 * * * Purchase and Use Tax * * *

16 Sec. 15. 32 V.S.A. § 8902 is amended to read:

17 § 8902. DEFINITIONS

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

19 * * *

20 (4)(A) “Purchase price” for a vehicle that is purchased outright means
21 the gross consideration, exclusive of the tax hereby imposed, that is to be paid

1 for the motor vehicle, expressed in terms of U.S. currency as of the time of the
2 sale, and shall include ~~the any cash consideration payment, if any, plus~~ as well
3 as the value of any services or property given or to be given, or both, in
4 exchange for the motor vehicle.

5 (B) ~~In the case of a lease, the purchase~~ Purchase price for a leased
6 vehicle shall mean an amount computed by subtracting the lease end value of
7 the motor vehicle from the original acquisition cost of the motor vehicle. For
8 purposes of this subdivision ~~(4)(B)~~, the original acquisition cost of a motor
9 vehicle is the gross ~~consideration~~ amount that the lessee would pay for the
10 motor vehicle if the lessee purchased the motor vehicle on the date of
11 execution of the lease contract, as stated in the lease contract or worksheet, and
12 the lease end value is the value of the motor vehicle at the end of the lease
13 period, as stated in the lease contract or worksheet or as determined under
14 section 8907 of this title.

15 (5)(A) “Taxable cost” means the purchase price as defined in
16 subdivision (4) of this section or the taxable cost as determined under section
17 8907 of this title.

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

* * *

(ii)(I) The amount received from the sale of a motor vehicle last registered or titled in the seller's name, the amount not to exceed the clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the J.D. Power Values, or any comparable publication, provided the sale occurs within three months after the taxable purchase. The Commissioner may develop a process to determine the value of vehicles that do not have a clean trade-in value in J.D. Power Values.

(II) ~~However, this~~ The three-month period shall be extended day-for-day for any time that a member of ~~a guard unit~~ the National Guard or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment and an additional 60 days following the individual's return from activation or deployment.

(III) The amount shall be reported on forms supplied by the Commissioner of Motor Vehicles.

* * *

(13) "Month" means a period of 30 days.

(14) "Shipping weight" means the stock, as-built weight of a new vehicle prior to the addition of option equipment, passengers, or cargo. The shipping weight of a vehicle includes the weight of the vehicle's standard

1 fluids, such as engine oil and coolant, but does not include the weight of the
2 vehicle's fuel.

3 (15) "Trailer" has the same meaning as in 23 V.S.A. § 4(40) and
4 includes a "semi-trailer," as that term is defined in 23 V.S.A. § 4(40), and a
5 fifth-wheel trailer.

6 (16) "Year" means a period of 365 days.

7 Sec. 16. 32 V.S.A. § 8903 is amended to read:

8 § 8903. TAX IMPOSED

9 (a)(1) There is hereby imposed upon the purchase in Vermont of a motor
10 vehicle by a resident a tax at the time of such purchase, payable as ~~hereinafter~~
11 provided pursuant to this chapter. The amount of the tax shall be six percent of
12 the taxable cost of a:

13 * * *

14 (C) motor home as defined in subdivision 8902(11) of this title; ~~or~~

15 (D) vehicle ~~weighing~~ with a shipping weight of up to 10,099 pounds,
16 registered pursuant to 23 V.S.A. § 367, other than a farm truck; or

17 (E) trailer.

18 * * *

19 (b)(1) There is hereby imposed upon the use within this State a tax of six
20 percent of the taxable cost of a:

21 * * *

1 (C) motor home as defined in subdivision 8902(11) of this title; ~~or~~

2 (D) vehicle ~~weighing~~ with a shipping weight of up to 10,099 pounds,
3 registered pursuant to 23 V.S.A. § 367, other than a farm truck; or

4 (E) trailer.

5 (2) For any other motor vehicle, it shall be six percent of the taxable cost
6 of the motor vehicle or \$2,486.00 for each motor vehicle, whichever is smaller,
7 by a person at the time of first registering or transferring a registration to ~~such~~
8 the motor vehicle payable as hereinafter provided pursuant to this chapter,
9 except no use tax shall be payable ~~hereunder~~ pursuant to this subsection if the
10 tax imposed by subsection (a) of this section has been paid, or the vehicle is a
11 pleasure car that was purchased, leased, or otherwise acquired for use in short-
12 term rentals, in which case the vehicle shall be subject to taxation under
13 subsection (d) of this section.

14 * * *

15 (g)(1) There is hereby imposed upon the titling in this State a tax at the rate
16 provided for in subsection (a) or (b) of this section of the taxable cost of a:

17 * * *

18 (C) motor home as defined in subdivision 8902(11) of this title; ~~or~~

19 (D) vehicle ~~weighing~~ with a shipping weight of up to 10,099 pounds,
20 registered pursuant to 23 V.S.A. § 367, other than a farm truck; or

21 (E) trailer.

1 (2) For any other motor vehicle, it shall be at the rate provided for in
2 subsection (a) or (b) of this section and paid by a person at the time of
3 obtaining a certificate of title to the vehicle, except no tax shall be payable
4 ~~hereunder pursuant to this section~~ if the tax imposed by subsection (a) or (b) of
5 this section has been paid, or the vehicle is a pleasure car that was purchased,
6 leased, or otherwise acquired for use in short-term rentals, in which case the
7 vehicle shall be subject to taxation under subsection (d) of this section.

8 * * * Operation of Snowmobiles * * *

9 Sec. 17. 23 V.S.A. § 3207 is amended to read:

10 § 3207. PENALTIES AND REVOCATION OR SUSPENSION OF
11 REGISTRATION

12 * * *

13 (c) A person who violates any of the following sections of this title shall be
14 subject to a civil penalty of \$135.00 for each violation:

15 ~~§ 3202—operation of an unregistered snowmobile~~

16 * * *

17 (g) A person who violates the provisions of section 3202 of this chapter
18 shall be subject to a civil penalty of \$450.00 for a first offense and \$500.00 for
19 a second or subsequent offense within a three year period.

20 (h) The Commissioner or his or her the Commissioner's authorized agent
21 may suspend or revoke the registration of any snowmobile registered in this

1 State and repossess the number and certificate to it, when ~~he or she~~ the
2 Commissioner is satisfied that:

3 * * *

4 ~~(h)~~(i) Civil penalties established under this section shall be mandatory and
5 may not be reduced.

6 * * * Commercial Driver's Licenses * * *

7 Sec. 18. 23 V.S.A. § 4107 is amended to read:

8 § 4107. COMMERCIAL DRIVER'S LICENSE REQUIRED

9 * * *

10 (d) Notwithstanding the provisions of this section, during a weather
11 emergency, as determined by the District Transportation Administrator of the
12 Agency of Transportation within whose district the relevant highway is
13 located, an employee of a State agency or Vermont municipality may, in the
14 discretion of the Commissioner or Secretary of Transportation, operate a motor
15 vehicle with a weight of 26,001 pounds or more without being required to hold
16 a commercial driver's license. An individual operating a vehicle pursuant to
17 the provisions of this subsection shall be required to have a valid U.S.
18 Department of Transportation medical card unless the municipality or State
19 agency that employs the individual has been granted an exemption from that
20 requirement.

1 Sec. 19. 23 V.S.A. § 4110 is amended to read:

2 § 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR
3 COMMERCIAL LEARNER'S PERMIT

4 (a) The application for a commercial driver's license or commercial
5 learner's permit shall include the following:

6 * * *

7 (8)(A) The applicable fee for the commercial driver's license being
8 applied for. The four-year fee for a commercial driver's license shall be
9 \$108.00. The two-year fee shall be \$72.00. The one-year fee for a non-
10 domiciled commercial driver's license shall be \$40.00. In those instances
11 where the applicant surrenders a valid Vermont Class D license, the total fees
12 due shall be reduced by:

13 * * *

14 * * * Effective Date * * *

15 Sec. 20. EFFECTIVE DATE

16 This act shall take effect on July 1, 2026.