

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; operator’s licenses and privilege cards; nondriver

8 identification cards; odometer alteration; convictions; drunken

9 driving; bulk electronic record fees; truck registration fees; excessive

10 speed; tinted windows; number plates

11 Statement of purpose of bill as introduced: This bill proposes to make

12 miscellaneous changes to the laws related to motor vehicles.

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

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

15 \* \* \* Plug-in Electric Vehicles \* \* \*

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

17 (28) “Pleasure car” shall include all motor vehicles not otherwise

18 defined in this title and shall include plug-in electric vehicles, battery electric

19 vehicles, or plug-in hybrid electric vehicles as defined pursuant to subdivision

20 (85) of this section.



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

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

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

11   \* \* \*

12   \* \* \* Documentation of Anatomical Gift \* \* \*

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

14       § 115. NONDRIVER IDENTIFICATION CARDS

15   \* \* \*

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

1 renewal by an individual required to have a photograph or imaged likeness  
2 under this subsection must be made in person so that an updated imaged  
3 likeness of the individual is obtained not less often than once every nine years.

4 \* \* \*

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

9 \* \* \*

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

15 \* \* \* Disability Placards for Volunteer Drivers \* \* \*

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

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

19 (a) As used in this section:

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

4 \* \* \*

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

7 \* \* \*

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

18 (1) Upon application for a special registration plate or removable  
19 windshield placard, the Commissioner shall send a form prescribed by ~~him or~~  
20 ~~her~~ the Commissioner to the applicant to be signed and returned by a licensed  
21 physician, licensed physician assistant, or licensed advanced practice

1 registered nurse. The Commissioner shall file the form for future reference  
2 and issue the placard or plate. A new application shall be submitted every four  
3 years in the case of placards and at every third registration renewal for plates  
4 but in no case greater than every four years. When a licensed physician,  
5 licensed physician assistant, or licensed advanced practice registered nurse has  
6 previously certified to the Commissioner that an applicant’s condition is both  
7 permanent and stable, a special registration plate or placard need not be  
8 renewed.

9 \* \* \*

10 (3) An individual with a disability who abuses such privileges or allows  
11 individuals not disabled to abuse the privileges provided in this section may  
12 have this privilege revoked after suitable notice and opportunity for hearing  
13 has been given ~~him or her~~ the individual by the Commissioner. Hearings  
14 under the provisions of this section shall be held in accordance with sections  
15 105–107 of this title and shall be subject to review by the Civil Division of the  
16 Superior Court of the county where the individual with a disability resides.

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

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\* \* \*

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

\* \* \*

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

(2) An individual, other than an eligible person, who displays a special registration plate or removable windshield placard not issued to ~~him or her~~ the individual under this section and parks a vehicle in a space for individuals with

1 disabilities, shall be subject to a civil penalty of not less than \$400.00 for each  
2 violation and shall be liable for towing charges.

3 \* \* \*

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

15 \* \* \* Replacement Registration Certificates \* \* \*

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

17 § 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT  
18 AND CORRECTED CERTIFICATES

19 \* \* \*

20 (b) In case of the loss, mutilation, or destruction of a certificate, the owner  
21 of the vehicle described in it shall either:



1           (1) immediately notify the Commissioner and remit a fee of \$20.00,  
2 upon receipt of which the Commissioner shall furnish the owner with a  
3 duplicate certificate; or

4           (2) immediately generate a replacement registration certificate from the  
5 individual’s electronic account for no charge [a fee of \$5.00].

6   \* \* \*

7   \* \* \* Fees \* \* \*

8 Sec. 6. 23 V.S.A. § 115(a) is amended to read:

9           (a)(1) Any Vermont resident may make application to the Commissioner  
10 and be issued an identification card that is attested by the Commissioner as to  
11 true name, correct age, residential address unless the listing of another address  
12 is requested by the applicant or is otherwise authorized by law, and any other  
13 identifying data as the Commissioner may require that shall include, in the case  
14 of minor applicants, the written consent of the applicant’s parent, guardian, or  
15 other person standing in loco parentis.

16           (2) Every application for an identification card shall be signed by the  
17 applicant and shall contain such evidence of age and identity as the  
18 Commissioner may require, consistent with subsection (1) of this section. New  
19 and renewal application forms shall include a space for the applicant to request  
20 that a “veteran” designation be placed on the applicant’s identification card. If  
21 a veteran, as defined in 38 U.S.C. § 101(2) and including an individual

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

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

12 (A) an individual who surrenders the individual's license in  
13 connection with a suspension or revocation under subsection 636(b) of this title  
14 due to a physical or mental condition; or

15 (B) an individual under 18 years of age who is in the custody and  
16 care of the Commissioner for Children and Families.

17 Sec. 7. 23 V.S.A. § 376 is amended to read:

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

19 ORGANIZATION MOTOR VEHICLES

20 \* \* \*

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

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

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

10        (A) owned by a volunteer fire department or other volunteer  
11        firefighting organization, an ambulance service, or an organization conducting  
12        rescue operations; and

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

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

18        **Sec. 8.** 23 V.S.A. § 378 is amended to read:

19        § 378. VETERANS' EXEMPTIONS

20        No fees, including the annual emissions fee required pursuant to 3 V.S.A.  
21        § 2822(m)(1) and the electric vehicle infrastructure fees required pursuant to

1 section 361 of this subchapter, shall be charged ~~an honorably discharged~~ to a  
2 veteran of the U.S. Armed Forces who ~~received a discharge under other than~~  
3 ~~dishonorable conditions and~~ is a resident of the State of Vermont for the  
4 registration of a motor vehicle that the veteran has acquired with financial  
5 assistance from the U.S. Department of Veterans Affairs, or for the registration  
6 of a motor vehicle owned by ~~him or her~~ the veteran during ~~his or her~~ the  
7 veteran's lifetime obtained as a replacement thereof, when ~~his or her~~ the  
8 veteran's application is accompanied by a copy of an approved VA Form 21-  
9 4502 issued by the U.S. Department of Veterans Affairs certifying ~~him or her~~  
10 the veteran to be entitled to the financial assistance.

11 **Sec. 9. 23 V.S.A. § 608 is amended to read:**

12 § 608. FEES

13 \* \* \*

14 (b) Individuals receiving Supplemental Security Income or Social Security  
15 Disability Income and individuals with a disability as defined in 9 V.S.A.  
16 § 4501 shall be provided with operator's licenses or operator privilege cards  
17 for the following fees:

18 (1) Original issuance: \$10.00.

19 (2) Renewal every four years: \$10.00.

20 (3) Replacement of lost, destroyed, or mutilated card or a new name is  
21 required: \$5.00.

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

4 (d)(1) Individuals under 18 years of age who are in the custody and care of  
5 the Commissioner for Children and Families shall be provided with operator’s  
6 licenses or operator privilege cards at no charge.

7 (2) No additional fee shall be due for a motorcycle endorsement for an  
8 individual under 18 years of age who is in the custody and care of the  
9 Commissioner for Children and Families.

10 \* \* \* Learner’s Permits \* \* \*

11 Sec. 10. 23 V.S.A. § 617 is amended to read:

12 § 617. LEARNER’S PERMIT

13 \* \* \*

14 (b)(1) Notwithstanding the provisions of subsection (a) of this section, any  
15 licensed person may apply to the Commissioner of Motor Vehicles for a  
16 learner’s permit for the operation of a motorcycle in the form prescribed by the  
17 Commissioner. The Commissioner shall offer both a motorcycle learner’s  
18 permit that authorizes the operation of three-wheeled motorcycles only and a  
19 motorcycle learner’s permit that authorizes the operation of any motorcycle.  
20 The Commissioner shall require payment of a fee of \$24.00 at the time  
21 application is made, except that no fee shall be charged for an individual who

1 is under 18 years of age and in the care and custody of the Commissioner for  
2 Children and Families.

3 (2) After the applicant has successfully passed all parts of the applicable  
4 motorcycle endorsement examination, other than a skill test, the Commissioner  
5 may issue to the applicant a learner’s permit that entitles the applicant, subject  
6 to subsection 615(a) of this title, to operate a three-wheeled motorcycle only,  
7 or to operate any motorcycle, upon the public highways for a period of 120  
8 days from the date of issuance. The fee for the examination shall be \$11.00,  
9 except that no fee shall be charged for an individual who is under 18 years of  
10 age and in the care and custody of the Commissioner for Children and  
11 Families.

12 (3) A motorcycle learner’s permit may be renewed only twice upon  
13 payment of a \$24.00 fee. An individual who is under 18 years of age and in  
14 the care and custody of the Commissioner for Children and Families shall not  
15 be charged a fee for the renewal of a motorcycle learner’s permit.

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

20 (A) ~~he or she~~ the permittee has successfully completed the applicable  
21 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 who is under 18 years of age and in the care and  
12 custody of the Commissioner for Children and Families shall not be charged a  
13 fee for a learner’s permit or a duplicate or renewal thereof.

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

16 (e)(1) A learner’s permit, ~~which is not a learner’s permit~~ for the operation  
17 of a motorcycle, shall contain a photograph or imaged likeness of the  
18 individual. A learner’s permit for a motor vehicle shall contain a photograph  
19 or imaged likeness of the individual if the permit is obtained in person. The  
20 photographic learner’s permit shall be available at locations designated by the  
21 Commissioner.

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

6 \* \* \*

7 \* \* \* Commercial Learner's Permit \* \* \*

8 **Sec. 11.** 23 V.S.A. § 4111a is amended to read:

9 § 4111a. COMMERCIAL LEARNER'S PERMIT

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

12 \* \* \*

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

16 \* \* \*

17 **Sec. 12.** 23 V.S.A. § 4122 is amended to read:

18 § 4122. DEFERRING IMPOSITION OF SENTENCE; PROHIBITION ON  
19 MASKING OR DIVERSION

20 (a) No court, State's Attorney, or law enforcement officer may utilize the  
21 provisions of 13 V.S.A. § 7041 or any other program to defer imposition of



1 sentence or judgment if the defendant holds a commercial driver’s license,  
2 commercial learner’s permit, or was operating a commercial motor vehicle  
3 when the violation occurred and is charged with violating any State or local  
4 traffic law other than a parking violation.

5 \* \* \*

6 \* \* \* License Examinations \* \* \*

7 **Sec. 13.** 23 V.S.A. § 632 is amended to read:

8 § 632. EXAMINATION REQUIRED; WAIVER

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

19 (b) The examination shall consist of:

20 \* \* \*

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

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

7 **Sec. 14.** 23 V.S.A. § 634 is amended to read:

8 § 634. FEE FOR EXAMINATION

9   \* \* \*

10           (b) ~~A scheduling fee of \$29.00 shall be paid by the applicant before the~~  
11 ~~applicant may schedule the road test required under section 632 of this title.~~  
12 ~~Unless an applicant gives the Department at least 48 hours' notice of~~  
13 ~~cancellation, if the applicant does not appear as scheduled, the \$29.00~~  
14 ~~scheduling fee is forfeited. If the applicant appears for the scheduled road test,~~  
15 ~~the fee shall be applied toward the license examination fee. The Commissioner~~  
16 ~~may waive the scheduling fee until the Department is capable of administering~~  
17 ~~the fee electronically. [Repealed.]~~

18   \* \* \*

\* \* \* Non-Real ID Operator’s Privilege Cards \* \* \*

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**Sec. 15.** 23 V.S.A. § 603 is amended to read:

§ 603. APPLICATION FOR AND ISSUANCE OF LICENSE

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

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

\* \* \*

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

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

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

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

16 \* \* \*

17 (f) ~~Persons~~ Applicant's able to establish lawful presence in the United  
18 States but who otherwise fail to comply with the requirements of the REAL ID  
19 Act of 2005, Pub. L. No. 109-13, §§ 201-202, shall be eligible for an  
20 operator's privilege card, a junior operator's privilege card, or a learner's  
21 privilege card, provided the applicant furnishes reliable proof of Vermont

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

7 \* \* \*

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

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

11 \* \* \*

12 \* \* \* Early Operator’s License, Privilege Card, and Nondriver Identification

13 Renewals \* \* \*

14 Sec. 16. 23 V.S.A § 604 is added to read:

15 § 604. EARLY RENEWAL

16 (a) The holder of an operator’s license or privilege card issued under the  
17 provisions of this subchapter may renew the operator’s license or privilege  
18 card at any time prior to the expiration of the operator’s license or privilege  
19 card. If one or more years remain before the expiration of the operator’s  
20 license or privilege card, the Commissioner shall reduce the cost of the  
21 renewed operator’s license or privilege card by an amount that is proportionate

1 to the number of years rounded down to the next whole year remaining before  
2 the expiration of the operator’s license or privilege card.

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

6 Sec. 17. 23 V.S.A. § 115b is added to read:

7 § 115b. EARLY RENEWAL

8 (a) The holder of nondriver identification card issued under the provisions  
9 of section 115 of this chapter may renew the nondriver identification card at  
10 any time prior to the expiration of the nondriver identification card. If one or  
11 more years remain before the expiration of the nondriver identification card,  
12 the Commissioner shall reduce the cost of the renewed nondriver identification  
13 card by an amount that is proportionate to the number of years rounded down  
14 to the next whole year remaining before the expiration of the nondriver  
15 identification card.

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

1 **Sec. 18. INFORMATION REGARDING PRIVILEGE CARDS AND**

2 **NONDRIVER IDENTIFICATION CARDS; INTENT**

3 It is the intent of the General Assembly that the Commissioner of Motor  
4 Vehicles shall ensure that any individual who is unable to or does not wish to  
5 comply with the requirements of the REAL ID Act of 2005, Pub. L. No. 109-  
6 13, §§ 201-202 shall be informed of the option of obtaining an operator's  
7 privilege card pursuant to the provisions of 23 V.S.A. § 603(f) or a nondriver  
8 identification card pursuant to the provisions of 23 V.S.A. § 115.

9 \* \* \* Commercial Driving Instructors \* \* \*

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

11 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

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

13 (1) not have been convicted of:

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

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

19 (C) a subsequent violation of an offense listed in subdivision  
20 2502(a)(5) of this title or of section 674 of this title; or

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

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

5 (A) traffic laws;

6 (B) safe driving practices;

7 (C) operation of motor vehicles; and

8 (D) qualifications as a teacher;

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

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

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

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

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

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



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

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

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

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

11                  (iii) meet any additional applicable State requirements for  
12                  commercial motor vehicle instructors.

13                  (2) If the commercial motor vehicle instructor is a theory instructor, the  
14                  instructor shall:

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   \* \* \* Motorcycle Instructors \* \* \*

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

11                   § 734. INSTRUCTOR REQUIREMENTS AND TRAINING

12   \* \* \*

13                   (b) The Department shall establish minimum requirements for the  
14                   qualifications of a rider training instructor. The minimum requirements shall  
15                   include the following:

16   \* \* \*

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

20   \* \* \*

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

5 \* \* \*

6 \* \* \* Motor Vehicle Taxes \* \* \*

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

8 § 8902. DEFINITIONS

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

10 \* \* \*

11 (5)~~(A)~~ “Taxable cost” means the purchase price as defined in  
12 subdivision (4) of this section or the taxable cost as determined under section  
13 8907 of this title.

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

18 ~~(A)~~~~(i)~~ The value allowed by the seller on any motor vehicle accepted  
19 by the seller as part of the consideration of the motor vehicle, provided the  
20 motor vehicle accepted by the seller is owned and previously or currently  
21 registered or titled by the purchaser, with no change of ownership since

1 registration or titling, except for motor vehicles for which registration is not  
2 required under the provisions of Title 23 or motor vehicles received under the  
3 provisions of subdivision 8911(8) of this title.

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

16 ~~(C)~~(iii) The amount actually paid to the purchaser within three  
17 months prior to the taxable purchase by any insurer under a contract of  
18 collision, comprehensive, or similar insurance with respect to a motor vehicle  
19 owned by ~~him or her~~ the purchaser, provided that the vehicle is not subject to  
20 the tax imposed by subsection 8903(d) of this title and provided that one of  
21 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.

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\* \* \* Refund of Registration Fee \* \* \*

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

§ 326. REFUND UPON LOSS OF VEHICLE

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

\* \* \* Fuel Tax Refunds \* \* \*

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

2 § 3020. CREDITS AND REFUNDS

3 (a) Credits.

4 (1) A user who purchased fuel within this State from a dealer or  
5 distributor upon which ~~he or she~~ the user paid the tax at the time of purchase,  
6 or a user exempt from the payment of the tax under subsection 3003(d) of this  
7 title who purchased fuel within this State upon which ~~he or she~~ the user paid  
8 tax at the time of purchase, shall be entitled to a credit equal to the amount of  
9 tax per gallon in effect when the fuel was purchased. When the amount of the  
10 credit to which any user is entitled for any reporting period exceeds the amount  
11 of ~~his or her~~ the user's tax for the same period, the excess shall be credited to  
12 the user's tax account and the user shall be notified of the date and amount of  
13 the credit by mail.

14 \* \* \*

15 (3) A user who also sells or delivers fuel subject to the tax imposed by  
16 32 V.S.A. chapter 233 upon which the tax imposed by this chapter has been  
17 paid shall be entitled to a credit equal to the amount of such tax paid pursuant  
18 to this chapter. When the amount of the credit to which any user is entitled for  
19 any reporting period exceeds the amount of ~~his or her~~ the user's tax for the  
20 same period, the excess shall be credited to the user's tax account and the user  
21 shall be notified of the date and amount of the credit by mail.



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.



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

3 \* \* \*

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

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

6 § 8905. COLLECTION OF TAX; EDUCATION; APPEALS

7 (a) Every purchaser of a motor vehicle subject to a tax under subsection  
8 8903(a) of this title shall forward ~~such~~ the tax form to the Commissioner,  
9 together with the amount of tax due at the time of first registering or  
10 transferring a registration to ~~such~~ the motor vehicle as a condition precedent to  
11 registration ~~thereof~~ of the vehicle.

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

17 \* \* \*

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

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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 the effective date of Sec. 39 of this act. The amendments shall  
10 include the level of visible light transmission required for windshields and the  
11 windows to the immediate right and left of the driver as of the effective date of  
12 the amendments.

13 (b) The Department of Motor Vehicles, in consultation with the  
14 Department of Public Safety, shall implement a public outreach campaign on  
15 window tinting to provide information on the prohibitions and exceptions  
16 under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, and the  
17 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with  
18 amendments adopted under the Administrative Procedure Act consistent with  
19 subsection (a) of this section, including what level of visible light transmission  
20 is currently required for windshields and the windows to the immediate right  
21 and left of the driver. The Department of Motor Vehicles shall start to

1 disseminate information as required under this subsection (b) not later than two  
2 months prior to the effective date of Sec. 39 of this act and shall disseminate  
3 information on window tinting through e-mail, bulletins, software updates, and  
4 the Department of Motor Vehicles’ website.

5 \* \* \* All-Terrain Vehicles \* \* \*

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

7 § 3501. DEFINITIONS

8 As used in this chapter:

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

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\* \* \* Used Motor Vehicles Tax and Inspections Study Committee \* \* \*

**Sec. 43.** USED MOTOR VEHICLES; PURCHASE AND USE TAX;  
INSPECTIONS; STUDY COMMITTEE; REPORT

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

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

(1) the Commissioner of Motor Vehicles or designee;

(2) two current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House;

(3) two current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

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

(5) a member, appointed by the Vermont Insurance Agents Association;  
and

(6) a member, appointed by the Vermont Community Action Partnership.

1        (c) Powers and duties. The Committee shall study the assessment of  
2        purchase and use tax on used motor vehicles and the inspection of motor  
3        vehicles whose onboard diagnostic malfunction indicator light is on, including  
4        the following issues:

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

8                (2) the potential for assessing the purchase and use tax against the  
9                amount that a used vehicle was purchased for, if the difference between the  
10               purchase price and the clean trade-in value of the vehicle is equal to or less  
11               than the cost of repairs necessary for the vehicle to pass inspection pursuant to  
12               23 V.S.A. § 1222; and

13               (3) potential modifications to the periodic inspection manual to permit  
14               vehicles whose onboard diagnostic malfunction indicator light is illuminated to  
15               pass inspection pursuant to 23 V.S.A. § 1222 if the issue causing the indicator  
16               light to illuminate does not affect the safety of the vehicle with respect to the  
17               operator, any passengers, or any other vehicles.

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

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

4       (f) Meetings.

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

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

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

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

10       (g) Compensation and reimbursement.

11           (1) For attendance at meetings during adjournment of the General  
12       Assembly, a legislative member of the Committee shall be entitled to per diem  
13       compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for  
14       not more than four meetings. These payments shall be made from monies  
15       appropriated to the General Assembly.

16           (2) Other members of the Committee who are not otherwise  
17       compensated for their attendance at meetings shall be entitled to per diem  
18       compensation and reimbursement of expenses as permitted under 32 V.S.A.  
19       § 1010 for not more than four meetings. These payments shall be made from  
20       monies appropriated to Department of Motor Vehicles.



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\* \* \* Effective Dates \* \* \*

**Sec. 44.** EFFECTIVE DATES

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

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