

Introduced by Committee on Transportation

Date:

Subject: Motor vehicles; Department of Motor Vehicles; plug-in electric vehicles (PEVs); veterans; documentation of anatomical gift; disability placards; registration certificates; fees; learner's permits; licensing examinations; commercial driving instructors; taxes; non-Real ID; operator's licenses and privilege cards; nondriver identification cards; odometer alteration; convictions; drunken driving; bulk electronic record fees; truck registration fees; excessive speed; tinted windows; number plates

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

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

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

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

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

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

\* \* \* Veteran's Designation \* \* \*

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

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

\* \* \*

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

(2) If a veteran, as defined in 38 U.S.C. § 101(2) and including an individual disabled during active military, naval, air, or space service, as defined in 38 U.S.C. § 101(24), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans' Affairs confirms the individual's status as an honorably discharged veteran; a veteran discharged under honorable conditions; or an individual disabled during active military,

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

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

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

\* \* \*

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

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

## § 115. NONDRIVER IDENTIFICATION CARDS

\* \* \*

(g) An identification card issued to a first-time applicant and any subsequent renewals by that person shall contain a photograph or imaged likeness of the applicant. The photographic identification card shall be available at a location designated by the Commissioner. An individual issued an identification card under this subsection that contains an imaged likeness 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) “Ambulatory disability” means an impairment that prevents or impedes walking. An individual shall be considered to have an ambulatory disability if ~~he or she~~ the individual:

\* \* \*

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

\* \* \*

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

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

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.

\* \* \*

(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:



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

\* \* \* Fees \* \* \*

(a)(1) Any Vermont resident may make application to the Commissioner

(2) Every application for an identification card shall be signed by the

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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 care and  
16 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.  
17 § 4903(4). [an individual under 23 years of age who was in the care and  
18 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.  
19 § 4903(4) in Vermont after attaining 14 years of age]

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

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

3               ORGANIZATION MOTOR VEHICLES

4                               \* \* \*

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

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

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

14                      (A) owned by a volunteer fire department or other volunteer  
15                      firefighting organization, an ambulance service, or an organization conducting  
16                      rescue operations; and

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

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

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

2 § 378. VETERANS' EXEMPTIONS

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

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

16 § 608. FEES

17 \* \* \*

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

1           (1) Original issuance: \$20.00.

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

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

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

8           (d)(1) Individuals under 18 years of age who are in the care and custody of  
9 the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4)  
10 [Individuals under 23 years of age who were in the care and custody of the  
11 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in  
12 Vermont after attaining 14 years of age] shall be provided with operator's  
13 licenses or operator privilege cards at no charge.

14           (2) No additional fee shall be due for a motorcycle endorsement for an  
15 individual under 18 years of age who is in the care and custody of the  
16 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) [an  
17 individual under 23 years of age who was in the care and custody of the  
18 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in  
19 Vermont after attaining 14 years of age].

\* \* \* Learner's Permits \* \* \*

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

§ 617. LEARNER'S PERMIT

\* \* \*

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

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only,

1 or to operate any motorcycle, upon the public highways for a period of 120  
2 days from the date of issuance. The fee for the examination shall be \$11.00,  
3 except that no fee shall be charged for an individual who is under 18 years of  
4 age and in the care and custody of the Commissioner for Children and Families  
5 pursuant to 33 V.S.A. § 4903(4) [an individual under 23 years of age who was  
6 in the care and custody of the Commissioner for Children and Families  
7 pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age].

8 (3) A motorcycle learner's permit may be renewed only twice upon  
9 payment of a \$24.00 fee. An individual who is under 18 years of age and in  
10 the care and custody of the Commissioner for Children and Families pursuant  
11 to 33 V.S.A. § 4903(4) [An individual under 23 years of age who was in the  
12 care and custody of the Commissioner for Children and Families pursuant to  
13 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age] shall not be  
14 charged a fee for the renewal of a motorcycle learner's permit.

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

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

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

4 \* \* \*

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

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

11 (2) An applicant who is under 18 years of age and in the care and  
12 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.  
13 § 4903(4) [An applicant under 23 years of age who was in the care and custody  
14 of the Commissioner for Children and Families pursuant to 33 V.S.A.  
15 § 4903(4) in Vermont after attaining 14 years of age] shall not be charged a fee  
16 for a learner's permit or a duplicate or renewal thereof.

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

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



1 or imaged likeness of the individual if the permit is obtained in person. ~~The~~  
2 ~~photographic learner's permit shall be available at locations designated by the~~  
3 ~~Commissioner.~~

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

9 \* \* \*

10 \* \* \* Commercial Learner's Permit \* \* \*

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

12 § 4111a. COMMERCIAL LEARNER'S PERMIT

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

15 \* \* \*

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

19 \* \* \*

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

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

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

10 \* \* \*

11 \* \* \* License Examinations \* \* \*

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

13 § 632. EXAMINATION REQUIRED; WAIVER

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

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

(b) The examination shall consist of:

\* \* \*

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

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

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

§ 634. FEE FOR EXAMINATION

\* \* \*

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

\* \* \*

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

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 \* \* \* LICENSE EXTENSION PLACEHOLDER \* \* \*

13 Sec. 16. PLACEHOLDER

14 Sec. 17. PLACEHOLDER

15 Sec. 18. PLACEHOLDER

16 \* \* \* Commercial Driving Instructors \* \* \*

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

18 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

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

20 (1) not have been convicted of:

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

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

6 (C) a subsequent violation of an offense listed in subdivision  
7 2502(a)(5) of this title or of section 674 of this title; or

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

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

12 (A) traffic laws;

13 (B) safe driving practices;

14 (C) operation of motor vehicles; and

15 (D) qualifications as a teacher;

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

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

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

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

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

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

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

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

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

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

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

20               (2) If the commercial motor vehicle instructor is a theory instructor, the  
21       instructor shall:



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

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

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

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

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

14               (iii) meet any additional applicable State requirements for  
15          commercial motor vehicle instructors.

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

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

18          § 734. INSTRUCTOR REQUIREMENTS AND TRAINING

19                       \* \* \*

1 (b) The Department shall establish minimum requirements for the  
2 qualifications of a rider training instructor. The minimum requirements shall  
3 include the following:

4 \* \* \*

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

8 \* \* \*

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

13 \* \* \*

14 \* \* \* Motor Vehicle Taxes \* \* \*

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

16 § 8902. DEFINITIONS

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

18 \* \* \*

19 (5)(A) “Taxable cost” means the purchase price as defined in  
20 subdivision (4) of this section or the taxable cost as determined under section  
21 8907 of this title.

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

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

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

1 activation or deployment. ~~Such~~ The amount shall be reported on forms  
2 supplied by the Commissioner of Motor Vehicles.

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

9 ~~(i)~~(I) the motor vehicle with respect to which ~~such~~ the payment is  
10 made by the insurer is accepted by the seller as a trade-in on the purchased  
11 motor vehicle before the repair of the damage giving rise to insurer's payment;  
12 or

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

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

20 \* \* \*

\* \* \*

## § 8907. COMMISSIONER; COMPUTATION OF TAXABLE COSTS

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1 ~~certified~~ mail, and the purchaser shall remit the same within 15 days ~~thereafter~~  
2 after notice is sent or provided.

3 \* \* \*

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

5 § 8914. REFUND

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

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

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

11 § 326. REFUND UPON LOSS OF VEHICLE

12 The Commissioner may cancel the registration of a motor vehicle when the  
13 owner of the motor vehicle proves to the Commissioner's satisfaction that the  
14 motor vehicle has been totally destroyed by fire or, through crash or wear, has  
15 become wholly unfit for use and has been dismantled. After the Commissioner  
16 cancels the registration and the owner returns to the Commissioner either the  
17 registration certificate or the number plate or number plates, or other proof of  
18 cancellation to the satisfaction of the Commissioner, the Commissioner shall  
19 certify to the Commissioner of Finance and Management the fact of the  
20 cancellation, giving the name of the owner of the motor vehicle, the owner's  
21 address, the amount of the registration fee paid, and the date of cancellation.

1 The Commissioner of Finance and Management shall issue the Commissioner  
2 of Finance and Management’s warrant in favor of the owner for such percent  
3 of the registration fee paid as the unexpired term of the registration bears to the  
4 entire registration period, but in no case shall the Commissioner of Finance and  
5 Management retain less than \$5.00 of the fee paid.

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

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

8 § 3020. CREDITS AND REFUNDS

9 (a) Credits.

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

20 \* \* \*

1           (3) A user who also sells or delivers fuel subject to the tax imposed by  
2       32 V.S.A. chapter 233 upon which the tax imposed by this chapter has been  
3       paid shall be entitled to a credit equal to the amount of such tax paid pursuant  
4       to this chapter. When the amount of the credit to which any user is entitled for  
5       any reporting period exceeds the amount of ~~his or her~~ the user's tax for the  
6       same period, the excess shall be credited to the user's tax account and the user  
7       shall be notified of the date and amount of the credit by mail.

8                               \* \* \*

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

13                               \* \* \*

14                               \* \* \* Alteration of Odometers \* \* \*

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

16       § 1704a. ALTERATION OF ODOMETERS

17       (a) No person shall:

18           (1) sell, attempts attempt to sell, or causes cause to be sold any motor  
19       vehicle, highway building appliance, motorboat, all-terrain vehicle, or  
20       snowmobile ~~and has actual knowledge that~~ if the odometer, hubometer  
21       reading, or clock meter reading has been changed, tampered with, or defaced



1 without first disclosing ~~same and a person who changes, tampers with, or~~  
2 ~~defaces, or who attempts~~ that information to the buyer;

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

11 (3) willfully misrepresents misrepresent the odometer, hubometer, or  
12 clock meter reading on the odometer disclosure statement or similar statement,  
13 title, or bill of sale.

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

17 \* \* \* Definition of Conviction \* \* \*

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

19 § 102. DUTIES OF COMMISSIONER

20 \* \* \*

1       (d)(1) The Commissioner may authorize background investigations for  
2       potential employees, which may include criminal, traffic, and financial records  
3       checks; provided, however, that the potential employee is notified and has the  
4       right to withdraw ~~his or her~~ their name from application. Additionally,  
5       employees who are involved in the manufacturing or production of operator's  
6       licenses and identification cards, including enhanced licenses, or who have the  
7       ability to affect the identity information that appears on a license or  
8       identification card, or current employees who will be assigned to such  
9       positions, shall be subject to appropriate background checks and shall be  
10      provided notice of the background check and the contents of that check. These  
11      background checks shall include a name-based and fingerprint-based criminal  
12      history records check using at a minimum the Federal Bureau of  
13      Investigation's National Crime Information Center and the Integrated  
14      Automated Fingerprint Identification database and State repository records on  
15      each covered employee.

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

20       (3) The Commissioner may, in connection with a formal disciplinary  
21      investigation, authorize a criminal or traffic record background investigation of

1 a current employee; provided, however, that the background review is relevant  
2 to the issue under disciplinary investigation. Information acquired through the  
3 investigation shall be provided to the Commissioner or designated division  
4 director and must be maintained in a secure manner. If the information  
5 acquired is used as a basis for any disciplinary action, it must be given to the  
6 employee during any pretermination hearing or contractual grievance hearing  
7 to allow the employee an opportunity to respond to or dispute the information.  
8 If no disciplinary action is taken against the employee, the information  
9 acquired through the background check shall be destroyed.

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

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

13 § 108. APPLICATION FORMS

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

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

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

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

As used in this subchapter:

\* \* \*

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\* \* \* Drunken Driving \* \* \*

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

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

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

\* \* \*

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

\* \* \*

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

5 \* \* \*

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

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

12 \* \* \*

13 (c) Notice of suspension. On behalf of the Commissioner of Motor  
14 Vehicles, a law enforcement officer requesting or directing the administration  
15 of an evidentiary test shall serve notice of intention to suspend and of  
16 suspension on a person who refuses to submit to an evidentiary test or on a  
17 person who submits to a test the results of which indicate that the person's  
18 alcohol concentration was at or above a legal limit specified in subsection  
19 1201(a) or (d) of this title, at the time of operating, attempting to operate, or  
20 being in actual physical control of a vehicle in violation of section 1201 of this  
21 title. The notice shall be signed by the law enforcement officer requesting the

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

8 \* \* \*

9 (h) Final hearing.

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

17 \* \* \*

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

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

7 \* \* \*

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



1 the required term and until the person complies with section 1209a of this title.

2 Upon a finding in favor of the person, the Commissioner shall cause the  
3 suspension to be canceled and removed from the record, without payment of  
4 any fee.

5 \* \* \*

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

13 \* \* \*

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

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

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

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

\* \* \*

\* \* \* Fee for Bulk Electronic Records Request \* \* \*

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

## § 114. FEES

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

\* \* \*

<u>(24) Bulk electronic records request</u>	<u>\$0.303 per record</u>
---	---------------------------

\* \* \*

\* \* \* Registration Fees for Trucks \* \* \*

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

§ 367. TRUCKS

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

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

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

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

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

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

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

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

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

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

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



1 together with the amount of tax due at the time of first registering or  
2 transferring a registration to ~~such~~ the motor vehicle as a condition precedent to  
3 registration ~~thereof~~ of the vehicle.

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

9 \* \* \*

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

14 \* \* \*

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

20 (g) The Commissioner shall establish procedures for taxpayers to file an  
21 appeal regarding the taxpayer's liability for the tax due pursuant to section

1 8903 of this chapter and compliance with the requirements of this section. The  
2 procedures shall include a process by which a taxpayer can resolve the dispute  
3 prior to the issuance of a final administrative decision on the appeal.

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

7 \* \* \* Excessive Speed \* \* \*

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

9 § 2502. POINT ASSESSMENT; SCHEDULE

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

17 \* \* \*

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

21 \* \* \*

\* \* \* Tinted Windows \* \* \*

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

Sec. 14. [Deleted.]

Sec. 15. [Deleted.]

Sec. 16. [Deleted.]

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

§ 1125. OBSTRUCTING WINDSHIELDS, AND WINDOWS

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

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

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



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

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

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

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

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

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

1       (c) Medical exemption. The Commissioner may grant an exemption to the  
2 prohibition of this section upon application from ~~a person~~ an individual  
3 required for medical reasons to be shielded from the rays of the sun and who  
4 attaches to the application a document signed by a licensed physician or  
5 optometrist certifying that shielding from the rays of the sun is a medical  
6 necessity. The physician or optometrist certification shall be renewed every  
7 four years. However, when a licensed physician or optometrist has previously  
8 certified to the Commissioner that an applicant's condition is both permanent  
9 and stable, the exemption may be renewed by the applicant without submission  
10 of a form signed by a licensed physician or optometrist. Additionally, the  
11 window shading or tinting permitted under this subsection shall be limited to  
12 the vent windows or side windows located immediately to the left and right of  
13 the operator. The exemption provided in this subsection shall terminate upon  
14 the transfer of the approved vehicle and at that time the applicable window  
15 tinting shall be removed by the seller. ~~Furthermore, if the material described in~~  
16 ~~this subsection tears or bubbles or is otherwise worn to prohibit clear vision, it~~  
17 ~~shall be removed or replaced.~~

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

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

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

9       Sec. 40. LEGISLATIVE INTENT; TINTED WINDOWS

10       It is the intent of the General Assembly that a motor vehicle with shading or  
11       tinting material that is not allowed under 23 V.S.A. § 1125, as amended by  
12       Sec. 39 of this act, poses a danger to the individual operating the motor  
13       vehicle, any passengers in the motor vehicle, and other highway users and that  
14       such a motor vehicle shall fail the annual safety inspection required under  
15       23 V.S.A. § 1222.

16       Sec. 41. RULEMAKING; PERIODIC INSPECTION MANUAL; TINTED  
17       WINDOWS; OUTREACH

18       (a) The Department of Motor Vehicles shall, unless extended by the  
19       Legislative Committee on Administrative Rules, adopt amendments to  
20       Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-  
21       022) consistent with the legislative intent in Sec. 40 of this act to be effective

1 not later than July 1, 2026. The amendments shall include the level of visible  
2 light transmission required for windshields and the windows to the immediate  
3 right and left of the driver as of the effective date of the amendments.

4 (b) The Department of Motor Vehicles, in consultation with the  
5 Department of Public Safety, shall implement a public outreach campaign on  
6 window tinting to provide information on the prohibitions and exceptions  
7 under 23 V.S.A. § 1125, as amended by Sec. 39 of this act, and the  
8 requirements of the Inspection of Motor Vehicles (CVR 14-050-022), with  
9 amendments adopted under the Administrative Procedure Act consistent with  
10 subsection (a) of this section, including what level of visible light transmission  
11 is currently required for windshields and the windows to the immediate right  
12 and left of the driver. The Department of Motor Vehicles shall start to  
13 disseminate information as required under this subsection (b) not later than two  
14 months prior to the effective date of Sec. 39 of this act and shall disseminate  
15 information on window tinting through e-mail, bulletins, software updates, and  
16 the Department of Motor Vehicles' website.

17 \* \* \* All-Terrain Vehicles \* \* \*

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

19 § 3501. DEFINITIONS

20 As used in this chapter:

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

\* \* \*

\* \* \* 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

16          (f) Meetings.

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

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

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

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

1        (g) Compensation and reimbursement.

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

7            (2) Other members of the Committee who are not otherwise  
8        compensated for their attendance at meetings shall be entitled to per diem  
9        compensation and reimbursement of expenses as permitted under 32 V.S.A.  
10       § 1010 for not more than four meetings. These payments shall be made from  
11       monies appropriated to Department of Motor Vehicles.

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

13        Sec. 44. EFFECTIVE DATES

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

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