

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred Senate Bill No.
3 326 entitled “An act relating to miscellaneous amendments to laws relating to
4 motor vehicles” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Nondriver Identification Cards * * *

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

9 § 115. NONDRIVER IDENTIFICATION CARDS

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

18 * * *

19 (4) An individual shall not hold at the same time an operator’s license
20 and a nondriver identification card issued pursuant to this section.

21 * * *

(g)(1) An identification card issued to a first-time applicant and any subsequent renewals by that ~~person~~ individual shall contain a photograph or imaged likeness of the applicant.

(2) The photographic identification card shall be available at a location designated by the Commissioner.

(3)(A) An Except as otherwise provided pursuant to subdivision (B) of this subdivision (g)(3), an individual issued an identification card under this subsection that contains an imaged likeness section may renew the individual's identification card by mail.

(B) ~~Except that a renewal by an individual required to have a photograph or imaged likeness under this subsection must be made~~ An identification card issued pursuant to this section shall be renewed in person so that an updated imaged likeness of the individual is obtained not less often than at least once every nine years to permit an updated photograph or imaged likeness of the holder to be obtained.

* * *

(k) ~~At the option of the applicant,~~ An applicant shall surrender the
applicant's valid Vermont license ~~may be surrendered~~ in connection with an
application for an identification card pursuant to this section. In those
instances, the fee due under subsection (a) of this section shall be reduced by:

* * *

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

8 (2) As part of reentry planning, the Department of Corrections shall
9 inquire with the individual to be released about the individual's desire to obtain
10 a nondriver identification card, operator's license, or ~~any driving credential~~
11 replacement learner's permit, if eligible, and inform the individual about the
12 differences, including any costs to the individual.

13 (3) If the individual desires a nondriver identification card, the
14 Department of Corrections shall coordinate with the Department of Motor
15 Vehicles to provide an identification card for the individual at the time of
16 release.

17 (n)(1) If an individual who is detained for six months or more in a
18 correctional facility is eligible for a nondriver identification card under the
19 requirements of this section, the Department of Corrections, as soon as
20 reasonably practicable, shall obtain the documentation required for a non-

1 REAL ID or REAL ID nondriver identification card and shall provide the
2 individual with the documentation at the time of release.

3 (2) The application shall include the post-release mailing address of the
4 individual and proof that the individual is a resident of Vermont following
5 release from the correctional facility.

6 (3) Upon proper application and submission of all required
7 documentation following release from the correctional facility, an individual
8 who was detained for six months or more in a correctional facility shall be
9 provided with a nondriver identification card for a fee of \$0.00.

10 (4) The Department of Corrections shall coordinate with the Department
11 of Motor Vehicles regarding the documentation required for an individual who
12 is detained for six months or more in a correctional facility to obtain a non-
13 REAL ID or REAL ID nondriver identification card.

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

19 (p) As used in this section, "correctional facility" has the same meaning as
20 in 28 V.S.A. § 3.

* * * Operator's Licenses * * *

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

§ 613. REPLACEMENT LICENSE

* * *

(c)(1) An individual who is sentenced to serve a period of imprisonment of six months or more in a correctional facility who holds an unexpired license issued under the provisions of this subchapter or who held a Vermont operator's license that expired not more than three years prior shall:

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

(B) upon proper application and submission of the documentation required for a non-REAL ID or REAL ID and in advance of release from a correctional facility, be provided with a replacement operator's license for a fee of \$0.00.

(2) The application shall include the post-release mailing address of the individual and proof that the individual will be a resident of Vermont following release from the correctional facility.

(3) As part of reentry planning, the Department of Corrections shall inquire with each individual regarding whether the individual would like to obtain a nondriver identification card, operator's license, or replacement

1 learner's permit, if eligible, and shall provide the individual with information
2 regarding required documentation and any associated costs.

3 (4) If an individual would like to obtain an operator's license pursuant to
4 the provisions of this section and is eligible, the Department of Corrections
5 shall coordinate with the Department of Motor Vehicles to provide an
6 operator's license to the individual at the time the individual is released from
7 the correctional facility.

8 Sec. 3. 23 V.S.A. § 613 is amended to read:

9 § 613. REPLACEMENT LICENSE

10 * * *

11 (d)(1) An individual who is detained for six months or more in a
12 correctional facility shall be eligible to apply for a replacement license
13 pursuant to the provisions of this section if, at the time the individual submits
14 an application to obtain a replacement license pursuant to this subsection, the
15 individual:

16 (A) holds an unexpired license issued under the provisions of this
17 subchapter; or

18 (B) held a Vermont operator's license that expired not more than
19 three years prior.

20 (2) If an individual who is detained for six months or more in a
21 correctional facility is eligible for a replacement operator's license under the

1 requirements of this section, the Department of Corrections, as soon as
2 reasonably practicable, shall obtain the documentation required for a non-
3 REAL ID or REAL ID operator’s license and shall provide the individual with
4 the documentation at the time of release.

5 (3) The application shall include the post-release mailing address of the
6 individual and proof that the individual is a resident of Vermont following
7 release from the correctional facility.

8 (4) Upon proper application and submission of all required
9 documentation following release from the correctional facility, an individual
10 who was detained for six months or more in a correctional facility shall be
11 provided with a replacement operator’s license for a fee of \$0.00.

12 (5) The Department of Corrections shall coordinate with the Department
13 of Motor Vehicles regarding the documentation required for an individual who
14 is detained for six months or more in a correctional facility to obtain a non-
15 REAL ID or REAL ID replacement operator’s license.

16 (e) As used in this section, “correctional facility” has the same meaning as
17 in 28 V.S.A. § 3.

18 Sec. 4. 23 V.S.A. § 617 is amended to read:

19 § 617. LEARNER’S PERMIT

20 * * *

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

3 * * *

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

6 * * *

7 (g)(1) An individual sentenced to serve a period of imprisonment of six
8 months or more in a correctional facility who holds an unexpired learner's
9 permit issued under the provisions of this section or who held a learner's
10 permit issued under the provisions of this section that expired not more than
11 two years prior shall:

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

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

17 (2) The application shall include the post-release mailing address of the
18 individual and proof that the individual will be a resident of Vermont
19 following release from the correctional facility.

20 (3) As part of reentry planning, the Department of Corrections shall
21 inquire with each individual regarding whether the individual would like to

1 obtain a nondriver identification card, operator's license, or replacement
2 learner's permit, if eligible, and shall provide the individual with information
3 regarding required documentation and any associated costs.

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

9 Sec. 5. 23 V.S.A. § 617 is amended to read:

10 § 617. LEARNER'S PERMIT

11 * * *

12 (h)(1) An individual who is detained for six months or more in a
13 correctional facility shall be eligible to apply for a replacement learner's permit
14 pursuant to the provisions of this section if, at the time the individual submits
15 an application to obtain a replacement learner's permit pursuant to this
16 subsection, the individual:

17 (A) holds an unexpired learner's permit issued under the provisions
18 of this section; or

19 (B) held a learner's permit issued under the provisions of this section
20 that expired not more than two years prior.

1 (2) If an individual who is detained for six months or more in a
2 correctional facility is eligible for a replacement learner's permit under the
3 requirements of this section, the Department of Corrections, as soon as
4 reasonably practicable, shall obtain the documentation required for a learner's
5 permit and shall provide the individual with the documentation at the time of
6 release from the correctional facility.

7 (3) The application shall include the post-release mailing address of the
8 individual and proof that the individual is a resident of Vermont following
9 release from the correctional facility.

10 (4) Upon proper application and submission of all required
11 documentation following release from the correctional facility, an individual
12 who was detained for six months or more in a correctional facility shall be
13 provided with a replacement learner's permit for a fee of \$0.00.

14 (5) The Department of Corrections shall coordinate with the Department
15 of Motor Vehicles regarding the documentation required for an individual who
16 is detained for six months or more in a correctional facility to obtain a
17 replacement learner's permit.

18 (i) As used in this section, "correctional facility" has the same meaning as
19 in 28 V.S.A. § 3.

1 Sec. 6. 28 V.S.A. § 102 is amended to read:

2 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
3 POWERS; RESPONSIBILITIES

4 * * *

5 (c) The Commissioner is charged with the following responsibilities:

6 * * *

7 (25) To coordinate with the Department of Motor Vehicles to provide
8 eligible individuals with nondriver identification cards and documentation
9 pursuant to 23 V.S.A. § 115(m) and (n), replacement operator's licenses and
10 documentation pursuant to 23 V.S.A. § 613(c) and (d), and replacement
11 learner's permits and documentation pursuant to 23 V.S.A. § 617(g) and (h).

12 * * * Insufficient Funds for Fees * * *

13 Sec. 7. 23 V.S.A. § 110 is amended to read:

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

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

1 not promptly paid as required by the Commissioner, the Commissioner shall
2 suspend the license or registration of the person or persons. In no case shall
3 the license or registration be reinstated until settlement has been made in full.
4 Settlement in full shall also include the payment of any penalties assessed by
5 the State Treasurer.

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

11 * * *

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

13 Sec. 8. 23 V.S.A. § 1006b is amended to read:

14 § 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT
15 ROUTE 108; VEHICLE OPERATION PROHIBITED

16 * * *

17 (b) Vehicle operation prohibition.

18 * * *

19 (2) The employer of an operator who is operating a vehicle in the scope
20 of employment and violates this subsection or the operator of a vehicle who is
21 operating a vehicle for personal purposes and violates this subsection shall be

1 subject to a civil penalty of ~~\$1,000.00~~ \$10,000.00 or, if the violation results in
2 substantially impeding the flow of traffic on Vermont Route 108, a civil
3 penalty of ~~\$2,000.00~~ \$20,000.00. For a second or subsequent conviction
4 within a three-year period, the applicable penalty shall be doubled.

5 * * *

6 * * * Salvage Titles * * *

7 Sec. 9. 23 V.S.A. § 2091 is amended to read:

8 § 2091. SALVAGE CERTIFICATES OF TITLE; FORWARDING OF
9 PLATES AND TITLES OF CRUSHED VEHICLES

10 * * *

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

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

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

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

19 (i) shall not require a notarized signature;

20 (ii) may be signed electronically; and

21 (iii) may be printed on hard copy.

1 (B) As used in this subdivision (b)(2):

2 (i) “Signed electronically” means that a person, with the intent to
3 sign the record, uses an electronic sound, symbol, or process attached to or
4 logically associated with a record and executed or adopted by a person. For
5 purposes of this subdivision (b)(2), an electronic signature on a supporting
6 document shall utilize a secure authentication system that identifies the
7 signatory with a degree of certainty equivalent to or greater than level 2 as
8 described in the National Institute of Standards and Technology’s June 2017
9 Digital Identity Guidelines, NIST Special Publication 800-63-3, Revision 3.

10 (ii) “Supporting documents” include bills of sale, title documents,
11 odometer disclosure forms, and powers of attorney.

12 (C) An insurer shall indemnify and hold harmless the Department for
13 any claims arising from the issuance of a certificate of title pursuant to this
14 section.

15 * * *

16 * * * Duplicate Titles * * *

17 Sec. 10. 23 V.S.A. § 2022 is amended to read:

18 § 2022. DUPLICATE CERTIFICATE

19 (a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes
20 illegible, the first lienholder or, if none, the owner or legal representative of the
21 owner named in the certificate, as shown by the records of the Commissioner,

1 shall promptly make application for and may obtain a duplicate title upon
2 furnishing information satisfactory to the Commissioner. ~~It~~ The duplicate title
3 shall be mailed or, if the person is at a Department of Motor Vehicles location,
4 hand delivered to the first lienholder named in ~~it~~ the title or, if none, to the
5 owner.

6 * * *

7 Sec. 11. 23 V.S.A. § 3801 is amended to read:

8 § 3801. DEFINITIONS

9 Except when the context otherwise requires, as used in this chapter:

10 * * *

11 (20) “Title or certificate of title” means a written instrument or
12 document that certifies ownership of a vessel, snowmobile, or all-terrain
13 vehicle and is issued by the Commissioner or equivalent official of another
14 jurisdiction.

15 * * *

16 Sec. 12. 23 V.S.A. § 3815 is amended to read:

17 § 3815. DUPLICATE CERTIFICATE

18 (a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes
19 illegible, the first lienholder or, if none, the owner or legal representative of the
20 owner named in the certificate of title, as shown by the records of the
21 Commissioner, shall promptly make application for and may obtain a duplicate

1 title upon furnishing information satisfactory to the Commissioner. ~~It~~ The
2 duplicate title shall be mailed or, if the person is at a Department of Motor
3 Vehicles location, hand delivered to the first lienholder named in ~~it~~ the title or,
4 if none, to the owner.

5 * * *

6 * * * Title Appeals * * *

7 Sec. 13. 23 V.S.A. § 2005 is amended to read:

8 § 2005. APPEAL

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

13 * * * Abandoned Motor Vehicles * * *

14 Sec. 14. 23 V.S.A. § 2012 is amended to read:

15 § 2012. EXEMPTED VEHICLES

16 No certificate of title need be obtained for:

17 * * *

18 (2) a vehicle;

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

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

Sec. 15. 23 V.S.A. § 2158 is amended to read:

(a)(1) A towing service may charge a fee of up to ~~\$125.00~~ \$250.00 for

(2) This fee shall be paid to:

(B) the Agency of Transportation if the Agency has a vehicle towed
State right-of-way and submits proof acceptable to the Commissioner
Agency has paid a towing service to tow the vehicle from the State
right-of-way.

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* * *

* * * Diesel Fuel Tax * * *

Sec. 16. 23 V.S.A. § 3015 is amended to read:

§ 3015. COMPUTATION AND PAYMENT OF TAX

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

* * *

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

~~(B)~~(2) Users filing a report required under subsection 3014(b) of this title shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer payment or by a remittance through the U.S. mail. If a remittance is sent through the U.S. mail properly addressed to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned by or under the control of the person submitting

1 the report and the U.S. Post Office has corrected or changed the date stamped
2 thereon by causing the official U.S. Post Office postmark to also be imprinted
3 on the envelope, the date shown by the official Post Office postmark shall be
4 the accepted date if different from the original postmark.

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

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

13 * * * Purchase and Use Tax * * *

14 Sec. 17. 32 V.S.A. § 8902 is amended to read:

15 § 8902. DEFINITIONS

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

17 * * *

18 (4)(A) “Purchase price” for a vehicle that is purchased outright means
19 the gross consideration, exclusive of the tax hereby imposed, that is to be paid
20 for the motor vehicle, expressed in terms of U.S. currency as of the time of the
21 sale, and shall include ~~the any cash consideration payment, if any, plus~~ as well

1 as the value of any services or property given or to be given, or both, in
2 exchange for the motor vehicle.

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

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

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

20 * * *

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

* * *

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1 purchased, leased, or otherwise acquired for use in short-term rentals shall be
2 subject to taxation under subsection (d) of this section.

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

5 * * *

6 (C) motor home as defined in subdivision 8902(11) of this title or
7 trailer coach as defined in subdivision 8902(16) of this title; or

8 (D) motor vehicle weighing with a GVWR of up to 10,099 13,500
9 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

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

20 * * *

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

* * *

(C) motor home as defined in subdivision 8902(11) of this title or trailer coach as defined in subdivision 8902(16) of this title; or

(D) motor vehicle weighing with a GVWR of up to 10,099 13,500 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

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

* * * Operation of Snowmobiles * * *

Sec. 19. 23 V.S.A. § 3207 is amended to read:

§ 3207. PENALTIES AND REVOCATION OR SUSPENSION OF
REGISTRATION

* * *

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

3 ~~§ 3202 operation of an unregistered snowmobile~~

4 * * *

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

8 (h) The Commissioner or ~~his or her~~ the Commissioner's authorized agent
9 may suspend or revoke the registration of any snowmobile registered in this
10 State and repossess the number and certificate to it, when ~~he or she~~ the
11 Commissioner is satisfied that:

12 * * *

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

15 * * * Commercial Driver's Licenses * * *

16 Sec. 20. 23 V.S.A. § 4107 is amended to read:

17 § 4107. COMMERCIAL DRIVER'S LICENSE REQUIRED

18 * * *

19 (d)(1) Notwithstanding the provisions of this section, during an emergency
20 declared by the Governor, an employee of a State agency or a Vermont
21 municipality may operate a commercial motor vehicle with a weight of 26,001

1 or more pounds without being required to hold a commercial driver's license
2 while the emergency or emergency condition is ongoing if:

3 (A) expressly permitted to do so pursuant to the terms of the
4 Governor's declaration; and

5 (B) the individual is performing official duties or activities related to
6 the execution of emergency governmental functions pursuant to 49 C.F.R.
7 383.3(d)(2).

8 (2) An individual operating a vehicle pursuant to the provisions of this
9 subsection shall have a valid operator's license issued pursuant to chapter 9 of
10 this title or the applicable laws of another state.

11 (3) As used in this subsection, "emergency" means a situation,
12 condition, or event that involves significant imminent or ongoing risk to public
13 health and safety, infrastructure, or property.

14 Sec. 21. 23 V.S.A. § 4110 is amended to read:

15 § 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR
16 COMMERCIAL LEARNER'S PERMIT

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

19 * * *

20 (8)(A) The applicable fee for the commercial driver's license being
21 applied for. The four-year fee for a commercial driver's license shall be

* * *

* * *

1 (D) an annual fee of \$153.00, or a biennial fee of \$303.00, for a
2 motorboat in class 3.

3 (3)(A) Upon receipt of the application in approved form, the
4 Commissioner shall enter the application upon the records of the Department
5 of Motor Vehicles and issue to the applicant a registration certificate stating
6 the number awarded to the motorboat and the name and address of the owner.

7 (B) The owner shall paint on or attach to each side of the bow of the
8 motorboat the identification number in ~~such~~ the manner ~~as may be~~ prescribed
9 by rules of the Commissioner in order that it may be clearly visible. Validation
10 stickers shall be placed within six inches preceding the registration number on
11 the port side of the motorboat and within six inches following the registration
12 number on the starboard side of the motorboat.

13 (C) The registration shall be void one year from the first day of the
14 month following the month of issue in the case of annual registrations or void
15 two years from the first day of the month following the month of issue in the
16 case of biennial registrations.

17 (D) A motorboat of less than 10 horsepower used as a tender to a
18 registered motorboat shall be deemed registered, at no additional cost, and
19 shall have painted or attached to both sides of the bow the same registration
20 number as the registered motorboat with the number “1” after the number.

(F) The registration certificate shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

5 (G) A duplicate registration may be obtained upon payment of a fee
6 of \$3.00 to the Commissioner.

7 (H) Registration fees shall be allocated in accordance with section
8 3319 of this title.

(c) ~~A person engaged in the business of selling or exchanging~~ dealer in motorboats, as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 of this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

16 (1) A dealer motorboat registration number may be used:

17 (A) for the purpose of testing or adjusting motorboats in the
18 immediate vicinity of his or her the dealer's place of business;

19 * * *

1 (C) for demonstration when the prospective purchaser is operating
2 the motorboat and is not accompanied by the dealer or ~~his or her~~ the dealer's
3 employee, but not for more than three days;

4 * * *

5 (4) The Commissioner shall issue a registration certificate of number for
6 each identifying number awarded to the dealer in the manner described in
7 subsection ~~(a)~~(b) of this section, except that a motorboat shall not be described
8 in the certificate. A dealer's registration certificate expires one year from the
9 first day of the month of issuance.

10 (5) A dealer's identifying number shall be displayed as required by
11 subsection ~~(a)~~(b) of this section except that the number may be temporarily
12 attached.

13 * * *

14 (d)(1) Registration of a motorboat ends when the owner transfers title to
15 another. The former owner shall immediately return directly to the
16 Commissioner the registration certificate previously assigned to the transferred
17 motorboat with the date of sale and the name and residence of the new owner
18 endorsed on the back of the certificate.

19 (2) When a person transfers the ownership of a registered motorboat to
20 another, files a new application, and pays a fee of \$6.00, ~~he or she~~ the person
21 may have registered in ~~his or her~~ the person's name another motorboat of the

1 same class for the remainder of the registration period without payment of any
2 additional registration fee. However, if the fee for the registration of the
3 motorboat sought to be registered is greater than the registration fee for the
4 transferred motorboat, the applicant shall pay the difference between the fee
5 first paid and the fee for the class of motorboat sought to be registered.

6 * * *

7 (g) The owner shall notify the Commissioner of the transfer of any part of
8 the owner's interest other than the creation of a security interest in a motorboat
9 numbered in this State under subsections ~~(a) and~~ (b) and (c) of this section or
10 of the destruction or abandonment of the motorboat, within 15 days after the
11 transfer, destruction, or abandonment. The transfer, destruction, or
12 abandonment shall end the certificate of number for the motorboat except that
13 in the case of a transfer of a part interest that does not affect the owner's right
14 to operate the motorboat, the transfer shall not end the certificate of number.

15 (h) Any holder of a registration certificate shall notify the Commissioner
16 within 15 days if ~~his or her~~ the holder's address ceases to be the address
17 appearing on the certificate and shall, as a part of the notification, furnish the
18 Commissioner with ~~his or her~~ the holder's new address. The Commissioner
19 may provide by rule for the surrender of the certificate bearing the former
20 address and its replacement with a certificate bearing the new address or for

1 the alteration of an outstanding certificate to show the new address of the
2 holder.

3 * * *

4 * * * Personal Flotation Devices * * *

5 Sec. 23. 23 V.S.A. § 3306 is amended to read:

6 § 3306. LIGHTS AND EQUIPMENT

7 * * *

8 (b)(1) Personal flotation devices. Each vessel, except sailboards, shall,
9 consistent with federal regulations, carry for each individual aboard at least
10 one wearable U.S. Coast Guard-approved personal flotation device that is in
11 good and serviceable condition and capable of being used in accordance with
12 the U.S. Coast Guard approval label.

13 * * *

14 (4) Cold weather.

15 (A) Except as otherwise provided pursuant to subdivision (B) of this
16 subdivision (b)(4), on or before May 1 of each year and on or after November
17 1 of each year, all individuals aboard a vessel, while under way and the
18 individual is on an open deck, shall wear a properly secured wearable U.S.
19 Coast Guard-approved personal flotation device as intended by the
20 manufacturer.

1 (B) The requirements of this subdivision (b)(4) shall not apply to an
2 individual who is:

3 (i) aboard a vessel that is located in water that is not more than
4 three feet deep; and

5 (ii) actively engaged in hunting or bow fishing and who holds a
6 valid license issued under 10 V.S.A. part 4.

7 (5) Inspected commercial vessels. U.S. Coast Guard-inspected
8 commercial vessels shall be exempt from the provisions of this subsection.

9 * * *

10 * * * Kei Vehicles * * *

11 Sec. 24. 23 V.S.A. § 4 is amended to read:

12 § 4. DEFINITIONS

13 Except as may otherwise be provided by law, and unless the context
14 otherwise requires in statutes relating to motor vehicles and enforcement of the
15 law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the
16 following definitions shall apply:

17 * * *

18 (28) “Pleasure car” ~~shall include~~ includes all motor vehicles not
19 otherwise defined in this title and ~~shall include~~ includes plug-in electric
20 vehicles, battery electric vehicles, or plug-in hybrid electric vehicles as defined

1 pursuant to subdivision (85) of this section, and kei vehicles as defined
2 pursuant to subdivision (90) of this section.

3 * * *

4 (72) “Farm truck” means a motor truck or kei truck that, at the option of
5 the owner, may be registered under the provisions of subsection 367(f) of this
6 title or may be unregistered when used in accordance with subsection 370(b) of
7 this title.

8 * * *

9 (89) “Kei truck” means a kei vehicle that is designed, used, or
10 maintained primarily for the transportation of property.

11 (90) “Kei vehicle” means a motor vehicle that has four wheels, an
12 engine displacement of 660 cubic centimeters or less, an overall length of 130
13 inches or less, an overall height of 78 inches or less, and an overall width of 60
14 inches or less.

15 Sec. 25. 23 V.S.A. § 1044 is added to read:

16 § 1044. OPERATION OF KEI VEHICLES

17 (a) A kei vehicle registered as a pleasure car shall be subject to all
18 provisions of this title that are applicable to pleasure cars.

19 (b) A kei truck registered as a farm truck shall be subject to all provisions
20 of this title that are applicable to farm trucks.

1 (3) In preparing the amendments to the inspection manual, the
2 Department shall specifically determine whether amendments to the provisions
3 relating to the following vehicle systems and components are necessary to
4 comply with the legislative intent set forth in subdivision (2) of this subsection:

5 (A) tires;
6 (B) power steering;
7 (C) suspension;
8 (D) brake rotors;
9 (E) lighting;
10 (F) electrical systems and components;
11 (G) windshield;
12 (H) windows;
13 (I) windshield wipers;
14 (J) vehicle body; and
15 (K) in the discretion of the Commissioner, any other vehicle systems
16 or components.

17 (4) In preparing the amendments to the inspection manual, the
18 Department shall determine whether any tests or procedures require

1 amendment or elimination, including the on-highway road test for brakes and
2 the headlamp aiming test.

3 (5) In preparing the amendments to the inspection manual, the
4 Department shall provide additional visual guidance regarding when certain
5 conditions warrant failure of an inspection.

6 (b) On or before August 1, 2026, the Department of Motor Vehicles shall:

7 (1) file with the Secretary of State pursuant to the provisions of 3 V.S.A.
8 § 838 proposed amendments to the Inspection of Motor Vehicles rules (CVR
9 14-050-022) necessary to implement the provisions of this section; and

10 (2) adopt emergency rules pursuant to 3 V.S.A. § 844 to implement the
11 provisions of this section while permanent rule amendments are pending,
12 which shall be deemed to have met the standard for emergency rulemaking set
13 forth in 3 V.S.A. § 844(a).

14 (c) The Commissioner of Motor Vehicles shall submit to the House and
15 Senate Committees on Transportation the following reports regarding the rule
16 amendments proposed pursuant to this section:

17 (1) Not more than five days after the Department files proposed rule
18 amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) with
19 the Secretary of State pursuant to 3 V.S.A. § 838, the Commissioner shall

1 submit a summary of the proposed amendments and an annotated copy of the
2 inspection manual that shows the proposed changes.

3 (2) Not more than five days after the Department files final proposed
4 rule amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022)
5 with the Secretary of State and Legislative Committee on Administrative Rules
6 pursuant to 3 V.S.A. § 841, the Commissioner shall submit a summary of the
7 proposed amendments, an annotated copy of the inspection manual that shows
8 the proposed changes, and a copy of the responsiveness summary, if any, that
9 is submitted with the final proposed rules pursuant to 3 V.S.A. § 841(b)(2).

10 (3) Not more than five days after the Department files the adopted rule
11 amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) with
12 the Secretary of State and Legislative Committee on Administrative Rules
13 pursuant to 3 V.S.A. § 843, the Commissioner shall submit a brief written
14 statement of the date on which the rule amendments were submitted pursuant
15 to 3 V.S.A. § 843, the effective date of the rule amendments, and any changes
16 to the final proposed rule that were approved by the Legislative Committee on
17 Administrative Rules.

18 * * * Limited-Use Specialty Vehicles * * *

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

20 § 4. DEFINITIONS

1 Except as may otherwise be provided by law, and unless the context
2 otherwise requires in statutes relating to motor vehicles and enforcement of the
3 law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the
4 following definitions shall apply:

5 * * *

6 (91) “Limited-use specialty vehicle” means a motor vehicle that is:

7 (A) built by either:

8 (i) a manufacturer that manufactures not more than 325 vehicles
9 per year for sale in the United States; or

10 (ii) an individual and not for resale;

11 (B) maintained solely for occasional transportation, including
12 exhibitions, club activities, parades, tours, and other similar uses; and

13 (C) not used for daily transportation.

14 Sec. 28. 23 V.S.A. § 375 is added to read:

15 § 375. LIMITED-USE SPECIALTY VEHICLES

16 (a) The Commissioner shall issue a certificate of registration for not more
17 than 20 limited-use specialty vehicles per year.

18 (b) A vehicle that has been registered as a limited-use specialty vehicle
19 shall not be permitted to be registered as any other type of vehicle.

20 (c) The annual fee for registration of a limited-use specialty vehicle shall be
21 \$26.00.

1 only one number plate is furnished, the ~~same~~ plate shall be securely attached to
2 the rear of the vehicle. If two are furnished, one shall be securely attached to
3 the rear and one to the front of the vehicle.

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

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

10 (C) A person shall not cover or obscure any numerals or letters on a
11 number plate with any material or substance.

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

20 * * *

1 (e) Temporary and in-transit registration plates. A motor vehicle issued a
2 temporary or in-transit registration plate under sections 312, 458, 463, and
3 516–518 of this title operated on any highway shall have the temporary or in-
4 transit registration plate displayed horizontally in a conspicuous place on the
5 rear of the vehicle, including in the rear window. The temporary or in-transit
6 registration plate shall be kept entirely unobscured, and the numerals and
7 letters thereon shall be plainly legible at all times as provided pursuant to
8 subsection (a) of this section.

9 * * * Motorcycle Exhaust Requirements * * *

10 Sec. 31. 23 V.S.A. § 1221 is amended to read:

11 § 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE

12 (a) A motor vehicle, operated on any highway, shall be in good mechanical
13 condition and shall be properly equipped.

14 (b)(1) An individual shall not operate on a highway a motorcycle
15 manufactured after December 31, 1985, that is not labeled in compliance with
16 40 C.F.R. § 205.158 and equipped with a muffler that meets the requirements
17 of 40 C.F.R. § 205.169.

18 (2) The prohibition in subdivision (1) of this subsection shall not apply
19 when a motorcycle is operated in a race, contest, or demonstration of speed or
20 skill at an authorized public exhibition held in accordance with applicable State
21 or municipal law and land use permits.

* * * Effective Dates * * *

(a) Secs. 1 (nondriver identification cards), 3 (detained individuals’ operator’s licenses), and 5 (detained individuals’ learner’s permits) shall take effect on January 1, 2027.

(Committee vote: _____)

Senator _____

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