

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; fees; taxes; non-Real ID; 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.

*** * ***

* * * Fees * * *

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

* * *

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

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1 (A) owned by a volunteer fire department or other volunteer
2 firefighting organization, an ambulance service, or an organization conducting
3 rescue operations; and

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

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

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

10 § 378. VETERANS' EXEMPTIONS

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

4502 issued by the U.S. Department of Veterans Affairs certifying ~~him or her~~
the veteran to be entitled to the financial assistance.

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

§ 608. FEES

* * *

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

(1) Original issuance: \$10.00.

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

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

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

* * * Learner’s Permits * * *

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

§ 617. LEARNER’S PERMIT

* * *

* * *

* * *

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

5 (d) An applicant shall pay \$24.00 to the Commissioner for each learner's
6 permit or a duplicate or renewal thereof. A replacement learner's permit for
7 the operation of a motorcycle may be generated from the applicant's electronic
8 account for no charge.

9 (e)(1) A learner's permit, ~~which is not a learner's permit~~ for the operation
10 of a motorcycle, shall contain a photograph or imaged likeness of the
11 individual. A learner's permit for a motor vehicle shall contain a photograph
12 or imaged likeness of the individual if the permit is obtained in person. ~~The~~
13 ~~photographic learner's permit shall be available at locations designated by the~~
14 ~~Commissioner.~~

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

20 * * *

* * * Commercial Learner's Permit * * *

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

§ 4111a. COMMERCIAL LEARNER'S PERMIT

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

* * *

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

* * *

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

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

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

* * *

* * * License Examinations * * *

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

§ 632. EXAMINATION REQUIRED; WAIVER

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

§ 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.]~~

* * * Commercial Driving Instructors * * *

§ 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

(A) a felony nor incarcerated for a felony within the 10 years prior to

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

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

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

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

10 (A) traffic laws;

11 (B) safe driving practices;

12 (C) operation of motor vehicles; and

13 (D) qualifications as a teacher;

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

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

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

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

1 (1) If the commercial motor vehicle instructor is a behind the wheel

2 (BTW) instructor, shall either:

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

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

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

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

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

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

18 (2) If the commercial motor vehicle instructor is a theory instructor, the
19 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. 15. 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. 16. 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
6 accepted by the seller as part of the consideration of the motor vehicle,
7 provided the motor vehicle accepted by the seller is owned and previously or
8 currently registered or titled by the purchaser, with no change of ownership
9 since registration or titling, except for motor vehicles for which registration is
10 not required under the provisions of Title 23 or motor vehicles received under
11 the 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)~~ (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)~~ (I) the motor vehicle with respect to which ~~such~~ the payment
10 is 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)~~ (II) the motor vehicle with respect to which ~~such~~ the
14 payment is made to the insurer is treated as a total loss and is sold for
15 dismantling.

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

21 * * *

* * *

The Commissioner may compute and assess the tax due and notify the purchaser verbally, if the purchaser is at a DMV location, or immediately by

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

3 * * *

4 Sec. 18. 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. 19. 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 * * * Non-Real ID Operator’s Privilege Cards * * *

7 Sec. 20. 23 V.S.A. § 603 is amended to read:

8 § 603. APPLICATION FOR AND ISSUANCE OF LICENSE

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

15 (2) The Commissioner may, however, in ~~his or her~~ the Commissioner’s
16 discretion, refuse to issue a license to any person whenever ~~he or she~~ the
17 Commissioner is satisfied from information given ~~him or her~~ the
18 Commissioner by credible persons, and upon investigation, that the person is
19 mentally or physically unfit or, because of ~~his or her~~ the person’s habits or
20 record as to crashes or convictions, is unsafe to be trusted with the operation of
21 motor vehicles. A person refused a license under the provisions of this

1 subsection shall be entitled to hearing as provided in sections 105–107 of this
2 title.

3 * * *

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

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

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

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

19 * * *

20 (f) ~~Persons~~ Applicant's able to establish lawful presence in the United
21 States but who otherwise fail to comply with the requirements of the REAL ID

1 Act of 2005, Pub. L. No. 109-13, §§ 201-202, shall be eligible for an
2 operator's privilege card, a junior operator's privilege card, or a learner's
3 privilege card, provided the applicant furnishes reliable proof of Vermont
4 residence and of name, date of birth, and place of birth, and satisfies all other
5 requirements of this chapter for obtaining a license or permit. The
6 Commissioner shall require applicants under this subsection to furnish a
7 document or a combination of documents that reliably proves the applicant's
8 Vermont residence and ~~his or her~~ the applicant's name, date of birth, and place
9 of birth.

10 * * *

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

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

14 * * *

15 * * * Fuel Tax Refunds * * *

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

17 § 3020. CREDITS AND REFUNDS

18 (a) Credits.

19 (1) A user who purchased fuel within this State from a dealer or
20 distributor upon which ~~he or she~~ the user paid the tax at the time of purchase,
21 or a user exempt from the payment of the tax under subsection 3003(d) of this

1 title who purchased fuel within this State upon which ~~he or she~~ the user paid
2 tax at the time of purchase, shall be entitled to a credit equal to the amount of
3 tax per gallon in effect when the fuel was purchased. When the amount of the
4 credit to which any user is entitled for any reporting period exceeds the amount
5 of ~~his or her~~ the user's tax for the same period, the excess shall be credited to
6 the user's tax account and the user shall be notified of the date and amount of
7 the credit by mail.

8 * * *

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

16 * * *.

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

21 * * *

* * * Alteration of Odometers * * *

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

§ 1704a. ALTERATION OF ODOMETERS

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

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

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

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

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

4 * * * Definition of Conviction * * *

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

6 § 102. DUTIES OF COMMISSIONER

7 * * *

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

1 Automated Fingerprint Identification database and State repository records on
2 each covered employee.

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

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

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

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

21 § 108. APPLICATION FORMS

1 (a) The Commissioner shall prepare and furnish all forms for applications,
2 crash reports, conviction reports, a pamphlet containing the full text of the
3 motor vehicle laws of the State, and all other forms needed in the proper
4 conduct of ~~his or her~~ the Commissioner's office. ~~He or she~~ The Commissioner
5 shall furnish an adequate supply of ~~such~~ registration forms, license
6 applications, and motor vehicle laws each year to each town clerk, and to ~~such~~
7 other persons ~~as may so~~ upon request.

8 (b) As used in this section, "conviction" has the same meaning as in
9 subdivision 4(60) of this title.

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

11 § 1709. REPORT OF CONVICTIONS TO COMMISSIONER OF MOTOR
12 VEHICLES

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

19 (b) As used in this section, "conviction" has the same meaning as in
20 subdivision 4(60) of this title.

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

2 § 1200. DEFINITIONS

3 As used in this subchapter:

4 * * *

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

7 * * * Drunken Driving * * *

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

9 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

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

12 * * *

13 (2) Upon affidavit of a law enforcement officer that the 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 limit specified in
18 subsection 1201(a) of this title, at the time of operating, attempting to operate,
19 or being in actual physical control, the Commissioner shall suspend the
20 person’s operating license or nonresident operating privilege or the privilege of
21 an unlicensed operator to operate a vehicle for a period of 90 days and until the

1 person complies with section 1209a of this title. However, during the
2 suspension, an eligible person may operate under the terms of an ignition
3 interlock RDL or ignition interlock certificate issued pursuant to section 1213
4 of this title.

5 * * *

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

10 * * *

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

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

17 * * *

18 (c) Notice of suspension. On behalf of the Commissioner of Motor
19 Vehicles, a law enforcement officer requesting or directing the administration
20 of an evidentiary test shall serve notice of intention to suspend and of
21 suspension on a person who refuses to submit to an evidentiary test or on a

1 person who submits to a test the results of which indicate that the person's
2 alcohol concentration was at or above a legal limit specified in subsection
3 1201(a) or (d) of this title, at the time of operating, attempting to operate, or
4 being in actual physical control of a vehicle in violation of section 1201 of this
5 title. The notice shall be signed by the law enforcement officer requesting the
6 test. A copy of the notice shall be sent to the Commissioner of Motor
7 Vehicles, and a copy shall be mailed or given to the defendant within three
8 business days after the date the officer receives the results of the test. If
9 mailed, the notice is deemed received three days after mailing to the address
10 provided by the defendant to the law enforcement officer. A copy of the
11 affidavit of the law enforcement officer shall also be mailed by first-class mail
12 or given to the defendant within seven days after the date of notice.

13 * * *

14 (h) Final hearing.

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

* * *

(D) Whether the test was taken and the test results indicated that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, at the time of operating, attempting to operate, or being in actual physical control of a vehicle in violation of section 1201 of this title, whether the testing methods used were valid and reliable, and whether the test results were accurate and accurately evaluated. Evidence that the test was taken and evaluated in compliance with rules adopted by the Department of Public Safety shall be prima facie evidence that the testing methods used were valid and reliable and that the test results are accurate and were accurately evaluated.

* * *

(i) Finding by the court. The court shall electronically forward a report of the hearing to the Commissioner. Upon a finding by the court that the law enforcement 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 refused to submit to a test, or upon a finding by the court that the law enforcement 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

1 that the person's alcohol concentration was at or above a legal limit specified
2 in subsection 1201(a) or (d) of this title, at the time the person was operating,
3 attempting to operate, or in actual physical control, the person's operating
4 license, or nonresident operating privilege, or the privilege of an unlicensed
5 operator to operate a vehicle shall be suspended or shall remain suspended for
6 the required term and until the person complies with section 1209a of this title.
7 Upon a finding in favor of the person, the Commissioner shall cause the
8 suspension to be canceled and removed from the record, without payment of
9 any fee.

10 * * *

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

18 * * *

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

20 (d) Form of notice. The notice of intention to suspend and of suspension
21 shall be in a form prescribed by the Supreme Court. The notice shall include

1 an explanation of rights, a form to be used to request a hearing, and, if a
2 hearing is requested, the date, time, and location of the Criminal Division of
3 the Superior Court where the person must appear for a preliminary hearing.

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

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

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

15 * * *

16 * * * Fee for Bulk Electronic Records Request * * *

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

18 § 114. FEES

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

21 * * *

2 ***

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

(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

1 additional \$467.80. The fee shall be computed at the following rates per 1,000
2 pounds of weight determined pursuant to this subdivision and rounded up to
3 the nearest whole dollar; the minimum fee for registering a tractor, truck-
4 tractor, or motor truck to ~~6,000~~ 6,099 pounds shall be the same as for the
5 pleasure car type:

6 \$18.21 when the weight ~~exceeds 6,000 pounds but does not exceed~~
7 ~~8,000 pounds~~ is at least 6,100 pounds but not more than 8,099 pounds.

8 \$20.83 when the weight ~~exceeds 8,000 pounds but does not exceed~~
9 ~~12,000 pounds~~ is at least 8,100 pounds but not more than 12,099 pounds.

10 \$22.97 when the weight ~~exceeds 12,000 pounds but does not exceed~~
11 ~~16,000 pounds~~ is at least 12,100 pounds but not more than 16,099 pounds.

12 \$24.56 when the weight ~~exceeds 16,000 pounds but does not exceed~~
13 ~~20,000 pounds~~ is at least 16,100 pounds but not more than 20,099 pounds.

14 \$25.71 when the weight ~~exceeds 20,000 pounds but does not exceed~~
15 ~~30,000 pounds~~ is at least 20,100 pounds but not more than 30,099 pounds.

16 \$26.26 when the weight ~~exceeds 30,000 pounds but does not exceed~~
17 ~~40,000 pounds~~ 30,100 pounds but not more than 40,099 pounds.

18 \$26.90 when the weight ~~exceeds 40,000 pounds but does not exceed~~
19 ~~50,000 pounds~~ is at least 40,100 pounds but not more than 50,099 pounds.

20 \$27.13 when the weight ~~exceeds 50,000 pounds but does not exceed~~
21 ~~60,000 pounds~~ is at least 50,100 pounds but not more than 60,099 pounds.

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

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

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

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

* * *

* * * Registration Fees for Motor Vehicles * * *

Sec. 31. PLACEHOLDER FOR POSSIBLE LANGUAGE RE:

REGISTRATION FOR INDIVIDUALS IN FOSTER CARE

* * * Purchase and Use Tax * * *

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

§ 8902. DEFINITIONS

Unless otherwise expressly provided, as used in this chapter:

* * *

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

* * *

1 the title application and fee at the time of applying for a certificate of title to
2 ~~such the~~ motor vehicle as a condition precedent to the titling ~~thereof of the~~
3 motor vehicle.

4 (g) The Commissioner shall establish procedures for taxpayers to file an
5 appeal regarding the taxpayer's liability for the tax due pursuant to section
6 8903 of this chapter and compliance with the requirements of this section. The
7 procedures shall include a process by which a taxpayer can informally resolve
8 the dispute prior to the issuance of a final administrative decision on the
9 appeal.

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

14 * * * Excessive Speed * * *

15 Sec. 34. 23 V.S.A. § 2502 is amended to read:

16 § 2502. POINT ASSESSMENT; SCHEDULE

17 (a) Unless the assessment of points is waived by a Superior judge or a
18 Judicial Bureau hearing officer in the interests of justice and in accordance
19 with subsection 2501(b) of this title, a person operating a motor vehicle shall
20 have points assessed against ~~his or her~~ the person's driving record for
21 convictions for moving violations of the indicated motor vehicle statutes in

1 accord with the following schedule: (All references are to this title of the
2 Vermont Statutes Annotated.)

3 * * *

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

7 * * *

8 * * * Tinted Windows * * *

9 Sec. 35. 2024 Acts and Resolves No. 165, Secs. 14 and 15 are amended to
10 read:

11 Sec. 14. [Deleted.]

12 Sec. 15. [Deleted.]

13 Sec. 36. 23 V.S.A. § 1125 is amended to read:

14 § 1125. OBSTRUCTING WINDSHIELDS; AND WINDOWS

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

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

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

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

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

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

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

1 (6) if the object is a rearview mirror, or is an electronic toll-collection
2 transponder located either between the roof line and the rearview mirror post
3 or behind the rearview mirror.

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

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

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

9 Sec. 37. 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. 36 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 * * * Number Plates * * *

17 Sec. 38. 23 V.S.A. § 511 is amended to read:

18 § 511. MANNER OF DISPLAY

19 (a) Number plates. A motor vehicle operated on any highway shall have
20 displayed in a conspicuous place either one or two number plates as the
21 Commissioner may require. ~~Such~~ Each number ~~plates~~ plate shall be furnished

1 by the Commissioner and shall show the number assigned to ~~such~~ the vehicle
2 by the Commissioner. If only one number plate is furnished, the ~~same~~ plate
3 shall be securely attached to the rear of the vehicle. ~~If two are furnished, one~~
4 ~~shall be securely attached to the rear and one to the front of the vehicle. The~~
5 ~~number~~ Number plates shall be kept entirely unobscured, and the numerals and
6 letters ~~thereon~~ on a number plate shall be plainly legible at all times. ~~They~~
7 Number plates shall be kept horizontal; and shall be so fastened as not to
8 swing, excepting, however, there may be installed on a motor truck or truck
9 tractor a device that would, upon contact with a substantial object, permit the
10 rear number plate to swing toward the front of the vehicle, provided ~~such~~ the
11 device automatically returns the number plate to its original rigid position after
12 contact is released, and the ground clearance of the lower edges thereof shall
13 be established by the Commissioner pursuant to the provisions of 3 V.S.A.
14 chapter 25.

15 * * *

16 * * * All-Terrain Vehicles * * *

17 Sec. 39. 23 V.S.A. § 3501 is amended to read:

18 § 3501. DEFINITIONS

19 As used in this chapter:

20 (1) “All-terrain vehicle” or “ATV” means any nonhighway recreational
21 vehicle, except snowmobiles, having not less than two low pressure tires (10

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

12 * * *

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

14 Sec. 40. USED MOTOR VEHICLES; PURCHASE AND USE TAX;

15 INSPECTIONS; STUDY COMMITTEE; REPORT

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

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

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

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

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

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

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

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

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

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

19 (2) the potential for assessing the purchase and use tax against the
20 amount that a used vehicle was purchased for, if the difference between the
21 purchase price and the clean trade-in value of the vehicle is equal to or less

1 than the cost of repairs necessary for the vehicle to pass inspection pursuant to
2 23 V.S.A. § 1222; and

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

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

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

13 (f) Meetings.

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

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

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

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

19 (g) Compensation and reimbursement.

20 (1) For attendance at meetings during adjournment of the General
21 Assembly, a legislative member of the Committee shall be entitled to per diem

1 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for
2 not more than four meetings. These payments shall be made from monies
3 appropriated to the General Assembly.

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

9 * * * Effective Dates * * *

10 Sec. 41. EFFECTIVE DATES

11 (a) Secs. 36 and 37 shall take effect on July 1, 2026.

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