

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S. 122 **Name of Bill:** An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles

Agency/Dept: State Police **Author of Bill** Sgt. J.R. Underhill
Review:

Date of Bill Review: 03 02 2015 **Related Bills and Key Players:** _____

Status of Bill: (check one)

xx **Upon Introduction** _____ **As passed by 1st body** _____ **As passed by both bodies**

Recommended Position:

_____ **Support** _____ **Oppose** xx **Remain Neutral** _____ **Support with modifications identified in # 8 below**

Analysis of Bill

(This legislative bill review as prepared by personnel from the State Police Marine/Snowmobile Division will only analyze language in the bill that pertains to the enforcement of motorboat, snowmobile and ATV laws.)

1. Summary of bill and issue it addresses.

This bill as it relates to snowmobile, motorboat and all-terrain vehicles proposes to: add snowmobile, motorboat, and all-terrain vehicle dealers to the existing definition of dealers, and amend the laws governing such dealers to address the requirements to qualify as such dealers; Title 23 VSA 4 (8).

The bill as written under Title 23 VSA 4(8) now includes snowmobiles, motorboats and all-terrain vehicles under the definition of dealer. The definition also clarifies the number of “units” that have to be sold to be classified as a dealer. Under Title 23 VSA 450 this subchapter defines “vehicle or motorboat” as a motor vehicle, snowmobile, motorboat or all-terrain vehicle.

Under Title 23 VSA 451 (Dealer’s certificate) new language is added to clarify that the issuance of snowmobile, motorboats, and all-terrain vehicle dealer registrations are governed by section 451 and sections 3204, 3305 and 3504 of this title.

Under Title 23 VSA 453 new language has been added to clarify that applications by a snowmobile, motorboat or all-terrain vehicle dealer shall be accompanied by the fees prescribed in sections 3204, 3305 and 3504 of this title. New language has also been added to clarify that a snowmobile, motorboat or all-terrain dealer may only use a dealer’s number plate or registration number in accordance with sections 3204, 3305 and 3504 of this title as well.

Under Title 23 VSA 456 motorboats has been added under employees restricted use of vehicles. Under section 462 the word “motorboats” has been added to the language under the cancellation of dealer registrations. Under Title 23 VSA 465 the word motor boats has been added under loaning of plates or vehicles. The proposed language describes that a dealer cannot lend or lease his or her dealer decals, numbers, or number plates to a subagent. Under Title 23 VSA 466, Records Custodian, the term motorboats has been

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added to the language. The records pertaining to the sale, dismantling or transfer of a motorboat must be kept for six years.

Under Title 23 VSA 468, General Prohibition, the word “motorboats” has been added and is cross referenced under section 3204, 3305 and 3504 of this title.

Under Title 23 VSA 473 “When Registration is allowed, Required; Penalties- “Motorboats has been added to the language stating that a person may register as a dealer only if he or she is engaged in the business of selling or exchanging vehicles or motorboats as defined in Title 23 VSA 4(8) and describes penalties if the person makes misrepresentations to the Department of Motor Vehicles.

Under Title 23 VSA 3504 (b) any person engaged in the business of selling or exchanging all-terrain vehicles shall register under the requirements of chapter 7.

Under Title 23 VSA 3305 Fees-Any person engaged in business of selling or exchanging motorboats shall be required to register and subject to the requirements of chapter 7.

Under Title 23 VSA 3811 the bill proposes to authorize the Commissioner to determine appropriate legends on motor vehicle, snowmobile, vessel, and all-terrain vehicle title certificates and eliminate a special title legend for duplicate titles.

Under Title 23 VSA 3835 (a) has been amended and the word “vessel” has been added under salvage titles, parts only certificates and other documents.

Under Title 23 VSA 3502 the bill also proposes to authorize an all-terrain vehicle operator to pay for a Trail Access Decal electronically and for receipts of electronic transactions to be used as proof of payment for a 10-day period, and eliminate reciprocal recognition by other states of Vermont all-terrain vehicle registrations as a precondition to Vermont’s recognition of out-of-state ATV registrations;

Under Title 23 VSA 1095(a) JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES (a) As used in this section, “operating” means operating a motor vehicle on 15 a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can **safely and lawfully** remain stationary.

Under Title 23 VSA 1095(b) To activation or deactivation of hands-free use, as long as the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other any accessory for secure securely mounting the device is not affixed to the windshield in violation of section 1125 of this title;. (3) when. When use of a portable electronic device is necessary for a 6 person to communicate with law enforcement or emergency service personnel under emergency circumstances; or. (4) to To use of an ignition interlock device, as defined in section 1200 of this title. (5) To use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(5), “securely mounted” means the device is placed in an accessory or location in the vehicle, other than the operator’s hands, where the device will remain stationary under typical driving conditions

Under title 23 VSA 1125 cleans up the language on Obstructing Windshields.

2. Is there a need for this bill? The bill as written allows for several technical changes and holds dealers accountable to registering their business and adhering to administrative protocols.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The proposed changes do not appear to greatly affect the State Police Marine/Snowmobile Division fiscally or programmatically. Law enforcement personnel would have to be trained in reference to the changes in the law. This would be a nominal expense to present updated training at in-service sessions.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The proposed changes will cause the need for Title 23 manuals to be updated to reflect new language (Printing expenses). The Title 23 manual is updated every year so the state would only incur a nominal expense to re- write several of the laws.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

The Vermont ATV Sportsmen's Association (VASA) organization will probably support the changes under 3502. Allowing any all-terrain vehicle user to purchase a Trail Access Decal on line and then ride the trail system legally for 10 days without displaying a trail access decal would increase the revenue for the VASA organization. The All-terrain vehicle user would then receive the Trail Access Decal in the mail for proper display. Eliminating the reciprocal recognition by other states of Vermont all-terrain vehicle registrations as a precondition to Vermont's recognition of out-of-state ATV registrations would probably be accepted by VASA organization as it would require the purchase of only a Trail Access Decal increasing revenue for the organization.

DMV Inspectors would probably support the bill as well.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Law enforcement and any other entity that enforces Title 23. The new language is easier to interpret thus making it easier to understand.

6.2 Who else is likely to oppose the proposal and why? Boat dealers and All-terrain vehicle dealers may oppose certain sections of the proposed legislation because now they are held to higher standard with more administrative responsibilities as it relates to accountability and record keeping.

7. Rationale for recommendation: The proposed legislation now hold dealers more accountable to the way they conduct business and maintain records and provides easier access for the purchase of All terrain vehicle trail passes. There is no reason not to recommend going forward with this bill.

8. Specific modifications that would be needed to recommend support of this bill: The language that pertains specifically to motor boats and snowmobiles does not required any modifications from the State Police Marine/Snowmobile Division perspective.

9. Gubernatorial appointments to board or commission? N/A

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be "K. Gray", is written over a faint, circular official seal.

Date: 4/6/15