

1 Introduced by Committee on Transportation

2 Referred to Committee on

3 Date:

4 Subject: Motor vehicles; snowmobiles; motorboats; all-terrain vehicles;

5 dealers; insurance cards; multifunction school activity buses; railroad

6 grade crossings; distracted driving; reinstatement; total abstinence

7 program; titles; abandoned motor vehicles; commercial driver

8 licenses; skills tests

9 Statement of purpose of bill as introduced: This bill proposes to:

10 (1) add snowmobile, motorboat, and all-terrain vehicle dealers to the  
11 existing definition of dealers, and amend the laws governing such dealers to  
12 address the requirements to qualify as such dealers;

13 (2) authorize the Commissioner of Motor Vehicles to regulate the  
14 contents of insurance identification cards;

15 (3) require multifunction school activity buses to stop at railroad  
16 grade crossings, and authorize multifunction school activity buses to be used in  
17 school bus endorsement road tests with the resulting endorsement being  
18 restricted to such vehicles;

19 (4) define “operating” a motor vehicle for the purposes of existing  
20 distracted driving laws, and amend such laws to extend to stationary vehicles  
21 in some circumstances;

1           (5) in connection with the existing law governing handheld use of  
2 portable electronic devices while driving, eliminate the requirement that a  
3 device be securely mounted in a cradle in order to qualify for the exemption  
4 for activation or deactivation of hands-free use;

5           (6) reorganize a provision prohibiting the obstruction of windshields and  
6 side windows and amend it to create an exception for electronic toll-collection  
7 transponders;

8           (7) require an applicant for reinstatement of an operator’s license  
9 through the total abstinence program to authorize a urinalysis as part of the  
10 application process;

11           (8) authorize the Commissioner to determine appropriate legends on  
12 motor vehicle, snowmobile, vessel, and all-terrain vehicle title certificates and  
13 eliminate a special title legend for duplicate titles;

14           (9) define the term “towing service” as used in the abandoned motor  
15 vehicle law, make technical changes for consistent use of that phrase, and  
16 clarify the applicability of the law to vehicles towed for standing or stopping  
17 violations or under the authority of the law governing savage yards;

18           (10) authorize an all-terrain vehicle operator to pay for a Trail Access  
19 Decal electronically and for receipts of electronic transactions to be used as  
20 proof of payment for a 10-day period, and eliminate reciprocal recognition by

1 other states of Vermont all-terrain vehicle registrations as a precondition to  
2 Vermont’s recognition of out-of-state ATV registrations;

3 (11) extend from 90 days to one year the existing skills test waiver  
4 period for former military drivers applying for a commercial driver license;

5 (12) repeal a provision requiring the Commissioner to prepare lists of  
6 registered motor vehicles, and amend a provision regarding lists of persons  
7 under suspensions; and

8 (13) repeal a provision regarding registration of nonresident motor  
9 trucks, and make a conforming change arising out of that repeal.

10 An act relating to miscellaneous changes to laws related to motor vehicles,  
11 motorboats, and other vehicles

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

13 \* \* \* Snowmobile, All-Terrain Vehicle, and Motorboat Dealers \* \* \*

14 Sec. 1. 23 V.S.A. § 4(8) is amended to read:

15 (8)(A)(i) “Dealer” ~~shall mean~~ means a person, partnership, or  
16 corporation ~~who is, or other entity~~ engaged in the business of ~~buying,~~ selling,  
17 or exchanging new or used motor vehicles, ~~as well as other types of motor~~  
18 ~~vehicle dealers, except a finance and auction dealer and transporter:~~

19 ~~(A) Who~~ snowmobiles, motorboats, or all-terrain vehicles. A dealer  
20 may, as part of or incidental to such business, repair such vehicles or

1 motorboats, sell parts and accessories, or lease or rent ~~motor~~ such vehicles and  
2 ~~who:~~

3 ~~(i) Has had no previous record of willful violations of dealer laws~~  
4 ~~or regulations in this or any other jurisdiction.~~

5 ~~(ii) For initial applications only, has had no previous record of~~  
6 ~~criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in~~  
7 ~~this or any other jurisdiction.~~

8 ~~(iii) Has no unsatisfied judgments against him or her arising out of~~  
9 ~~violations of consumer protection laws in this or any other jurisdiction.~~

10 ~~(iv) Presents proof of compliance with the provisions of section~~  
11 ~~800 of this title at the time application for registration is made.~~

12 ~~(v) Is open for business at least 146 days during the calendar year.~~

13 ~~When the application for registration as a new car dealer or used car dealer is~~  
14 ~~made, the applicant shall provide the Commissioner with the hours of~~  
15 ~~operation of the business which the person shall maintain during the~~  
16 ~~registration period.~~

17 ~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her~~  
18 ~~place of business or has a lease with an expiration date not earlier than the last~~  
19 ~~day of the registration year for which registration is sought under the~~  
20 ~~provisions of subchapter 4 of chapter 7 of this title which includes a building~~  
21 ~~of at least 1,200 square feet in size used primarily for the business of the~~

1 ~~dealership. The building shall have adequate facilities for the maintenance of~~  
2 ~~the records required by law to be kept including those required by section 466~~  
3 ~~of this title and for the transfer of motor vehicles or motorboats. “Dealer” shall~~  
4 ~~not include a finance or auction dealer or a transporter.~~

5 (ii)(I) For a new or used car dealer, “engaged in the business”  
6 means having sold or exchanged at retail either 12 pleasure cars or motor  
7 trucks in the immediately preceding registration year or 24 pleasure cars or  
8 motor trucks in the two immediately preceding registration years.

9 (II) For a snowmobile, motorboat, or all-terrain dealer,  
10 “engaged in the business” means having sold or exchanged at retail either six  
11 snowmobiles, motorboats, or all-terrain vehicles, respectively, in the  
12 immediately preceding registration year or 12 in the two immediately  
13 preceding registration years.

14 (III) Vehicles or motorboats that are to be scrapped,  
15 dismantled, or destroyed shall not count as sales or exchanges.

16 (B) ~~“New car dealer” shall mean a person~~ means a dealer who, in  
17 ~~addition to satisfying all of the requirements set forth in subdivision (8)(A) of~~  
18 ~~this section,~~ has a valid sales and service agreement, franchise, or contract with  
19 a manufacturer, assembler, importer, or distributor of new motor vehicles for  
20 the retail sale of new motor vehicles.

21 \* \* \*



1           (1) Has no previous record of willful violations of dealer laws or  
2           regulations in this or any other jurisdiction.

3           (2) For initial and renewal applicants, has not had a conviction or been  
4           incarcerated for a conviction for extortion, forgery, fraud, larceny, or  
5           embezzlement in this or any other jurisdiction within the 10 years prior to the  
6           application.

7           (3) Has no unsatisfied judgments against the person arising out of  
8           violations of consumer protection laws in Vermont or any other jurisdiction.

9           (4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of  
10          business or has a lease with an expiration date not earlier than the last day of  
11          the registration year for which registration is sought under the provisions of  
12          this subchapter, which includes a building of at least 1,200 square feet in size  
13          used primarily for the business of the dealership. The building shall have  
14          adequate facilities for the maintenance of the records required by law to be  
15          kept including those required by section 466 of this title.

16          (b) In addition to the requirements of subsection (a) of this section, a  
17          person shall not be eligible to register as a new or used car dealer unless the  
18          person:

19               (1) Presents proof of compliance with the provisions of section 800 of  
20               this title at the time application for registration is made.

1           (2) Is open for business at least 146 days during the calendar year. The  
2           applicant shall provide the Commissioner with the hours of operation of the  
3           business which the person shall maintain during the registration period at the  
4           time of the application.

5           § 451. DEALER'S CERTIFICATE

6           (a) Instead of registering each motor vehicle owned by him or her, a new or  
7           used car dealer may ~~make application~~ apply under oath to the Commissioner,  
8           upon forms prescribed and furnished by the Commissioner for that purpose,  
9           and accompanied by such additional information and certifications as the  
10          Commissioner may reasonably require, for a general distinguishing number for  
11          such motor vehicles. If the Commissioner is satisfied that the applicant meets  
12          all the requirements of section 4 and chapter 7 of this title and is qualified to  
13          engage in such business, the Commissioner may issue to the applicant a  
14          certificate of registration containing the name, place of residence, and address  
15          of such applicant, the general distinguishing number assigned, and such  
16          additional information as the Commissioner may determine. If a dealer has a  
17          place of business or agency in more than one city or town, he or she shall file  
18          an application and secure a certificate of registration for each place of business  
19          or agency. The place of business or agency shall mean a place in any town  
20          where motor vehicles owned by a dealer are regularly kept or exposed for sale  
21          in the custody or control of the dealer or a salesman, employee, or agent of

1 such dealer. In his or her discretion, the Commissioner may assign the same  
2 distinguishing number with more than one certificate to any dealer who has  
3 separate places of business within the same or an adjacent city or town within  
4 Vermont. The Commissioner may allow a dealer having one distinguishing  
5 number with more than one certificate to maintain only one central area for the  
6 maintenance of records required by law to be kept, including those required by  
7 section 466 of this title and for the transfer of motor vehicles. This location  
8 must be in Vermont and must be disclosed on the application prior to approval  
9 and may be changed only with the approval of the Commissioner or his or her  
10 agent. Dealer registration plates shall contain letters indicating the type of  
11 dealer certificate issued before the distinguishing number.

12 (b) With the prior approval of the Commissioner, a Vermont dealer may  
13 display vehicles on a temporary basis, but in no instance for more than  
14 14 days, at fairs, shows, exhibitions, and other off-site locations. New motor  
15 vehicles may only be displayed off-site within the manufacturer's stated area  
16 of responsibility in the franchise agreement. No sales may be transacted at  
17 these off-site locations. A dealer desiring to display vehicles temporarily at an  
18 off-site location shall notify the Commissioner in a manner prescribed by the  
19 Commissioner no less than two days prior to the first day for which approval is  
20 requested.

1 (c) A new or used car dealer may temporarily transfer possession of a  
2 vehicle owned by the dealer on consignment to a registered auction dealer or  
3 Vermont licensed auctioneer to be sold at public or private wholesale auction  
4 by the auction dealer or Vermont licensed auctioneer.

5 (d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer  
6 registrations are governed by this chapter and sections 3204, 3305, and 3504 of  
7 this title, respectively.

8 \* \* \*

9 § 453. FEES AND NUMBER PLATES

10 \* \* \*

11 (h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer  
12 shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504  
13 of this title, respectively.

14 § 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

15 \* \* \*

16 (c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a  
17 dealer's number plate or dealer registration number in accordance with  
18 sections 3204, 3305, and 3504 of this title, respectively.

19 \* \* \*

1 § 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

2 Employees of a dealer shall not operate, and a dealer shall not permit them  
3 to operate, ~~motor~~ vehicles, or motorboats, ~~snowmobiles, and all terrain~~  
4 ~~vehicles~~ with dealer's registration number plates or registration numbers  
5 displayed thereon, except for business purposes of the dealer, or in traveling  
6 directly between their homes and the place of their employer's business.

7 \* \* \*

8 § 462. CANCELLATION OF DEALER'S REGISTRATION

9 (a) The Commissioner may cancel, revoke, or suspend a registration  
10 certificate issued to a dealer under the provisions of this chapter or section  
11 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded  
12 the opportunity of a hearing before the Commissioner or upon conviction in  
13 any court in any jurisdiction, it appears that the dealer has willfully violated  
14 any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of  
15 the Commissioner, applying to dealers, or when it appears that the dealer has  
16 engaged in fraudulent or unlawful practices related to the purchase, sale, or  
17 exchange of ~~motor~~ vehicles or motorboats. A dealer whose certificate has been  
18 canceled shall forthwith return to the Commissioner the registration certificate  
19 and any and all number plates, or numbers or decals furnished him or her by  
20 the Commissioner, and the privilege to operate, purchase, sell, or exchange  
21 ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An

1 application for a new dealer's license for that dealer will not be considered  
2 until the suspension period has been served.

3 (b) A fee of \$30.00 shall be paid to the Commissioner prior to the  
4 reinstatement of any dealer's license or registration certificate canceled,  
5 revoked, or suspended for cause.

6 \* \* \*

7 § 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS

8 PROHIBITED

9 A dealer shall not lend or lease registration certificates, validation stickers,  
10 numbers, ~~or~~ decals, or number plates which have been assigned to him or her  
11 under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~  
12 vehicle or motorboat to which his or her dealer's decals, numbers, or number  
13 plates have been attached, nor lend or lease his or her dealer's decals, numbers,  
14 or number plates to a subagent.

15 § 466. RECORDS; CUSTODIAN

16 (a) On a form prescribed or approved by the Commissioner, every licensed  
17 dealer shall maintain and retain for six years a record containing the following  
18 information, which shall be open to inspection by any law enforcement officer  
19 or motor vehicle inspector or other agent of the Commissioner during  
20 reasonable business hours:

1           (1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or  
2           exchanged by the licensee or received or accepted by the licensee for sale or  
3           exchange.

4           (2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise  
5           acquired and dismantled by the licensee.

6           (3) The name and address of the person from whom such ~~motor~~ vehicle  
7           or motorboat was purchased or acquired, the date thereof, the name and  
8           address of the person to whom any such ~~motor~~ vehicle or motorboat was sold  
9           or otherwise disposed of and the date thereof, and a sufficient description of  
10          every such ~~motor~~ vehicle or motorboat by name and identifying numbers  
11          thereon to identify the same.

12          (4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a  
13          consumer, the cash price. ~~For purposes of~~ As used in this section, “consumer”  
14          shall be as defined in 9 V.S.A. § 2451a(a) and “cash price” shall be as defined  
15          in 9 V.S.A. § 2351(6).

16          (b) Every licensed dealer shall designate a custodian of documents who  
17          shall have primary responsibility for administration of documents required to  
18          be maintained under this title. In the absence of the designated custodian, the  
19          dealer shall have an ongoing duty to make such records available for  
20          inspection by any law enforcement officer or motor vehicle inspector or other  
21          agent of the Commissioner during reasonable business hours.



1 ~~pleasure cars or motor trucks owned but not registered by the seller except for~~  
2 ~~vehicles that are to be scrapped, dismantled, or destroyed. “Engaged in the~~  
3 ~~business” shall also mean selling, during the immediately preceding~~  
4 ~~registration year, 12 or more pleasure cars or trucks which have been in lease~~  
5 ~~or rental service and persons so engaged shall meet all obligations required of~~  
6 ~~dealers.~~

7 (b) A person who misrepresents himself or herself as a dealer in the  
8 purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining~~  
9 ~~a license~~ registering as a dealer, or after the cancellation, suspension, or  
10 revocation of the dealer’s license registration, or who makes  
11 misrepresentations to the Department in order to qualify for registration, shall  
12 be subject to the penalties established pursuant to section 475 of this title.

13 \* \* \*

14 Sec. 3. 23 V.S.A. § 3204 is amended to read:

15 § 3204. REGISTRATION FEES AND DEALER PLATES

16 (a) Fees. Annual registration fees for snowmobiles other than as provided  
17 for in subsection (b) of this section are \$25.00 for residents and \$32.00 for  
18 nonresidents. Duplicate registration certificates may be obtained upon  
19 payment of \$5.00.

20 (b)(1) Dealer registration and plates; manufacturer ~~and repair~~ plates; fees.  
21 ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person

1 engaged in the ~~manufacture or sale of~~ business of selling or exchanging  
2 snowmobiles as defined in subdivision 4(8) of this title shall register as a  
3 dealer and obtain registration certificates and identifying number plates,  
4 subject to such rules as may be adopted by the Commissioner ~~which~~ and to the  
5 requirements of chapter 7 this title. A manufacturer of snowmobiles may  
6 register and obtain registration certificates and identifying number plates under  
7 this section. Plates shall be valid for the following purposes only: testing;  
8 adjusting; demonstrating; temporary use of customers for a period not to  
9 exceed 14 days; private business or pleasure use of such person or members of  
10 his or her immediate family; and use at fairs, shows, or races when no charge is  
11 made for such use.

12 (2) Fees. Fees for dealer registration certificates shall be \$40.00 for the  
13 first certificate issued to any person and \$5.00 for any additional certificate  
14 issued to the same person within the current registration period. Fees for  
15 temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

16 \* \* \*

17 Sec. 4. 23 V.S.A. § 3305 is amended to read:

18 § 3305. FEES

19 (c) A person engaged in the ~~manufacture or sale of~~ business of selling or  
20 exchanging motorboats as defined in subdivision 4(8) of this title, of a type  
21 otherwise required to be registered by this subchapter, ~~upon application to the~~

1 ~~Commissioner upon forms prescribed by him or her, may~~ shall register and  
2 obtain registration certificates for use as described under subdivision (1) of this  
3 subsection, subject to the requirements of chapter 7 this title. A manufacturer  
4 of motorboats may register and obtain registration certificates under this  
5 section.

6 \* \* \*

7 (3) An application for a dealer motorboat registration and registration  
8 number shall be accompanied by the following fees:

9 (A) for the registration and first number applied for, \$25.00 and a  
10 surcharge of \$5.00;

11 (B) for each additional number applied for in the current registration  
12 period, \$5.00 and a surcharge of \$5.00.

13 \* \* \*

14 (j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25,  
15 may provide for the issuance of temporary registrations of motorboats pending  
16 issuance of the permanent registration. Motorboat dealers may issue  
17 temporary motorboat registrations. The dealer's fee for the temporary  
18 registrations shall be \$3.00 for each registration purchased from the  
19 Department of Motor Vehicles. Temporary registrations shall be kept with the  
20 motorboat while being operated and shall authorize operation without the

1 registration number being affixed for a period not to exceed ~~30~~ 60 days from  
2 the date of issue.

3 \* \* \*

4 Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

5 (b) Any person engaged in the ~~manufacture or sale of~~ business of selling or  
6 exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall  
7 register and obtain registration certificates and identifying number plates  
8 subject to rules which may be adopted by the Commissioner ~~which~~ and to the  
9 requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles  
10 may register and obtain registration certificates and identifying number plates  
11 under this section. Plates shall be valid for the following purposes only:  
12 testing; adjusting; demonstrating; temporary use of customers for a period not  
13 to exceed seven days; private business or pleasure use of the person or  
14 members of his or her immediate family; and use at fairs, shows, or races when  
15 no charge is made. Fees for registration and registration certificates shall be  
16 \$45.00 for the first certificate issued to any person and \$5.00 for any additional  
17 certificate issued to the same person within the current registration period.  
18 Fees for temporary number plates shall be \$3.00 for each plate issued.

19 \* \* \* Insurance Identification Cards \* \* \*

20 Sec. 6. 23 V.S.A. § 800(a) is amended to read:

1 (a) No owner of a motor vehicle required to be registered, or operator  
2 required to be licensed or issued a learner's permit, shall operate or permit the  
3 operation of the vehicle upon the highways of the State without having in  
4 effect an automobile liability policy or bond in the amounts of at least  
5 \$25,000.00 for one person and \$50,000.00 for two or more persons killed or  
6 injured and \$10,000.00 for damages to property in any one crash. In lieu  
7 thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed  
8 with the Commissioner of Motor Vehicles, and shall be maintained and  
9 evidenced in a form prescribed by the Commissioner. The Commissioner may  
10 adopt rules governing the standards for insurance identification cards. The  
11 Commissioner may also require that evidence of financial responsibility be  
12 produced before motor vehicle inspections are performed pursuant to the  
13 requirements of section 1222 of this title.

14 \* \* \* Multifunction School Activity Buses \* \* \*

15 Sec. 7. 23 V.S.A. § 1072(a) is amended to read:

16 (a)(1) ~~The driver of any motor vehicle carrying passengers for hire except~~  
17 ~~for jitneys designed to carry not more than seven passengers including the~~  
18 ~~driver, of any school bus, or of any vehicle carrying explosive substances or~~  
19 ~~flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade  
20 any track or tracks of a railroad, the drivers of the following vehicles shall stop  
21 within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and

1 while so stopped shall look and listen in both directions along the track for any  
2 approaching train and for signals indicating the approach of a train, and may  
3 not proceed until he or she can do so safely;

4 (A) any motor vehicle carrying passengers for hire except for jitneys  
5 designed to carry not more than seven passengers including the driver;

6 (B) any school bus or multifunction school activity bus; and

7 (C) any vehicle carrying explosive substances or flammable liquids  
8 as cargo or part of its cargo.

9 (2) After stopping as required herein and upon proceeding when it is  
10 safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will  
11 be no necessity for changing gears while traversing the crossing, and the driver  
12 may not shift gears while crossing the track or tracks.

13 Sec. 8. 23 V.S.A. § 1287 is amended to read:

14 § 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

15 (a) A “multifunction school activity bus” is a vehicle which is used to  
16 transport students on trips other than on a fixed route between home and  
17 school, and which meets the construction and safety standards for a  
18 “multifunction school activity bus” adopted by rule by the National Highway  
19 Traffic Safety Administration.

20 (b) If a school owns a multifunction school activity bus or leases one other  
21 than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be

1 required to hold a license which includes a school bus driver's endorsement.

2 ~~The~~ A school bus endorsement road test may be taken in a multifunction  
3 school activity bus, but the resulting endorsement shall be restricted to the  
4 operation of the appropriately sized multifunction school activity bus.

5 Otherwise, the endorsement shall be a Type I or Type II endorsement as  
6 appropriate to the size of the vehicle.

7 (c) A multifunction school activity bus may be a color other than national  
8 school bus yellow.

9 Sec. 9. 23 V.S.A. § 4121 is amended to read:

10 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

11 (a) An applicant for a school bus endorsement shall satisfy the following  
12 requirements:

13 (1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger  
14 vehicle endorsement;

15 (2) ~~have~~ Have knowledge covering the following topics, at minimum:

16 (A) ~~loading~~ Loading and unloading children, including the safe  
17 operation of stop signal devices, external mirror systems, flashing lights, and  
18 other warning and passenger safety devices required for school buses by State  
19 or federal law or regulation;

20 (B) ~~emergency~~ Emergency exits and procedures for safely evacuating  
21 passengers in an emergency;

1 (C) State and federal laws and regulations related to traversing safely  
2 highway rail grade crossings;

3 (D) a A skills test in a school bus of the same vehicle group as the  
4 applicant will operate. As used in this subdivision (a)(2)(D), “school bus” may  
5 include a “multifunction school activity bus” as defined in section 1287 of  
6 this title.

7 \* \* \*

8 \* \* \* Distracted Driving \* \* \*

9 Sec. 10. 23 V.S.A. § 1095a is amended to read:

10 § 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC  
11 DEVICES

12 (a) As used in this section, “operating” means operating a motor vehicle on  
13 a public highway, including while temporarily stationary because of traffic, a  
14 traffic control device, or other temporary delays. “Operating” does not include  
15 operating a motor vehicle with or without the motor running when the operator  
16 has moved the vehicle to the side of or off a highway and has halted in a  
17 location where the vehicle can safely and lawfully remain stationary.

18 (b) A person under 18 years of age shall not use any portable electronic  
19 device as defined in subdivision 4(82) of this title while operating a ~~moving~~  
20 motor vehicle on a highway. This prohibition shall not apply when use of a

1 portable electronic device is necessary for a person to communicate with law  
2 enforcement or emergency service personnel under emergency circumstances.

3 Sec. 11. 23 V.S.A. § 1095b is amended to read:

4 § 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

5 PROHIBITED

6 (a) ~~Definition~~ Definitions. As used in this section:

7 (1) ~~“hands-free~~ Hands-free use” means the use of a portable electronic  
8 device without use of either hand by employing an internal feature of, or an  
9 attachment to, the device.

10 (2) “Operating” means operating a motor vehicle on a public highway,  
11 including while temporarily stationary because of traffic, a traffic control  
12 device, or other temporary delays. “Operating” does not include operating a  
13 motor vehicle with or without the motor running when the operator has moved  
14 the vehicle to the side of or off a highway and has halted in a location where  
15 the vehicle can safely and lawfully remain stationary.

16 (b) Use of handheld portable electronic device prohibited. A person shall  
17 not use a portable electronic device while operating a ~~moving~~ motor vehicle on  
18 a highway in Vermont. The prohibition of this subsection shall not apply:

19 (1) ~~to~~ To hands-free use;

20 (2) ~~to~~ To activation or deactivation of hands-free use, as long as ~~the~~  
21 ~~device is in a cradle or otherwise securely mounted in the vehicle and the~~

1 ~~cradle or other~~ any accessory for ~~secure~~ securely mounting the device is not  
2 affixed to the windshield in violation of section 1125 of this title;

3 (3) ~~when~~ When use of a portable electronic device is necessary for a  
4 person to communicate with law enforcement or emergency service personnel  
5 under emergency circumstances;

6 (4) ~~to~~ To use of an ignition interlock device, as defined in section 1200  
7 of this title.

8 (5) To use of a global positioning or navigation system if it is installed  
9 by the manufacturer or securely mounted in the vehicle in a manner that does  
10 not violate section 1125 of this title. As used in this subdivision (b)(5),  
11 “securely mounted” means the device is placed in an accessory or location in  
12 the vehicle, other than the operator’s hands, where the device will remain  
13 stationary under typical driving conditions.

14 \* \* \*

15 Sec. 12. 23 V.S.A. § 1099 is amended to read:

16 § 1099. TEXTING PROHIBITED

17 (a) As used in this section:

18 (1) ~~“texting~~ Texting” means the reading or the manual composing or  
19 sending of electronic communications, including text messages, instant  
20 messages, or e-mails, using a portable electronic device as defined in  
21 subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of

1 a global positioning or navigation system shall be governed by section 1095b  
2 of this title.

3 (2) “Operating” means operating a motor vehicle on a public highway,  
4 including while temporarily stationary because of traffic, a traffic control  
5 device, or other temporary delays. “Operating” does not include operating a  
6 motor vehicle with or without the motor running when the operator has moved  
7 the vehicle to the side of or off a highway and has halted in a location where  
8 the vehicle can safely and lawfully remain stationary.

9 (b) A person shall not engage in texting while operating a ~~moving~~ motor  
10 vehicle on a highway.

11 (c) A person who violates this section commits a traffic violation as defined  
12 in section 2302 of this title and shall be subject to a penalty of not less than  
13 \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation,  
14 and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~  
15 for a second or subsequent violation within any two-year period.

16 \* \* \* Obstructions to Windshields, Windows \* \* \*

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

18 § 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

19 (a) ~~No person shall paste, stick, or paint advertising matter or other things~~  
20 Except as otherwise provided in this section, a person shall not operate a motor  
21 vehicle on which material or items have been painted or adhered on or over, or

1 hung in back of, any transparent part of a motor vehicle windshield, vent  
2 windows, or side windows located immediately to the left and right of the  
3 operator, ~~nor hang any object, other than a rear view mirror, in back of the~~  
4 ~~windshield except as follows.~~

5 (b) Notwithstanding subsection (a) of this section, a person may operate a  
6 motor vehicle with material or items painted or adhered on or over, or hung in  
7 back of, the windshield, vent windows, or side windows:

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

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

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

14 (4) ~~By persons~~ if the operator is a person employed by the federal, state  
15 State, or local government ~~and or a volunteer emergency responders~~ responder  
16 operating an authorized emergency ~~vehicles~~ vehicle, who ~~may place~~ places any  
17 necessary equipment in back of the windshield of the vehicle, provided the  
18 equipment does not interfere with the operator's control of the driving  
19 mechanism of the vehicle;

20 (5) ~~On~~ on a motor vehicle that is for sale by a licensed automobile  
21 dealer prior to the sale of the vehicle, in a space not over three inches high and

1 six inches long in the upper left-hand corner of the windshield, and in a space  
2 not over four inches high and 18 inches long in the upper right-hand corner of  
3 the windshield; or

4 (6) if the object is a rearview mirror or an electronic toll-collection  
5 transponder.

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

1 material described in this ~~subdivision~~ subsection tears or bubbles or is  
2 otherwise worn to prohibit clear vision, it shall be removed or replaced.

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

7 \* \* \* Total Abstinence Program; Application Requirements \* \* \*

8 Sec. 14. 23 V.S.A. § 1209a(b)(1) is amended to read:

9 (1) Notwithstanding any other provision of this subchapter, a person  
10 whose license has been suspended for life under this subchapter may apply to  
11 the Driver Rehabilitation School Director and to the Commissioner for  
12 reinstatement of his or her driving privilege. The person shall have completed  
13 three years of total abstinence from consumption of alcohol or drugs, or both.  
14 The beginning date for the period of abstinence shall be no sooner than the  
15 effective date of the suspension from which the person is requesting  
16 reinstatement and shall not include any period during which the person is  
17 serving a sentence of incarceration to include furlough. The application shall  
18 include the applicant's authorization for a urinalysis examination of the  
19 applicant. The application to the Commissioner shall be accompanied by a fee  
20 of \$500.00. The Commissioner shall have the discretion to waive the

1 application fee if the Commissioner determines that payment of the fee would  
2 present a hardship to the applicant.

3 \* \* \* Motor Vehicle Titles \* \* \*

4 Sec. 15. 23 V.S.A. § 2018 is amended to read:

5 § 2018. INFORMATION ON CERTIFICATE

6 (a) Each certificate of title issued by the Commissioner shall contain:

7 (1) The date issued.

8 (2) The name and address of the owner.

9 (3) The names and addresses of any lienholders, in the order of priority  
10 as shown on the application or, if the application is based on a certificate of  
11 title, as shown on the certificate; however, no more than two lienholders may  
12 appear on a certificate. In the event that there are more than two lienholders on  
13 the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend  
14 ~~“There are more than two lienholders on this vehicle. Contact the Vermont~~  
15 ~~Department of Motor Vehicles for details.”~~ as determined by the  
16 Commissioner.

17 (4) The title number assigned to the vehicle.

18 (5) A description of the vehicle including, so far as the following data  
19 exist, its make, model, identification number, odometer reading, or hubometer  
20 reading or clock meter reading on all vehicles, type of body, number of

1 cylinders, whether new or used, and, if a new vehicle, the date of the first sale  
2 of the vehicle for use.

3 (6) Any other data the Commissioner prescribes.

4 (b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a  
5 distinctive certificate of title shall be issued for a vehicle last previously  
6 registered in another state or country the laws of which do not require that  
7 lienholders be named on a certificate of title to perfect their security interests.  
8 The certificate shall contain ~~the~~ an appropriate legend ~~“This vehicle may be~~  
9 ~~subject to an undisclosed lien”~~ as determined by the Commissioner and may  
10 contain any other information the Commissioner prescribes. If no notice of a  
11 security interest in the vehicle is received by the Commissioner within four  
12 months from the issuance of the distinctive certificate of title, he or she shall,  
13 upon application and surrender of the distinctive certificate, issue a certificate  
14 of title in ordinary form.

15 \* \* \*

16 (f) If a vehicle has been returned to the manufacturer after final  
17 determination, adjudication, or settlement pursuant to the provisions of  
18 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement  
19 under similar laws of any other state, any certificate of title for the vehicle shall  
20 contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the~~

1 ~~manufacturer pursuant to motor vehicle arbitration board, or similar~~  
2 ~~proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

3 Sec. 16. 23 V.S.A. § 2022(a) is amended to read:

4 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes  
5 illegible, the first lienholder or, if none, the owner or legal representative of the  
6 owner named in the certificate, as shown by the records of the Commissioner,  
7 shall promptly make application for and may obtain a duplicate upon  
8 furnishing information satisfactory to the Commissioner. ~~The duplicate~~  
9 ~~certificate of title shall contain the legend “This is a duplicate certificate and~~  
10 ~~may be subject to the rights of a person under the original certificate.”~~ It shall  
11 be mailed to the first lienholder named in it or, if none, to the owner.

12 Sec. 17. 23 V.S.A. § 2093(a) is amended to read:

13 (a) If a vehicle upon which a salvage certificate of title, a parts-only  
14 certificate, or other document indicating the vehicle is not sold for  
15 re-registration purposes has been or should have been issued by the  
16 Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle  
17 that has been declared a totaled motor vehicle is rebuilt and restored for  
18 highway operation, the owner thereof shall not apply for a certificate of title or  
19 registration, and none shall be issued until the vehicle has been inspected by  
20 the Commissioner or his or her authorized representative. The inspection of  
21 the vehicle shall be conducted in the manner prescribed by the Commissioner

1 and shall include verification of the vehicle identification number and bills of  
2 sale or titles for major component parts used to rebuild the vehicle. When  
3 necessary, a new vehicle identification number shall be attached to the vehicle  
4 as provided by section 2003 of this title. Any new title issued for such vehicles  
5 shall contain the legend “rebuilt ~~vehicle.~~”

6 \* \* \* Snowmobile, Motorboat, and All-Terrain Vehicle Titles \* \* \*

7 Sec. 18. 23 V.S.A. § 3811 is amended to read:

8 § 3811. INFORMATION ON CERTIFICATE

9 (a) Each certificate of title issued by the Commissioner shall contain:

10 (1) The date issued.

11 (2) The name and address of the owner.

12 (3) The names and addresses of any lienholders, in the order of priority  
13 as shown on the application or, if the application is based on a certificate of  
14 title, as shown on the certificate; however, no more than two lienholders may  
15 appear on a certificate. In the event that there are more than two lienholders on  
16 the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall  
17 contain ~~the~~ an appropriate legend ~~“There are more than two lienholders on this~~  
18 ~~vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of~~  
19 ~~Motor Vehicles for details”~~ as determined by the Commissioner.

20 \* \* \*

1 (b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a  
2 distinctive certificate of title shall be issued for a vessel, snowmobile, or  
3 all-terrain vehicle last previously registered in another state or country the laws  
4 of which do not require that lienholders be named on a certificate of title to  
5 perfect their security interests, or for which a title had not been issued by such  
6 other state or country. The certificate shall contain ~~the~~ an appropriate legend  
7 ~~“This vessel, snowmobile, or all-terrain vehicle may be subject to an~~  
8 ~~undisclosed lien”~~ as determined by the Commissioner and may contain any  
9 other information the Commissioner prescribes. If no notice of a security  
10 interest in the vessel, snowmobile, or all-terrain vehicle is received by the  
11 Commissioner within four months from the issuance of the distinctive  
12 certificate of title, he or she shall, upon application and surrender of the  
13 distinctive certificate, issue a certificate of title in ordinary form.

14 \* \* \*

15 Sec. 19. 23 V.S.A. § 3815(a) is amended to read:

16 (a) If a certificate is lost, stolen, mutilated, or destroyed or becomes  
17 illegible, the first lienholder or, if none, the owner or legal representative of the  
18 owner named in the certificate, as shown by the records of the Commissioner,  
19 shall promptly make application for and may obtain a duplicate upon  
20 furnishing information satisfactory to the Commissioner. ~~The duplicate~~  
21 ~~certificate of title shall contain the legend, “This is a duplicate certificate and~~

1 ~~may be subject to the rights of a person under the original certificate.~~<sup>22</sup> It shall  
2 be mailed to the first lienholder named in it or, if none, to the owner.

3 Sec. 20. 23 V.S.A. § 3835(a) is amended to read:

4 (a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage  
5 certificate of title, a parts-only certificate, or other document indicating the  
6 vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes  
7 has been or should have been issued by the Commissioner, or by any other  
8 jurisdiction or person ~~or both, or if~~ a vessel, snowmobile, or all-terrain vehicle  
9 that has been declared totaled is rebuilt and restored for operation, the owner  
10 shall not apply for a certificate of title or registration, and none shall be issued  
11 until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been  
12 inspected by the Commissioner or his or her authorized representative. The  
13 inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted  
14 in the manner prescribed by the Commissioner and shall include verification of  
15 the identification number and bills of sale or titles for major component parts  
16 used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary,  
17 a new identification number shall be attached to the vessel, snowmobile, or  
18 all-terrain vehicle as provided by section 2003 of this title. Any new title  
19 issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the  
20 legend “rebuilt vessel, snowmobile, or all-terrain vehicle.”

21 \* \* \* Towed and Abandoned Motor Vehicles \* \* \*

1 Sec. 21. 23 V.S.A. § 1102 is amended to read:

2 § 1102. REMOVAL OF STOPPED VEHICLES

3 (a) Any enforcement officer is authorized to:

4 (1) move a vehicle stopped, parked, or standing contrary to section 1101  
5 of this title, or to require the driver or other person in charge to move the  
6 vehicle to a position off the paved or main-traveled part of the highway;

7 (2) remove an unattended vehicle which is an obstruction to traffic or to  
8 maintenance of the highway to a garage or other place of safety;

9 (3) remove any vehicle found upon a highway, as defined in  
10 19 V.S.A. § 1, to a garage or other place of safety when:

11 (A) the officer is informed by a reliable source that the vehicle has  
12 been stolen or taken without the consent of its owner; or

13 (B) the person in charge of the vehicle is unable to provide for its  
14 removal; or

15 (C) the person in charge of the vehicle has been arrested under  
16 circumstances which require his or her immediate removal from control of  
17 the vehicle.

18 (b) Any enforcement officer causing the removal of a motor vehicle under  
19 this section shall notify the ~~Agency of Transportation~~ Department as to the  
20 location and date of discovery of the vehicle, date of removal of the vehicle,  
21 name of the ~~wrecker~~ towing service removing the vehicle, and place of storage.

1 The officer shall record and remove from the vehicle, if possible, any  
2 information which might aid the ~~Transportation Board~~ Department in  
3 ascertaining the ownership of the vehicle. ~~All information shall be forwarded~~  
4 and forward it to the Transportation Board in accordance with the provisions of  
5 24 V.S.A. chapter 61 Department. A motor vehicle towed under authority of  
6 this section may qualify as an abandoned motor vehicle under subchapter 7 of  
7 chapter 21 of this title.

8 Sec. 22. 23 V.S.A. § 2151 is amended to read:

9 § 2151. ABANDONED MOTOR VEHICLES; ~~DEFINED~~ DEFINITIONS

10 ~~(a)(1) For the purposes of As used in this subchapter, an “abandoned motor~~  
11 ~~vehicle” means:~~

12 (1)(A) “Abandoned motor vehicle” means:

13 ~~(A)(i)~~ a motor vehicle that has remained on public or private property  
14 or on or along a highway without the consent of the owner or person in control  
15 of the property for more than 48 hours, and has a valid registration plate or  
16 public vehicle identification number which has not been removed, destroyed,  
17 or altered; or

18 ~~(B)(ii)~~ a motor vehicle that has remained on public or private  
19 property or on or along a highway without the consent of the owner or person  
20 in control of the property for any period of time if the vehicle does not have a

1 valid registration plate or the public vehicle identification number has been  
2 removed, destroyed, or altered.

3 (B) “Abandoned motor vehicle” does not include a vehicle or other  
4 equipment used or to be used in construction or in the operation or  
5 maintenance of highways or public utility facilities, which is left in a manner  
6 which does not interfere with the normal movement of traffic.

7 (2) “Towing service” means any person moving an abandoned motor  
8 vehicle over a public highway by any means allowed by law.

9 (3) For purposes of this subsection, “public “Public vehicle  
10 identification number” means the public vehicle identification number which is  
11 usually visible through the windshield and attached to the driver’s side of the  
12 dashboard, instrument panel, or windshield pillar post or on the doorjamb on  
13 the driver’s side of the vehicle.

14 ~~(b) Construction equipment. A vehicle or other equipment used or to be~~  
15 ~~used in construction or in the operation or maintenance of highways or public~~  
16 ~~utility facilities, which is left in a manner which does not interfere with the~~  
17 ~~normal movement of traffic, shall not be considered to be an abandoned motor~~  
18 ~~vehicle.~~

1 Sec. 23. 23 V.S.A. § 2153 is amended to read:

2 § 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

3 (a) Within 30 days of removal of ~~the~~ a vehicle pursuant to section 1102 or  
4 2152 of this title, or pursuant to 24 V.S.A. § 2272, a towing service which has  
5 removed an abandoned motor vehicle shall apply to the Department for an  
6 abandoned motor vehicle certification on forms supplied by the Department of  
7 Motor Vehicles. An abandoned motor vehicle certification form shall indicate  
8 the date of removal, make, color, model, location found, and the name,  
9 address, and phone number of the towing service, and a certification of the  
10 public vehicle identification number, if any, to be recorded by a law  
11 enforcement officer.

12 (b) Upon receipt of an abandoned motor vehicle certification form, the  
13 Commissioner of Motor Vehicles shall attempt to identify and notify the owner  
14 of the vehicle as required by section 2154 of this title. If no owner can be  
15 determined by the Commissioner within the time period allowed by section  
16 2154, the Commissioner shall issue a certificate of abandoned motor vehicle  
17 with appropriate title or salvage title, or both, and the vehicle may be disposed  
18 of in the manner set forth in section 2156 of this title.

19 Sec. 24. 23 V.S.A. § 2154(b) is amended to read:

20 (b) An owner or lienholder may reclaim an abandoned motor vehicle by  
21 presenting to the Department of Motor Vehicles satisfactory evidence of

1 ownership, and paying or reimbursing, or making arrangements to pay or  
2 reimburse, the towing ~~agency~~ service, the Department of Motor Vehicles, or  
3 the owner or agent of private property, as the case may be, any towing fee or  
4 storage charges permitted under section 2155 of this title.

5 Sec. 25. 23 V.S.A. § 2158(a) is amended to read:

6 (a) A towing service may charge a fee of up to \$40.00 for towing an  
7 abandoned motor vehicle from public property under the provisions of sections  
8 2151–2157 of this title. This fee shall be paid to the towing service upon the  
9 issuance by the Department of Motor Vehicles of a certificate of abandoned  
10 motor vehicles under section 2156 of this title. The Commissioner of Motor  
11 Vehicles shall notify the Commissioner of Finance and Management who shall  
12 issue payment to the towing service for vehicles removed from public  
13 property. Payments under this section shall terminate upon the payment of a  
14 total of \$16,000.00 for towing abandoned motor vehicles from public property  
15 in any fiscal year. A towing ~~company~~ service shall not be eligible for more  
16 than 50 percent of this annual allocation.

17 Sec. 26. 24 V.S.A. § 2272 is amended to read:

18 § 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

19 (a) A junk motor vehicle discovered in violation of section 2271 of this title  
20 shall be removed from view of the main traveled way of the highway by the  
21 owner of the land upon which it is discovered, upon receiving written notice

1 from the ~~agency of transportation~~ Agency of Transportation to do so, if such  
2 owner holds title to the motor vehicle.

3 (b) If the owner of the land upon which a junk motor vehicle is discovered  
4 in violation of section 2271 of this title, does not hold or disclaims title, and  
5 the true owner of the motor vehicle is known or can be ascertained, the motor  
6 vehicle owner shall dispose of such motor vehicle in such a manner that it is no  
7 longer visible from the main traveled way of the highway upon receiving  
8 written notice from the ~~agency of transportation~~ Agency of Transportation to  
9 do so.

10 (c) The owner of land upon which a motor vehicle is left in violation of this  
11 section or section 2271 of this title may, without incurring any civil liability or  
12 criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, ~~remove~~  
13 cause the vehicle to be removed from the place where it is discovered to any  
14 other place on any property owned by him, ~~and if so removed, he shall notify~~  
15 ~~the agency of transportation and local or state police, in writing, forthwith.~~  
16 ~~Within ten days after notification, the agency of transportation shall cause the~~  
17 ~~vehicle to be taken under its control and disposed of as hereafter provided or~~  
18 her, or from the property, in accordance with 23 V.S.A. § 2152. The  
19 provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles)  
20 shall govern the identification, reclamation, and disposal of such vehicles.

21 (d) [Repealed.]

1           \* \* \* All-Terrain Vehicles; Trail Access Decals; Reciprocity \* \* \*

2           Sec. 27. 23 V.S.A. § 3502 is amended to read:

3           § 3502. REGISTRATION

4           (a) An all-terrain vehicle may not be operated unless registered pursuant to  
5           this chapter or any other section of this title by the State of Vermont and unless  
6           the all-terrain vehicle displays a valid Vermont ATV Sportsman’s Association  
7           (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except  
8           when operated:

9           (1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~;~~;

10          (2) ~~off~~ Off the highway, in a ski area while being used for the purpose of  
11          grooming snow, maintenance, or in rescue operations;~~;~~;

12          (3) ~~for~~ For official use by a federal, State, or municipal agency and only  
13          if the all-terrain vehicle is identified with the name or seal of the agency in a  
14          manner approved by the Commissioner;~~;~~;

15          (4) ~~solely~~ Solely on privately owned land when the operator is  
16          specifically invited to do so by the owner of that property and has on his or her  
17          person the written consent of the owner.

18          (5) By a person who possesses a completed TAD form processed  
19          electronically and either printed out or displayed on a portable electronic  
20          device. The printed or electronic TAD form shall be valid for 10 days after the  
21          electronic transaction. Use of a portable electronic device to display a

1 completed TAD form does not in itself constitute consent for an enforcement  
2 officer to access other contents of the device.

3 \* \* \*

4 (e) An all-terrain vehicle owned by a person who is a resident of any other  
5 state or province shall be deemed to be properly registered for the purposes of  
6 this chapter if it is registered in accordance with the laws of the state or  
7 province in which its owner resides, ~~but only to the extent that a similar~~  
8 ~~exemption or privilege is granted under the laws of that state or province for~~  
9 ~~all-terrain vehicles registered in this State by a resident of this State.~~

10 \* \* \* Commercial Driver Licenses; Skills Test Waivers \* \* \*

11 Sec. 28. 23 V.S.A. § 4108(d) is amended to read:

12 (d) At the discretion of the Commissioner, the skills test required under  
13 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver  
14 with military commercial motor vehicle experience who is currently licensed at  
15 the time of his or her application for a commercial driver license, if the test is  
16 substituted with an applicant's driving record in combination with the driving  
17 experience specified in this subsection. The Commissioner shall impose  
18 conditions and limitations to restrict the applicants from whom alternative  
19 requirements for the skills test may be accepted. Such conditions shall include  
20 the following:

1 (1) the applicant must certify that, during the two-year period  
2 immediately prior to applying for a commercial driver license, he or she:

3 (A) has not had more than one license in addition to a military  
4 license;

5 (B) has not had any license suspended, revoked, or cancelled;

6 (C) has not had any convictions for any type of motor vehicle for the  
7 disqualifying offenses specified in subsection 4116(a) of this title;

8 (D) has not had more than one conviction for any type of motor  
9 vehicle for serious traffic violations specified in subdivision 4103(16) of this  
10 title; and

11 (E) has not had any conviction for a violation, other than a parking  
12 violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic  
13 control arising in connection with any traffic accident, and has no record of an  
14 accident in which he or she was at fault; and

15 (2) the applicant must provide evidence and certify that he or she:

16 (A) is regularly employed or was regularly employed within the ~~last~~  
17 ~~90 days~~ previous year in a military position requiring operation of a  
18 commercial motor vehicle;

19 (B) was exempted from the commercial driver license requirements  
20 in 49 C.F.R. § 383.3(c); and

1 (C) was operating for at least the two years immediately preceding  
2 discharge from the military a vehicle representative of the commercial motor  
3 vehicle the driver applicant operates or expects to operate.

4 \* \* \* Lists of Registrations and Suspensions \* \* \*

5 Sec. 29. 23 V.S.A. § 109 is amended to read:

6 § 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS~~

7 ~~AND OTHERS; LISTS OF SUSPENSIONS~~

8 (a) ~~Annually, the Commissioner shall cause to be prepared a list of~~  
9 ~~registered motor vehicles, arranged serially according to the registration~~  
10 ~~numbers assigned thereto which shall contain in addition the names and~~  
11 ~~addresses of registered owners and a brief description of the vehicle registered,~~  
12 ~~and the name and address of each person to whom is assigned a dealer's~~  
13 ~~registration number. One copy of such list shall be furnished, in such form as~~  
14 ~~the Commissioner may determine, free to each inspector of the Motor Vehicle~~  
15 ~~Department, sheriff, State's Attorney, district judge, and police department in~~  
16 ~~the State. The list may be also furnished to any person on request and upon the~~  
17 ~~payment of the required fee. [Repealed.]~~

18 (b) ~~Each month, the Commissioner shall cause to be prepared a list of all~~  
19 ~~persons whose operating license, nonresident operating privileges, or privilege~~  
20 ~~of an unlicensed operator to operate a vehicle, is suspended or revoked in this~~  
21 ~~State at the time the list is prepared. Names on the list shall be arranged by~~

1 ~~county of residence or zip code.~~ Notwithstanding 1 V.S.A. chapter 5,  
2 subchapter 3, ~~the~~ a list of all persons whose operating license, nonresident  
3 operating privileges, or privilege of an unlicensed operator to operate a vehicle  
4 is suspended or revoked in this State shall be available on request in such form  
5 as the Commissioner may determine. The list shall be available in an  
6 electronic format for law enforcement officers with computer access through  
7 the Department of Public Safety.

8 \* \* \* Nonresident Motor Truck Registration \* \* \*

9 Sec. 30. REPEAL

10 23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

11 Sec. 31. 23 V.S.A. § 411 is amended to read:

12 § 411. RECIPROCAL PROVISIONS

13 As determined by the Commissioner, a motor vehicle owned by a  
14 nonresident shall be considered as registered and a nonresident operator shall  
15 be considered as licensed or permitted in this State if the nonresident owner or  
16 operator has complied with the laws of the foreign country or state of his or her  
17 residence relative to the registration of motor vehicles and the granting of  
18 operators' licenses or learner's permits. Any exemptions provided in this  
19 section shall, however, be operative as to an owner or operator of a motor  
20 vehicle only to the extent that under the laws of the foreign country or state of  
21 his or her residence like exemptions and privileges are granted to operators

