

Section by Section Summary of Act 149
Miscellaneous Motor Vehicles Bill
As Introduced and Passed by Senate (Official)
House Proposal of Amendment (Official)
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Sec. 1. Nondriver Identification Cards; Vermonters Released from Incarceration

- General clean up.
- Page 3: Adds subsection (m) to 23 V.S.A. § 115. Establishes a fee of \$0.00 for a nondriver identification card issued to “[a]n individual sentenced to serve a period of imprisonment of six months or more committed to the custody of the Commissioner of Corrections . . .” Individual still needs to meet the other eligibility requirements and apply.

Sec. 2. Impersonation; Aiding in False Representation

- General clean up.
- Pages 4 and 5: Adds subdivisions for impersonation and aiding in false representation for “in-transit registration permit[s].”

Sec. 3. Counterfeiting, Fraud, and Misuse

- Pages 6 and 7: Adds “in-transit registration permit” to the items that shall not be counterfeited, obtained through fraud, or misused.

Sec. 4. Electronic In-Transit Permit

- Pages 7 and 8: Adds section 518 to Title 23. Creates a new in-transit permit. Key attributes:
 - Electronic (so there would not be a plate on the car, might lead to more operators getting pulled over/not recognized in other states), and proof of permit can be shown with a handheld device;
 - Issued by the DMV, and only if the applicant purchases the vehicle from someone other than a registered motor vehicle dealer;
 - Valid for 10 days;
 - Applicant must attest to compliance with 23 V.S.A. § 800 (auto insurance) as part of the application;
 - \$6.00 fee; and
 - Operator needs to carry proof of insurance and a valid bill of sale.
 - **NOTE: Effective on July 1, 2020. [HOUSE PROPOSAL OF AMENDMENT CHANGES THE EFFECTIVE DATE TO JULY 1, 2020 FROM JULY 1, 2021 – Twelfth Instance of Amendment]**

~~Sec. 5. Exhibition Vehicles [DELETED BY HOUSE PROPOSAL OF AMENDMENT – First Instance of Amendment]~~

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- ~~General clean up.~~
- ~~NOTE: These vehicles can only be used in “exhibitions, club activities, parades, and other functions of public interest[,]” but there is still an exception for the “occasional transportation of passengers or property,” which is not more than one day per week.~~

Sec. 6. ~~Annual Inspection of Exhibition Vehicles [DELETED BY HOUSE PROPOSAL OF AMENDMENT – First Instance of Amendment]~~

- ~~General clean up.~~
- ~~Page 11, line 15: Changes the vehicle inspection exemption for exhibition vehicles from “model year 1940 or before” to “50 model years old or more . . .”~~

Sec. 7. U.S. Armed Forces License Extensions

- General premise: Grant the same license extension treatment to the immediate family members of members of the U.S. Armed Forces and members of the Reserve Component of the U.S. Armed Forces who are also out of State because of someone’s service/active duty.
- Pages 8 and 9: Adds a new subsection (a) to 23 V.S.A. § 616, which is a definition for “immediate family member.”
 - “[C]hild, stepchild; foster child; spouse; domestic partner . . . ; civil union partner; parent; or parent of a spouse, domestic partner, or civil union partner.”
- General clean up, including (on pages 10 and 11) adding clarity on what proof must be carried when operating a vehicle with an expired license pursuant to this section.
- Page 9: In redesignated subsection (b), closes an inadvertent loophole that allows a member of the Reserve Component of the U.S. Armed Forces who is not called to active duty to have an extension on the renewal of his or her license (supposedly this was not happening and the DMV did not know about the loophole).
- Pages 9 to 11: Allows the following Vermont residents to operate a motor vehicle with an expired license during the term of service or active duty (as applicable) and for 30 days after discharge or release from active duty (as applicable):
 - Member of the U.S. Armed Forces;
 - Member of the Reserve Component of the U.S. Armed Forces;

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- Immediate family member of a member of the U.S. Armed Forces who is absent from the State because the member of the U.S. Armed Forces is serving with the U.S. Armed Forces; and
- Immediate family member of a member of the Reserve Component of the U.S. Armed Forces who is absent from the State because the member of the Reserve Component of the U.S. Armed Forces is on active duty.

Sec. 8. Waiver of Examination (post expired license)

- Page 11: Treats individuals with an expired license from out of State the same as a Vermonter and gives the Commissioner discretion to waive the operator examination for three years after expiration (increase from one year after expiration).

Sec. 9. License Suspension

- General clean up.
- ~~Page 17: Adds subdivision (c)(3) and subsection (g) to 23 V.S.A. § 671. Permits the Commissioner to suspend a license while prosecution is pending if the operator is found incompetent to stand trial under 13 V.S.A. § 4817, but the suspension only lasts until the operator is found competent to stand trial or the criminal case is dismissed. [DELETED BY HOUSE PROPOSAL OF AMENDMENT – Second Instance of Amendment]~~
- Page 13: Adds subsection (g) to 23 V.S.A. § 671. Permits the Commissioner to suspend a license, after notice and opportunity for a hearing, if the operator's license has been suspended or revoked in another jurisdiction (this accounts for licenses that are suspended without a conviction in another jurisdiction), may apply for reinstatement in Vermont if the license is reinstated in the other jurisdiction. [SUBSECTION RELETTERED BY HOUSE PROPOSAL OF AMENDMENT – Third Instance of Amendment]

Sec. 10. Waiver of Reinstatement Fee

- Page 14: Adds language that permits Vermont Judicial Bureau hearing officers to waive the \$80.00 statutory license reinstatement fee.
 - NOTE: The DMV believes that this was inadvertently repealed when language was moved from Title 23 to Title 4.

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Sec. 11. School Bus Inspection

- General clean up.
- Page 16: Changes the three inspection windows to cover the whole year.
- NOTE: Effective on September 1, 2020.

Sec. 12. School Bus Paint

- Page 17:
 - Adds specificity on “this color” being “national school bus glossy yellow;
 - Permits the roof of a school bus to be white or national school bus glossy yellow; and
 - Requires that plug-in electric vehicle Type I and II school buses have blue bumpers.

Sec. 13. Exempt Vehicle Title **[HOUSE PROPOSAL OF AMENDMENT ADDS A READER ASSISTANCE HEADING – Fourth Instance of Amendment]**

- Page 18: Closes the gap between when you need a certificate of title (less than 15 years old) and when a vehicle is eligible for an exempt vehicle title (currently more than 25 years old, changed to more than 15 years old).

Sec. 14. Commercial Vehicles; ~~Size and~~ Weight Exceptions **[HOUSE PROPOSAL OF AMENDMENT SPLITS THIS LANGUAGE INTO TWO SECTIONS OF CODIFIED LAW (Sec. 15a) – Fifth & Sixth Instances of Amendment]**

- Page 18: Adds definitions from the FAST Act (federal law).
- General clean up.
- Pages 18 to 19: Excepts certain heavy vehicles (heavy-duty tow and recovery vehicles) ~~and certain long vehicles (towaway trailer transporter combinations)~~ on the interstate system (heavy ~~and long~~) ~~and those classes of qualifying Federal-aid Primary System highways and highways to/from the interstate one mile or less (just long)~~ in accordance with the FAST Act.

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Sec. 15. Reasonable Access Permits

- Page 20: Modifies tractor-semi-trailer combination exception to apply based on what the vehicles is designed for and not the use.

Sec. 15a. Commercial Vehicles; Size Exceptions **[HOUSE PROPOSAL OF AMENDMENT – Sixth Instance of Amendment]**

- Pages 20 to 21:
 - Adds definitions from the FAST Act (federal law).
 - Excepts certain long vehicles (towaway trailer transporter combinations) on the interstate system and those classes of qualifying Federal-aid Primary System highways and highways to/from the interstate one mile or less in accordance with the FAST Act.

Sec. 16. Commercial Motor Vehicle Definition

- General clean up.
- Page 21: Modifies the definition of a commercial motor vehicle to include a motor vehicle with a gross vehicle weight or gross vehicle weight rating of at least 26,001 pounds as opposed to a motor vehicle with a gross vehicle weight of 26,001 pounds.

Sec. 17. Diesel Fuel Tax

- General premise: The DMV will be creating an online portal for commercial motor vehicle operations, which will give operators the ability to communicate through electronic transmission, so the use of the word “mail” (etc.) needs to account for the portal.
- Page 22: Adds a new subdivision (11) to 23 V.S.A. § 3002 to include a definition for “mail,” “mails,” “mailing,” and “mailed” to mean “any method of delivery authorized by the Commissioner, which shall include by hand, U.S. mail, and electronic transmission.
- General clean up, with a focus on having all correspondence be through “mail” so that the DMV can use, as one of its means of communicating with commercial motor vehicle operators, the newly developed portal.

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- Sec. 18. Gasoline Tax
- Same as Sec. 17, new definition added as a new subdivision (4) to 23 V.S.A. § 3101 (page 29).
- Sec. 19. International Registration Plan
- Same as Secs. 17 and 18, new definition added as section 3700 to Title 23 (page 32).
- Sec. 20. Diesel Fuel Tax; Credits and Refunds
- Pages 33 to 35.
 - General premise: To establish a system where all overpayments or payments illegally or erroneously collected or computed are treated as credits (not a credit **or** refund) that can be allowed as a credit against either tax owed in a succeeding reporting period or an International Registration Plan registration fee. The user can request a refund of a credit within 33 months after the credit is added to the user's account and the user is notified of the credit by mail.
 - General clean up.
 - NOTE: This is a policy change from the current practice where refunds are automatic if the excess tax paid is \$25.00 or more.
- Sec. 21. International Registration Plan; Credits and Refunds
- Pages 35 to 36.
 - General premise: To apply any credits (including diesel fuel tax credits) to registration fees owed under the International Registration Plan and to have any overpayment of registration fees, including those fees that were erroneously collected or computed or for which the State was without power to impose, be credited to the account of the registrant maintained pursuant to 23 V.S.A. § 3020 (what is amended in Sec. 20).
- Sec. 22. Snowmobile Education Certificate
- Page 37: Adds to codified law the current practice to allow proof of completion of the snowmobile education course be by showing a copy of the certificate, which can include an electronic copy.

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- Page 37: Adds language that mirrors language in 23 V.S.A. § 800 for when a copy of a document is shown to law enforcement on a portable electronic device.

Sec. 23. Snowmobile Penalties

- Pages 37 to 39.
- Fixes “fines” (criminal) that should be civil penalties throughout.
- Page 38: Fixes an incorrect citation description.

Sec. 24. All-Terrain Vehicle (ATV) Definition

- Page 39: Amends the definition of an ATV to include heavier vehicles (2,500 lb maximum as opposed to 1,700 lb maximum).

Sec. 25. Commercial Driver’s License Disqualification

- Pages 40 to 43.
- General clean up including adding subsection headings and rearranging subdivisions to be grouped by the same disqualification length. No substantive changes.
- Page 41: Adds a new subdivision (c)(3) to 23 V.S.A. § 4116 to be consistent with federal law and provide for a disqualification for life for “a felony involving an act or practice of severe forms of trafficking in persons, as defined in 22 U.S.C. § 7102(11), where the person used a motor vehicle in the commission of the offense.”

Sec. 26. Online Permitting System; Report **HOUSE PROPOSAL OF AMENDMENT ADDS ADDITIONAL REPORTING – Seventh Instance of Amendment** **SENATE PROPOSAL OF AMENDMENT ADDS ADDITIONAL REPORTING**

- Pages 43 to 45:
 - Authorizes the Commissioner of Motor Vehicles to initiate the design and development of a centralized online permitting system to provide 24 hour a day access to a system for weight and length permits issued by the Agency of Transportation.
 - Online system needs to be capable of being used in the future for issuing municipal weight and length permits. The Commissioner must consult with stakeholders.
 - The Agency of Transportation shall conduct a study to identify safety/financial implications and jurisdictional issues for class 2

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town highways if municipal permits are no longer required of vehicles that are allowed on State highways without a permit. Report due by January 15, 2021.

- Report also covers safety/financial implications to infrastructure if an additional permit or permits are not required when a wrecker that is legally permitted or does not need a permit is towing one or more disabled vehicles that puts it over the weight limit (blanket permit or otherwise) and must make recommendations on any limitations/conditions if additional permit(s) are not required.
- Report also covers safety/financial implications to infrastructure if 23 V.S.A. § 1432(c) is repealed.

Sec. 27. Public Records Requests; Report

- Pages 45 and 46:
 - Requires the Department of Motor Vehicles to report back on changes it makes to policies and practices surrounding the release of personal information pursuant to 23 V.S.A. §§ 104 and 114 (provide that the DMV shall release information pursuant to the Driver's Privacy Protection Act (DPPA)).
 - Report must include what permissive disclosures in the DPPA information is being released pursuant to, statistics for calendar year 2020, updates to documents, and a breakdown of fees collected.
 - Report due by January 15, 2021.

Sec. 28. Lighted STOP/SLOW Paddles **HOUSE PROPOSAL OF AMENDMENT REPLACES THIS WITH A PILOT PROGRAM AND REPORT – Eighth Instance of Amendment**

- ~~Pages 51 and 52:~~
 - ~~Requires the Agency of Transportation to require flaggers use lighted STOP/SLOW paddles under standard specifications for construction by September 1, 2020 and in subsequent standard specifications for construction.~~
 - ~~Requires the Agency to survey practices for encouraging motor vehicles to slow down to a reduced speed before entering a work zone and incorporate best practices based on the circumstances of a project.~~
 - ~~NOTE: This just applies to Agency of Transportation projects. Would not apply to, for example, municipal or utility projects.~~

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- Pages 46 to 47: Requires the Agency of Transportation to select a minimum of 10 projects to use lighted STOP/SLOW paddles in the 2021 and 2022 construction seasons with a report due back by December 1, 2022.

Secs. 29–30. Speeding in a Work Zone

- Page 47: General clean up in the two subsections that double the civil penalties for speeding in a work zone.

Sec. 31. Speeding in a School Zone

- Page 48: Adds a new section 1017 to Title 23 to double the civil penalties for speeding in a school zone.

Secs. 32–34. Distracted Driving

- Pages 48 to 53:
 - General clean up.
 - Adds consistency so that all three non-CDL distracted driving statutes—23 V.S.A. §§ 1095a, 1095b, and 1099—have the same civil penalties and point assessments:

	Outside School/Work Zone	Inside School/Work Zone
1 st Violation	\$100.00 minimum \$200.00 maximum 2 points	\$200.00 minimum \$400.00 maximum 4 points
2 nd or Subsequent Violation	\$250.00 minimum \$500.00 maximum 2 points	\$500.00 minimum \$1,000.00 maximum 5 points

Sec. 35. Schedule of Points

- Page 54: Adds new point assessments for 23 V.S.A. § 1099 as amended by Sec. 34.

Sec. 36. Move Over Law **[HOUSE PROPOSAL OF AMENDMENT REMOVES THE STRIKING OF “EMS Personnel” ON PAGE 55–Ninth Instance of Amendment]**

- General clean up, including subsection headings.

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- Page 55: Eliminates the loop hole that an operator needs to make a lane change when approaching a stationary law enforcement or emergency vehicle to specify that the operator should stay in or move to the lane farther away from the stationary vehicle and that if the operator needs to stay in the lane adjacent to the stationary vehicle he or she “shall slow down to a reasonable, safe, and prudent speed”
- Page 56: Specifies that an operator approaching a work zone “shall proceed with caution and slow down to a reasonable, safe, and prudent speed” and expands the move over law to also apply to work zones where workers are present on only one side of the road.

Sec. 37. Definition of On-Track Equipment

- Page 56: Adds subdivision (86) to 23 V.S.A. § 4 to provide a definition of “on-track equipment,” which is “any car, locomotive, rolling stock, equipment, or other device that, alone or coupled, is operated on stationary rails.”

Sec. 38. Railroad Crossings

- General clean up.
- Pages 56 to 58: Adds “other on-track equipment” to all of the railroad crossing laws (23 V.S.A. §§ 1071–1073).

Sec. 39. TNC Preemption Exemption Sunset Extension

- Page 59.
- Extends the sunset on the carve out for municipalities with a population of 35,000+ residents in the 2010 census and a law regulating transportation network companies (“TNC”) (e.g. Uber and Lyft) in effect on July 1, 2017 (a complicated way of saying “the City of Burlington”) to regulate TNCs an additional two years (until July 1, 2022).

Sec. 40. U.S. Postal Service Vehicle Inspection Exemption Sunset Repeal

- Page 59.
- Makes the following exemption (23 V.S.A. § 1222(e)) permanent (as opposed to sunseting on July 1, 2020):

A vehicle used as a mail carrier under a contract with the U.S. Postal Service shall not fail inspection solely because, in

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converting the vehicle to be a right-hand drive vehicle, the right air bag in the front compartment has been disconnected or a nonfactory disconnect switch has been installed to disable the air bag.

Sec. 41. Automated License Plate Recognition (ALPR) Systems Regulation Sunset Extension

- Page 59.
- Extends the sunset of the regulatory scheme for automated license plate recognition (ALPR) systems an additional two years (until July 1, 2022).
 - Doing nothing would allow the two statutes (23 V.S.A. §§ 1607 and 1608) to be repealed on July 1, 2020 and then there would be no regulatory scheme for the use of this technology.
 - According to the most recent [annual report](#) required pursuant to 23 V.S.A. § 1607, the DMV was the only entity using ALPR systems in December 2019 and that was only in a “read-only” mode and the DMV supports this two year extension.
 - NOTE: This sunset has been extended many times.

Sec. 42. Translated Documents and Use of Interpreters Extension

- Page 60.
- Gives the DMV until October 1, 2020 (as opposed to July 1, 2020) to implement changes from the last Misc. MV Bill requiring testing documents to be translated and interpreters to be allowed during the road test.
- NOTE: House Proposal of Amendment (tenth instance of amendment) clarifies that this is effective on passage. NOT A SUBSTANTIVE CHANGE.

Sec. 43. Photographs on Learner’s Permits

- Page 60.
- Changes codified law so that photographs are not required on learner’s permits.
- NOTE: I have no idea, nor does the DMV, what an “imaged likeness” is. This is something that might get addressed in the next Misc. MV Bill but did not seem like a priority right now. The use of “imaged likeness” is not new, but rather in existing codified law.

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- NOTE: This will allow the DMV to offer the learner's permit test online, which is something that is being undertaken in response to COVID-19 and the Governor's directive to the DMV to suspend in person operations.
- NOTE: Retroactive to June 1, 2020, per Effective Dates as changed by House Proposal of Amendment (eleventh instance).

Sec. 44.

Effective Dates **[HOUSE PROPOSAL OF AMENDMENT MAKES SOME SMALL CHANGES TO THESE – Tenth, Eleventh, and Twelfth Instances of Amendment]**

- All sections effective on passage or July 1, 2020 except as noted in summary.