

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2015**

Bill Number: S.122 Name of Bill: An act relating to miscellaneous amendments to laws related to motor vehicles

Agency/ Dept: AOT/DMV Author of Bill Review: Robert Ide

Date of Bill Review: 05/28/15 Related Bills and Key Players ?

Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☒ As passed by both

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**Recommended Position:**

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

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**Analysis of Bill**

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**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

**This bill proposes to:**

Sections 1-5

This section would add snowmobile, motorboat and all-terrain vehicle dealers to the existing definition of dealers. At present, there are no standards for snowmobile, motorboat and all-terrain vehicle dealers. This amendment is intended to address this situation.

Section 2

Makes conforming changes to provisions of law regulating dealers so as to clarify their applicability to snowmobile, motorboat, and ATV dealers.

Section 3

(1) In subdiv. (b)(1), makes a technical correction to eliminate a cross-reference to an exemption that doesn't exist, and makes a conforming change to specify that snowmobile dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill (23 V.S.A. § 4(8)).

(2) In subdiv. (b)(2), raises the fee for temporary snowmobile number plates from \$1.00 to \$3.00, to match up with the same \$3.00 fees for temporary motorboat registrations and temporary ATV number plates.

Section 4

Makes a conforming change to specify that motorboat dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill.

Section 5

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Makes a conforming change to specify that ATV dealers must satisfy the minimum requirements of dealers shown in Sec. 1 of the bill.

#### Section 6

Authorizes the Commissioner to adopt rules governing the standards for insurance cards.

#### Section 7

Removes the colors of a disabled parking placard to allow for current practice. Defines eligible person.

#### Section 8

Adds “multifunction school activity buses” to the list of vehicles required to stop at railroad grade crossings. A “multifunction school activity bus” (MFSAB) is a vehicle which is not a school bus, but is used to transport students on trips other than on a fixed route between home and school.

Policy rationale: Because the duty to stop at RR grade crossings already extends to school buses, and MFSABs also carry school children and are built like school buses (except that they do not have special lights or stop arms), DMV recommends extending the duty to stop to MFSABs.

#### Section 9

Authorizes the use of a multifunction school activity bus (MFSAB) in a road test for a school bus license endorsement. The resulting endorsement would be restricted to MFSABs (i.e. it would not extend to regular school buses).

#### Section 10

Makes a conforming change to the commercial driver license law.

#### Sections 11

Subsec. (a) adds a definition of the term “operating” to an existing law that prohibits junior operators from using a portable electronic device while “operating” a motor vehicle on a highway.

The new definition of “operating” includes a vehicle temporarily stationary because of traffic or a traffic control device or another temporary delay, but does not include a stationary vehicle moved to a location on the side of or off a highway where it can lawfully and safely remain stationary.

The new definition of “operating” is consistent with a similar definition in federal law which governs commercial motor vehicle operators.

Subsec. (b) deletes the word “moving” before the word “motor vehicle.”

The effect of these two changes is to extend the law prohibiting junior operators from using a portable electronic device while driving to some situations not covered under the current law (such as using a device when the vehicle is temporarily stopped in traffic or at a traffic light).

#### Section 12

(1) Sec. 12 amends the law that prohibits the handheld use of portable electronic devices by all drivers, making the same changes just described with regard to Sec. 11.

The effect of these changes is to extend the law to some situations not covered under the current law (such as using a device when the vehicle is temporarily stopped in traffic or at a traffic light).

(2) Sec. 12 also eliminates the requirement that a portable electronic device be in a cradle or otherwise securely mounted, in order for the driver to qualify for an exception for activating or deactivating hands-free use of the device.

#### Section 13

(1) Sec. 13 amends the existing law prohibiting texting while driving in order to make the same changes described in Sec. 11. Similarly, the effect of these changes is to extend the texting law to some situations not covered under the current law, such as texting when the vehicle is temporarily stopped in traffic or at a traffic light.

(2) Subsec. (a)(1) also limits the current exception for use of GPS systems, by requiring that the GPS device be installed by the manufacturer or securely mounted.

#### Section 14

Adds legislative intent as it pertains to windshield obstructions and extends the logic to objects hanging behind a vent or side window immediately to the left or right of the driver.

#### Section 15

(1) Reorganizes the law prohibiting obstructions on windshields and side windows, in order to clarify the law and correct a grammatical error.

(2) Creates a new exception for electronic toll-collection transponders (i.e. EZ Passes).

(3) In the new subsec. (c), replaces the word “sale” with “transfer” to fully cover the circumstances when medical exemptions should terminate.

#### Section 16

Requires an applicant for reinstatement of an operator’s license through the total abstinence program to authorize a urinalysis as part of the application process.

#### Section 17

Eliminates requirements that the Commissioner use specific language on motor vehicle titles with regard to lienholders and the return of a vehicle under a lemon law, and gives the Commissioner flexibility to determine appropriate title legends in these circumstances.

Policy rationale: Giving the Commissioner this flexibility will allow Vermont to adopt title legends and brands that are consistent with other jurisdictions.

#### Section 18

Eliminates a specific requirement that duplicate titles include a special legend indicating that the title is a duplicate.

Policy rationale: DMV believes the special legend is unnecessary because the title is already labeled “duplicate.”

#### Section 19

Amends the language of a title brand for rebuilt vehicles to eliminate the unnecessary word “vehicle” from the brand.

#### Sections 20-22

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Make the same changes as in Secs. 17, 18, and 19, except with regard to titles for snowmobiles, motorboats, and ATVs.

#### Section 23

Substitutes the Department of Motor Vehicles for the Transportation Board, and for the Agency of Transportation, in a law that requires enforcement officers to collect and forward information regarding towed vehicles and ownership of towed vehicles. These changes reflect a shift in responsibility to DMV for maintaining this information.

#### Section 24

Reorganizes the definition section of the abandoned motor vehicle law, and adds a new definition for the term “towing service.” Under the new definition, “towing service” means any person moving an abandoned motor vehicle by any means allowed by law.

The phrase “towing service” is used throughout the abandoned motor vehicle law, 23 V.S.A. §§ 2151–58.

- In § 2152, law enforcement officers and private property owners are authorized to contact a towing service to remove an abandoned motor vehicle.
- Under § 2153, a towing service is required to apply to the Department for a certificate of abandoned motor vehicle within 30 days of removal of the vehicle.

After receipt of the application, DMV is required to attempt to find the vehicle’s owner but, if it fails to find the owner within the time periods specified in § 2154, it is required to issue a certificate of abandoned motor vehicle and an appropriate title. Under § 2156, the holder of the certificate and the title takes ownership free from all claims of the prior owner.

- Under § 2155, a towing service is entitled to charge a private property owner a “reasonable fee” for towing an abandoned vehicle. Under § 2158, a towing service may charge a fee of up to \$40.00 for towing an abandoned vehicle from public property.

#### Section 25 - 26

Authorizes an ATV operator to pay for a Trail Access Decal electronically and allows receipts of electronic transactions to be used as proof of payment for a 10-day period.

Rationale: VASA (the Vermont All-Terrain Vehicles Sportsman’s Association) requested this section. Last year’s miscellaneous motor vehicle bill included the same provision for snowmobile TMAs.

Increases the maximum width to 64 inches

#### Section 27

Extends from 90 days to one year the skills test waiver period for former military drivers applying for a commercial driver license. This change is consistent with federal regulations governing CDLs.

#### Section 28

Repeals a statute requiring the Commissioner to prepare lists of registered motor vehicles and persons under suspensions.

#### Section 29

Repeals registration of motor trucks as those are already covered by IRP.

#### Section 30

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Repeals a reciprocity exemption for commercial motor trucks.

Section 31 - 32

Adds an exemption to allow a consumer to receive a refund or replacement if the manufacturer does not contest the complaint.

Section 33

Extends the School Bus Pilot Program to September 1, 2017.

Section 33a

Authorizes the issuance of an exempt vehicle title upon customer request.

Section 34

Effective dates

**2. Is there a need for this bill?** *Please explain why or why not.*

Yes, it is needed to change several statutes pertaining to motor vehicles, many of which are current practice.

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

Various forms and application costs = \$20,265

Procedure Costs = \$3,500.00

Program Costs = \$17,375.00

Web Costs = \$200.00

**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?**

Sections 1-5

The Secretary of State's Office may see an increase in the number of business registrations.

Sections 6 - 10

None identified.

Sections 11 – 16

None identified

Section 17

An employee bulletin may be drafted to notify the Arbitration Board of the removal of the brand description.

Sections 18 – 22

None identified.

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Section 23

The Agency may support this section as it shifts responsibility to the Department of Motor Vehicles.

Section 24

None identified.

Section 25

Department of Fish and Wildlife would need to notify their patrols of this amendment.

Section 27

None identified.

Section 28

The law enforcement entities who previously required these lists in hard copy would no longer receive the specified reports. They will be able to obtain them electronically.

Sections 29 – 30

None identified.

Sections 31 - 32

Would be included in the bulletin as outlined in Section 17.

Section 33 – 33a

None identified

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)**

Sections 1 – 5

The public who would be required to become dealers would likely oppose.

Section 6 - 7

None identified.

Section 8 – 10

Multi-function School Activity Buses are currently ineligible to be used for skill tests. These sections will make amendment and companies affected will no longer have the expense of providing a school bus that qualifies, as they likely have a Multi-function School Activity Bus that would now be eligible. Those affected would likely support.

Section 11 – 13

This could be considered a hot topic among drivers but the general motoring public should support attempts to increase focus toward the safe operation of vehicles.

Law Enforcement would likely be involved in additional roadside stops due to the change in definition of “operating.”

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#### Section 14

None identified.

#### Section 15

EZPass customers would not be subject to fines for obstruction of windshield due to their transponder and would likely support.

#### Section 16

Total abstinence applicants would be subject to a urinalysis and would likely oppose.

#### Sections 17 – 23

None identified.

#### Section 24

Expands the definition of “towing service,” which could authorize more individuals to obtain an abandoned vehicle title, who would likely support.

#### Sections 25 – 26

Wider ATV’s would become eligible for registration and for use on VASA trails. Out of state registered ATV’s will not be required to register in Vermont to operate. Riders are likely to support all aspects of these sections.

#### Section 27

Former military drivers would likely support the increase in the extension they would be entitled to.

#### Sections 28 – 30

None identified

#### Sections 31 – 32

Manufacturers and vehicle owners would likely support as these sections ease the arbitration process.

#### Section 33

Administrators of the School Bus Pilot Program are likely to support as the vehicle has not been outfitted yet and they need the extension.

#### Section 33a

Owners of antique vehicles are likely to support as they claim they get a better selling price for a vehicle with a title.

### **6. Other Stakeholders:**

#### **6.1 Who else is likely to support the proposal and why?**

None identified

#### **6.2 Who else is likely to oppose the proposal and why?**

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None identified.

**7. Rationale for recommendation:** *Justify recommendation stated above.*

We drafted this bill to fit our needs.

**8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

We support this bill.

**9. Gubernatorial appointments to board or commission?**

**Secretary/Commissioner has reviewed this document:** \_\_\_\_\_ **Date:** \_\_\_\_\_