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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: Related Bills and Key Players ?

Status of Bill: (check one): Upon Introduction As passed by 1st body As passed by both

Recommended Position:

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

Analysis of Bill

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

This bill proposes to:

Tom:
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.

Helena:
Section 1
(1) Amends the general definition of "dealer" to include snowmobile, motorboat, and ATV dealers. The effect of this change is that such dealers will have to meet certain minimum requirements to qualify as dealers, including having sold at least 12 snowmobiles, motorboats, or ATVs in the prior year.
(2) Amends the existing definition of a person "engaged in the business" as a new or used car dealer, to clarify that the person must have sold at least 12 motor vehicles in the immediately preceding registration year.
Policy rationale: Because dealers are exempt from paying registration fees, and registration as a dealer helps a person avoid paying sales and use taxes [?], DMV recommended imposing standards of who is a dealer.

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

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

Tom:

Section 6

This section would allow the Commissioner to add bar codes to the required data on insurance identification cards.

Helena:

Section 6

Authorizes the Commissioner of DMV to require that insurance identification cards include machine-readable technology.

Tom:

Section 7

This section would require multifunction school activity buses to stop at railroad crossings as are other passenger vehicles.

Helena:

Section 7

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.

Tom:

Section 8 – 9 (formerly 14-15)

These sections would permit multifunction school activity buses to be used in school bus endorsement road tests with the resulting endorsement being restricted to such vehicles.

Helena:

Section 8

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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 9

Makes a conforming change to the commercial driver license law.

Tom:

Sections 10-11 (formerly 8 – 9)

These sections would define “operating” for the purposes of the existing prohibition of portable electronic devices to conform to the definition for persons operating with a commercial driver license. Section 9 would also eliminate the requirement that a device be securely mounted in a cradle.

Helena:

Sections 10

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 11

(1) Sec. 9 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. 8.

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. 9 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.

Tom:

Section 12 (formerly 10)

This section would limit the existing GPS exemption from the texting prohibition to systems either installed by the manufacturer or otherwise mounted in a manner that is not in violation of the windshield obstruction standards of 23 V.S.A § 1125

Helena:

Section 12

(1) Sec. 10 amends the existing law prohibiting texting while driving in order to make the same changes described in Sec. 8. Similarly, the effect of these changes is to extend the texting law to some situations not

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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.

Tom:

Section 13 (formerly 12)

This section would allow an electronic toll-collection transponder (EZ-Pass) to be attached to the windshield.

Helena:

Section 13

(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.

Tom:

Section 14 (formerly 13)

This section would require an applicant for operator license reinstatement through the total abstinence program to permit a urinalysis as part of the application process.

Helena:

Section 14

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.

Tom:

Section 15 (formerly 16)

This section would authorize the Commissioner to determine appropriate title brands rather than having the brand language set by statute. This would encourage uniformity with other jurisdictions.

Helena:

Section 15

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.

Tom:

Section 16 (formerly 17)

This section would eliminate a special title legend for duplicate titles. The fact that a title is a duplicate appears on the document making additional, statutory language unnecessary.

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Helena:

Section 16

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."

Tom:

Section 17 (formerly 18)

This section would remove the unnecessary word "vehicle" from a motor vehicle title issued to a vehicle that has been rebuilt.

Helena:

Section 17

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

Tom:

Sections 18 – 20 (formerly 19-21)

These sections would make the same changes to the snowmobile, motorboat and all-terrain vehicle title statutes as did Sec. 16 - 18 for motor vehicle titles.

Helena:

Sections 18-20

Make the same changes as in Secs. 16, 17, and 18, except with regard to titles for snowmobiles, motorboats, and ATVs.

Tom:

Section 21 (formerly 11)?

Helena:

Section 21

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.

Tom:

Section 22 – 26 (formerly only section 22)

This section would define the term "towing service" in the context of the abandoned vehicle process.

Helena:

Section 22 - 26

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.

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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.

Tom:
Section 27 (formerly 23)?

Helena:
Section 27

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.

Tom:
Section 28 (formerly 24)

This section would extend the present skills test waiver period for former military drivers from 90 days to one year. This amendment would be in conformity with FMCSA rule.

Helena:
Section 28

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.

Tom:
Section 29 (formerly 25)?

Helena:
Section 29

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

Me:
Section 30 - 31 (added)
Repeals registration of motor trucks as those are already covered by IRP.

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Section 32
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.

Starting here has not been updated.

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

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?

Does DPS have Enforcement Officers? All Sections affecting the Enforcement and Safety Unit would affect them as well.

Sections 1-5

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

Sections 6 - 10

None identified.

Section 11

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

Section 12 – 15

None identified.

Section 16

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

Sections 17-18

None identified.

Sections 19-21

Would be included in the bulletin as outlined in Section 16.

Section 22

None identified.

Section 23

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

Section 24

None identified.

Section 25

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The State's Attorney Office would no longer receive the specified reports.

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

Law Enforcement may support this section as they would be able to verify real time the validity of the card produced roadside.

Insurance companies may oppose adding barcodes to cards. The public may oppose due to concerns about privacy.

Section 7

None identified.

Section 8 – 10

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.

Section 11

Law Enforcement would be made aware of the change in the notification procedure and would probably be neutral.

Section 12

Law Enforcement would be made aware of the added exception for EZPass transponders and would probably be neutral.

6. Other Stakeholders:

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

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

None identified.

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

We drafted this bill to fit our needs.

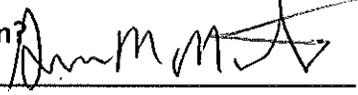
8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

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We support this bill.

9. Gubernatorial appointments to board or commission?

Secretary/Commissioner has reviewed this document:



Date: _____

Please refer to Commis. Ide for
further questions

