

No. 164. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

(S.251)

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

Sec. 1. 23 V.S.A. § 203 is amended to read:

§ 203. ~~COUNTERFEITING OR MISUSING NUMBER PLATES,~~
~~REGISTRATION CERTIFICATES, OR OPERATING LICENSE,~~
FRAUD, AND MISUSE; PENALTY

(a) A person shall not:

(1) Counterfeit or cause to be counterfeited or have in his or her possession any counterfeit number plate, validating sticker, marker, inspection sticker, registration certificate, learner's permit, nondriver identification card, insurance identification card, or operator license, or alter or have in his or her possession any altered number plate or marker; or

(2) Display or cause or permit to be displayed, or have in his or her possession, any fictitious or fraudulently altered operator license, learner's permit, nondriver identification card, inspection sticker, or registration certificate, or display for any fraudulent purpose; an expired or counterfeit insurance identification card or similar document; or

(3) Lend his or her operator license to any other person or knowingly permit the use thereof by another; or

(4) Display or represent as his or her own any operator license, permit, inspection sticker, or nondriver identification card not issued to him or her, or, in the case of inspection stickers, not issued to him or her for the vehicle on which the sticker is displayed; or

(5) Permit any unlawful use of an operator license, permit, or nondriver identification card issued to him or her by the commissioner; or

(6) Obtain or attempt to obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of any of such documents by the use of fraudulently obtained, fictitious, or altered identity documents or by the use of identity documents not his or her own; or

(7) Obtain or attempt to obtain a registration plate, validation sticker, registration certificate, certificate of title, operator's license, learner's permit, nondriver identification card, duplicate copy of any of these documents, or obtain or attempt to obtain any other permit, license, or special privilege from the department of motor vehicles through the submission of an application containing false or fictitious information; or

(8) Lend his or her identity documents to aid an applicant in his or her attempt to fraudulently obtain or actually obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of such documents.

(b) A violation of subsection (a) of this section shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00. If a person is found to have committed the violation, the person's privilege to operate motor vehicles shall be suspended for 60 days.

Sec. 2. 23 V.S.A. § 305 is amended to read:

§ 305. ~~WHEN ISSUED~~ REGISTRATION PERIODS

* * *

(d) When a registration is ~~renewed~~ processed electronically, a receipt shall be available for printing. The receipt shall serve as a temporary registration. To be valid, the temporary registration shall be in the possession of the operator at all times, and it shall expire ten days after the date of the transaction.

Sec. 3. 23 V.S.A. § 381 is amended to read:

§ 381. FEES TURNED OVER TO STATE TREASURER

(a) Except as otherwise provided, all fees for registering motor vehicles, licensing operators, and all other motor vehicle fees shall be collected by the commissioner and forthwith paid into the state treasury or deposited to such bank to the credit of the state treasurer as he or she may direct.

(b)-(d) [Repealed.]

(e) Whenever a ~~transaction is received by mail accompanied by a payment~~ is received that is less than, but within \$0.99 of, the required fee, the

transaction shall be processed. The commissioner may determine that action will not be taken to collect the missing portion of the fee. When a payment up to \$1.00 greater than the required fee is received, the excess shall not be refunded.

Sec. 4. 23 V.S.A. § 1432(c) is amended to read:

(c) Operation on U.S. Route 4. Notwithstanding any other law to the contrary, vehicles with a trailer or semitrailer which are longer than 68 feet but not longer than ~~72~~ 75 feet may be operated with a single or multiple trip overlength permit issued at no cost by the department of motor vehicles or, for a fee, by an entity authorized in subsection 1400(d) of this title on U.S. Route 4 from the New Hampshire state line to the junction of VT Route 100 south, provided the distance from the kingpin of the semitrailer to the center of the rearmost axle group is not greater than 41 feet.

Sec. 5. 23 V.S.A. § 3808 is amended to read:

§ 3808. APPLICATION FOR CERTIFICATE

(a) The application for the first certificate of title of a vessel, snowmobile, or all-terrain vehicle in this state shall be made by the owner to the commissioner on the form the commissioner prescribes and shall contain:

- (1) the name, residence, and mail address of the owner;
- (2) a description of the vessel, snowmobile, or all-terrain vehicle,

including, ~~so far as the following data exist;~~ information required by

subsection 3806(c) of this title if these data exist, and an indication whether the vessel, snowmobile, or all-terrain vehicle is new or used;

(3) the date of purchase by the applicant; the name and address of the person from whom the vessel, snowmobile, or all-terrain vehicle was acquired ~~and~~; the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and, if a new vessel, snowmobile, or all-terrain vehicle, the ~~application shall be accompanied by a manufacturer's or importer's certificate of origin; and~~

(4) any further information the commissioner reasonably requires to identify the vessel, snowmobile, or all-terrain vehicle and to enable him or her to determine whether the owner is entitled to a certificate of title and to determine the existence or nonexistence of security interests in the vessel, snowmobile, or all-terrain vehicle;

(5) ~~an application for registration of the vessel, snowmobile, or all-terrain vehicle. Except for state or municipal vessels, snowmobiles, or all-terrain vehicles, at least one owner must be a registrant. [Repealed.]~~

* * *

Sec. 6. 9 V.S.A. § 4171(6) is amended to read:

(6) "Motor vehicle" means a passenger motor vehicle which is purchased or leased, or registered in the state of Vermont and shall not include tractors, motorized highway building equipment, road-making appliances,

snowmobiles, motorcycles, motor-driven cycles, or the living portion of recreation vehicles, or trucks with a gross vehicle weight rating over 12,000 pounds.

Sec. 7. 9 V.S.A. § 4181 is amended to read:

§ 4181. NOTICE OF RETURN, TITLE BRANDING REQUIRED; SALE OF DEFECTIVE MOTOR VEHICLES PROHIBITED; DEFENSE

(a) Any manufacturer, or its agent or ~~authorized~~ any dealer registered in this state who attempts to resell a motor vehicle after a final determination, adjudication, or settlement, resulting in the vehicle being returned pursuant to the provisions of this chapter or ~~after final determination, adjudication or settlement~~ under similar laws of any other state, shall apprise prospective buyers in Vermont of such return by means of a clearly visible window sticker ~~and such manufacturers.~~ Manufacturers, agents, and dealers are prohibited from reselling in Vermont any vehicle determined or adjudicated as having a serious safety defect. Notice that a vehicle has been returned pursuant to such law shall also be conspicuously printed on the motor vehicle certificate of title.

(b) Affirmative defense. A person who demonstrates both of the following shall not be subject to liability or a penalty for a violation of this section:

(1) the person acquired a motor vehicle without actual knowledge that it was returned pursuant to the provisions of this chapter or under similar laws of another state, and

(2) at the time of acquisition, the title of the motor vehicle did not bear notice of such return.

Sec. 8. 23 V.S.A. § 3202 is amended to read:

§ 3202. REGISTRATION AND TMA DECAL REQUIRED; EXCEPTIONS
~~FOR GOVERNMENTAL ENTITIES ON LAND OWNED BY~~
~~OPERATOR, OR WITH LANDOWNER CONSENT~~

(a) Registration and decal required. A person shall not operate a snowmobile in this state unless it is registered and numbered by the state of Vermont or ~~other~~ another state or province and displays a valid Vermont trails maintenance assessment (“TMA”) decal adjacent to the registration decal on the left side of the snowmobile in accordance with this chapter, except when operated:

* * *

(e) ~~Special provisions for certain areas of operation; Massachusetts; New Hampshire; New York; Province of Quebec~~ decal exemptions. A ~~legally registered snowmobile, from any adjacent~~ legally registered in another state or ~~Province which provides the same reciprocity to Vermont,~~ province may enter and operate in this state by without a TMA decal as follows:

(1) ~~using~~ Using a portion of the statewide snowmobile trail system, a public right-of-way open to snowmobiles, or private land that is posted open to snowmobiles, for a distance not to exceed three miles for the sole purpose of

accessing the closest food, fuel, lodging, and repair services, ~~and, at.~~ At a point three miles from the state line, trails shall be posted “VT TMA Required Beyond This Point”. Point.”

(2) In Addison, Bennington, and Rutland counties, licensed snowmobiles from reciprocating jurisdictions may operate from the New York border to Poultney village via corridor trail 4A (Delaware Hudson Rail Trail); from the New York border in Pawlet in the north to the New York border in the south in the town of Rupert (13 miles) along corridor trail 4; and from Lake Champlain at Benson Landing to the town of Benson via the local snowmobile trail.

(3) For the purpose of accessing international customs services, on the so-called “Keyhole Trail,” for a distance of approximately one-half mile from United States/Canadian Customs at Beecher Falls to the town line of Pittsburg, New Hampshire, and for a distance of approximately four miles via Vermont Association of Snow Travelers snowmobile corridor 105 to Canaan and to the West Stewartstown, New Hampshire bridge connecting to the New Hampshire 3A snowmobile trail on the Beecher Falls to Colebrook, New Hampshire railbed, and on immediately adjacent areas for services.

(4) In Essex County, for a distance of approximately 18 miles to and from the New Hampshire border to the village of Beecher Falls in the town of

Canaan, via Vermont Association of Snow Travelers snowmobile trails 103 to 96 to 105/96 to 105.

(5) The commissioner may authorize the temporary operation of snowmobiles on designated regular or temporary trails for special events.

~~(f) Reciprocity. The commissioner may grant registration reciprocity to snowmobiles registered in other states or provinces upon recommendation of the Governors Snowmobile Council and the Vermont Association of Snow Travelers, Inc.; or its successor. The granting of reciprocal areas of use as provided in this act is not contingent upon reciprocity being granted to Vermont registrants by other states and provinces. [Repealed.]~~

~~(g) Essex County; operation into Canada and New Hampshire from Beecher Falls and Canaan; access to United States and Canadian customs and immigration and naturalization services. For the purpose of providing access to international customs services, a snowmobile may be operated on the so-called "Keyhole Trail," for a distance of approximately one half mile from United States/Canadian Customs at Beecher Falls to the town line of Pittsburg, New Hampshire, and for a distance of approximately four miles via Vermont Association of Snow Travelers snowmobile corridor 105 to Canaan and to the West Stewartstown, New Hampshire bridge connecting to the New Hampshire 3A snowmobile trail on the Beecher Falls to Colebrook, New Hampshire~~

~~railbed, and immediately adjacent areas for services, provided the snowmobile is registered in another state or province. [Repealed.]~~

~~(h) Special events exemption from registration. The commissioner may authorize the temporary operation of snowmobiles not registered in this state on designated regular or temporary trails for special events, provided the snowmobile is registered in another state or province. [Repealed.]~~

(i) Authority of natural resources board. Nothing in this section relating to operation on frozen bodies of water shall be construed to affect the authority of the natural resources board to regulate uses of public bodies of water.

Sec. 9. 23 V.S.A. § 3204 is amended to read:

§ 3204. REGISTRATION FEES AND DEALER PLATES

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

(b)(1) Dealer; manufacturer and repair plates; fees. Unless exempted pursuant to subsection 3205(d) of this title, any person engaged in the manufacture or sale of snowmobiles shall obtain registration certificates and identifying number plates subject to such rules as may be adopted by the commissioner which shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to

exceed 14 days; private business or pleasure use of such person or members of his or her immediate family; and use at fairs, shows or races when no charge is made for such use.

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

(c) Temporary registration pending issuance of permanent registration. The commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, shall provide for the issuance of temporary registrations of snowmobiles pending issuance of the permanent registration. VAST shall be an agent of the commissioner for the issuance of such temporary registrations. The fees for the temporary registrations shall be \$25.00 for residents and \$32.00 for nonresidents and shall also constitute payment of the registration fee required by subsection (a) of this section. VAST shall promptly remit any fees collected to the commissioner in accordance with rules adopted under this subsection. Temporary registrations shall be kept with the snowmobile while being operated and shall authorize operation without the registration decal being affixed for a period not to exceed 60 days from the date of issue.

(d) The commissioner may authorize the Vermont Association of Snow Travelers, or its successor, and its agents to register snowmobiles, or to renew or assist with renewal of registrations, for residents and nonresidents.

(e) Only the general assembly may change the fees provided for in this section.

Sec. 10. 23 V.S.A. § 3214 is amended to read:

§ 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY
INSURANCE; AUTHORITY TO CONTRACT FOR LAW
ENFORCEMENT SERVICES

(a) The amount of \$5.00 from the sale of every resident and nonresident snowmobile registration shall be allocated to the ~~agency of~~ transportation fund. The balance of fees and penalties collected under this subchapter, except interest, ~~is hereby allocated to~~ shall be remitted to the agency of natural resources ~~for use by, which may retain for its use up to \$11,500.00 during each~~ fiscal year for the oversight of the state snowmobile trail program, and the remainder shall be allocated to VAST for:

(1) development and maintenance of the statewide snowmobile trail program (SSTP), for

(2) procuring trails' liability insurance in accordance with subsection (b) of this section, and

~~(3) an amount equal to \$5.00 from the sale of every resident and nonresident snowmobile registration shall be allocated to contract~~ contracting for law enforcement services with any constable, sheriff's department, municipal police department, the department of public safety, and the department of fish and wildlife for purposes of trail compliance pursuant to this chapter; ~~the~~. The allocation for snowmobile law enforcement shall be an amount equal to \$5.00 from the sale of every resident and nonresident snowmobile registration, and shall be included as a part of the annual expenditure plan required by section 3215 of this chapter. The departments of public safety and fish and wildlife are authorized to contract with VAST to provide these law enforcement services. The agency of natural resources may retain for its use up to \$11,500.00 during each fiscal year to be used for the oversight of the state snowmobile trail program.

(b) VAST shall purchase a trails' liability insurance policy in the amount of \$1,000,000.00. The state of Vermont shall be named an additional insured. The policy shall extend to all VAST affiliated snowmobile clubs and their respective employees and agents to provide for trails' liability coverage for development and maintenance of the statewide snowmobile trails program including groomer use and operation. The department of buildings and general services shall assist VAST with the procurement of trails liability and other related insurance.

(c) Nothing contained in this section shall authorize or create any cause of action to accrue or to be maintained against the state of Vermont.

(d) Any fees and penalties allocated pursuant to subsection (a) of this section shall not revert but shall be available until spent. Any accrued interest shall be deposited in the transportation fund.

Sec. 11. 23 V.S.A. § 3219 is added to read:

§ 3219. ADMINISTRATIVE PENALTIES

(a) The commissioner may impose an administrative penalty of not more than \$250.00 against VAST or its agent for each violation of this subchapter or the rules adopted thereunder. A penalty arising from a single violation may be assessed against VAST or its agent, as may be appropriate, but not against both.

(b) Each violation is a separate and distinct offense and, in the case of a continuing violation, each day's continuance may be deemed a separate and distinct offense. In no event shall the maximum penalty imposed for a continuing offense exceed \$500.00.

(c) The commissioner shall adopt rules establishing a schedule of administrative penalties to be imposed under this section. Penalties shall be based on the severity and frequency of the violation.

(d) VAST or its agent shall be given notice and opportunity for a hearing on any alleged violation. Service of the notice shall be sent by first class mail.

The notice shall include the following:

(1) A factual description of the alleged violation.

(2) A reference to the particular statute or rule allegedly violated.

(3) The amount of the proposed administrative penalty.

(4) A warning that the right to a hearing will be deemed waived and a penalty will be imposed if no hearing is requested within 15 days from the date of the notice, and that failure to pay a penalty may result in suspension or cancellation of the privilege of issuing registrations pursuant to the provisions of section 3204 of this title by VAST or its agent.

(e) When VAST or its agent receives notice under subsection (d) of this section, it shall be deemed to have waived the right to a hearing unless, within 15 days from the date of the notice, a hearing is requested in writing. If the right to a hearing is waived, the commissioner shall issue a final order finding VAST or its agent in default and imposing the penalty.

(f) The provisions of sections 105, 106, and 107 of this title shall apply to hearings conducted under this section.

(g) The commissioner may collect an unpaid administrative penalty by filing a civil action in superior court, or through any other means available to state agencies.

(h) If a penalty is not paid within 60 days after it is imposed, the commissioner may suspend or cancel the privilege of issuing registrations granted to VAST or its agent under the provisions of section 3204 of this title.

(i) The remedies authorized by this section shall be in addition to any other civil or criminal remedies provided by law for a violation of this subchapter.

(j) All penalties collected under this section shall be deposited in the transportation fund.

* * * Gold Star and Next-of-kin Registration Plates* * *

Sec. 12. 23 V.S.A. § 304(k) is amended to read:

(k)(1) The commissioner of motor vehicles shall, upon proper application, issue special gold star and next-of-kin plates ~~to gold star family members, as defined~~ for use only on vehicles registered at the pleasure car rate and on trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan, as follows:

(A) Gold star plates shall be issued to the widow or widower, parents, and next of kin as defined in 10 U.S.C. § 1126(d) of members of the armed forces who lost their lives under the circumstances described in 10 U.S.C. § 1126, for use only on vehicles registered at the pleasure car rate and on trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan 1126(a).

(B) Next-of-kin plates shall be issued to the widow or widower, parents, and next of kin as defined in 10 U.S.C. § 1126(d) of members of the armed forces not eligible for gold star plates under subdivision (A) of this subdivision (1) who lost their lives while serving on active duty or on active duty for training, or while assigned in a reserve or national guard unit in drill status, or as a result of injury or illness incurred during such service or assignment.

(2) The type and style of the gold star ~~plate~~ and next-of-kin plates shall be determined by the commissioner and the Vermont office of veterans' affairs, except that a gold star shall appear on one side of the ~~plate~~ gold star plates and a distinct emblem shall be approved for next-of-kin plates. An applicant shall apply on a form prescribed by the commissioner, and the applicant's eligibility will be certified by the office of veterans' affairs. A plate shall be reissued only to the original holder of the plate. The commissioner may adopt rules to implement the provisions of this subsection. Except for new or renewed registrations, applications for the issuance of gold star or next-of-kin plates shall be processed in the order received by the department subject to normal workflow considerations.

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Approved: May 17, 2012