

1 S.283

2 Introduced by Senators Mazza and Scott

3 Referred to Committee on Transportation

4 Date: February 2, 2010

5 Subject: Motor vehicles; miscellaneous fees; competency examination;

6 accident report; inspection; trailers; title certificates; retention;

7 motorcycle rider training program advisory committee; interstate

8 compact for motor vehicle safety equipment; repeal

9 Statement of purpose: This bill proposes to:

10 (1) increase a motor vehicle department record copying fee;

11 (2) eliminate the requirement of a driving examination or the discretionary  
12 administration of a written or oral examination if a competency examination is  
13 ordered;

14 (3) raise the property damage threshold for the required submission of a  
15 written report of an accident;

16 (4) exempt from inspection requirements registered trailers or semi-trailers  
17 with a gross weight of trailer and load of less than 1,500 pounds;

18 (5) specify a 15-year limit to retention of title certificates by the department  
19 of motor vehicles;

1 (6) eliminate by repeal the motorcycle rider training program advisory  
2 committee; and

3 (7) repeal the interstate compact for motor vehicle safety equipment.

4 An act relating to amending miscellaneous motor vehicle laws, eliminating  
5 the motorcycle rider training program advisory committee, and repealing  
6 the interstate compact for motor vehicle safety equipment

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

8 ~~Sec. 1. 23 V.S.A. § 114(a)(21) is amended to read:~~

9 ~~(21) Records not otherwise specified 4.00 6.00 per page~~

10 ~~Sec. 2. 23 V.S.A. § 636(a) is amended to read:~~

11 ~~(a) Whenever the commissioner has good cause to believe that any holder~~  
12 ~~of an operator's license, or any applicant for renewal of an operator's license,~~  
13 ~~is incompetent or otherwise not qualified to be licensed, he or she may require~~  
14 ~~such person to submit to a special examination to determine his or her~~  
15 ~~capabilities or mental or physical fitness, but no person shall be required to pay~~  
16 ~~to the state a fee for such special examination. Such examination shall be~~  
17 ~~given at such time and place as the commissioner may determine. If the~~  
18 ~~commissioner determines that a special examination is warranted, then a~~  
19 ~~driving examination shall be administered. If, under the commissioner's~~  
20 ~~discretion, extenuating circumstances exist, the commissioner may also~~  
21 ~~administer a written or oral examination.~~

1 ~~Sec. 3. 23 V.S.A. § 1129(a) is amended to read:~~

2 (a) The operator of a motor vehicle involved in an accident whereby a  
3 person is injured or whereby there is total damage to all property to the extent  
4 of ~~\$1,000.00~~ \$3,000.00 or more shall make a written report concerning the  
5 accident to the commissioner of motor vehicles on forms furnished by the  
6 commissioner. The written report shall be mailed to the commissioner within  
7 72 hours after the accident. The commissioner may require further facts  
8 concerning the accident to be provided upon forms furnished by him or her.

9 Sec. 4. 23 V.S.A. § 1222(c) is amended to read:

10 (c) Notwithstanding the provisions of subsection (a) of this section, an  
11 exhibition vehicle of model year 1940 or before, registered as prescribed in  
12 section 373 of this title or a trailer registered as prescribed in subdivision  
13 371(a)(1)(A) of this title shall be exempt from inspection; provided, however,  
14 the vehicle must be equipped as originally manufactured, must be in good  
15 mechanical condition, and must meet the applicable standards of the inspection  
16 manual.

17 Sec. 5. 23 V.S.A. § 2017(b) is amended to read:

18 (b) The commissioner shall maintain at his or her central office a record of  
19 all certificates of title issued by him or her:

20 (1) ~~Under~~ for 15 years after their dates of issuance under a distinctive  
21 title number assigned to the vehicle;

1 ~~(2) Under under the identification number of the vehicle;~~

2 ~~(3) Alphabetically alphabetically, under the name of the owner; and, in~~

3 ~~the discretion of the commissioner, by any other method he or she determines.~~

4 ~~The original records may be maintained on microfilm or electronic imaging.~~

5 ~~and, in the discretion of the commissioner, by any other method he or she~~

6 ~~determines. The original records may be maintained on microfilm or~~

7 ~~electronic imaging.~~

8 Sec. 6. REPEAL

9 ~~23 V.S.A. § 735 (motorcycle rider training program advisory committee)~~

10 ~~and 23 V.S.A. chapter 20 (interstate compact for motor vehicle safety~~

11 ~~equipment) are repealed.~~

*Sec. 1. 23 V.S.A. § 4 is amended to read:*

*§ 4. DEFINITIONS*

*Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and part 5 of Title 20, the following definitions shall apply:*

*\* \* \**

*(45) "Moped" means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, mopeds shall be subject to the purchase and use tax imposed under chapter 219 of Title 32 rather than to a general sales tax. An electric personal assistive mobility device is not a moped.*

\* \* \*

*Sec. 2. 23 V.S.A. § 114(a)(21) is amended to read:*

*(21) Records not otherwise specified     ~~4.00~~     6.00 per page*

*Sec. 3. 23 V.S.A. §§ 453 and 459 are amended to read:*

*§ 453. FEES AND NUMBER PLATES*

\* \* \*

*(g) The commissioner of motor vehicles shall not issue a dealer's certificate of registration to a new or used car dealer, unless the dealer has provided the commissioner with a surety bond, letter of credit, or certificate of deposit issued by an entity authorized to transact business in the same state. The amount of such surety bond, letter of credit, or certificate of deposit shall be between ~~\$5,000.00~~ \$20,000.00 and ~~\$15,000.00,~~ \$35,000.00 based on the number of new or used units sold in the previous year; such schedule is to be determined by the commissioner of motor vehicles. In the case of a certificate of deposit, it shall be issued in the name of the dealer and assigned to the commissioner or his or her designee. The bond, letter of credit, or certificate of deposit shall serve as indemnification for any monetary loss suffered by the state or by a purchaser of a motor vehicle by reason of the dealer's failure to remit to the commissioner any fees collected by the dealer under the provisions of chapters 7 and 21 of this title or by a dealer's failure to remit to the commissioner any tax collected by the dealer under chapter 219 of Title 32. This state or the motor vehicle owner who suffers such loss or damage shall have the right to claim against the surety upon the bond or against the letter of credit or certificate of deposit. The bond, letter of credit, or certificate of deposit shall remain in effect for the pending registration year and one year thereafter. The liability of any such surety or claim against the letter of credit or certificate of deposit shall be limited to the amount of the fees or tax collected by the dealer under chapters 7 and 21 of this title or chapter 219 of Title 32 and not remitted to the commissioner.*

*§ 459. NOTICE TO COMMISSIONER*

*(a) Upon issuing a number plate with temporary validation stickers, temporary number plate, or decal to a purchaser for attachment to a motor vehicle, a dealer shall, within ~~three business~~ 15 calendar days, forward to the commissioner the application and fee, deposited with him or her by the purchaser, together with notice of such issue and such other information as the commissioner may require.*

*(b) If a number plate with temporary validation stickers, temporary registration plate, or decal is not issued by a dealer in connection with the sale or exchange of a motor vehicle, the dealer may accept, from the purchaser, a*

*properly executed registration, tax and title application, and the required fees for transmission to the commissioner. The dealer shall, within ~~three business~~ 15 calendar days, forward to the commissioner the application and fee together with such other information as the commissioner may require.*

*Sec. 4. 23 V.S.A. § 1129(a) is amended to read:*

*(a) The operator of a motor vehicle involved in an accident whereby a person is injured or whereby there is total damage to all property to the extent of ~~\$1,000.00~~ \$3,000.00 or more shall make a written report concerning the accident to the commissioner of motor vehicles on forms furnished by the commissioner. The written report shall be mailed to the commissioner within 72 hours after the accident. The commissioner may require further facts concerning the accident to be provided upon forms furnished by him or her.*

*Sec. 5. 23 V.S.A. § 1222(c) is amended to read:*

*(c) Notwithstanding the provisions of subsection (a) of this section, an exhibition vehicle of model year 1940 or before, registered as prescribed in section 373 of this title or a trailer registered as prescribed in subdivision 371(a)(1)(A) of this title shall be exempt from inspection; provided, however, the vehicle must be equipped as originally manufactured, must be in good mechanical condition, and must meet the applicable standards of the inspection manual.*

*Sec. 6. 23 V.S.A. § 2017(b) is amended to read:*

*(b) The commissioner shall maintain at his or her central office a record of all certificates of title issued by him or her:*

*~~(1) Under for vehicles 15 years old and newer under a distinctive title number assigned to the vehicle;~~*

*~~(2) Under the identification number of the vehicle;~~*

*~~(3) Alphabetically alphabetically, under the name of the owner; and, in the discretion of the commissioner, by any other method he or she determines. The original records may be maintained on microfilm or electronic imaging. and, in the discretion of the commissioner, by any other method he or she determines. The original records may be maintained on microfilm or electronic imaging.~~*

*Sec. 7. REPEAL*

*23 V.S.A. § 735 (motorcycle rider training program advisory committee) and chapter 20 of Title 23 (interstate compact for motor vehicle safety equipment) are repealed.*