

June 21, 2010

10-09

LAW ENFORCEMENT BULLETIN

Changes to Motor Vehicle Laws

Several bills regarding motor vehicle issues were enacted into law during this past legislative session that will have an impact on law enforcement officers. The following information summarizes the highlights of these bills, most of which become law on July 1, 2010. You can view a bill in its entirety on the legislative home page of the state website - www.vermont.gov

S.103 (Act 126) – AN ACT RELATING TO IGNITION INTERLOCK DEVICES

This act requires implementation of an ignition interlock program that would allow those convicted of Driving While Intoxicated to operate a motor vehicle with a restricted driver's license. The program must be available to all drivers by July 1, 2011 and calls for a pilot program from January 1 to July 1, 2011 for eligible persons under supervision of the Department of Corrections through the Intensive Substance Abuse Program. There are many details to be addressed prior to implementation of the ignition interlock program. Further information will be distributed to the law enforcement community as the program develops.

S. 150 (Act 82) – AN ACT RELATING TO PARKING RESERVED FOR PEOPLE WITH DISABILITIES.

23 V.S.A. § 304a (e) is amended by increasing the fine to \$200.00 for parking in a space designated for persons with disabilities.

23 V.S.A. § 2904 is amended to indicate that parking spaces designated for persons with disabilities shall be marked "by a clearly visible sign that cannot be obscured by a vehicle parked in the space."

S. 280 (Act 150) – AN ACT RELATING TO PROHIBITING TEXTING, PROHIBITING USE OF PORTABLE ELECTRONIC DEVICES BY JUNIOR OPERATORS, AND PRIMARY SEATBELT ENFORCEMENT FOR PERSONS UNDER 18.

This act became effective on June 1, 2010 and was described in detail in Law Enforcement Bulletin # 10-08.

The following is a synopsis of the legislation:

- All drivers are prohibited from texting while operating a moving motor vehicle on a highway, but only operators under the age of 18 are prohibited from other use of "portable electronic devices."
- Included in this legislation is a change to 23 VSA §1258 (*child restraint systems*) and 23 VSA §1259 (*safety belts*). The change in both sections of the law raises the age requiring the use of child restraint systems / seat belts to anyone under the age of 18.

- Additionally, this legislation mandates the Commissioner of Motor Vehicles, in consultation with the Commissioner of Education, to formulate a plan to educate operators as to the dangers of operating while texting and the penalties that may be imposed pursuant to this act.

S. 282 (Act 152) – AN ACT RELATING TO UPDATING AND CLARIFYING PROVISIONS REGARDING COMMERCIAL DRIVER LICENSES AND COMMERCIAL MOTOR VEHICLES AND AMENDING MISCELLANEOUS MOTOR VEHICLE LAWS.

This act is commonly referred to as the “DMV Miscellaneous Bill” and covers a variety of issues. Many of the sections of this bill are housekeeping measures, but the following sections would be of the most interest to law enforcement officers:

Section 14: Amends 23 V.S.A. § 1129 (a) by raising the amount of total property damage for reporting a crash from \$1,000 to \$3,000.

Section 15: Amends 23 V.S.A. 1222(c) by exempting trailers with a gross weight of less than 1,500 pounds (includes trailer and load) from annual safety equipment inspections. These are light duty trailers and display the small registration plate. The trailer must still be equipped as originally manufactured, must be in good mechanical condition, and must meet the applicable standards of the inspection manual.

Section 18: Amends 23 V.S.A. 305 by adding subsection (d) as follows:

When a registration is renewed 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.

Section 19: Amends 23 V.S.A. § 1251 by allowing the transfer of a permit for a colored signal lamp to be the same as the procedure and time limits as set forth for the transfer of registration plates (§ 321).

Sections 19a through 19k: Amends several motor vehicle statutes by changing the definition of *moped* to *motor-driven cycle*.

A motor-driven cycle is defined as : any vehicle equipped with two or three wheels, 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.

The operator of a motor-driven cycle would need to have a driver’s license, but would not need a motorcycle endorsement, or be required to wear a helmet or eye protection.

This section does not take effect until September 1, 2010. Further information will be forthcoming regarding inspection and registration requirements of motor-driven cycles.

H. 540 (Act 114) - AN ACT RELATING TO MOTOR VEHICLES PASSING VULNERABLE USERS ON THE HIGHWAY AND TO BICYCLE OPERATION .

This act:

- (1) sets forth the standard of care for motor vehicles on a highway to pass and share the road with “vulnerable users”;
- (2) specifies hand signals used by bicyclists when turning right or left;
- (3) specifies bicyclists’ use of left lanes under certain circumstances; and
- (4) specifies use of equipment by bicyclists at nighttime.

23 V.S.A. § 4 (81) is added and defines a “Vulnerable user” as follows:

“Vulnerable user” means a pedestrian; an operator of highway building, repair, or maintenance equipment or of agricultural equipment; a person operating a wheelchair or other personal mobility device, whether motorized or not; a person operating a bicycle or other non-motorized means of transportation (such as, but not limited to, roller skates, rollerblades, or roller skis); or a person riding, driving, or herding an animal.

New offense codes and point assessment are as follows:

§ 1033 (b) - Improperly passing a vulnerable user: PVU – 3 points

§ 1039 (a) - Carelessly following and passing a vulnerable user: FVU – 3 points

§ 1039 (a) - Throwing an object at a vulnerable user: TVU – 3 points

The Judicial Bureau has yet to establish waiver penalties for these offenses.

H. 784 (Act 123) – AN ACT RELATING TO THE STATE’S TRANSPORTATION PROGRAM.

Section 39 amends 23 V.S.A. § 1251 – Sirens and Colored Signal Lamps; Out of State Emergency and Rescue Vehicles - by adding subsection (b) as follows:

(b) Notwithstanding the provisions of subsection (a) of this section, when responding to emergencies, law enforcement vehicles, ambulances, fire vehicles, or vehicles owned or leased by, or provided to, volunteer firefighters or rescue squad members which are registered or licensed by another state or province may use sirens and signal lamps in Vermont, and a permit shall not be required for such use, as long as the vehicle is properly permitted in its home state or province.

Again, these are just the highlights of motor vehicle related bills; I urge you to read each bill in its entirety.

Please contact me if you have questions – by phone at 828-2156, or by email at glen.button@state.vt.us.

Thank you.

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Director of Enforcement and Safety

Date