**State of Vermont**

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**2023 Legislative Changes**

**Act 41 - An act relating to miscellaneous changes to laws related to vehicles:** This year’s Miscellaneous Bill (Act 41) contained several motor vehicle laws that are pertinent to law enforcement. The following information highlights the sections of the Act we feel would be of most interest to law enforcement officers. You can view these Acts in their entirety on the legislative home page of the state website:[**www.legislature.vermont.gov**](http://www.legislature.vermont.gov)

**Sec. 4-14** These sections remove the requirement for the department to issue, and the registrant to display, the small validation stickers that are currently placed on license plates on all types of vehicles, Snowmobiles and Motorboats. This change is being implemented in conjunction with the DMV’s Cores System replacement project. Once the core system replacement is implemented all vehicle information will be available electronically to include, all temporary plates issued by VT Dealers and all temporary plates purchased electronically through our website. The larger snowmobile decals and the large colored motorboat decals will continue to be issued; but they will be modified to remove the location for the validation sticker.

**Effective date:** November 1, 2023

**Sec. 15** **(**23 VSA§ 307) **Carrying of Registration Certificate; Replacement and Corrected Certificates**

This amendment allows registrants to display their registration certificate in paper form or electronically on a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.

**Additionally,** an operator cited for violating subsection (a) of this section shall not be convicted if the operator sends a copy of or produces to the issuing enforcement agency within seven business days after the traffic stop proof of a valid registration certificate that was in effect at the time of the traffic stop.

**Effective Date:** On passage

**Sec. 18** (23 VSA§ 1095b) **Handheld Use of Portable Electronic Device Prohibited**

The purpose of this amendment is to provide clarity to what it means to use a handheld portable electronic device while operating a motor vehicle. This is an important amendment to law enforcement, and we strongly encourage review of this section in its entirety. Below are highlights of those changes.

1. Definitions

(3) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(4) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) Use of handheld portable electronic device prohibited.

 (2) The prohibitions of this subsection shall not apply:

(B) to activation or deactivation of hands-free use, provided the portable electronic device is securely mounted or the activation or deactivation is done through an internal feature of the device or the motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device;

(F) when the operator has moved the motor vehicle to the side of or off the public highway and has halted, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.

**Effective Date:** July 1, 2023

**Sec. 19 (**23 VSA§ 1209a) **Conditions of Reinstatement; Alcohol and Driving Education; Screening; Therapy Programs**

The law now states that any person participating in or applying to participate in the Total Abstinence Program must always maintain total abstinence. The phrase “total abstinence” means “refraining from consuming any amount of alcohol or drugs at any time, regardless of whether the alcohol or drugs are consumed by an individual when attempting to operate, operating, or in actual physical control of a vehicle.” 23 V.S.A. § 1209a(b)(1). This means that any participant in the program must not use any alcohol or drugs whether they are already part of the program or just in the process of applying for it. The updated law also provides explanations to make the rules of the program clearer. See attached fact sheet.

**Effective Date:** On passage

**Sec. 24** (New 23 VSA § 1455) **Carrying of Permits in the Permitted Motor Vehicle**

All permits issued pursuant to this subchapter shall be carried in the motor vehicle in either paper or electronic form. Use of a portable electronic device to display an electronic permit does not in itself constitute consent for an enforcement officer to access other contents of the device.

The civil penalty for violation of this section shall be $150.00. A violation of this section shall be considered an offense separate from any other related violations.

**Effective Date:** On passage

**Sec. 36 (**23 VSA§ 3206 (b)) **Proof of Liability Insurance; Snowmobiles**

This amendment clarifies that not only does the snowmobile need to be insured but the operator must carry proof of insurance when operating the snowmobile.

**Additionally** … An operator may prove financial responsibility using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.  An operator cited for violating this subsection shall not be convicted if the operator sends or produces to the issuing enforcement agency within seven business days after the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

**Effective Date:** July 1, 2023

**Date Governor Signed Bill:** June 1, 2023