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STATE OF VERMONT
GENERAL ASSEMBLY
LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

MEMORANDUM

To: Joe Flynn, Secretary, Agency of Transportation (AOT)
CC: Cathy Hilgendorf and Michael Obuchowski, AOT; Secretary of State Jim Condos; Louise Corliss, APA Clerk, Office of Secretary of State; Interagency Committee on Administrative Rules
From: Legislative Committee on Administrative Rules (LCAR)
Date: January 10, 2019
Subject: Request for repeal of rules pursuant to 3 V.S.A. § 834(a)

Pursuant to 3 V.S.A. § 834(a), upon LCAR's written request to an agency, a rule or part of a rule that the agency has not adopted, readopted, or substantially amended during the preceding six years shall expire one year from the date of the request. LCAR interprets "expire" to mean that such a rule will be repealed. Therefore, the term "repeal" is used in this memo.

On December 13, 2018, two of your Agency personnel, Cathy Hilgendorf and Michael Obuchowski, appeared before LCAR to request that LCAR invoke the provisions of 3 V.S.A. § 834(a) to repeal the 14 Agency rules set forth in **Attachment A** of this memo. Each of these rules meets the six-year qualification test of 3 V.S.A. § 834(a). Moreover, the Agency testimony indicates that these rules have been thoroughly researched and that their repeal will have no impact on the public. The Agency personnel submitted written testimony on each of these rules that, overall, indicates that these rules are obsolete.

Therefore, by this memo, LCAR invokes the provisions of 3 V.S.A. § 834(a) and requests that the 14 attached rules be repealed one year from the date of this memo, so long as the following conditions are met:

- (1) as soon as practicable after receipt of this memo and until one year from the date of this memo, the Agency and the Secretary of State will each feature on their official website the list of these rules along with a notice that these rules are subject to this repeal;
- (2) as soon as practicable after receipt of this memo, the Agency will issue a press release to inform the public about the impending repeal of these rules;
- (3) if either the Agency or the Secretary of State receives one or more comments on any of the rules subject to this repeal, the Agency will hold a public hearing on that rule, respond to the comments, or take other appropriate action, which may include adopting a similar rule; and
- (4) as soon as practicable following one year from the date of this memo, the Agency shall notify the Secretary of State in the manner prescribed by the Secretary by rule or procedure, and the Secretary shall delete the rules from the published code of administrative rules.

We appreciate the opportunity to work with the Agency toward better transparency and cost-effective stewardship of Vermont administrative rules.

ATTACHMENT A

- (1) **CVR 14-050-002**, Department of Motor Vehicles, **Snowmobile/Motorboard Dealer's Guide** [*last amended 5/3/90*];
- (2) **CVR 14-050-009**, Department of Motor Vehicles, **Highway Use Permits** [*last amended 10/29/81*];
- (3) **CVR 14-050-017**, Department of Motor Vehicles, **Number Plates, Manner of Display** [*adopted 1/18/81 and not subsequently amended*];
- (4) **CVR 14-050-041**, Department of Motor Vehicles, **Non-Commercial Operators License** [*adopted 4/15/92 and not subsequently amended*];
- (5) **CVR 14-050-043**, Department of Motor Vehicles, **Organization of Department of Motor Vehicles** [*last amended 9/15/93*];
- (6) **CVR 14-050-047**, Department of Motor Vehicles, **Suspension of Failure to Pay Penalty; Minor's Possession of Tobacco Products** [*adopted 1/17/98 and not subsequently amended*];
- (7) **CVR 14-020-001**, Engineering Division, **Rules and Regulations on Betterment Projects**, [*adopted 10/2/86 and not subsequently amended*];
- (8) **CVR 14-020-002**, Engineering Division, **Bicycle Regulations** [*adopted 6/11/76 and not subsequently amended*];
- (9) **CVR 14-010-003**, Transportation Board, **Policy on Contracting and Subcontracting** [*adopted 7/29/85 and not subsequently amended*];
- (10) **CVR 14-010-006**, Transportation Board, **Award of Incentive Grants for Highway Retreatment Reconstruction of Class 2 Highways** [*adopted 7/1/79 and not subsequently amended*];
- (11) **CVR 14-010-008**, Transportation Board, **Rules for Public Transit Subsidy Programs** [*last amended 7/13/91*];
- (12) **CVR 14-010-009**, Transportation Board, **Rules and Regulations Adopted by the Transportation Board Relative to the Operation of Junkyards** [*last amended 11/13/74*];
- (13) **CVR 14-010-013**, Transportation Board, **Rules and Regulations Relative to Administration of No. 63 of 1973 – Town Bridges, Road Money** [*last amended 12/17/80*]; and
- (14) **CVR 14-010-015**, Transportation Board, **Women-Owned and Disadvantaged Business Enterprise Program** [*adopted 5/5/88 and not subsequently amended*].