

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.148 Name of Bill: Motor vehicles; operating under the influence; child in vehicle

Agency/Dept: Public Safety Author of Bill Lt. John Flannigan
Review: _____

Date of Bill Review: 2/10/15 Related Bills and Key Players: Representative Clarkson of Woodstock

Status of Bill: (check one)

X Upon Introduction _____ As passed by 1st body _____ As passed by both bodies

Recommended Position:

_____ Support _____ Oppose _____ Remain Neutral X Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *This bill proposes to create more serious penalties for operating a vehicle while under the influence of alcohol if there is a child in the operator's vehicle at the time of the offense.*
2. Is there a need for this bill? *Impaired driving injures and kills many people in Vermont each year. In some cases, those injured are innocent parties such as children who are passengers in a vehicle with an impaired driver. This law holds impaired drivers even more accountable and may make them think again about putting our children at risk under these circumstances. Commonly, cases such as this bring charges of child endangerment and DCF reporting.*
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? *It is believed that this law would have no impact on DPS.*
4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? *It is believed that this law would have little impact on the state (State's Attorney, District Courts, DMV) both fiscally and programmatically.*
5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *It is believed that this law would none to little impact on others stakeholders throughout the state.*
6. Other Stakeholders:
 - 6.1 Who else is likely to support the proposal and why? *Advocates include Representative Clarkson (sponsor), law enforcement in general, impaired driving and child advocacy groups.*

6.2 Who else is likely to oppose the proposal and why? *There are no known opponents to this bill.*

7. Rationale for recommendation: *While there have been several high profile known documented cases involving these circumstances, it is not known exactly how common of an occurrence this is within the State of Vermont.*

However, three years of crash data from 2012-2014 has shown the following;

Total crashes where impaired driver has minor (0-17 y/o/a) as passenger

- **Fatal – 1**
- **Injury – 23**
- **Property Damage only – 19**

(Source VTrans Highway Research)

This proposed legislation helps protect our children from a potential needless tragedy, while holding operators who violate this section accountable for their actions. This gives our prosecutors other options in DUI cases when it involves putting others at risk for injury and/or death.

8. Specific modifications that would be needed to recommend support of this bill: *Define age of minor child.*
9. Gubernatorial appointments to board or commission? *None*

Secretary/Commissioner has reviewed this document



Date: 02/17/15