

From: Boomhower, Michele [Michele.Boomhower@vermont.gov]

Sent: Friday, October 23, 2015 1:19 PM

To: Donovan, Barbara; Bartlett, Susan; Cahill, David; Curtis, Chris; Farrell, Willa; Gardner, Helena; Laferriere, Deb; Lapointe, Gabrielle; Liese, Chauncey; London, Sarah; Maguire, Jo Ann; Cole, Chris; Pratt, Michael; Riven, Matt; 'Karen Horn'

CC: Boomhower, Michele

Subject: DLS Task Force Meeting, Wednesday, October 28th, 2-3:30

Attachments: DLS Task Force DRAFT minutes from 072915.docx; Draft Agenda for Drivers License Suspension Mtg 102815.docx; GENERAL-#310726-v2-DR_16-_DLS_Task_Force;_outline_of_bill.docx; DLS Reform Bill v1 4.docx; DLS Task Force Overview 2015.docx

All,

Please find attached the Agenda for Wednesday's meeting, the minutes of the last meeting, the current bill outline with comments, V 1.4 of the Bill, an Overview of the Task Force, additionally, there is a lot of information below. Please take time to review prior to our Wednesday meeting.

If I have missed anyone who should be receiving this email, please let me know and send it along to that party.

Contact me if you have any questions.

Michele

Here is the key for the Bill comments from Helena which are attached:

Hello all,

In preparation for our meeting next week, attached is updated version of the outline that I circulated on Sept. 3.

I received comments from David Cahill and Willa Farrell, and have integrated them into the outline. I also received an additional idea from Sen. Sears. To differentiate the sources of the comments/additions:

- David Cahill comments are in green
- Willa Farrell comments and recommendations are in yellow
- Helena Gardner additions per Sen. Sears request are in pink

I look forward to the meeting on Wednesday afternoon.

Best,
Helena

From Sarah:

Amnesty programs going on around country:

California traffic ticket amnesty program:
<http://www.courts.ca.gov/trafficamnesty.htm>

South Carolina:
http://scdmvonline.com/dmvnew/default.aspx?n=amnesty_week_2011

Indiana (child support specific)
<http://www.journalgazette.net/news/local/courts/Prosecutor-offers-driver-s-license-amnesty-day-7092390>

AAMVA Report Link:
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCAQFjAAahUKEwj8h_rUtdbIAhXDPz4KHYshDyA&url=http%3A%2F%2Fwww.aamva.org%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D5879&usq=AFQjCNEEsjpZ9YtCCPNlyZTVqJQPENQ_YA&sig2=zvBuVVaXCxBOEOXvheLvw&bvm=bv.105814755,d.cWw

AAMVA Suspended & Revoked Drivers – Overview

The suspension of driving privileges has been used for decades to address poor driving behavior. However, what was originally intended as a sanction to address poor driving behavior is now used as a mechanism to gain compliance with non-highways safety, or social non-conformance, reasons. Drivers are now commonly suspended for reasons such as bounced checks, fuel theft, truancy, vandalism, and many other non-traffic safety related violations. To best serve public safety, while using our limited resources more effectively, AAMVA's Suspended & Revoked Best Practice recommends that legislatures repeal laws requiring the suspension of driving privileges for non-highway safety related violations.

- Nearly 4 of every 10 suspended drivers were suspended for non-highway safety reasons.
- Drivers suspended for highway safety related reasons are almost 3 times more likely to be involved in a crash than drivers suspended for social non-conformance reasons.
- To reduce the number of suspended drivers by up to 40%, states are encouraged to repeal state laws requiring or allowing driver license suspension for non-highway safety reasons.
- All 50 states, the District of Columbia, as well as many Canadian provinces, have laws that either require or permit the courts to withdraw driving privileges for non-conformance reasons.
- The common belief is that a driver license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence. Rather, suspended driver licenses for non-highway safety related reasons take resources from law enforcement and the legal and administrative system that could be used to keep the right drivers off the road – those that commit highway safety violations that cause fatal, injury and property damage crashes.
- 1 out of 5 traffic fatalities nationally involves a driver who is operating a motor vehicle while suspended or who has no license at all. Almost 19% of drivers suspended for highway safety related reasons are involved in a crash. Approximately 34% of drivers suspended for highway safety related reasons commit a moving violation while under suspension. These

statistics support the notion that drivers suspended for social non-conformance reasons pose a comparatively lower safety risk compared to those who are suspended for driving related reasons.

- In addition to the issue of highway safety, law enforcement and the legal and administrative system is burdened by the process of suspending and revoking licenses for social non-conformance violations. Eliminating social non-conformance violations would allow resources to be better focused on highway safety efforts.
- Some alternatives to driver license sanctioning for non-highway safety include: garnishment of wages, monetary programs, amnesty programs, and diversion programs.
- For more information, see AAMVA's 2013 Best Practices Guide to Reducing Suspended Drivers at AAMVA - Best Practices and Model Legislation.

Feedback on the Bill from Michael Pratt:

David, I'd offer two comments for the group's consideration.

1. Regarding the one-third waiver penalty and \$3.33 fee, I would suggest adding language that says "rounded to the nearest dollar". This would make things a little easier for defendants and clerk's staff when making and processing payments.
2. We're still trying to get at the thundering herd of people who were previously suspended indefinitely for non-payment. The amended law (23 VSA 2307(b)(1)) limits the suspensions to 120 days. My understanding is that DMV interpreted the amended law not to apply to pre-existing suspensions. Thus, thousands of indefinite suspensions for non-payment remain on the books. The restoration day at Chittenden, the talk of more restoration days, the Diversion DLS program are all highly labor intensive methods directed at overcoming those existing suspensions. We need a better/cheaper/easier method. We could seek legislation that declares indefinite suspensions as expired after 120 days from issuance (which would mean all them would now be expired). The judgments would be still be collectable, but at least people could get their license back.

From: Cahill, David

Sent: Friday, September 18, 2015 12:31 PM

To: Pratt, Michael; Curtis, Chris; Donovan, Barbara; Button, Glen; Farrell, Willa; Gardner, Helena; Laferriere, Deb; Lapointe, Gabrielle; Liese, Chauncey; London, Sarah; Maguire, Jo Ann; Riven, Matt; Cole, Chris

Cc: Boomhower, Michele

Subject: RE: Drivers License Suspension task force meeting

I have attached the latest working draft of our DLS Reform Bill.

At our last meeting Judge Pratt offered several suggestions that were well-considered and appeared rather uncontroversial. Based upon those suggestions I made the changes highlighted on pp. 8 & 9 of the attached working draft. So, the indigent waiver penalty is now fixed at one-third of the general waiver penalty for offenses within the jurisdiction of the Judicial Bureau. Additionally, there is a "reinstatement fee recovery surcharge" added to all traffic violations (which represents some but not all of the offenses within the jurisdiction of the Judicial Bureau). The reinstatement fee recovery surcharge is \$10 on top of the general waiver penalty and \$3.33 on top of the indigent

waiver penalty. This is intended to fund the elimination of reinstatement fees payable to the DMV. The \$10 & \$3.33 numbers are placeholders until we can get some firm numbers about what the surcharges would need to be in order to fund elimination of DMV reinstatement fees.

David J. Cahill

Information from Christopher Curtis:

Has everyone seen and/or reviewed the NJ study committee report on this issue from 2006?

Thought it may be of interest to this group:

http://www.state.nj.us/mvc/pdf/About/AFTF_final_02.pdf

Detailed recommendations for reform are at p. 48, and include greater discretion/flexibility for the courts, but also extending time to pay, consideration of suspension of vehicle registration in lieu of license suspension, limitations on amount insurance may increase subsequent to license suspension for non-driving related reasons, and importantly “whether current fine amounts are appropriate.”

I think most of the kinds of concerns (discretion, eliminating suspension as penalty for non-driving related offenses, fine amounts, etc.) addressed here are part of this group’s inquiry. There is also a handy state-by-state analysis of restricted use licenses (chart at pp. 46-47).

Best, Christopher

Michele Boomhower
VTrans Director of Policy Planning & Intermodal Development
1 National Life Drive
Montpelier, VT 05633-5001
802-828-5753 Desk
802-505-3480 Cell
Michele.Boomhower@vermont.gov

FINAL DRAFT

Minutes from Driver's License Suspension Task Force meeting July 29, 2015

Location: DMV 3rd floor Conference Room, Montpelier

Attendees: VTrans - Barbara Donovan, Glen Button, Michele Boomhower, Rob Ide; Attorney General's Office – Willa Farrell; Governor's Office –Sarah London; Judiciary – Gabriel LaPointe and Michael Pratt (by phone); State's Attorneys and Sheriff's Association – David Cahill; Vermont Legal Aid – Grace Pazdan

Updates:

AAMVA Conference Report – Glen described the experiences of the States of Washington and Georgia who've implemented major changes to their DLS regulations, eliminating most non-driving offenses from the reasons for suspending licenses, basically non-highway (with the exception of non-payment of child support, federal requirement) and failure to pay for non-moving violation fines. Washington saw a 50% reduction in DLS and uses collection agencies for unpaid bills. Georgia's new regulations started July 1, 2015.

Glen stated that with the current civil category of violations up to 6, 16% of those who receive 1 violation will go all the way to 6 and 50% of those who reach 5 violations will progress to 6.

Draft bill – it was agreed that the sole purpose of the bill was to reserve DLS for removing drivers for bad driving behavior and points accumulation and creating opportunities to drive legally. This will hopefully reduce the snowball effect of inability to pay. There was extensive discussion around the ability to reduce the fines under the 'indigent waiver penalties' and to create a more efficient way to administer them such as including a self-declaration during e-ticketing by the police officer. Current declarations are only spot checked in audit. The e-ticketing and questions about other government support receipt would actually be more easily verified with some IT assistance. It is strongly recommended that we let the Dept. of Public Safety know this is being discussed so it can be considered in the Valcour and Spillman upgrades. It was acknowledged that there would be no way to verify out of state indigent waivers qualification but that it was a small piece of the overall action. A need for reduction in the cost and need for SR22 insurance was suggested with additional education replacing it.

The group discussed the need to set up the legislation in a way that did not recreate the need for another driver restoration day in the future. Discussion concluded that this would increase support for the bill. There will need to be advanced communication/education with the Judiciary and Transportation committee leadership in advance of introduction of any proposed legislation. Sarah will handle getting support from the Governor's Office. Rob suggested that

Sue and others meet with leaders of the Transportation and Judiciary Committees as well as the Speaker and Pro Tem to obtain concurrent feedback, generate support for the bill and identify potential sponsors.

Willa suggested that, for young people, DLS is a motivator to participate in safety and drug courses and should be treated differently than those over 21 to enhance participation in Crash courses for substance abuse.

Points and Penalties Equity – There are multiple discrepancies in points and penalties for various violations which are not tied to their seriousness. The civil vs. criminal equity as well as the points and penalties need to be harmonized.

Old Tickets - Another issue was the \$54,000 worth of pre-1990 tickets. The States Attorneys had previously voted to dismiss all of those tickets but it would require legislative action to make it possible. It was suggested that it would be best for that to be in a stand-alone bill for submission rather than incorporate it into a DLS bill. (These old tickets cannot be paid for by credit card due to the old system so must be hand processed.)

Other Ideas Discussion – Plate seizure is reported to be very effective. Approximately 800/year are now seized. The Commissioner of DMV can be petitioned to have them returned once the driver possesses a valid driver's license. If the plate seizure is the second or third time, the plates will not be returned for at least 90 days.

It was recommended that denial of the ability to register your vehicle be eliminated for DLS but stay in place for DUI. In the 90's it was determined that the price of prosecution for a DLS was approximately \$4,800. The need for immediate intervention for DUI, particularly for youth, was recommended rather than waiting for the process to be adjudicated. It was recommended that the Dept. of Health (Barbara Cimaglio) be brought into the process to assist with the determination of what's needed instead of DLS to create the necessary intervention activities.

Statewide Driver Restoration – It was determined that processing restorations all at once as it was done in Chittenden County is probably not the way to go due to issues such as excessive lines, inclement weather, and the volume of work; all of these factors made that process very difficult. The group considered other ways to roll it out more gradually. It was suggested that all existing debts be adjusted to the new indigent waiver penalties rather than through a driver restoration day.

The elimination of reinstatement fees was discussed under the concept that it was double jeopardy. The need to replace this as an income source was brought up and perhaps increased penalties for DUI could replace it. This would be covered under the points and penalties harmonizing recommendations. The reduction in prosecution fees might also come into play.

The suggestion was that the ticket itself could contain a surcharge for reinstatement in order to simplify the process.

Work or limited use licenses were discussed extensively and many in the group would like to see this incorporated.

Next Meeting: It was suggested that the next meeting of the full group be October 28 and in the meantime subgroups meet with the law enforcement communities (Sarah London) and the bill be developed (Helena Gardner) and sent out with a chart with all the elements listed separately so comments for inclusion or not so each element can be addressed and included or removed (Barbara Donovan). This could be sent out by e-mail in advance via a google doc link to get the feedback prior to the next meeting.

Tasks to be completed:

Determine if other states have income sensitized penalties such as Sweden does. (Rob Ide)

Meet with law enforcement, George Merkel, Paul Doucette, Boycheck, Murray Scott (Sarah London, Rob Ide, David Cahill, others?)

Meet with legislative leaders to identify potential sponsors, obtain feedback, generate support for the bill.(Michele, Sue Minter, others)

Meet with the people doing the Valcour updates even though we do not yet know exactly what changes we need for e-ticketing. (Dean Hamel, Information Technology Manager, Vermont Department of Public Safety, Office: 802-241-5484, Cell: 802-498-4098) Glen Button.

Draft

Driver's License Suspension Task Force of the Pathways from Poverty Group

October 28, 2015, 2:00 – 3:30 PM

DMV 3rd floor small conference room

Call in # 877-278-8686, guest 627931

Agenda

Charge to Secretary Minter from the Chairs of the Senate and House Judiciary Committees from letter of 2/25/15 "Thank you for your willingness to convene and lead a working group to **study the potential costs and benefits of various approaches for reducing the number and duration of driver's license suspensions in Vermont, and for mitigating the collateral consequences of such suspensions** in our rural State."

From Study letter: "Policy Initiatives #5. Complete a high level study of transportation issues affecting low income people that examines existing vehicle and ridership programs, public transportation, and regulations relating to fines, fees and repairs that are barriers."

Expected Attendees: Chris Cole, Michele Boomhower, Barbara Donovan, Chauncey Liese (DMV), VTrans; Willa Farrell, Attorney General's Office; Sarah London, Governor's Office; Chris Curtis, Vermont Legal Aid; Deb LaFerriere (by phone), Howard Kalfus, Vermont State Judiciary; Helena Gardner, Legislative Council; Susan Bartlett, AHS; Karen Horn, VLCT; Local Law Enforcement Representatives

- 2:00 Welcome and introductions, update (Michele Boomhower, VTrans)
- 2:05 Summary of Task Force Work to Date (Michele)
- 2:15 Update of recent Notice to all law enforcement regarding criminal DLS charges pursuant to 23 VSA 674(a) (Sarah London, Governor's Office)
- 2:20 Law Enforcement Engagement and Concerns to Date (Sarah /Meeting Participants)
- 2:35 Continuing Discussion of Implementation Framework (Sarah/Michele)
 - Tier One – Reduce the # of offenses that carry a DLS
 - Tier Two – Methods to address DUI and other moving/non-moving highway offenses
 - Hardship licenses and efficient method(s) of low income fine reduction
 - Seizure of plates
 - Denial of registration under suspension
 - Tier Three – Achieving the goal of getting people driving legally
 - Statewide driver restoration
 - Clemency for old tickets
- 2:50 Follow-up Items from July 29th Meeting

- Income sensitized penalties in other states (Swedish model) (Rob Ide)
- Status of meetings with legislative leaders, potential sponsors, other obtain feedback, and support for the bill (Michele, Sarah, others)
- Valcour re: potential integration into e-ticketing. (Chauncey, Rob (Glenn was assigned this task)
- Status of Bill drafting (David, Helena)
- Other updates

3:20 Necessary Actions, Assignments (Michele)

- Further meetings with law enforcement representatives?
- Drafting framework response to Representative Grad and Senator Sears
- Meeting with Representative Grad and Senator Sears
- Meeting with Chairs of Transportation and Judiciary
- Presentation to the Legislature and the ensuing discussion/legislative engagement

3:25 Set next meeting (Michele)

3:30 Adjourn

DLS Task Force: Outline of Elements of Bill, Outstanding Questions

Changes since 9/3 version:

- David Cahill comments in green
- Willa Farrell comments and recommendations in yellow
- Helena Gardner additions per Sen. Sears request in pink

Draft a bill amending laws related to fines and surcharges arising from traffic violation convictions, to suspension of driver's licenses, and to auto insurance underwriting, in order to:

1. Eliminate motor vehicle license suspensions for offenses—other than nonpayment of child support—that do not directly arise from moving violations.
 - Eliminate all or only some such suspensions? See notes in Cahill draft.
 - Amend the child support suspension provision (15 V.S.A. § 798)? Federal law gives flexibility: “[E]ach State must have in effect laws requiring use of the following procedures...: Procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses...of individuals owing overdue support”. See 42 U.S.C. § 666(a)(16).

Recommendation: retain suspension for underage possession of alcohol and marijuana violations and reinstate the license after the suspension period whether the fine is paid or not. This suspension would affect only individuals who choose not to participate in, or fail, the Youth Substance Abuse Safety Program (YSASP) run by Diversion and are adjudicated through the Vermont Judicial Bureau.

Retaining driving privileges is a major motivator for youth to participate in YSASP. The program provides a brief educational intervention and referral of those who screen at higher risk to a substance use clinician, a more meaningful and effective consequence than fine and license suspension alone, or fine only should the suspension be removed.

Effective enforcement of underage alcohol possession laws is an important health and public safety issue. The minimum legal drinking age of 21 (MLDA-21) has been studied extensively. The 2013 National Highway Traffic Safety report states,

There is strong evidence that MLDA-21 laws reduce drinking, driving after drinking, and alcohol-related crashes and injuries among youth (Hingson et al., 2004; McCartt, Hellinga, & Kirley, 2010; Shults et al., 2001; Wagenaar & Toomey, 2002) ... In fact, MLDA-21 laws reduced youth drinking and driving more than youth drinking alone.¹

Recommendation: eliminate the fine and suspension for underage tobacco possession and refer youth to smoking cessation program.

Smoking tobacco is a serious health issue; tobacco remains the leading cause of preventable death, and nearly nine out of 10 smokers start smoking before the age of 18.² Unlike alcohol, however, tobacco

¹ Goodwin, A., Kirley, B., Sandt, L., Hall, W., Thomas, L., O'Brien, N., & Summerlin, D. (2013, April). *Countermeasures that work: A highway safety countermeasures guide for State Highway Safety Offices*. 7th edition. (Report No. DOT HS 811 727). Washington, DC: National Highway Traffic Safety Administration.

² http://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf

does not present a public safety issue. Possession of tobacco by minors should result in a referral to a smoking cessation program, not a fine and suspension.

2. ***Address pending judgments, matters, and suspensions:***

A. For persons who, prior to the effective date of the act:

- (i) are subject to an unpaid [traffic violation? Or any Judicial Bureau?] judgment (whether or not the judgment is >75 days old or the person is yet under suspension), or
- (ii) have been issued a ticket for a traffic violation for which there's no judgment yet,

allow the person, the State's Attorney, the AG, to move for a reduced judgment or for amendment to waiver fine/surcharge. Also authorize hearing officer/judge to reduce on own motion.

→ In the case of pending tickets that have not become judgments, accomplish this via mass ticket amendment under § 1106?

→ Assuming that proof of inability to pay is required in order for a person to be eligible for a reduced amount due, what is the eligibility threshold, and what proof should be required?

→ Should amount due be reduced by (a) a fractional amount; (b) one specific reduced amount (e.g., \$20 per ticket); or (c) on a sliding scale basis?

→ Specify that no reduction in "amount due" will result in a refund of amounts previously paid.

B. For persons suspended prior to the effective date of the act solely for nonpayment of a [traffic violation? Or any Judicial Bureau?] judgment, administratively reinstate their licenses en masse [without payment of reinstatement fee?]

→ What effect would these provisions have on existing participants of the DLS Diversion Program? Will those under existing DLS Diversion contracts qualify for reduced judgments and get out of their Diversion contract obligations? (Also see below re need to amend DLS Diversion law, 2012 Acts and Resolves No. 147, Sec. 2, as amended by 2013 Acts and Resolves No. 18, Sec. 1a).

Recommendation: Allow existing Diversion participants to qualify for reduced judgments. Diversion staff would assist participants determine whether to continue with their existing plan or submit a Motion to VJB to apply for reduced judgments.

3. Establish income sensitized traffic violation waiver penalties, and income-sensitized surcharges.

→ What proof of ability to pay should be required, and how should this information be collected? Self-declaration to police officer during traffic stop? How would this work for nonresidents?

→ What is the income/ability to pay threshold to be eligible for reduced fines and surcharges?

- Will reduction be fractional, at two specific waiver levels, or sliding scale? Cahill noted Judge Pratt's suggestion to set the indigent waiver penalty and surcharges at one-third of the general waiver penalty and surcharges for all Judicial Bureau matters.
- Will defendant be eligible for income-based reduction if the "amount due" is stipulated, or established after a hearing? Should Judicial Bureau hearing officers have ongoing authority to establish mitigation remedies under 23 V.S.A. § 2307, if default judgments are already income-sensitized? *As indicated above, bill will need to address cases pending and judgments outstanding at the effective date of the act via a clear transition provision.*

Recommendation: Judicial Bureau hearing officers should have ongoing authority to establish mitigation remedies even if default judgments are already income-sensitized. People's situations change and there should be an opportunity for the hearing officer to consider a request for additional relief based on individual circumstances.

- Judge Pratt raised the point that the Judicial Bureau has jurisdiction over many offenses other than traffic violations (see 4 V.S.A. § 1102). If only fines/surcharges arising from traffic violation convictions are income sensitized, this should be a deliberate choice. *What about income sensitization of municipal waiver penalties, for violations of municipal traffic-related ordinances? See 4 V.S.A. § 1102(d)(1).*

4. Eliminate most license reinstatement fees; keep reinstatement fees for DUI [keep them for any other underlying offense?]
 - Include income sensitive reinstatement surcharge in initial fine? Does this get us back to the same problem of unaffordable fines/surcharges? Cahill noted Judge Pratt's suggestion to make up for revenue lost as a result of eliminating reinstatement fees by adding to the general waiver penalty/surcharge combo payable on each ticket; Cahill suggested \$10.00 as a placeholder.

Relevant Background Info: Estimate the systemwide savings relating to fewer DLS prosecutions, to see if these savings likely to offset loss in reinstatement fee and other fine/surcharge revenues.

5. Increase DUI fines. Establish income-sensitive fees for driver alcohol education programs. Specify that a portion of DUI fines will be used to fund reduced cost driver alcohol education programs.

Recommendation: sliding fee scale for participation in Project CRASH

Recommendation: Refer .02 BAC violations ("juvenile DUI") to Youth Substance Abuse Safety Program in lieu of Project CRASH to expedite the process of screening and referral to a clinician for those who screen at higher risk.

Participation in Project CRASH is typically delayed because of the cost of the program, waiting lists, and scheduling challenges.

Using an enhanced YSASP as an alternative to Project CRASH for .02 violations would expedite the intervention, tailor the educational component to each individual, reduce mixing of youth with adults, and cost less for the participant. Through YSASP, youth would be screened, and those at higher risk referred to treatment, more quickly than occurs through Project CRASH and all would receive an individualized educational intervention. (Current YSASP programming would be modified for .02 violations to address driving after drinking.)

While the Health Department encourages a separate Youth Project CRASH group, the groups typically include people of all ages. Guidance regarding best practice cautions against this type of mixing – both of youth with adults and “low-risk” individuals with “high-risk” individuals.

6. Repeal 23 V.S.A. § 305a, which provides: “The Commissioner shall not renew the registration of a person who is the sole registrant after receiving notice from the Judicial Bureau that the person has not paid a judgment for a traffic violation.”
7. Authorize restricted driver licenses for persons whose licenses are suspended [other than for points accumulation, DUI, or violation of terms of an ignition interlock RDL], to allow such persons to drive [to work, classes, medical or treatment appointments? Any other purpose?].
 - Leave untouched the laws authorizing ignition interlock RDLs for those under suspension for a DUI?
 - Should all persons under suspension [other than for DUI, points accumulation] qualify for the restricted license? Or only for some categories of suspensions?
 - What should the penalties be for violating the terms of the restriction? Should a single violation of the restricted license result in permanent revocation of the restricted license? Or a time-limited suspension?
8. Repeal civil suspension provision, 23 V.S.A. § 676, and amend criminal suspension provision? See Cahill proposal.
9. SR 22 insurance - narrow the group of offenses for which it is required?

Recommendation: limit requirement to driving-related crimes and violations and no insurance

10. In light of above changes, how should the DLS Diversion Program as currently conceived be changed? Make appropriate conforming changes to DLS Diversion Program law, 2012 Acts and Resolves No. 147, Sec. 2, as amended by 2013 Acts and Resolves No. 18, Sec. 1a.

Recommendation: provide statutory authority for VJB Court Clerk to modify judgment amounts and due dates within criteria established by rule or the VJB hearing officer in order to expedite the process. Currently the hearing officer is not able to review civil DLS Diversion motions for up to eight or more weeks

11. Prohibit an insurer from considering an insured’s credit history when underwriting motor vehicle insurance.

1 Introduced by [REDACTED]

2 Referred to Committee on [REDACTED]

3 Date: [REDACTED]

4 Subject: DLS Reform & Accountability

5 Statement of purpose of bill as introduced: The bill proposes to drastically
6 reduce the number of Vermonters whose drivers' licenses are suspended by
7 limiting the grounds for suspension to driving-related crimes and violations. It
8 institutes a two-tier waiver fine scheme for traffic violations, with the lower
9 tier reserved for financially needy persons. Judicial Bureau hearing officers
10 may apply the lower-tier penalties retroactively to outstanding debts owed by
11 financially needy persons, accomplishing the same goal as Driver Restoration
12 Day activities. This bill eliminates reinstatement fees such that driver licenses
13 can be automatically reinstated once a suspension has expired. Fees for alcohol
14 education classes required for reinstatement after a DUI offense will be
15 lowered for financially needy persons. The reduced fees will be substantially
16 offset by an increase in the maximum fine for DUI offenses, which on average
17 tend to be committed by non-indigent persons. Persons who drive under
18 suspension or without a license despite these reforms will be subject to a
19 criminal penalty, recognizing that persons whose licenses are suspended for
20 driving-related reasons are on average more dangerous drivers who pose a
21 threat to public safety. Although these reforms will likely result in reduced fine
22 and fee collection, the revenue loss will be offset by savings realized from a
23 drop in the number of DLS drivers arrested, prosecuted, and punished.

24
25 Sec. I. ELIMINATION OF SUSPENSIONS FOR FAILURE TO PAY
26 FINES

27
28 23 V.S.A. Sec. 2307 (remedies for failure to pay traffic violations) is repealed.

1 ***

2
3 4 V.S.A. Sec. 1109 is amended as follows:

4
5 (c)... (2) Failure to appear. If the defendant fails to appear at the
6 contempt hearing, the hearing officer may direct the clerk of the Judicial
7 Bureau to do one or more of the following:

8 (A) Cause the matter to be reported to one or more designated
9 collection agencies.

10 (B) Refer the matter to the Criminal Division of the Superior Court
11 for contempt proceedings.

12 (C) ~~Provide electronic notice thereof to the Commissioner of Motor~~
13 ~~Vehicles who shall suspend the person's operator's license or privilege to~~
14 ~~operate. However, the person shall become eligible for reinstatement if the~~
15 ~~amount due is paid or otherwise satisfied.~~

16 (3) Hearing. The hearing shall be conducted in a summary manner. The
17 hearing officer shall examine the defendant and any other witnesses and may
18 require the defendant to produce documents relevant to the defendant's ability
19 to pay the amount due. The State or municipality shall not be a party except
20 with the permission of the hearing officer. The defendant may be represented
21 by counsel at the defendant's own expense.

22 (4) Contempt.

23 (A) The hearing officer may conclude that the defendant is in
24 contempt if the hearing officer states in written findings a factual basis for
25 concluding that:

1 (i) the defendant knew or reasonably should have known that he or
2 she owed an amount due on a Judicial Bureau judgment;

3 (ii) the defendant had the ability to pay all or any portion of the
4 amount due; and

5 (iii) the defendant failed to pay all or any portion of the amount
6 due.

7 (B) In the contempt order, the hearing officer may do one or more of
8 the following:

9 (i) Set a date by which the defendant shall pay the amount due.

10 (ii) Assess an additional penalty not to exceed ten percent of the
11 amount due.

12 ~~(iii) Order that the Commissioner of Motor Vehicles suspend the~~
13 ~~person's operator's license or privilege to operate. However, the person shall~~
14 ~~become eligible for reinstatement if the amount due is paid or otherwise~~
15 ~~satisfied.~~

16 (iv) Recommend that the Criminal Division of the Superior Court
17 incarcerate the defendant until the amount due is paid. If incarceration is
18 recommended pursuant to this subdivision (4), the Judicial Bureau shall notify
19 the Criminal Division of the Superior Court that contempt proceedings should
20 be commenced against the defendant. The Criminal Division of the Superior
21 Court proceedings shall be de novo. If the defendant cannot afford counsel for
22 the contempt proceedings in the Criminal Division of the Superior Court, the
23 Defender General shall assign counsel at the Defender General's expense.

24

1 Sec. II ELIMINATION OF SUSPENSIONS FOR OFFENSES THAT DO
2 NOT INVOLVE DRIVING

3
4 7 V.S.A. Sec. 656 (Alcohol Possession < 21) is amended as follows:

5 (2) Offense. Except as otherwise provided in section 657 of this title, a
6 person under 21 years of age who knowingly and unlawfully violates
7 subdivision (1) of this subsection commits a civil violation and shall be
8 referred to the Court Diversion Program for the purpose of enrollment in the
9 Youth Substance Abuse Safety Program. A person who fails to complete the
10 program successfully shall be subject to:

11 (A) a civil penalty of \$300.00 ~~and suspension of the person's~~
12 ~~operator's license and privilege to operate a motor vehicle for a period of 90~~
13 ~~days, for a first offense;~~ and

14 (B) a civil penalty of not more than \$600.00 ~~and suspension of the~~
15 ~~person's operator's license and privilege to operate a motor vehicle for a period~~
16 ~~of 180 days, for a second offense.~~

17 (b) Issuance of Notice of Violation. A law enforcement officer shall issue a
18 person under 21 years of age who violates this section a notice of violation, in
19 a form approved by the Court Administrator. The notice of violation shall
20 require the person to provide his or her name and address and shall explain
21 procedures under this section, including that:

22 (1) the person shall contact the Diversion Program in the county where
23 the offense occurred within 15 days;

24 (2) failure to contact the Diversion Program within 15 days will result in
25 the case being referred to the Judicial Bureau, where the person, if found liable

1 for the violation, will be subject to a civil penalty and a suspension of the
2 person's operator's license and may face substantially increased insurance
3 rates;

4 * * *

5 ~~(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this~~
6 ~~section by the time ordered, the Judicial Bureau shall notify the Commissioner~~
7 ~~of Motor Vehicles, who shall suspend the person's operator's license and~~
8 ~~privilege to operate a motor vehicle until payment is made.~~

9
10 7 V.S.A. Sec. 1005 is amended as follows:

11 ~~In the case of failure to pay a penalty, the Judicial Bureau shall mail a notice to~~
12 ~~the person at the address in the complaint notifying the person that failure to~~
13 ~~pay the penalty within 60 days of the notice will result in either the suspension~~
14 ~~of the person's operator's license for a period of not more than 90 days or the~~
15 ~~delay of the initial licensing of the person for a period of not more than one~~
16 ~~year. A copy of the notice shall be sent to the Commissioner of Motor~~
17 ~~Vehicles, who, after expiration of 60 days from the date of notice and unless~~
18 ~~notified by the Judicial Bureau that the penalty has been paid shall either~~
19 ~~suspend the person's operator's license or cause initial licensing of the person~~
20 ~~to be delayed for the periods set forth in this subsection and the rules. An~~
21 ~~action under this subsection shall be brought in the same manner as a traffic~~
22 ~~violation pursuant to 23 V.S.A. chapter 24. The Commissioner of Motor~~
23 ~~Vehicles shall adopt rules in accordance with the provisions of 3 V.S.A.~~
24 ~~chapter 25 to implement the provisions of this subsection, which may provide~~
25 ~~for incremental suspension or delays not exceeding cumulatively the maximum~~
26 ~~periods established by this subsection.~~

1

2 13 V.S.A. Sec. 1753 (False Alarms) is amended as follows:

3 ~~(1) if the person has a motor vehicle operator's license issued under~~
4 ~~chapter 9 of Title 23, the commissioner of motor vehicles shall suspend the~~
5 ~~license for 180 days for a first offense and two years for a second offense; or~~

6 ~~(2) if the person does not qualify for a license because the person is~~
7 ~~underage, the commissioner of motor vehicles shall delay the person's~~
8 ~~eligibility to obtain a drivers license for 180 days for the first offense and two~~
9 ~~years for the second offense.~~

10

11 18 V.S.A. Sec. 4230b (Possession of Marijuana < 21) is amended as follows:

12 (a) Offense. Except as otherwise provided in section 4230c of this title, a
13 person under 21 years of age who knowingly and unlawfully possesses one
14 ounce or less of marijuana or five grams or less of hashish commits a civil
15 violation and shall be referred to the Court Diversion Program for the purpose
16 of enrollment in the Youth Substance Abuse Safety Program. A person who
17 fails to complete the program successfully shall be subject to:

18 (1) a civil penalty of \$300.00 ~~and suspension of the person's operator's~~
19 ~~license and privilege to operate a motor vehicle for a period of 90 days, for a~~
20 ~~first offense; and~~

21 (2) a civil penalty of not more than \$600.00 ~~and suspension of the~~
22 ~~person's operator's license and privilege to operate a motor vehicle for a period~~
23 ~~of 180 days, for a second offense.~~

1 (b) Issuance of Notice of Violation. A law enforcement officer shall issue a
2 person under 21 years of age who violates this section with a notice of
3 violation, in a form approved by the Court Administrator. The notice of
4 violation shall require the person to provide his or her name and address and
5 shall explain procedures under this section, including that:

6 (1) the person shall contact the Diversion Program in the county where
7 the offense occurred within 15 days;

8 (2) failure to contact the Diversion Program within 15 days will result in
9 the case being referred to the Judicial Bureau, where the person, if found liable
10 for the violation, will be subject to a civil penalty ~~and a suspension of the~~
11 ~~person's operator's license~~ and may face substantially increased insurance
12 rates;

13 * * *

14 (2) If the person does not satisfactorily complete the substance abuse
15 screening, any required substance abuse education or substance abuse
16 counseling, or any other condition related to the offense imposed by the
17 Diversion Program, the case will be referred to the Judicial Bureau, where the
18 person, if found liable for the violation, shall be assessed a civil penalty, ~~the~~
19 ~~person's driver's license will be suspended,~~ and the person's automobile
20 insurance rates may increase substantially.

21 (3) If the person satisfactorily completes the substance abuse screening,
22 any required substance abuse education or substance abuse counseling, and any
23 other condition related to the offense imposed by the Diversion Program, no
24 penalty shall be imposed ~~and the person's operator's license shall not be~~
25 ~~suspended.~~

26 * * *

1 ~~(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under~~
2 ~~this section by the time ordered, the Judicial Bureau shall notify the~~
3 ~~Commissioner of Motor Vehicles, who shall suspend the person's operator's~~
4 ~~license and privilege to operate a motor vehicle until payment is made.——~~

5
6 Sec. III ELIMINATION OF REINSTATEMENT FEES

7
8 23 V.S.A. Sec. 675 (Fee Prior to Termination of Suspension) is repealed.

9
10 Sec. IV TWO-TIER, INCOME-SENSITIZED WAIVER PENALTY
11 SCHEDULE

12
13 4 V.S.A. Sec. 1102 is amended as follows:

14 (d) Three hearing officers appointed by the Court Administrator shall
15 determine waiver penalties to be imposed for violations within the Judicial
16 Bureau's jurisdiction, ~~except: The hearing officers shall set two tiers of waiver~~
17 ~~penalties for each violation: the general waiver penalty and the indigent waiver~~
18 ~~penalty. The indigent waiver penalty shall be one-third of the general waiver~~
19 ~~penalty.~~ The indigent waiver penalty shall be applicable to a person who
20 provides sufficient information under oath in person, via U.S. Mail, or via the
21 Judicial Bureau website, on a form promulgated by the Court Administrator,
22 indicating that the person is financially needy as set forth in rules adopted
23 pursuant to 13 V.S.A. Sec. 5204. The general waiver penalty shall apply to all
24 other persons and shall be set under the assumption that the person is not
25 indigent. The hearing officers may consider

26 (e) Notwithstanding any other provision of law, surcharges shall be assessed
27 as follows:

1 (i): The full statutory surcharge(s) shall be added to general waiver
2 penalties.

3 (ii) One third of statutory surcharge(s) shall be added to the indigent
4 waiver penalties.

5 (iii) A reinstatement fee recovery surcharge of \$10 shall be assessed
6 upon every general waiver penalty and of \$3.33 for every indigent waiver
7 penalty for a traffic violation. Where a penalty other than a waiver penalty is
8 imposed, the hearing officer shall assess a reinstatement recovery fee surcharge
9 that is consistent with the interests of justice. Reinstatement fee recovery
10 surcharges shall be remitted to the Commissioner of Motor Vehicles.

11 (f) An officer issuing a complaint returnable to the Judicial Bureau shall
12 advise the person of the availability of an indigent waiver penalty and shall
13 direct the person to the reverse side of the complaint, which shall specify the
14 procedure for applying for the indigent waiver penalty.

15 (g) No later than July 1, 2017, the Judicial Bureau shall establish on its
16 payment website an automated process for persons to apply for the indigent
17 waiver penalty, receive an immediate automated decision, and pay the
18 applicable penalty via credit card, e-check, or bank transfer.

19 (h) The state auditor shall audit or cause to be audited at least 25 Judicial
20 Bureau transactions per year in which an indigent waiver penalty was levied,
21 and shall compare the information provided by the person in support of the
22 person's request for a reduced waiver penalty against data collected by the
23 Department of Taxes regarding person's income, household size, and number
24 of dependents. Such tax data may not be further disseminated. The auditor
25 shall prepare a report regarding the indigent waiver penalty system and may
26 refer cases of fraud to the Attorney General or a State's Attorney for
27 prosecution.

1 ~~(1) Municipalities shall adopt full and waiver penalties for civil ordinance~~
2 ~~violations pursuant to 24 V.S.A. § 1979. For purposes of municipal~~
3 ~~violations, the issuing law enforcement officer shall indicate the~~
4 ~~appropriate full and waiver penalty on the complaint.~~

5
6 Sec. V. APPLICATION OF INDIGENT WAIVER PENALTIES TO
7 OUTSTANDING DEBTS

8
9 Upon the motion of a party, a State's Attorney, the Attorney General, or upon
10 the hearing officer's own motion, and upon a finding that the defendant-debtor
11 is financially needy as set forth in rules adopted pursuant to 13 V.S.A. Sec.
12 5204, a hearing officer may amend the amount owed on any outstanding
13 judgment debt accrued prior to the effective date of this bill to the indigent
14 waiver penalty applicable to the offense for which the judgment debt is owed if
15 the hearing officer finds that such amendment would be in the interest of
16 justice; however in no event shall a penalty adjustment result in a refund of
17 money already paid in partial satisfaction of a judgment.

18
19 Sec VI. INCOME SENSITIZED FEES FOR DRIVER ALCOHOL
20 EDUCATION PROGRAM

21
22 23 V.S.A. Sec. 1209a is amended as follows:

23
24 (f) Fees. The Department of Health's Drinking Driver Rehabilitation Program
25 shall assess fees for the Alcohol and Driving Education Program and the
26 alcohol assessment screening required by subdivision (a)(1)(A) of this section.
27 The fee for the Alcohol and Driving Education Program shall not exceed
28 \$250.00, and shall not exceed \$75 for a financially needy person as set forth in

1 rules adopted pursuant to 13 V.S.A. Sec. 5204. The fee for the alcohol
2 assessment screening shall not exceed \$200.00, and shall not exceed \$50 for a
3 financially needy person as set forth in rules adopted pursuant to 13 V.S.A.
4 Sec. 5204. In the case of a more intensive or weekend residential program
5 combining both the Alcohol and Driving Education Program and the alcohol
6 assessment screening, the total charge shall not exceed \$625.00, and shall not
7 exceed \$200 for a financially needy person as set forth in rules adopted
8 pursuant to 13 V.S.A. Sec. 5204. Charges collected under this section shall be
9 credited to separate special funds for each type of service and shall be available
10 to the Department of Health to offset the cost of operating the Drinking Driver
11 Rehabilitation Program.

12 13 SEC VII. INCREASED MAXIMUM FINES FOR DUI OFFENSES

14
15 23 V.S.A. Sec. 1210 is amended as follows:

16 (b) First offense. A person who violates section 1201 of this title may be fined
17 not more than ~~\$750.00~~ \$5,000.00, or imprisoned for not more than two years,
18 or both.

19 (c) Second offense. A person convicted of violating section 1201 of this title
20 who has been convicted of another violation of that section shall be fined not
21 more than ~~\$1,500.00~~ \$10,000.00, or imprisoned not more than two years, or
22 both. At least 200 hours of community service shall be performed, or 60
23 consecutive hours of the sentence of imprisonment shall be served and may not
24 be suspended or deferred or served as a supervised sentence, except that credit
25 for a sentence of imprisonment may be received for time served in a residential
26 alcohol facility pursuant to sentence if the program is successfully completed.

27 (d) Third offense. A person convicted of violating section 1201 of this title
28 who has previously been convicted two times of a violation of that section

1 shall be fined not more than ~~\$2,500.00~~ \$15,000.00 or imprisoned not more
2 than five years, or both. At least 96 consecutive hours of the sentence of
3 imprisonment shall be served and may not be suspended or deferred or served
4 as a supervised sentence, except that credit for a sentence of imprisonment may
5 be received for time served in a residential alcohol facility pursuant to sentence
6 if the program is successfully completed. The Court may impose a sentence
7 that does not include a term of imprisonment or that does not require that the
8 96 hours of imprisonment be served consecutively only if the Court makes
9 written findings on the record that such a sentence will serve the interests of
10 justice and public safety.

11 (e)(1) Fourth or subsequent offense. A person convicted of violating section
12 1201 of this title who has previously been convicted three or more times of a
13 violation of that section shall be fined not more than ~~\$5,000.00~~ \$20,000.00 or
14 imprisoned not more than 10 years, or both. At least 192 consecutive hours of
15 the sentence of imprisonment shall be served and may not be suspended or
16 deferred or served as a supervised sentence, except that credit for a sentence of
17 imprisonment may be received for time served in a residential alcohol
18 treatment facility pursuant to sentence if the program is successfully
19 completed. The Court shall not impose a sentence that does not include a term
20 of imprisonment unless the Court makes written findings on the record that
21 there are compelling reasons why such a sentence will serve the interests of
22 justice and public safety.

23 (2) The Department of Corrections shall provide alcohol and substance abuse
24 treatment, when appropriate, to any person convicted of a violation of this
25 subsection.

26 (f)(1) Death resulting. If the death of any person results from a violation of
27 section 1201 of this title, the person convicted of the violation shall be fined
28 not more than ~~\$10,000.00~~ \$100,000.00 or imprisoned not less than one year

1 nor more than 15 years, or both. The provisions of this subsection do not limit
2 or restrict prosecutions for manslaughter.

3 * * *

4 (g)(1) Injury resulting. If serious bodily injury, as defined in 13 V.S.A. §
5 1021(2), results to any person other than the operator from a violation of
6 section 1201 of this title, the person convicted of the violation shall be fined
7 not more than ~~\$5,000.00~~, \$100,000.00 or imprisoned not more than 15 years,
8 or both.

9 * * *

10 (h) Determination of fines. In determining appropriate fines under this section,
11 the Court may take into account the total cost to a defendant of alcohol
12 screening, participation in the Alcohol and Driving Education Program and
13 therapy, and the income of the defendant.

14 * * *

15 (l) Ten percent of the fines collected under this section shall be remitted to the
16 Commissioner of Health for the purpose of offsetting the expense of offering
17 reduced-cost Alcohol and Driving Education Programming to financially-
18 needy persons pursuant to 23 V.S.A. Sec. 1209a(f).

19
20 Sec. VIII. EFFECT ON CURRENT SUSPENSIONS

21
22 Any driver's license or privilege suspension currently in force by virtue of
23 language repealed in Sections I, II, & III, shall terminate on the effective date
24 of this bill. The Commissioner of Motor Vehicles shall notify persons eligible
25 for reinstatement within 30 days of the effective date of this bill.

26
27 Sec. IX. PENALTY FOR DRIVING WITH A SUSPENDED LICENSE

28

1 23 V.S.A. Sec. 676 (Operation After Suspension; Civil Violation) is repealed.

2
3 23 V.S.A. Sec. 674 (Criminal DLS) is amended as follows:

4
5 ~~(a)(1) Except as provided in section 676 of this title, a person whose license~~
6 ~~or privilege to operate a motor vehicle has been suspended or revoked for a~~
7 ~~violation of this section or subsection 1091(b), 1094(b), or 1128(b) or (c) of~~
8 ~~this title and who operates or attempts to operate a motor vehicle upon a public~~
9 ~~highway before the suspension period imposed for the violation has expired~~
10 ~~shall be imprisoned not more than two years or fined not more than \$5,000.00,~~
11 ~~or both.~~

12 ~~(2) A person who violates section 676 of this title for the sixth or~~
13 ~~subsequent time shall, if the five prior offenses occurred after July 1, 2003, be~~
14 ~~imprisoned not more than two years or fined not more than \$5,000.00, or both.~~

15 ~~(3) Violations of section 676 of this title that occurred prior to the date a~~
16 ~~person successfully completes the DLS Diversion Program or prior to the date~~
17 ~~that a person pays the amount due to the Judicial Bureau in accordance with~~
18 ~~subsection 2307(b) of this chapter shall not be counted as prior offenses under~~
19 ~~subdivision (2) of this subsection.~~

20 ~~(b) Except as authorized in section 1213 of this title, a person whose license~~
21 ~~or privilege to operate a motor vehicle has been suspended or revoked for a~~
22 ~~violation of section 1201 of this title or has been suspended under section 1205~~
23 ~~of this title and who operates or attempts to operate a motor vehicle upon a~~
24 ~~public highway before reinstatement of the license shall be imprisoned not~~
25 ~~more than two years or fined not more than \$5,000.00, or both. The sentence~~
26 ~~shall be subject to the following mandatory minimum terms:~~

27 ~~(1) For the first offense, the defendant shall pay a mandatory minimum~~
28 ~~fine of \$300.00 or complete 40 hours of community service. In the event that~~

1 ~~no term of imprisonment, suspended or to serve, is imposed, the community~~
2 ~~service shall be performed within 120 days. Failure to submit proof of~~
3 ~~completion of the 40 hours within 120 days shall constitute civil contempt~~
4 ~~unless the defendant requests an extension for good cause shown prior to~~
5 ~~expiration of the 120 days.~~

6 ~~(2) For a second offense occurring within five years, the defendant shall~~
7 ~~pay a mandatory minimum fine of \$750.00 or complete 80 hours of community~~
8 ~~service. In the event that no term of imprisonment, suspended or to serve, is~~
9 ~~imposed, the community service shall be performed within 120 days. Failure to~~
10 ~~submit proof of completion of the 80 hours within 120 days shall constitute~~
11 ~~civil contempt unless the defendant requests an extension for good cause~~
12 ~~shown prior to expiration of the 120 days.~~

13 ~~(3) For the third offense occurring within five years, the defendant shall~~
14 ~~serve at least 12 days of preapproved furlough with community restitution.~~

15 ~~(4) For the fourth offense occurring within five years, the defendant shall~~
16 ~~serve at least 18 days of preapproved furlough with community restitution.~~

17 ~~(5) For the fifth and subsequent offenses occurring within five years, the~~
18 ~~defendant shall be imprisoned at least 16 consecutive days in a correctional~~
19 ~~facility. The sentence may not be suspended or deferred.~~

20
21 (a) Except as provided in Section 1213 of this Title, a person whose
22 license or privilege to operate a motor vehicle has been revoked,
23 suspended, or refused by the Commissioner of Motor Vehicles for
24 any reason and who operates or attempts to operate a motor vehicle
25 upon a public highway before the suspension period imposed for the
26 violation has expired shall be imprisoned not more than 60 days or
27 fined not more than \$5,000.00, or both. For a second or subsequent
28 offense, the person shall be imprisoned not more than 6 months or

1 fined not more than \$10,000.00, or both. For a third of subsequent
2 offense, the person shall be imprisoned not more than 1 year, fined
3 not more than \$15,000, and serve at least 48 consecutive hours inside
4 a correctional facility. The 48 hours may not be suspended, deferred,
5 or served as a supervised sentence.

6 (b) A person who violates subsection (a) and whose license or privilege
7 is suspended or revoked for an offense, an element of which involves
8 death or serious bodily injury to another, must serve at least 30
9 consecutive days inside a correctional facility. The 30 days may not
10 be suspended, deferred, or served as a supervised sentence.

11
12 23 V.S.A. Sec. 601 (License Required) is amended as follows:
13

14 (f) A person who violates this section is guilty of a traffic offense.
15 A person who violates this section, having previously been
16 convicted of the same within 4 years, shall be imprisoned not
17 more than 60 days, fined not more than \$5,000.00, or both. An
18 unsworn printout of the person's Vermont motor vehicle
19 conviction history may be admitted into evidence to prove a
20 prior conviction under this subsection.

21
22
23 Sec. X. EFFECTIVE DATE

24 This act shall take effect on July 1, 2016.

Driver's License Suspension - Key Ideas

- The Committee was formed by a charge from the Chairs of the Senate and House Judiciary Committees to the Secretary of Transportation, 2/25/15 "study the potential costs and benefits of various approaches for reducing the number and duration of driver's license suspensions in Vermont, and for mitigating the collateral consequences of such suspensions"
- This was partially based on the 2014 Pathways from Poverty Council Recommendations to "Complete a high level study of transportation issues affecting low income people that examine existing vehicle and ridership programs, public transportation, and regulations relating to fines, fees and repairs that are barriers."
- The committee met in May and June to review existing activities, resources and ideas to reduce the incidence of driver's suspensions which are determined to be one factor affecting poverty as well as cost to the various government agencies including the court system.
- One high profile issue was the reduction in the backlog of unpaid tickets. One way this was addressed was by the Chittenden County States Attorney's Office 'Restoration Day' which provided a one day, reduced cost (\$20), event which allowed those with unpaid tickets to pay off those fines at the dramatically reduced rate. This event, while highly successful for the 1236 people who participated and the 631 licenses which were restored, recouped \$148,379 in fees and required considerable efforts on the part of DMV and the court system. The cost saved in court and DMV time in future was not calculated. Other States Attorneys are considering this as an option.
- Other activities in place to assist in alleviating the problem are the Diversion Program which allows time payment without suspension and fees. This is a labor intensive process but does take into account ability to pay which the 'Restoration Day' does not.
- Issues identified as needing study are;
 - the difference between DLS for criminal driving offenses, for motor vehicle related but non-moving violations (there are 7) and those unrelated to motor vehicle offenses (there are 5);
 - the effectiveness of various alternatives such as restricted or hardship licenses;
 - the nature of those offenses and the reasons they are not paid promptly;
 - the effectiveness of DLS as a behavior modification tool;
 - the type of punishments or activities which might be more effective;
 - the use of driver education/rehabilitation courses to reduce points or eliminate suspensions;
 - improvements to the DMV and court system to improve efficiency and information regarding fines owed and reduction in costs to the system;
 - the role of SR22 insurance plays in the problem
 - the need for the law enforcement community to have effective and easy to administer regulations.
- Recent Issues
 - David Cahill wrote a draft bill to carry things along, Helena Gardner wrote a synopsis (both attached)
 - A few of the police chiefs got wind of what we were doing without direct contact from the group. I thought David Cahill and Helena were in touch with them. Now we need to reach out and fix it.