

From: Lapointe, Gabrielle [Gabrielle.Lapointe@state.vt.us]
Sent: Thursday, June 11, 2015 11:43 AM
To: London, Sarah
CC: Pratt, Michael; Riven, Matt; Gabel, Patricia
Subject: FW: DLS discussion
Attachments: Remedies for failure to pay traffic violations.docx

Sarah,

Pursuant to your request:

- 23 V.S.A. §2307 (c) (3) gives the judicial officer sole discretion to determine mitigation remedies in a Judicial Bureau judgment
- 511 judgments were recalled from collections after payment of fines reduced as part of Chittenden's Driver Restoration day
- \$8773.78 in tax offset payments, received after March 20, 2015, was refunded for judgments reduced as part of Chittenden's Driver Restoration day

Gabrielle Lapointe
Clerk | Judicial Bureau
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From: London, Sarah
Sent: Tuesday, June 09, 2015 5:30 PM
To: Donovan, Barbara; Pratt, Michael
Cc: Gabel, Patricia; Lapointe, Gabrielle
Subject: RE: DLS discussion

Thanks again, and understood re tomorrow. We'll make sure we give you, and Gabrielle, and whoever else you recommend who may be interested in joining us more advanced notice in the future. This was entirely my fault.

Sarah

From: Donovan, Barbara
Sent: Tuesday, June 09, 2015 5:21 PM
To: Pratt, Michael; London, Sarah
Cc: Gabel, Patricia; Lapointe, Gabrielle
Subject: RE: DLS discussion

The conference line to call in is 877-278-8686, guest 627931

Barbara Donovan

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From: Pratt, Michael
Sent: Tuesday, June 09, 2015 5:20 PM
To: London, Sarah
Cc: Gabel, Patricia; Donovan, Barbara; Lapointe, Gabrielle
Subject: RE: DLS discussion

Hello Sarah,

Tomorrow I've got a busy day of criminal court including a violation of probation merits hearing that conflicts with the meeting. If the VOP settles, I could attend the meeting by phone but I'm unable to be there in person.

Michael

From: London, Sarah
Sent: Tuesday, June 09, 2015 9:28 AM
To: Pratt, Michael
Cc: Gabel, Patricia; Donovan, Barbara
Subject: DLS discussion

Judge Pratt, I hope you are well. We have convened an informal working group to look at the DLS issue generally, as well as the idea of additional Driver Restoration Days in different parts of the state. The next meeting for the group is tomorrow at 2pm. You were recommended as a helpful person to join this discussion. If you, or anyone else from the Judiciary, would like to join us tomorrow, please let me and Barbara Donovan, cc'd, know and we will get you conference call info, and/or meeting room info. Thanks very much, and my apologies for the short notice,
Sarah

Sarah London
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Title 23: Motor Vehicles

Chapter 024: Traffic Violations

§ 2307. Remedies for failure to pay traffic violations

(a) Definition. As used in this section, "amount due" means all financial assessments contained in a Judicial Bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(b) Notice of risk of suspension. A judgment for a traffic violation shall contain a notice that failure to pay or otherwise satisfy the amount due within 30 days of the notice will result in suspension of the person's operator's license or privilege to operate, and the denial, if the person is the sole registrant, of the person's application for renewal of a motor vehicle registration, until the amount due is paid or otherwise satisfied. If the defendant fails to pay the amount due within 30 days of the notice, or by a later date as determined by a judicial officer, and the case is not pending on appeal, the Judicial Bureau shall provide electronic notice thereof to the Commissioner of Motor Vehicles. After 20 days from the date of receiving the electronic notice, the Commissioner shall:

(1) Suspend the person's operator's license or privilege to operate for a period of 120 days. However, the person shall become eligible for reinstatement prior to expiration of the 120 days if the amount due is paid or otherwise satisfied.

(2) Deny the person's application for renewal of a motor vehicle registration, if the person is the sole registrant, until the amount due is paid or otherwise satisfied.

(c) During proceedings conducted pursuant to 4 V.S.A. § 1109, the hearing officer may apply the following mitigation remedies when the judgment is based upon a traffic violation. The hearing officer also may apply the remedies with or without a hearing when acting on a motion to approve a proposed DLS Diversion Program contract and related payment plan pursuant to 2012 Acts

and Resolves No. 147, Sec. 2. Notwithstanding any other law, no entry fee shall be required and venue shall be statewide for motions to approve.

(1) The hearing officer may waive the reinstatement fee required by section 675 of this title or reduce the amount due on the basis of:

(A) the defendant's driving history, ability to pay, or service to the community;

(B) the collateral consequences of the violation; or

(C) the interests of justice.

(2) The hearing officer may specify a date by which the defendant shall pay the amount due and may notify the Commissioner of Motor Vehicles to reinstate the defendant's operator's license or privilege subject to payment of the amount due by the specified date. If the defendant fails to pay the amount due by the specified date, the Judicial Bureau may notify the Commissioner to suspend the defendant's operator's license or privilege. A license may be reinstated under this subdivision only if the defendant's license is suspended solely for failure to pay a judgment of the Judicial Bureau.

(3) The judicial officer shall have sole discretion to determine mitigation remedies pursuant to this subdivision, and the judicial officer's determination shall not be subject to review or appeal in any court, tribunal, or administrative office. (Added 1989, No. 109, § 2, eff. July 1, 1990; amended 1997, No. 121 (Adj. Sess.), § 13; 2005, No. 167 (Adj. Sess.), § 3, eff. Sept. 1, 2006; 2007, No. 51, § 5, eff. Jan. 1, 2010; 2013, No. 18, § 1; 2013, No. 128 (Adj. Sess.), § 3.)