

From: Boomhower, Michele [Michele.Boomhower@vermont.gov]
Sent: Monday, November 16, 2015 11:49 AM
To: Johnson, Justin; Springer, Darren
CC: London, Sarah
Subject: DLS Task Force Follow-up
Attachments: DLS Task Force Overview for Governor 20151113.docx.doc

Justin and Darren,

I had prepared this summary for our meeting last Friday but with the limited time we had available, I simply hit the high points during our discussion.

Please let me know if you have any questions.

Michele

PLEASE NOTE MY NEW EMAIL ADDRESS BELOW!

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Driver's License Suspension Task Force
Briefing for Governor Peter Shumlin
Friday, November 13, 2015

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."

Overview

- This request 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, June, July and October 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 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. Assistant Attorney General John Treadwell will be seeking authorization to undertake a rolling 'Restoration' event in Windsor County.
- 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 include

- 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 an effective and easy manner to administer regulations

Recent Developments

- David Cahill, Executive Director of the Vermont State's Attorneys, drafted a bill which has been under review by the Task Force; Helena Gardner of Legislative Council prepared a synopsis of the Bill and is collaborating
- The work of the Task Force and an overview of the legislation has been presented to various law enforcement officials with another presentation to a joint meeting of Chiefs and Sheriffs in December

Points of agreement

- There are two goals:
 - Assist people struggling to pay VJB fines and/or meet other requirements to regain driving privileges
 - Minimize future suspensions
- There are several issues:
 - People living in poverty cannot afford traffic fines and end up on the DLS treadmill
 - Failure to pay fines (FAF) is the primary reason leading to license suspension
 - Criminal courts are clogged with criminal DLS charges
 - Many people do not realize that after paying Vermont Judicial Bureau fines that they also will need to pay a DMV reinstatement fee prior to their driver's license being re-issued
- Solutions must be:
 - Administratively simple
 - Not incur new state expenses
 - Provide savings to offset any lost revenue
- Other Considerations:
 - Cost of Project CRASH is a barrier to participation for individuals required to (assessment & education, eligibility for reinstatement)
 - Cost of auto insurance can be prohibitive for people with multiple traffic violations
 - Many people do not know about the option of the 30/30 plan

Points of Disagreement – What is the value of the threat of suspension?

- Does the threat of suspension encourage payment of traffic fines?
- Does the threat of suspension encourage other desired behaviors? (e.g. payment of child support and participation in the Youth Substance Abuse Safety Program)
- Should suspension relate only to driving violations?

Strategies suggested that appear to have agreement

- Bundle reinstatement fee into VJB fines
- If suspension remains a consequence for non-payment of fines, make the 120-day suspension (part of 2014 legislation) retroactive, thereby eliminating indefinite suspensions for many people.

Next Step

- Task Force will host a final meeting in mid-December to review draft Report which will be delivered to Senator Sears and Representative Grad in late December
- Representative Grad, David Cahill and Helena Gardner will continue to draft the bill

Participants to Date

- Office of the Governor – Sarah London, James Pepper
- VTrans – Chris Cole, Michele Boomhower, Rob Ide, Glen Button (retired), Chauncey Liese, Jake Elovirta, Barbara Donovan, David Pelletier
- Vermont State's Attorneys & Sheriff's Association - David Cahill
- Legislative Council - Helena Gardner
- Judiciary – Judge Michael Pratt, Gabriel LaPointe, Tari Scott
- Court Diversion - Michael Duane, Willa Farrell
- Vermont Legal Aid - Chris Curtis, Grace Pazdan
- Department of Children & Families (OCS) - Robin Arnell, Jeff Cohen