

From: Donovan, Barbara [Barbara.Donovan@vermont.gov]
Sent: Wednesday, September 02, 2015 12:55 PM
To: Bartlett, Susan; Boomhower, Michele; Button, Glen; Cahill, David; Curtis, Chris; Farrell, Willa; Gardner, Helena; Laferriere, Deb; Lapointe, Gabrielle; Liese, Chauncey; London, Sarah; Maguire, Jo Ann; Minter, Sue; Pratt, Michael; Riven, Matt
Subject: minutes and next meeting
Attachments: DLS Task Force DRAFT minutes from 072915.docx

Attached please find the final draft minutes of our July 29th meeting. The next full meeting is set for October 28th from 2-3:30. This will give us time for the following tasks which need to be accomplished. Please note the tasks you volunteered for.

“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.”

Susan Bartlett of AHS will be joining the Task Force and we will plan to brief her in advance of the next meeting.

***Please note new e-mail address (Vermont.gov)
as of 7/27/15***

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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.

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