

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.571 **Name of Bill:** An act relating to driver's license suspensions, driving with a suspended license, and DUI penalties

Agency/ Dept: AOT/DMV **Author of Bill Review** Jordan Villa

Date of Bill Review: 5/12/16 **Related Bills and Key Players** Click here to enter text.

Status of Bill: (check one): Upon Introduction As passed by 1st body As passed by both

Recommended Position:

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

Analysis of Bill

1. Summary of bill and issue it addresses.

This bill addresses the issues surrounding driver license suspensions and their use as a tool to encourage payment of traffic violations and proposes to:

1. Terminate all suspensions from pre-7/1/1990 failure to appear suspensions for violations that are no longer criminal
2. Create a statewide driver restoration program allowing for reduced judgements for tickets received 7/1/90 - 6/30/2012
3. Modify existing payment plan options that are available through the VJB and require hearing officers to consider ability to pay if a person requests they do so prior to entering judgement
4. Repeal suspensions for underage possession of tobacco, failure to pay purchase and use tax, and for false public alarm convictions.
5. Repeal the law requiring DMV to refuse to renew a vehicle registration if a person has outstanding traffic tickets
6. Modify use of license suspension for failure to pay a fine - suspensions for failure to pay a fine are 30-days and only for tickets that carry points
7. Modify existing DLS statutes and criminalize second offense for driving without obtaining a license
8. Eliminate the assessment of points for motorcycle headgear violations and change requirements for facial protection when operating a motorcycle
9. Increase public awareness of the options available to pay traffic fines
10. Sets minimum training standards for law enforcement officers and requires law enforcement agencies to adopt a fair and impartial policing policy
11. Encourage training on detection of impaired drivers for law enforcement officers
12. Prevent insurance companies from taking into consideration a person's credit information in connection with underwriting insurance

2. Is there a need for this bill?

The bill is necessary in order to: make changes to the State's laws governing license suspensions as a payment collection tool; create a statewide driver restoration program which allows Vermonters to get back on the roads legally; modify current DLS laws; to eliminate license suspensions for various violations that are not related to driving; and to set standards for training of law enforcement officers throughout the state.

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3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

DMV driver improvement staff will have to go through records of Vermonters and residents of other jurisdictions and manually clear any suspensions stemming from traffic tickets issued before July 1, 1990. Driver improvement staff will also have to reinstate operating privileges for those drivers who are suspended for failure to pay a fine, but have paid the fine in full or are on a payment plan, and whose privilege to operate is suspended only because they have not paid the reinstatement fee.

IT changes will be required to display correct points and suspension information in DMV records programs.

DMV information unit staff will have to be trained on the changes to the laws regarding license suspensions and on the driver restoration program. They will also likely see an increase in the number of calls they receive on a daily basis regarding driver improvement issues, which will increase the amount of time customers have to wait on hold in order to speak with someone.

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?

Vermont Judicial Bureau:

- Lost revenue due to decreased traffic fines in restoration program and from hearing officers reducing fines based on a person's ability to pay
- May need to make changes to databases and computer programs due to changes regarding when a license may be suspended for failure to pay a traffic judgement
- May make available an online option to allow people to apply for the restoration program electronically
- Make changes to procedures covering failure to pay a fine

AOT:

- Commence an advertising campaign prior to the restoration program to run through the duration of the program

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

Municipal Police Departments are likely to oppose the proposal to reduce waiver and surcharge amounts as the amount of revenue they collect from traffic enforcement will be impacted. Testimony should be taken from leadership of municipal police departments to gain a better sense of the impact that these changes would have on their departments.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Drivers who are subject to indefinite license suspensions for failure to pay fines will likely support the bill. Members of the general public who feel that this is a way to get Vermonters legally on the road and able to get to work will support the bill, too.

Civil Liberties groups are likely to support the bill as it will be seen as a way to allow all Vermonters to get back on the road and to get to work, regardless of income level.

6.2 Who else is likely to oppose the proposal and why?

Vermonters who either do not get traffic tickets or who have already paid all of their violations in full may feel that the extended driver restoration program is unfair. The issue of fairness rightly comes in to play as the cost of the discounted traffic judgements and waived reinstatement fees will be passed on to all those who drive, own vehicles, or purchase identification documents in Vermont regardless of whether they committed any violations of their own.

7. Rationale for recommendation: *Justify recommendation stated above.*

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The number of Vermonters who will benefit from the reduced traffic judgement waivers in this bill is roughly 10% of the state's population, but nearly all Vermonters will have to bear the burden. The driver restoration program will result in a significant increase in the amount of work required to be completed by DMV staff. In addition, the DMV will see a significant cut to revenue to pay for such staffing due to the elimination of reinstatement fees and reduced ticket waiver amounts during the restoration period.

- 8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
- 9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**
No

Secretary/Commissioner has reviewed this document: _____ **Date:** _____