

Section-by-Section Summary
H.53 (APBH) with Senate Judiciary's Amendment

Big Picture: Eliminates the suspension of driver's licenses or privileges to operate (collectively "driver's license") exclusively for the nonpayment of a traffic violation for which points are assessed (known as a moving violation), but does not eliminate any of the other instances where a driver's license can be suspended, such as point accumulation, certain violations (including DUI), and the non-payment of child support.

Sec. 1 amends 4 V.S.A. § 1109 as follows:

Page 1, lines 18 and 19 – Amends a subsection heading to conform with the elimination of suspensions for the nonpayment of a moving violation (technical change required by the balance of the bill).

Page 2, lines 6–18 – **This is the substantive change and the crux of the entire bill.**

By repealing this subdivision:

- **the traffic violation for which points are imposed no longer needs to contain notice that failure to pay within 30 days will lead to suspension of the individual's driver's license and that payment plan options are available (lines 6–11);**
- **the Judicial Bureau no longer sends notice of nonpayment to the Commissioner of Motor Vehicles (lines 11–14); and**
- **the Commissioner of Motor Vehicles no longer suspends the license exclusively for the nonpayment of a moving violation (lines 15–18).**

Page 2, line 19 – Deletes a subdivision designation (technical change required by the repeal of subdivision (b)(2)(A)).

Page 2, line 20; page 3, line 2 – Technical correction (person changed to individual).

Page 2, lines 20–21 – Amends to clarify that payment plans are available for everyone, not just those who are trying to avoid suspension (max amount in statute).

Page 3, lines 3 and 4; page 3, lines 14 and 15; page 5, line 18; page 6, line 1 – Technical corrections (subsection and subdivision headings).

Page 3, lines 5 and 6 – Amends to provide (most likely as a clarification) that the Judicial Bureau cannot initiate civil contempt proceedings if a defendant is currently complying with a payment plan (most likely the current practice given what needs to be shown for civil contempt, *see* 4 V.S.A. § 1109(c)(5)(A)(iii) (requires a finding that "the defendant failed to pay all or any portion of the amount due.")).

Page 3, lines 8 and 9; page 4, lines 13 and 14; page 5, line 1 – Technical corrections (hyphen; eliminate gendered pronouns; use "10" instead of "ten").

Sec. 2 provides direction on implementation: Commissioner of Motor Vehicles shall not suspend driver's licenses that are not already suspend as of the effective date solely for nonpayment of a civil penalty for a traffic violation committed prior to the effective date (draws a line in the sand, no new suspensions after the effective date).

Sec. 3 – Effective date: 30 days after passage.