

**Rep. Shaw – S.309 diversion education language for HTC discussion**

1 Sec. A. 23 V.S.A. § 2304 is added to read:

2 § 2304. DISTRACTED DRIVING DIVERSION PROGRAM FOR JUNIOR  
3 OPERATORS

4 (a) Issuance of a notice of violation. A law enforcement officer shall issue a notice  
5 of violation, in a form approved by the Court Administrator, to an individual charged  
6 with a violation of section 1095a or 1099 of this title. The notice of violation shall  
7 require the individual to provide the individual's name and address and shall explain  
8 procedures under this section, including that:

9 (1) the individual shall contact the Diversion Program in the county where the  
10 offense occurred within 15 days;

11 (2) failure to contact the Diversion Program within 15 days will result in the  
12 case being referred to the Judicial Bureau, where the individual, if convicted of the  
13 violation, shall be subject to recall of the individual's learner's permit or junior  
14 operator's license by the Commissioner for 30 days for a first violation or 90 days for  
15 a second or subsequent violation;

16 (3) no money shall be submitted to pay any penalty until after conviction; and

17 (4) the individual shall notify the Diversion Program if the individual's address  
18 changes.

19 (b) Citation for violation. When an individual is issued a notice of violation under  
20 subsection (a) of this section, the law enforcement officer shall complete a citation for  
21 the violation and send it to the Diversion Program in the county where the violation  
22 occurred. The citation shall not be filed with the Judicial Bureau at that time.

1        (c) Registration in Distracted Driving Diversion Program.

2            (1) Within 15 days after receiving a notice of violation, the individual shall  
3 contact the Diversion Program in the county where the violation occurred and register  
4 for the Distracted Driving Diversion Program. If the individual fails to do so, the  
5 Diversion Program shall file the citation with the Judicial Bureau for adjudication  
6 under 4 V.S.A. chapter 29.

7            (2) The Diversion Program shall provide a copy of the citation to the law  
8 enforcement officer who issued the notice of violation and shall provide two copies to  
9 the individual charged with the violation.

10          (3) If the individual is convicted of the traffic violation, the Judicial Bureau  
11 shall notify the Department of Motor Vehicles, and the Commissioner shall recall the  
12 individual's learner's permit or junior operator's license in accordance with section  
13 607a of this title for 30 days for a first violation or 90 days for a second or subsequent  
14 violation.

15          (d) Notice to report to Diversion Program. Upon receipt from a law enforcement  
16 officer of a citation completed under subsection (b) of this section, the Diversion  
17 Program shall send the individual a notice to report to the Diversion Program and meet  
18 with Diversion Program staff to:

19            (1) assess the individual's risk for future traffic violations;

20            (2) identify factors that contributed to previous traffic violations; and

21            (3) develop a contract to be presented to the Judicial Bureau for review that may  
22 include one or more of the following:

1           (A) completion of a driving education program approved by the Vermont  
2 State Highway Safety Office;

3           (B) any other conditions related to the distracted driving traffic violation; or

4           (C) a fee, not to exceed \$50.00 in the case of a violation of section 1095a of  
5 this title and not to exceed \$100.00 in the case of a violation of section 1099 of this  
6 title, payable to the Diversion Program and determined using a sliding scale based on  
7 the financial means of the individual and the individual's household.

8           (e) Referral to the Judicial Bureau.

9           (1) If an individual issued a notice of violation under subsection (a) of this  
10 section does not satisfactorily comply with the Diversion Program contract and other  
11 conditions related to the violation imposed by the Diversion Program, the Diversion  
12 Program shall file the citation completed pursuant to subsection (b) of this section with  
13 the Judicial Bureau for adjudication under 4 V.S.A. chapter 29.

14           (2) The Diversion Program shall provide a copy of the citation to the law  
15 enforcement officer who issued the notice of violation and shall provide two copies to  
16 the individual charged with the violation.

17           (3) If the individual is convicted of the traffic violation, the Judicial Bureau  
18 shall notify the Department of Motor Vehicles, and the Commissioner shall recall the  
19 individual's learner's permit or junior operator's license in accordance with section  
20 607a of this title for 30 days for a first violation or 90 days for a second or subsequent  
21 violation.

22           (f) Compliance with the Diversion Program. If the individual satisfactorily  
23 complies with the Diversion Program contract and other conditions related to the

1 violation imposed by the Diversion Program, the individual shall not be convicted of a  
2 traffic violation and shall not be subject to recall of the individual’s learner’s permit or  
3 junior operator’s license.

4 (g) Appeals. An individual aggrieved by a decision of the Diversion Program may  
5 seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil  
6 Procedure.

#### 7 Sec. B. APPROVAL OF DRIVING EDUCATION PROGRAMS

8 The Vermont State Highway Safety Office, in consultation with the Department of  
9 Public Safety and the Vermont Sheriffs’ Association, shall approve at least one driving  
10 education program that shall be sufficient for purposes of 23 V.S.A. § 2304(d)(3)(A),  
11 as added by Sec. A of this act, in each county within the State on or before January 1,  
12 2025.

#### 13 Sec. C. EFFECTIVE DATES

14 (a) This section (effective dates) and Sec. B (approval of driving education  
15 programs) shall take effect on passage.

16 (b) Sec. A (Distracted Driving Diversion Program for junior operators) shall take  
17 effect on January 1, 2025.