BILL AS PASSED BY THE HOUSE AND SENATEH.532023Page 1 of 9

1	Н.53
2	Introduced by Representatives Dolan of Essex Junction, LaLonde of South
3	Burlington, Burditt of West Rutland, Burke of Brattleboro,
4	Christie of Hartford, Notte of Rutland City, and Rachelson of
5	Burlington
6	Referred to Committee on
7	Date:
8	Subject: Motor vehicles; driver's licenses; privilege to operate; suspension;
9	nonpayment
10	Statement of purpose of bill as introduced: This bill proposes to eliminate the
11	suspension of a driver's license or privilege to operate based on the
12	nonpayment of civil penalties for moving violations.

13 An ext relating to driver's license suspensions

An act relating to driver's license suspensions and revenue for the Domestic and Sexual Violence Special Fund

- 14 It is hereby enacted by the General Assembly of the State of Vermont:
- 15 Sec. 1. 4 V.S.A. § 1109 is amended to read:
- 16 § 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT
- 17 ***

1	(b) Late fees; suspensions for nonpayment of certain traffic violation
2	judgments payment plans.
3	(1) A Judicial Bureau judgment shall provide notice that a \$30.00 fee
4	shall be assessed for failure to pay within 30 days. If the defendant fails to pay
5	the amount due within 30 days, the fee shall be added to the judgment amount
6	and deposited in the Court Technology Special Fund established pursuant to
7	section 27 of this title.
8	(2)(A) In the case of a judgment on a traffic violation for which the
9	imposition of points against the person's driving record is authorized by law,
10	the judgment shall contain a notice that failure to pay or otherwise satisfy the
11	amount due within 30 days of the notice will result in suspension of the
12	person's operator's license or privilege to operate, and that payment plan
13	options are available. If the defendant fails to pay the amount due within 30
14	days of the notice, or by a later date as determined by a Judicial Bureau clerk
15	or hearing officer, and the case is not pending on appeal, the Judicial Bureau
16	shall provide electronic notice thereof to the Commissioner of Motor Vehicles.
17	After 20 days from the date of receiving the electronic notice, the
18	Commissioner shall suspend the person's operator's license or privilege to
19	operate for a period of 30 days or until the amount due is satisfied, whichever
20	is earlier.

BILL AS PASSED BY THE HOUSE AND SENATE 2023

1	(B) At minimum, the Judicial Bureau shall offer a payment plan
2	option that allows a person an individual to avoid a suspension of his or her
3	license or privilege to operate by paying no pay not more than \$30.00 per
4	traffic violation judgment per month, and not to exceed \$100.00 per month if
5	the person individual has four or more outstanding judgments.
6	(c) (1) Civil contempt proceedings.
7	(1) Commencement. If an amount due remains unpaid for 75 days after
8	the Judicial Bureau provides the defendant with a notice of judgment and the
9	defendant is not currently complying with a payment plan, the Judicial Bureau
10	may initiate civil contempt proceedings pursuant to this subsection.
11	(2) Notice of hearing. The Judicial Bureau shall provide notice by first
12	elass first-class mail sent to the defendant's last known address that a contempt
13	hearing will be held pursuant to this subsection, and that failure to appear at
14	the contempt hearing may result in the sanctions listed in subdivision (3) of
15	this subsection.
16	* * *
17	(4) (A) Hearing.
18	(A) Procedure. The hearing shall be conducted in a summary
19	manner. The hearing officer shall examine the defendant and any other
20	witnesses and may require the defendant to produce documents relevant to the
21	defendant's ability to pay the amount due. The State or municipality shall not

be a party except with the permission of the hearing officer. The defendant
may be represented by counsel at the defendant's own expense.
(B) Traffic violations; reduction of amount due. When the judgment
is based upon a traffic violation, the hearing officer may waive the
reinstatement fee required pursuant to 23 V.S.A. § 675(a) or reduce the amount
due on the basis of the defendant's driving history, ability to pay, or service to
the community; the collateral consequences of the violation; or the interests of
justice. The hearing officer's decision to reduce the amount due shall not be
subject to review or appeal except in the case of a violation of rights
guaranteed under the Vermont or U.S. Constitution.
(5) Contempt.
(A) The hearing officer may conclude that the defendant is in
contempt if the hearing officer states in written findings a factual basis for
concluding that:
(i) the defendant knew or reasonably should have known that he
or she the defendant owed an amount due on a Judicial Bureau judgment;
(ii) the defendant had the ability to pay all or any portion of the
amount due; and
(iii) the defendant failed to pay all or any portion of the amount
due.

BILL AS PASSED BY THE HOUSE AND SENATEH.532023Page 5 of 9

1	(B) In the contempt order, the hearing officer may do one or more of
2	the following:
3	(i) Set a date by which the defendant shall pay the amount due.
4	(ii) Assess an additional penalty not to exceed ten $\underline{10}$ percent of
5	the amount due.
6	(iii) [Repealed.]
7	(iv) Recommend that the Criminal Division of the Superior Court
8	incarcerate the defendant until the amount due is paid. If incarceration is
9	recommended pursuant to this subdivision (c)(5), the Judicial Bureau shall
10	notify the Criminal Division of the Superior Court that contempt proceedings
11	should be commenced against the defendant. The Criminal Division of the
12	Superior Court proceedings shall be de novo. If the defendant cannot afford
13	counsel for the contempt proceedings in the Criminal Division of the Superior
14	Court, the Defender General shall assign counsel at the Defender General's
15	expense.
16	(d) Collections.
17	(1) If an amount due remains unpaid after the issuance of a notice of
18	judgment, the Court Administrator may authorize the clerk of the Judicial
19	Bureau to refer the matter to a designated collection agency.
20	* * *

BILL AS PASSED BY THE HOUSE AND SENATE 2023

1	(e) <u>Venue</u> . For purposes of civil contempt proceedings, venue shall be
2	statewide. No entry or motion fee shall be charged to a defendant who applies
3	for a reduced judgment under subdivision (c)(4)(B) of this section.
4	(f) Collections. Notwithstanding 32 V.S.A. § 502, the Court Administrator
5	is authorized to contract with a third party to collect fines, penalties, and fees
6	by credit card, debit card, charge card, prepaid card, stored value card, and
7	direct bank account withdrawals or transfers, as authorized by 32 V.S.A. §
8	583, and to add on and collect, or charge against collections, a processing
9	charge in an amount approved by the Court Administrator.
10	Sec. 2. EEEECTIVE DATE
11	This act shall take effect on passage and no driver's licenses or privileges to
12	operate that are not already suspended shall be suspended solely for the
13	nonpayment of one or more civil penalties for a traffic violation due as of the
14	effective date of this act.
	See 2 IMPLEMENTATION
	The Commissioner of Motor Vehicles shall not suspend any driver's licenses
	or privileges to operate that are not already suspended as of the effective date
	of this act solely for the nonpayment of a civil penalty for a traffic violation
	committed prior to the effective date of this act.
	Sec. 3. EFFECTIVE DATE

<u>-This act shall take effect 30 calendar days after passage.</u>

Sec. 2. IMPLEMENTATION

The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this section solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this section.

Sec. 3. LEGISLATIVE FINDINGS

The General Assembly finds that the Domestic and Sexual Violence Special Fund, created by 13 V.S.A. § 5360 and which receives \$10.00 from each Judicial Bureau Surcharge imposed pursuant to 13 V.S.A. § 7282(a)(8)(D), might see decreased revenue if fewer individuals promptly pay judgments owed on traffic violations for which the imposition of points against the individual's driving record is authorized by law and that an increased revenue source is needed in order to ensure sufficient grant funding for the Vermont Network against Domestic and Sexual Violence and for the Criminal Justice Training Council position dedicated to domestic violence training.

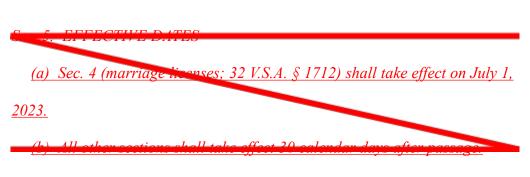
Sec. 4. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage license, $\frac{60.00}{80.00}$ to be paid by the applicant, $\frac{10.00}{515.00}$ of which sum shall be retained by the

town clerk as a fee, \$35.00 \$50.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by him or her the town clerk during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.



Sec. 5. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage license, \$80.00 \$60.00 to be paid by the applicant, \$15.00 \$10.00 of which sum shall be retained by the town clerk as a fee, \$50.00 \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. \$5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by the town clerk during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

* * *

Sec. 6. EFFECTIVE DATES

(a) Sec. 4 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1,

<u>2023.</u>

(b) Sec. 5 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1,

<u>2025.</u>

(c) All other sections shall take effect 30 calendar days after passage.