

1 H.53

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

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. 4 V.S.A. § 1109 is amended to read:

6 § 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

7 * * *

8 (b) Late fees; ~~suspensions for nonpayment of certain traffic violation~~
9 ~~judgments~~ payment plans.

10 (1) A Judicial Bureau judgment shall provide notice that a \$30.00 fee
11 shall be assessed for failure to pay within 30 days. If the defendant fails to pay
12 the amount due within 30 days, the fee shall be added to the judgment amount
13 and deposited in the Court Technology Special Fund established pursuant to
14 section 27 of this title.

15 ~~(2)(A) In the case of a judgment on a traffic violation for which the~~
16 ~~imposition of points against the person's driving record is authorized by law,~~
17 ~~the judgment shall contain a notice that failure to pay or otherwise satisfy the~~
18 ~~amount due within 30 days of the notice will result in suspension of the~~
19 ~~person's operator's license or privilege to operate, and that payment plan~~
20 ~~options are available. If the defendant fails to pay the amount due within 30~~
21 ~~days of the notice, or by a later date as determined by a Judicial Bureau clerk~~
22 ~~or hearing officer, and the case is not pending on appeal, the Judicial Bureau~~

1 shall provide electronic notice thereof to the Commissioner of Motor Vehicles.
2 After 20 days from the date of receiving the electronic notice, the
3 Commissioner shall suspend the person's operator's license or privilege to
4 operate for a period of 30 days or until the amount due is satisfied, whichever
5 is earlier.

6 (B) At minimum, the Judicial Bureau shall offer a payment plan
7 option that allows a person an individual to avoid a suspension of his or her
8 license or privilege to operate by paying no pay not more than \$30.00 per
9 traffic violation judgment per month; and not to exceed \$100.00 per month if
10 the person individual has four or more outstanding judgments.

11 (c)(1) Civil contempt proceedings.

12 (1) Commencement. If an amount due remains unpaid for 75 days after
13 the Judicial Bureau provides the defendant with a notice of judgment and the
14 defendant is not currently complying with a payment plan, the Judicial Bureau
15 may initiate civil contempt proceedings pursuant to this subsection.

16 (2) Notice of hearing. The Judicial Bureau shall provide notice by ~~first~~
17 ~~class~~ first-class mail sent to the defendant's last known address that a contempt
18 hearing will be held pursuant to this subsection; and that failure to appear at the
19 contempt hearing may result in the sanctions listed in subdivision (3) of this
20 subsection.

21 * * *

1 (4)(A) Hearing.

2 (A) Procedure. The hearing shall be conducted in a summary
3 manner. The hearing officer shall examine the defendant and any other
4 witnesses and may require the defendant to produce documents relevant to the
5 defendant's ability to pay the amount due. The State or municipality shall not
6 be a party except with the permission of the hearing officer. The defendant
7 may be represented by counsel at the defendant's own expense.

8 (B) Traffic violations; reduction of amount due. When the judgment
9 is based upon a traffic violation, the hearing officer may waive the
10 reinstatement fee required pursuant to 23 V.S.A. § 675(a) or reduce the amount
11 due on the basis of the defendant's driving history, ability to pay, or service to
12 the community; the collateral consequences of the violation; or the interests of
13 justice. The hearing officer's decision to reduce the amount due shall not be
14 subject to review or appeal except in the case of a violation of rights
15 guaranteed under the Vermont or U.S. Constitution.

16 (5) Contempt.

17 (A) The hearing officer may conclude that the defendant is in
18 contempt if the hearing officer states in written findings a factual basis for
19 concluding that:

20 (i) the defendant knew or reasonably should have known that ~~he or~~
21 ~~she~~ the defendant owed an amount due on a Judicial Bureau judgment;

1 (ii) the defendant had the ability to pay all or any portion of the
2 amount due; and

3 (iii) the defendant failed to pay all or any portion of the amount
4 due.

5 (B) In the contempt order, the hearing officer may do one or more of
6 the following:

7 (i) Set a date by which the defendant shall pay the amount due.

8 (ii) Assess an additional penalty not to exceed ~~ten~~ 10 percent of
9 the amount due.

10 (iii) [Repealed.]

11 (iv) Recommend that the Criminal Division of the Superior Court
12 incarcerate the defendant until the amount due is paid. If incarceration is
13 recommended pursuant to this subdivision (c)(5), the Judicial Bureau shall
14 notify the Criminal Division of the Superior Court that contempt proceedings
15 should be commenced against the defendant. The Criminal Division of the
16 Superior Court proceedings shall be de novo. If the defendant cannot afford
17 counsel for the contempt proceedings in the Criminal Division of the Superior
18 Court, the Defender General shall assign counsel at the Defender General's
19 expense.

20 (d) Collections.

1 Judicial Bureau Surcharge imposed pursuant to 13 V.S.A. § 7282(a)(8)(D),
2 might see decreased revenue if fewer individuals promptly pay judgments
3 owed on traffic violations for which the imposition of points against the
4 individual's driving record is authorized by law and that an increased revenue
5 source is needed in order to ensure sufficient grant funding for the Vermont
6 Network against Domestic and Sexual Violence and for the Criminal Justice
7 Training Council position dedicated to domestic violence training.

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

9 § 1712. TOWN CLERKS

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

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

20 * * *

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

2 § 1712. TOWN CLERKS

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

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

13 * * *

14 Sec. 6. EFFECTIVE DATES

15 (a) Sec. 4 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1,
16 2023.

17 (b) Sec. 5 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1,
18 2025.

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