

1
2
3
4
5
6
7
8
9

10
11
12

13
14
15
16
17
18
19
20
21

H.20

Introduced by Representatives Pellett of Chester, Donaghy of Poultney, Marek
of Newfane and Martin of Springfield

Referred to Committee on

Date:

Subject: Motor vehicles; operating under the influence; child in vehicle

Statement of purpose: This bill proposes to create more serious penalties for
operating a vehicle while under the influence of alcohol if there is a child in the
operator's vehicle at the time of the offense.

AN ACT RELATING TO OPERATING A MOTOR VEHICLE WHILE
UNDER THE INFLUENCE OF ALCOHOL WITH A CHILD IN THE
VEHICLE

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

Sec. 1. 23 V.S.A. § 1210 is amended to read:

§ 1210. PENALTIES

* * *

(g) Minor in vehicle. A person who violates section 1201 of this title while
a minor is in the person's vehicle shall, in addition to any other penalty
imposed by law, be:

(1) fined not more than \$300.00 or imprisoned for not more than six
months, or both.

1 (2) fined not more than \$5,000.00 or imprisoned for not more than 10
2 years, or both, if the violation results in death or serious bodily injury to the
3 minor.

4 (h) Determination of fines. In determining appropriate fines under this
5 section the court may take into account the total cost to a defendant of alcohol
6 screening, participation in the alcohol and driving education program and
7 therapy, and the income of the defendant.

8 ~~(h)~~(i) A person convicted of violating ~~23 V.S.A. §~~ section 1201 of this title
9 shall be assessed a surcharge of \$60.00, which shall be added to any fine
10 imposed by the court. The court shall collect and transfer such surcharge to the
11 department of health for deposit in the health department's laboratory services
12 special fund.

13 ~~(i)~~(j) A person convicted of violating section 1201 of this title shall be
14 assessed a surcharge of \$50.00, which shall be added to any fine or surcharge
15 imposed by the court. The court shall collect and transfer the surcharge
16 assessed under this subsection to the office of defender general for deposit in
17 the public defender special fund specifying the source of the monies being
18 deposited. The collection procedures described in 13 V.S.A. § 5240 shall be
19 utilized in the collection of this surcharge.

20 ~~(j)~~(k) A person convicted of violating section 1201 of this title shall be
21 assessed a surcharge of \$50.00, which shall be added to any fine or surcharge

1 imposed by the court. The court shall collect and transfer the surcharge
2 assessed under this subsection to be credited to the DUI enforcement fund.
3 The collection procedures described in 13 V.S.A. § 5240 shall be utilized in
4 the collection of this surcharge.