

1 H.90

2 Introduced by Representatives Savage of Swanton, Acinapura of Brandon,
3 Baker of West Rutland, Branagan of Georgia, Brennan of
4 Colchester, Consejo of Sheldon, Dickinson of St. Albans Town,
5 Flory of Pittsford, Higley of Lowell, Hubert of Milton, Koch of
6 Barre Town, McAllister of Highgate, McDonald of Berlin,
7 McNeil of Rutland Town, Morrissey of Bennington, O'Donnell
8 of Vernon, Pearce of Richford, Perley of Enosburg, Turner of
9 Milton and Waite-Simpson of Essex

10 Referred to Committee on

11 Date:

12 Subject: Motor vehicles; driving while intoxicated; registration and forfeiture
13 of vehicles

14 Statement of purpose: This bill proposes to:

15 (1) require that a person have insurance in order to register a motor vehicle;

16 (2) prohibit a person from registering a motor vehicle if the person's
17 license or learner's permit has been suspended or revoked in any jurisdiction;

18 (3) establish criminal penalties for permitting an unlicensed person to
19 operate a motor vehicle if death or serious bodily injury results;

1 (4) increase the penalty for a third or subsequent DUI offense by removing
2 the option of community service and requiring that six months of the sentence
3 be served in jail;

4 (5) create a five-year mandatory minimum jail sentence for DUI with death
5 resulting; and

6 (6) permit the immobilization and forfeiture of a vehicle operated in
7 violation of a parole condition which prohibits the operator from driving.

8 An act relating to driving while intoxicated and to forfeiture and registration
9 of motor vehicles

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

11 Sec. 1. SHORT TITLE

12 This act shall be known as "Nick's Law."

13 Sec. 2. 23 V.S.A. § 303 is amended to read:

14 § 303. APPLICATION REQUIRED

15 (a) The commissioner or his or her duly authorized agent shall register a
16 motor vehicle, trailer, or semi-trailer when application therefor, on a form
17 prescribed by the commissioner, showing such motor vehicle to be properly
18 equipped and in good mechanical condition, is filed with him or her,
19 accompanied by the required registration fee, the proof of financial
20 responsibility required under section 800 of this title, and evidence of the

1 applicant's ownership of the vehicle in such form as the commissioner may
2 reasonably require. Except for state or municipal vehicles, registrants and
3 titled owners shall be identical.

4 (b) An application for registration may be refused by the commissioner if it
5 is not accompanied by proof of payment of the use tax imposed by ~~section~~
6 Section 4481 of the Internal Revenue Code of 1986 in such form as may be
7 prescribed by the Secretary of the Treasury or in another form acceptable to the
8 commissioner in the case of vehicles which are subject to the tax.

9 (c) An application for registration shall be refused by the commissioner if
10 the applicant's license or learner's permit is suspended or revoked in any
11 jurisdiction.

12 Sec. 3. 23 V.S.A. § 1130 is amended to read:

13 § 1130. PERMITTING UNLICENSED PERSON TO OPERATE

14 (a) No person shall knowingly employ, as operator of a motor vehicle, a
15 person not licensed as provided in this title.

16 (b)(1) No person shall knowingly permit a motor vehicle owned by him or
17 her or under his or her control to be operated by a person who has no legal
18 right to do so, or in violation of a provision of this title.

19 (2) If the death of any person results from a violation of subdivision (1)
20 of this subsection, or if serious bodily injury as defined in 13 V.S.A. § 1021(2)
21 results to any person other than the operator from the violation, the person

1 convicted of the violation shall be fined not more than \$5,000.00 or imprisoned
2 not more than two years, or both. The provisions of this subdivision do not
3 limit or restrict prosecutions for manslaughter.

4 Sec. 4. 23 V.S.A. § 1210 is amended to read:

5 § 1210. PENALTIES

6 * * *

7 (d) Third or subsequent offense. A person convicted of violating section
8 1201 of this title who has twice been convicted of violation of that section shall
9 be fined not more than \$2,500.00 or imprisoned not more than five years, or
10 both. At least ~~400 hours of community service shall be performed, or 100~~
11 ~~consecutive hours~~ six months of the sentence of imprisonment shall be served
12 and may not be suspended or deferred or served as a supervised sentence,
13 except that credit for a sentence of imprisonment may be received for time
14 served in a residential alcohol facility pursuant to sentence if the program is
15 successfully completed.

16 (e)(1) Death resulting. If the death of any person results from a violation of
17 section 1201 of this title, the person convicted of the violation shall be fined
18 not more than \$10,000.00 or imprisoned not less than one year nor more than
19 15 years, or both. The provisions of this subsection do not limit or restrict
20 prosecutions for manslaughter.

1 attorney in the county where the violation occurred, who shall institute
2 forfeiture proceedings against the vehicle under section 1213c of this title as
3 soon as practicable.

4 Sec. 6. 23 V.S.A. § 1213b is amended to read:

5 § 1213b. FORFEITURE OF VEHICLE

6 At the time of sentencing after a third or subsequent conviction under
7 section 1201 of this title, or upon a determination by the parole board that a
8 person has violated a condition of parole requiring that the person not operate a
9 motor vehicle, the court may, upon motion of the state and in addition to any
10 penalty imposed by law and after notice and hearing, order the motor vehicle
11 operated by the defendant or parolee at the time of the offense forfeited and
12 sold as provided in section 1213c of this title.