

1 H.585

2 Introduced by Representatives Howard of Cambridge, Conquest of Newbury,

3 Masland of Thetford and Olsen of Jamaica

4 Referred to Committee on

5 Date:

6 Subject: Fines and penalties; state highways; speed restrictions; town

7 highways; over-dimension violations; municipal enforcement;

8 municipal share

9 Statement of purpose: This bill proposes to eliminate the formula for
10 distribution of fines and penalties to a municipality collected as a result of
11 municipal enforcement of certain speed restrictions on state highways and of
12 motor vehicle over-dimension violations on town highways, and to replace the
13 formula with the same distribution method that applies to fines and penalties
14 collected as a result of municipal enforcement of local ordinances.

15 An act relating to distributing fine proceeds to municipalities arising from
16 enforcement of certain motor vehicle laws

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

1 Sec. 1. 13 V.S.A. § 7251 is amended to read:

2 § 7251. MUNICIPALITIES; PAYMENT TO AND LIABILITY OF

3 (a) As used in this section, “municipality” means a town, a city, or an
4 incorporated village.

5 ~~(a)~~(b) Fines, forfeitures, and penalties, imposed and collected by ~~the district~~
6 ~~or a superior court or by the judicial bureau~~ resulting from enforcement by a
7 municipality within its jurisdiction for ~~violation of a village, town, or city~~
8 ~~ordinance, any of the following violations~~ shall be paid to the ~~village, town or~~
9 ~~city, respectively~~ municipality on a monthly basis, except for a \$12.50
10 administrative charge for each case which shall be retained by the state:

11 (1) violations of municipal ordinances;

12 (2) violations under 23 V.S.A. chapter 13, subchapter 8 (entitled “speed
13 restrictions”) on state highways; and

14 (3) over-dimension violations under 23 V.S.A. § 1431 or 1432 on town
15 highways.

16 ~~(b) Fines, forfeitures and penalties imposed by the judicial bureau for all~~
17 ~~speeding traffic violations under subchapter 8 of chapter 13 of Title 23 entitled~~
18 ~~“speed restrictions” on state highways and for height and width violations~~
19 ~~under 23 V.S.A. § 1431 and length violations under 23 V.S.A. § 1432 on town~~
20 ~~highways resulting from the enforcement by towns within the jurisdiction of~~
21 ~~the town shall be paid to the town by the formula set forth in subsection (c) of~~

1 ~~this section except for the administrative charge according to the provisions of~~
2 ~~subsection (a) of this section which shall be retained by the state. The~~
3 ~~enforcement by towns shall be by a town law enforcement officer or a law~~
4 ~~enforcement officer by contract with the town. Such law enforcement officer~~
5 ~~shall be certified according to the provisions of 20 V.S.A. § 2358. Nothing in~~
6 ~~this section shall be construed to limit the jurisdiction of a certified law~~
7 ~~enforcement officer. The revenue that is collected by the state pursuant~~
8 ~~to enforcement of this section by a town shall be distributed annually during~~
9 ~~the first quarter of the fiscal year immediately following the fiscal year in~~
10 ~~which the fines, forfeitures and penalties are collected.~~

11 (c) ~~The allocation of revenue to the towns under the formula shall be~~
12 ~~updated annually by the state court administrator and shall provide that the~~
13 ~~revenue be distributed to those towns whose law enforcement efforts on state~~
14 ~~highways and town highways as specifically set forth in subsection (b) of this~~
15 ~~section have resulted in the imposition of the fines, forfeitures and penalties for~~
16 ~~all speeding traffic violations under subchapter 8 of chapter 13 of Title 23~~
17 ~~entitled "speed restrictions" and for height and width violations under~~
18 ~~23 V.S.A. § 1431 and length violations under 23 V.S.A. § 1432 provided that~~
19 ~~no town may receive more than five percent of the total revenue in any given~~
20 ~~year. The formula used for distribution shall reflect the percentage of a town's~~
21 ~~law enforcement expenditures as it relates to the town's total municipal taxing~~

1 effort. ~~The town's total municipal taxing effort shall be determined by~~
2 ~~subtracting the town's school taxes assessed from the total taxes assessed~~
3 ~~as provided each year in the annual report of the division of property valuation~~
4 ~~and review by the Vermont department of taxes. By July 31 of each year, the~~
5 ~~local legislative body of any town which had law enforcement efforts resulting~~
6 ~~in the imposition of fines, forfeitures and penalties and which wishes to~~
7 ~~participate shall submit to the court administrator the total amount of the funds~~
8 ~~spent for law enforcement in the most recently completed town fiscal year.~~

9 (d) Fines, forfeitures, and penalties imposed by the judicial bureau for
10 violations of subdivisions 352(3), (4), and (9) of this title, relating to animal
11 cruelty that result from the enforcement by ~~villages, towns, and cities~~
12 municipalities within their jurisdiction shall be paid to the respective ~~village,~~
13 ~~town, or city~~ municipality, except for a \$12.50 administrative charge for each
14 violation which shall be retained by the state.

15 (d) ~~The enforcement~~ Enforcement by ~~villages, towns, and cities a~~
16 municipality for the violations specified in this section shall be by a local law
17 enforcement officer or a law enforcement officer ~~by~~ under contract with the
18 ~~village, town, or city~~ municipality. Such law enforcement officer shall be
19 certified according to the provisions of 20 V.S.A. § 2358.

1 Sec. 2. 23 V.S.A. § 1081(c) is amended to read:

2 (c) The maximum speed limits set forth in this section may be altered in
3 accordance with sections 1003, ~~1004~~, 1007, and 1010 of this title.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2012.