

1 H.634

2 Introduced by Representatives Wilson of Manchester, Browning of Arlington,

3 Condon of Colchester, Olsen of Jamaica and Ram of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; civil ordinance violations; judicial

7 bureau

8 Statement of purpose: This bill proposes to allow the use of civil contempt

9 proceedings and referral of debt to a collection agency for unpaid municipal

10 tickets.

11 An act relating to remedies for failure to pay municipal tickets

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

13 ~~Sec. 1. 24 V.S.A. § 1981 is amended to read:~~

14 ~~§ 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU~~

15 ~~(a) Upon entry of a judgment after hearing or entry of default by the~~

16 ~~hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person~~

17 ~~found in violation shall have up to 30 days to pay the penalty to the judicial~~

18 ~~bureau. Upon the expiration of the period to pay the penalty, the person found~~

19 ~~in violation shall be assessed a surcharge of \$10.00 for the benefit of the~~

1 ~~municipality. All the civil remedies for collection of judgments shall be~~  
2 available to enforce the final judgment of the judicial bureau.

3 (b) In addition to any other civil remedies available by law, a final  
4 judgment of the judicial bureau that has not been satisfied within 30 days shall,  
5 upon due recordation in the land records of the town in which any real or  
6 personal property of the defendant is located, constitute a lien upon that real or  
7 personal property, except for motor vehicles as defined by 23 V.S.A. § 4(21),  
8 and may be enforced within the time and in the manner provided for the  
9 collection of taxes pursuant to subchapter 8, chapter 133 of Title 32.

10 (c) ~~The supreme court shall establish rules which provide for an expedited~~  
11 ~~process in small claims court for the collection of judgments to enforce the~~  
12 ~~orders of the judicial bureau~~ The remedies of civil contempt and referral to a  
13 collections agency for failure to pay a judicial bureau judgment under this  
14 section shall be as provided in 4 V.S.A. § 1109(c) and (d).

15 (d) ~~Upon motion of the municipal attorney, grand juror or other person~~  
16 ~~designated by the legislative body of the municipality and proof by affidavit~~  
17 ~~that the person found in violation has not paid the penalty, in the time set forth~~  
18 ~~in subsection (a) of this section, the bureau shall send to the person found in~~  
19 ~~violation a notice that the penalty must be paid within 20 days of receipt of~~  
20 ~~notice. The notice shall include a warning that failure to pay the penalty within~~  
21 ~~20 days of the notice will result in a proceeding for contempt before the~~

1 ~~criminal division of the superior court, and a \$10.00 surcharge has been added~~  
2 ~~to the penalty.~~

3 ~~(e) If the penalty is not paid within the 20 days the bureau shall send a~~  
4 ~~notice to the criminal division of the superior court in the county in which the~~  
5 ~~violation occurred. The clerk of the criminal division of the superior court~~  
6 ~~shall forthwith provide notice to the person of a hearing for civil contempt~~  
7 ~~proceedings pursuant to 12 V.S.A. § 122 for the failure to pay the penalty~~  
8 ~~imposed by the bureau. A finding of contempt for failure to pay the penalty~~  
9 ~~shall include an order that a nonpayment surcharge of an additional \$10.00~~  
10 ~~shall be added to the penalty and surcharge set forth in subsection (a) of this~~  
11 ~~section for the benefit of the municipality.~~

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2012.~~

*Sec. 1. 24 V.S.A. § 1981 is amended to read:*

*§ 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU*

*(a) Upon entry of a judgment after hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the judicial bureau. Upon the expiration of the period to pay the penalty, the person found in violation shall be assessed a surcharge of \$10.00 for the benefit of the*

*municipality. All the civil remedies for collection of judgments shall be available to enforce the final judgment of the judicial bureau.*

*(b) In addition to any other civil remedies available by law, a final judgment of the judicial bureau that has not been satisfied within 30 days shall, upon due recordation in the land records of the town in which any real or personal property of the defendant is located, constitute a lien upon that real or personal property, except for motor vehicles as defined by 23 V.S.A. § 4(21), and may be enforced within the time and in the manner provided for the collection of taxes pursuant to 32 V.S.A. chapter 133, subchapter 8; chapter 133 of Title 32.*

*(c) ~~The supreme court shall establish rules which provide for an expedited process in small claims court for the collection of judgments to enforce the orders of the judicial bureau~~ The remedies of civil contempt and referral to a collections agency for failure to pay a judicial bureau judgment under this section shall be as provided in 4 V.S.A. § 1109(c) and (d).*

*(d) ~~Upon motion of the municipal attorney, grand juror or other person designated by the legislative body of the municipality and proof by affidavit that the person found in violation has not paid the penalty, in the time set forth in subsection (a) of this section, the bureau shall send to the person found in violation a notice that the penalty must be paid within 20 days of receipt of notice. The notice shall include a warning that failure to pay the penalty~~*

~~within 20 days of the notice will result in a proceeding for contempt before the criminal division of the superior court, and a \$10.00 surcharge has been added to the penalty.~~

~~(e) If the penalty is not paid within the 20 days the bureau shall send a notice to the criminal division of the superior court in the county in which the violation occurred. The clerk of the criminal division of the superior court shall forthwith provide notice to the person of a hearing for civil contempt proceedings pursuant to 12 V.S.A. § 122 for the failure to pay the penalty imposed by the bureau. A finding of contempt for failure to pay the penalty shall include an order that a nonpayment surcharge of an additional \$10.00 shall be added to the penalty and surcharge set forth in subsection (a) of this section for the benefit of the municipality.~~

*Sec. 2. TRANSITIONAL PROVISION*

Any municipal ordinance violation that was transferred to the district court or the criminal division of the superior court prior to the effective date of this act shall be transferred by the criminal division to the judicial bureau for adjudication and collection pursuant to 24 V.S.A. § 1981.

~~*Sec. 3. EFFECTIVE DATE*~~

~~This act shall take effect on passage.~~

*Sec. 3. EFFECTIVE DATES*

(a) Sec. 1 of this act shall take effect on July 1, 2012.

*(b) Sec. 2 of this act and this section shall take effect on passage.*