

1 H.782

2 Introduced by Representatives Taylor of Barre City, Cross of Winooski,
3 Donovan of Burlington, Krowinski of Burlington, and Lanpher
4 of Vergennes

5 Referred to Committee on

6 Date:

7 Subject: Motor vehicles; driver's licenses; restricted license

8 Statement of purpose of bill as introduced: This bill proposes to authorize a
9 Judicial Bureau hearing officer to recommend and the Commissioner of Motor
10 Vehicles to issue a restricted license to operate a motor vehicle to a person
11 under suspension solely for failure to pay the amount due for a traffic
12 violation.

13 An act relating to authorizing the issuance of a restricted driver's license
14 pending payment of traffic violation fines

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

16 Sec. 1. 23 V.S.A. § 2307 is amended to read:

17 § 2307. REMEDIES FOR FAILURE TO PAY TRAFFIC VIOLATIONS

18 ~~As used in this section,~~

1 (a) As used in this section, “Amount amount due” means all financial
2 assessments contained in a Judicial Bureau judgment, including penalties,
3 fines, surcharges, court costs, and any other assessment authorized by law.

4 (b) Notice of risk of suspension; suspension. A judgment for a traffic
5 violation shall contain a notice that failure to pay or otherwise satisfy the
6 amount due within 30 days of the notice will result in suspension of the
7 person’s operator’s license or privilege to operate, and the denial, if the person
8 is the sole registrant, of the person’s application for renewal of a motor vehicle
9 registration, until the amount due is paid or otherwise satisfied. If the
10 defendant fails to pay the amount due within 30 days of the notice and the case
11 is not pending on appeal, the Judicial Bureau shall provide electronic notice
12 thereof to the Commissioner of Motor Vehicles who, after 20 days from the
13 date of receiving the electronic notice, shall suspend the person’s operator’s
14 license or privilege to operate and deny, if the person is the sole registrant, the
15 person’s application for renewal of a motor vehicle registration until the
16 amount due is paid or otherwise satisfied, unless the defendant surrenders his
17 or her license in exchange for a restricted license pursuant to subdivision (c)(3)
18 of this section.

19 (c) During proceedings conducted pursuant to 4 V.S.A. § 1109, the hearing
20 officer may apply the following mitigation remedies when the judgment is
21 based upon a traffic violation. The hearing officer also may apply the

1 remedies with or without a hearing when acting on a motion to approve a
2 proposed DLS Diversion Program contract and related payment plan pursuant
3 to 2012 Acts and Resolves No. 147, Sec. 2. Notwithstanding any other law, no
4 entry fee shall be required and venue shall be statewide for motions to approve.

5 (1) The hearing officer may waive the reinstatement fee required by
6 section 675 of this title or reduce the amount due on the basis of:

7 (A) the defendant's driving history, ability to pay, or service to the
8 community;

9 (B) the collateral consequences of the violation; or

10 (C) the interests of justice.

11 (2) The hearing officer may specify a date by which the defendant shall
12 pay the amount due and may notify the Commissioner of Motor Vehicles to
13 reinstate the defendant's operator's license or privilege subject to payment of
14 the amount due by the specified date. If the defendant fails to pay the amount
15 due by the specified date, the Judicial Bureau may notify the Commissioner to
16 suspend the defendant's operator's license or privilege. A license may be
17 reinstated under this subdivision only if the defendant's license is suspended
18 solely for failure to pay a judgment of the Judicial Bureau.

19 (3) The hearing officer may recommend to the Commissioner that the
20 defendant be issued a restricted license in order to drive to work, school, job
21 training, or treatment, or to some combination of these, if the defendant's

1 license otherwise would be suspended solely for failure to pay a judgment of
2 the Judicial Bureau. The Commissioner shall issue a restricted license in
3 accordance with the recommendation of the hearing officer and upon the
4 defendant surrendering his or her nonrestricted license.

5 (4) The judicial officer shall have sole discretion to determine mitigation
6 remedies pursuant to this subdivision, and the judicial officer's determination
7 shall not be subject to review or appeal in any court, tribunal, or administrative
8 office.

9 (d)–(f) ~~[Deleted.]~~ [Repealed.]

10 Sec. 2. 23 V.S.A. § 612 is amended to read:

11 § 612. RESTRICTED LICENSE

12 (a) When issuing or reinstating the license of an operator, the ~~commissioner~~
13 Commissioner may restrict the privileges granted by such license to the
14 operating of one or more specified motor vehicles or in such other manner as
15 the ~~commissioner~~ Commissioner may deem best, and such restriction shall be
16 endorsed on the license certificate.

17 (b)(1) The Commissioner shall issue a restricted license upon
18 recommendation of a Judicial Bureau hearing officer in accordance with
19 subdivision 2307(c)(3) of this title.

20 (2) If a person's license is suspended solely for failure to pay a judgment
21 of the Judicial Bureau, the Commissioner may, upon application, issue a

1 restricted license to drive to work, school, job training, or treatment, or to some
2 combination of these.

3 (3) After satisfying the amount due on the judgment and any other
4 requirements of law, the holder of a restricted license under this subsection
5 may surrender the restricted license for a nonrestricted license. A person shall
6 not be required to pay a reinstatement fee for a restricted driver's license, or
7 after surrendering a restricted license for a nonrestricted license, under this
8 subsection.

9 (c) A person holding a restricted license shall not operate a motor vehicle
10 except as permitted in such restriction.

11 Sec. 3. 23 V.S.A. § 305a is amended to read:

12 § 305a. WHEN NOT ISSUED

13 The ~~commissioner~~ Commissioner shall not renew the registration of a
14 person who is the sole registrant after receiving notice from the ~~judicial bureau~~
15 Judicial Bureau that the person has not paid a judgment for a traffic violation,
16 unless the person receives a restricted license pursuant to section 612 of this
17 title.

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.