S.161

An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract

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

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

§ 2307. REMEDIES FOR FAILURE TO PAY TRAFFIC VIOLATIONS

* * *

(c) During proceedings conducted pursuant to 4 V.S.A. § 1109, the hearing officer may apply the following mitigation remedies when the judgment is based upon a traffic violation~~:~~. The hearing officer also may apply the remedies with or without a hearing when acting on a motion to approve a proposed DLS Diversion Program contract and related payment plan pursuant to 2012 Acts and Resolves No. 147, Sec. 2. Notwithstanding any other law, no entry fee shall be required and venue shall be statewide for motions to approve.

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

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

(B) the collateral consequences of the violation; or

(C) the interests of justice.

(2) The hearing officer may specify a date by which the defendant shall pay the amount due and may notify the ~~commissioner of motor vehicles~~

Commissioner of Motor Vehicles to reinstate the defendant's operator's license or privilege subject to payment of the amount due by the specified date. If the defendant fails to pay the amount due by the specified date, the ~~judicial bureau~~ Judicial Bureau may notify the ~~commissioner~~ Commissioner to suspend the defendant's operator's license or privilege. A license may be reinstated under this subdivision only if the defendant's license is suspended solely for failure to pay a ~~judicial bureau~~ judgment of the Judicial Bureau.

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

Sec. 1a. 2012 Acts and Resolves No. 147, Sec. 2(d) is amended to read:

(d) A person with ~~fewer than five~~ violations of 23 V.S.A. § 676 may apply to the DLS ~~diversion program~~ Diversion Program. Upon receipt of an application and determination of eligibility, the ~~diversion program~~ Diversion Program shall send the person a notice to report to the ~~diversion program~~ Diversion Program. The notice to report shall provide that the person is required to meet with diversion staff for the purposes of assessment and to complete all conditions of the diversion contract as provided in subsection (c) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.