

**Act No. 147 (H.571). Motor vehicles; judiciary; crimes and criminal procedure;
taxation and fees; insurance**

**An act relating to driver's license suspensions and judicial, criminal justice,
and insurance topics**

This act:

- Pre-July 1, 1990 Criminal Traffic Offenses. Directs the Commissioner of Motor Vehicles (Commissioner) to terminate, without payment of a reinstatement fee, suspensions imposed because of a person's failure to appear on a criminal traffic offense charged before July 1, 1990, where the charge arose from conduct that is a civil traffic violation under current Vermont law.
- Driver Restoration Program. Creates a Driver Restoration Program (Program) to be carried out by the Department of Motor Vehicles (DMV) and the Judicial Bureau from September 1, 2016 to November 30, 2016, that is targeted at driver's license suspensions arising from nonpayment of a traffic violation judgment. Under the Program, a person who has not paid in full the amount due on a traffic violation judgment entered prior to July 1, 2012 may apply to the Judicial Bureau to have the amount due reduced to \$30.00. For traffic violation judgments that are not eligible for reduction under the Program, a person will be allowed to pay off the judgments and have his or her driving privileges restored under a payment plan that requires payment of no more than \$100.00 per month. Further, under the Program, the Commissioner is authorized and directed to terminate without payment of a reinstatement fee suspensions arising from nonpayment of traffic violation judgment upon receipt from the Judicial Bureau of a notice that a person has paid all traffic violation judgments reduced to \$30.00 under the Program and is on a payment plan for any other judgment, as well as in the case of individuals who have paid all outstanding traffic violation judgments in full or are in compliance with a payment plan prior to December 1, 2016.
- Termination of Suspensions Repealed in Act. Directs the Commissioner to terminate without payment of a reinstatement fee driver's license suspensions pending on the effective date of the act that were imposed pursuant to five laws that authorize driver's license suspensions as a penalty for nondriving conduct, but that will no longer authorize license suspensions as a penalty after the act takes effect.
- Repeal; Refusal of Registration Renewal. Repeals 23 V.S.A. § 305a, a law that directs the Commissioner not to renew a person's motor vehicle registration if the person is the sole registrant after the Commissioner receives

notice from the Judicial Bureau that the person has not paid a traffic violation judgment.

- Repeal and Reenactment; Remedies for Failure to Pay Traffic Violation Judgments. Repeals 23 V.S.A. § 2307, a law that addresses remedies the State may pursue if a person has not paid a traffic violation judgment and requires that a person's license or privilege to operate a motor vehicle be suspended for 120 days for nonpayment of a traffic violation judgment. Provisions of this repealed law are reenacted as amended in the section of law that governs enforcement of Judicial Bureau judgments generally. This amended section directs the Judicial Bureau to notify DMV if a person fails to pay a traffic violation judgment within 30 days only if the judgment arises from a traffic violation for which imposition of points against a person's driving record is authorized by law. After another 20 days without payment, DMV will suspend the person's license for a 30-day period or until the amount due is satisfied, whichever is earlier. In addition, the Judicial Bureau must offer a payment plan option that allows a person to avoid suspension of his or her license by paying no more than \$30.00 per traffic violation judgment per month, not to exceed \$100.00 per month regardless of the number of outstanding judgments. Finally, amendments to the section eliminate license suspensions as a contempt tool that the Judicial Bureau may use to enforce its judgments.
- Repeal of Suspensions for Nonpayment of Civil Penalties for Underage Alcohol and Marijuana Offenses. Repeals provisions that direct the Commissioner to suspend the license or privilege to operate a motor vehicle of a person convicted of an underage alcohol or marijuana violation who fails to pay a civil penalty.
- Repeal of Crimes for Third and Subsequent Convictions of Underage Alcohol and Marijuana Offenses. Repeals laws that criminalize a third or subsequent underage alcohol or marijuana offense following two prior convictions, and makes related conforming changes.
- Repeal of Suspension Related to Underage Tobacco Offense. Repeals a provision that directs the Commissioner to suspend the license or privilege to operate a motor vehicle of a person who fails to pay a fine in connection with an underage tobacco offense.
- Repeal of Suspension Related to Youth False Public Alarm Offense. Repeals a provision that directs the Commissioner to suspend the license or privilege to operate a motor vehicle of a person under 18 years of age (or enrolled in school) who is convicted of a false public alarm offense.

- Repeal of Suspension Related to Nonpayment of Purchase and Use Tax. Repeals a provision that directs the Commissioner to suspend a person's privilege to operate a motor vehicle as a result of nonpayment of the motor vehicle purchase and use tax.
- Criminal Driving with License Suspended. Criminalizes a third civil offense for driving with a license suspended (DLS) when the two prior offenses have occurred within two years of the third offense and after December 1, 2016, and repeals a provision that requires civil DLS offenses arising from suspensions for unpaid traffic violation judgments that have since been paid not to count as prior offenses.
- Crime for Operating Without Obtaining a License. Creates a new crime for operating without a driver's license a second time within a two-year period. The crime is punishable by up to 60 days' imprisonment or a fine of not more than \$5,000.00, or both.
- Motorcycle Helmet Law; Assessment of Points; Motorcycle Face Protection Terminology. Provides that a person convicted of violating the motorcycle helmet law shall not have points assessed against his or her driving record, and changes the terminology of the motorcycle "face" protection law to refer to motorcycle "eye" protection.
- Judicial Bureau Hearings. Requires a Judicial Bureau hearing officer to consider evidence of ability to pay if offered by a defendant during a hearing on a matter under the Judicial Bureau's jurisdiction, if the hearing officer finds that the defendant committed a violation.
- Awareness of Payment and Hearing Options. Encourages the Criminal Justice Training Council to train enforcement officers about the existence of payment plan options for traffic violation judgments and encourages enforcement officers to mention these options to motorists when issuing a ticket; encourages the Judicial Bureau to update the standard materials that enforcement officers provide to motorists who have been ticketed to notify them of payment plan options and of the right to request a hearing on ability to pay, and encourages the Judicial Bureau to display this information prominently on its website; and directs the Agency of Transportation to carry out a campaign to raise awareness of traffic violation judgment payment plan options and of a person's right to request a hearing on ability to pay.
- Annual Reporting of License Suspension Statistics. Directs DMV to submit to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2017, and annually thereafter until January 15, 2021,

statistics related to the number of suspensions of a person's license or privilege to operate a motor vehicle imposed in the prior calendar year and that are pending at the time DMV queries its system in carrying out the annual report.

- Immunity for Forcible Entry of Motor Vehicle for Rescue Purposes. Limits the liability of a person who forcibly enters a motor vehicle to remove a child or animal if the person reasonably and in good faith believes that the child or animal is in imminent danger of harm and if certain other conditions are satisfied.
- Law Enforcement Training and Data Collection; Fair and Impartial Policing. Requires that the Vermont Criminal Justice Training Council's (Council) minimum training standards for law enforcement officers include training on the fair and impartial policing policy of the enforcement agency that employs the officer, and that all law enforcement officers receive initial training on the fair and impartial policing policy on or before December 31, 2018 and that enforcement officers receive refresher training during every odd-numbered year. Further, if a law enforcement agency or constable required to adopt a fair and impartial policing policy before July 1, 2016 fails to do so, the agency or constable will be deemed to have adopted and must enforce the model policy issued by the Council. Law enforcement agencies must work with the Council and a vendor chosen by the Council to collect uniform roadside stop data and adopt uniform storage methods and periods for such data. Further, on or before September 1, 2016 and annually thereafter, law enforcement agencies must provide the roadside stop data to the vendor chose by the Council or, if the vendor is unable to continue receiving the data, to the Council, and such data must be posted on the receiving entity's website in a manner that is capable of being accessed and analyzed by the public.
- Law Enforcement Training; Impaired Driving. Directs the Secretary of Transportation and the Commissioner of Public Safety to work collaboratively to ensure that funding is available—either through the Governor's Highway Safety Program's administration of National Highway Traffic Safety Administration funds or other State funding sources—for training the number of officers necessary to provide sufficient statewide coverage for the enforcement of impaired driving laws through Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) programs, and to collect data regarding the number and distribution of enforcement officers who receive ARIDE and DRE training.
- Study; Credit-Based Motor Vehicle Insurance Scoring. Directs the Commissioner of Financial Regulation to study the issue of the use of credit

scores in auto insurance underwriting and to report his or her findings and recommendations to the General Assembly on or before December 15, 2016.

Effective Date: Multiple effective dates, beginning on May 31, 2016