

DLS Bill: Outline of Proposal

SUSPENSIONS IN EFFECT ON THE EFFECTIVE DATE OF THE ACT

I. Pre-7/1/90 charges for traffic violations

- Seek a letter from Defender General's Office, Department of State's Attorneys, and Attorney General confirming their ability and intent to pursue mass dismissal of pending criminal charges for pre-7/1/90 traffic violations that were then criminal misdemeanors.
→ The mass dismissal will not apply to violations that are currently criminal (DUI, leaving the scene, etc.)
- Session law will provide for reinstatement of driving privileges for suspensions arising from failure to appear on the pre-7/1/90 traffic misdemeanors dismissed per the above, without payments of reinstatement fees. The session law will not affect suspensions arising from any other offenses.

II. Statewide Driver Restoration Program

- Upon application to the Judicial Bureau, persons who have an amount due on a traffic violation judgment entered prior to January 1, 2016 shall have the amount due reduced to \$25 per ticket and the reinstatement fee waived.
→ Persons who have started paying off the ticket under 30x30 or a Court Diversion Contract will be eligible to apply, if there is an outstanding amount due.
- Persons may apply for a 6-month period—from July 1, 2016 – December 31, 2016—to have the amount due so reduced and the reinstatement fee waived.
- Upon payment of \$25 per traffic violation judgment, suspensions arising from nonpayment of judgments will be terminated.
→ If the person has already paid \$25 or more on a ticket under 30x30 or Court Diversion, the \$25 fee will not be required.
→ The person's license will be reinstated only if otherwise eligible. The Program will not affect other pending suspensions, except as noted below with regard to certain nondriving offenses.
- The \$25 will be allocated as follows: \$12.50 to the Court Technology Special Fund, and \$12.50 to the Victims' Compensation Special Fund, the Domestic and Sexual Violence Special Fund, and the General Fund in the same proportion as the \$47 surcharge is currently allocated.
- The bill will make clear that amounts paid on an eligible traffic violation judgment prior to application to the Program will not be refunded.
- If on the effective date of the act a person is under a pending suspension for nondriving offenses for which suspensions are eliminated in the bill (*i.e.* underage alcohol, tobacco,

marijuana, and bomb threat offenses; see Part III), DMV will be directed to automatically terminate the suspension without the person being required to apply or pay a reinstatement fee.

GOING FORWARD

III. Eliminate Suspensions for Certain Non-driving Offenses

- Eliminate suspensions for underage alcohol, tobacco, marijuana, and bomb threat offenses.
- Eliminate suspensions for nonpayment of traffic violation judgments; also repeal a law requiring nonrenewal of registrations for nonpayment of traffic violation judgments.
- Leave other non-driving suspensions to be addressed at a later date.

IV. Collecting Traffic Violation Judgments

- Increase awareness of the 30x30 and 30x300 programs:
 - i. Train enforcement officers about the existence of the programs.
 - ii. Require enforcement officers to notify persons issued traffic tickets of the existence of the programs at the time tickets are issued.
 - iii. Require that existence of the programs be prominently advertised on the homepage of the Judicial Bureau [and other?] website.
 - iv. General statewide advertising campaign?
- Explore new mechanisms, or strengthen existing mechanisms, for collecting traffic violation judgments.

V. Reduction in traffic violation tickets or judgments based on ability to pay

- Take no action in this bill, at this time, to reduce traffic violation tickets or judgments based on ability to pay.

VI. Reporting to the Committees of Jurisdiction

- Require the Court Administrator and the Department of Motor Vehicles to report to the committees of jurisdiction:
 - (i) on or before 1/15/17:
 - a. the total amount of monies collected under the statewide restoration program;
 - b. the total number of licenses reinstated under the statewide restoration program;
 - c. other statistics or reporting?
 - (ii) on or before 1/15/18, separately for calendar years 2015, 2016, and 2017:

- a. the number of traffic violation judgments entered;
 - b. revenues from payment of traffic violation judgments;
 - c. revenues from reinstatement fees;
 - d. other statistics or reporting?
- Require the Department of State's Attorneys to report to the Committees on Judiciary, on or before 1/15/18, the number of criminal DLS charges brought in calendar years 2015, 2016, and 2017.

VII. Suspensions for Points, Consequences of DLS for Points

- [Department of State's Attorneys may have specific recommendations to rationalize allocation of points.]
- Discuss options and merits of increasing the length/frequency of points-related suspensions.

VIII. Criminal DLS

- Amend criminal DLS statute to provide that a second civil DLS is subject to criminal DLS prosecution.
- Delay effective date until after end of Statewide Driver Restoration Period, January 1, 2017.

IX. DLS Diversion Program

- Sunset the DLS Diversion Program

X. Reform Reinstatement Fee Collection Process

- Have Judicial Bureau be the entity that collects reinstatement fees.