

DLS Bill: Outline of Proposal

SUSPENSIONS IN EFFECT ON THE EFFECTIVE DATE OF THE ACT

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

- Add to the legislative record of the bill written confirmation that the Defender General's Office, Department of State's Attorneys, and Attorney General are able and intend to pursue mass dismissal of pending criminal charges for pre-7/1/90 traffic violations that were then criminal misdemeanors, or memorialize this intent in session law.
→ The mass dismissal will not apply to violations that are currently criminal (DUI, leaving the scene, etc.)
- Session law will provide for termination of suspensions arising from failure to appear on the pre-7/1/90 traffic misdemeanors dismissed per the above, without payment of a reinstatement fee. The session law will not affect suspensions arising from any other offenses.

II. Statewide Driver Restoration Program

- If a person whose license is suspended for nonpayment of a traffic violation judgment applies to the Judicial Bureau and:
 - (i) pays \$25 toward an unpaid traffic violation judgment entered prior to [DATE]; and
 - (ii) agrees to a payment plan to pay off the balance of each outstanding judgment,

the Judicial Bureau shall notify DMV, which shall terminate the suspension. Any fee for termination of the suspension shall be waived.

→ 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 suspensions for certain nondriving offenses proposed to be eliminated in Part III below.

- The \$25 must be paid for each qualifying outstanding traffic violation judgment.

• If a person defaults on the payment plan, his or her license will be suspended again; however, it will be reinstated without payment of a reinstatement fee upon the person making a payment under the payment plan.

- [Eligibility of/impact on pending DLS Diversion Program participants?]
- A person may apply for a 6-month period, from July 1, 2016 – December 31, 2016.

- Direct the Judicial Bureau to modify the existing 30x30 and 30x300 Programs so that for a Program participant to be current on a payment plan, the person does not need to pay more than \$[X] per month.
- 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 (see Part III below), direct DMV to automatically terminate the suspension without the person being required to apply or pay a reinstatement fee.

GOING FORWARD

III. Reduce the Duration of or Eliminate Suspensions for Certain Non-driving Offenses

- Eliminate suspensions for underage tobacco and bomb threat offenses.
- For underage alcohol and marijuana offenses:
 - (a) provide for a recall (instead of a suspension) of a person's driving privilege for failure to report to or successfully complete Diversion;
 - [(b) reduce the suspension (now recall) period from 90 days to 30 days for 1st offense, and from 180 days to 60 days for a 2d offense]; and
 - (c) eliminate suspensions for failure to pay a fine for the offense.
- Reduce suspensions for nonpayment of traffic violation judgments from 120 days to 30 days. A person may have his or her license reinstated during this period without payment of a reinstatement fee upon making a payment under a payment plan. If the person defaults on the payment plan, another 30-day suspension will be imposed.
- 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, Increasing Payment Plan Options

- Direct the Judicial Bureau to modify the existing 30x30 and 30x300 Programs so that a participant does not need to pay more than \$X per month under a payment plan.
- Increase awareness of payment plan 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. Reducing 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 as a result of 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. Assessment of Points Against a Person's Driving Records

- Consider recommendations of Department of State's Attorneys:
 - (i) texting violation: increase from 5 points to 10 points (automatic suspension)
 - (ii) handheld violation outside work zone: increase from 0 points to 5 points
 - (iii) handheld violation in work zone: increase from 2/5 points to 10 points (automatic suspension)
 - (iv) excessive speed (more than 30 miles over limit and 60 mph or more): 8 points
 - (v) any speeding offense (including on interstates): double points for offenses in a work zone when workers are present.

VIII. Criminal DLS

- Amend criminal DLS statute as follows:
 - (1) Provide that a second offense for driving while under a suspension for accumulation of points is a criminal DLS offense.
 - (2) With regard to other civil DLS's, retain existing provision that a 6th or subsequent violation of the civil DLS statute occurring after 7/1/03 is a criminal DLS offense, but eliminate the language of 23 V.S.A. § 674(a)(3) requiring that civil DLS's occurring before the date an amount due is paid not count as a prior.

IX. DLS Diversion Program

- Sunset the DLS Diversion Program

X. Reform Reinstatement Fee Collection Process

- [Awaiting results of further review by Judicial Bureau and DMV staff on whether it is possible for the Judicial Bureau to be the entity that collects reinstatement fees].