

DLS Bill (H.571); Statewide Driver Restoration Alternative Proposal

Statewide Restoration Program

I. Reduction of traffic violation judgments

- 1) Traffic violation judgments entered on or before [DATE] are eligible to be reduced upon application and as provided below. However, judgments arising from commercial motor vehicle violations and violations of 23 V.S.A. § 203 are not eligible for reduction.
[Question: should any other traffic violation judgments not be eligible for reduction?]
- 2) a. Judgments may be reduced by the Clerk of the Judicial Bureau or designee if an applicant applies and provides the following written proof of receipt of public assistance:
[Enumerate sufficient forms of proof; awaiting input from DCF]
- 3) → If the applicant provides such proof and it appears to be authentic, the Clerk of the Judicial Bureau or designee will not take further steps to verify the proof provided.

b. If such proof is not available, the applicant may file a post-judgment motion¹ for a reduction in the judgment by a judicial officer. The typical standards for granting such motions will need to be amended to expand “interests of justice” to include ability to pay and to prescribe the window of time within which such motions may be filed.
- 4) Judgments will be reduced as follows:
 - i. If proceeding under 2.a., each judgement will be reduced to [a sum certain] by the Clerk of the Judicial Bureau or designee
 - ii. If proceeding under 2.b., the judgment will be reduced as determined by the judicial officer, who will not be constrained by any particular threshold.
- 5) A person may apply for a reduction in the judgment in person, through the mail, [online?].

II. More flexible payment options for persons who do not receive public assistance or who do not pursue a post-judgment motion to reduce

- 6) For those who do who do not receive public assistance or who do not pursue a post-judgment motion to reduce, require a payment plan option that is more flexible than 30x30 or 30x300. Maybe cap out the maximum monthly payment at \$50? \$100?

III. Restoration of driving privileges

- 7) For those whose judgments are reduced, the person’s license or privilege to operate will be restored upon payment of the reduced judgment without payment of a reinstatement fee.

¹ The applicant may file an *in forma pauperis* motion to have the post-judgment motion filing fee waived.

→ However, if for example a person has 8 eligible judgments and all are reduced to [sum certain] each, and the person cannot afford to pay all 8 judgments at once, the person may have his or license reinstated upon paying at least 1 judgment and shall enter into a payment plan on the remaining judgments. The payment plan will allow the person to pay as little as \$30 (e.g. one judgment) per month.

→ If such a person fails to pay under the payment plan, his or her license or privilege to operate will be suspended for a 30-day period. This 30-day period will run concurrently; not consecutively; in other words, if the person has, for example, 6 unpaid \$30 judgments, the person will in effect serve only one 30-day suspension, and not 6 consecutive 30-day suspensions. [Question: after the 30 day suspension, should the person have to apply for reinstatement and pay a reinstatement fee?]

- 8) For a person who does not qualify for (or who fails to obtain) a reduced judgment, the person can have his or her license reinstated if current on a payment plan. If the person falls off the payment plan, his or her license or privilege to operate will be suspended for a 30-day period. [Question: should a person who enters into a payment plan have reinstatement fees waived? If the person falls off the payment plan and is suspended, after the 30 day suspension, should the person have to apply for reinstatement and pay a reinstatement fee?]

Questions:

- How will judgment proceeds be allocated, as between all of the current funds that receive fine and surcharge proceeds?
- What is the start and end period for applying or filing a motion for a reduced judgment?