

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.206

Representative Cole of Burlington moves that the report of the Committee on Government Operations be amended in Sec. 1 by striking out 26 V.S.A. § 5205 (exemptions) in its entirety and inserting in lieu thereof the following:

§ 5205. EXEMPTIONS

(a) Generally.

(1) The persons set forth in subdivision (2) of this subsection, when acting within the scope of their official duties, are exempt from all of the requirements of this chapter, except for the requirements:

(A) to apply for a commission as set forth in subdivisions 5241(a),

(b)(1)-(3), (c), (d), and (e) of this chapter; and

(B) unless exempted under subsection (c) of this section, to pay the fee set forth in section 5225 of this chapter:

(2)(A) Persons employed by the Judiciary, including judges, Superior Court clerks, court operations managers, Probate registers, case managers, docket clerks, and after-hours relief from abuse contract employees.

(B) Persons employed as law enforcement officers certified under 20 V.S.A. chapter 151; who are noncertified constables; or who are employed by a Vermont law enforcement agency, the Departments of Public Safety, of Fish and Wildlife, of Motor Vehicles, of Liquor Control, or for Children and

1 Families, the Office of the Defender General, the Office of the Attorney
2 General, or a State’s Attorney or Sheriff.

3 (3) As used in subdivision (1) of this subsection, “acting within the
4 scope of official duties” means that a person is notarizing a document that:

5 (A) he or she believes is related to the execution of his or her duties
6 and responsibilities of employment or is the type of document that other
7 employees notarize in the course of employment;

8 (B) is useful or of assistance to any person or entity identified in
9 subdivision (2) of this subsection;

10 (C) is required, requested, created, used, submitted, or relied upon by
11 any person or entity identified in subdivision (2) of this subsection;

12 (D) is necessary in order to assist in the representation, care, or
13 protection of a person or the State;

14 (E) is necessary in order to protect the public or property;

15 (F) is necessary to represent or assist crime victims in receiving
16 restitution or other services;

17 (G) relates to a Vermont or federal court rule or statute governing any
18 criminal, post conviction, mental health, family, juvenile, civil, probate,
19 Judicial Bureau, Environmental Division, or Supreme Court matter; or

20 (H) relates to a matter subject to Title 4, 12, 13, 15, 18, 20, 23, or 33
21 of the Vermont Statutes Annotated.

1 (b) Attorneys. Attorneys licensed and in good standing in this State are
2 exempt from:

3 (1) the examination requirement set forth in subsection 5241(b) of this
4 chapter; and

5 (2) the continuing education requirement set forth in section 5243 of this
6 chapter.

7 (c) Fees. The following persons are exempt from the fee set forth in
8 section 5225 of this chapter:

9 (1) a judge, clerk, or other court staff, as designated by the Court
10 Administrator;

11 (2) State’s Attorneys and their deputies;

12 (3) justices of the peace and town clerks and their assistants; and

13 (4) State Police officers, municipal police officers, fish and game
14 wardens, sheriffs and deputy sheriffs, motor vehicle inspectors, employees of
15 the Department of Corrections, and employees of the Department for Children
16 and Families.