

**DR 16-124: An Act relating to driver's license suspensions,  
driving with a suspended license, and DUI penalties**

**NOTE:** This document is intended to provide a high-level overview of DR 16-124. It does not list all changes or additions to current law made in the bill.

**Sec. 1** (pp. 2-15) amends several sections in the chapter of law that governs the issuance of civil complaints under the jurisdiction of the Judicial Bureau and the process for adjudicating such complaints and enforcing resulting judgments.

Sec. 1:

- requires the establishment of indigent waiver penalties for traffic violations and the imposition of the indigent waiver penalty in lieu of the general waiver penalty for a defendant who applies and qualifies as indigent;
- prescribes the criteria to qualify as indigent;
- requires judgments for traffic violations to be reduced by one-half if the defendant applies for the reduction prior to initiation of contempt proceedings and qualifies as indigent;
- reenacts the provisions of 23 V.S.A. § 2307 (which is repealed in Sec. 2 of the bill), as amended, to specify that nonpayment of a judgment on a traffic violation will trigger a 30-day suspension.

**Sec. 2** (pp.15-17) repeals 23 V.S.A. § 2307 (remedies for persons who fail to pay a traffic judgment).

→ Much of the substance of 23 V.S.A. § 2307 is reenacted (with amendments) in Sec. 1 of the bill, 4 V.S.A. § 1109.

**Sec. 3** (p.17) repeals 23 V.S.A. § 305a (nonrenewal of motor vehicle registrations of sole registrants who fail to pay traffic judgments).

**Sec. 4** (pp. 17-20) amends a provision in Title 13 governing surcharges on criminal fines and penalties imposed by the Judicial Bureau by:

- authorizing an additional surcharge on judgments for traffic violations;
- specifying that surcharges may be reduced as provided under the law amended in Sec. 1 of the bill.

**Sec. 5** (pp. 20-21) provides that persons against whom a complaint was issued or judgment entered for a traffic violation prior to the effective date of the bill may apply for the indigent waiver penalty or for a reduced judgment on the basis of indigence as provided under the law as amended in Sec. 1 of the bill.

**Sec. 6** (pp. 21-22) provides that a person against whom a driver's license suspension was imposed prior to the effective date of the bill for nonpayment of a judgment on a traffic violation shall have his or her license reinstated after serving 30 days of the suspension.

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**Secs. 7-9** (pp.22-24) relate to the elimination of reinstatement fees for license suspensions and of other preconditions to reinstatement. Secs. 8-9 are conforming changes made for consistency with the changes in Sec. 7.

**Sec. 10** (pp.24-25) clarifies the law governing criminal penalties for driving with a suspended license, with regard to not counting a prior civil DLS violation toward a criminal DLS violation if the underlying suspension arose solely from nonpayment of a judgment on a traffic violation that subsequently was paid.

**Sec. 11** (p.26) authorizes criminal penalties for a second or subsequent violation of driving without a license or permit within a four-year period.

**Sec. 12** (pp.26-30) increases maximum authorized penalties for DUI violations.

**Sec. 13** (pp.31-33) clarifies who will qualify for expungement of past criminal convictions for driving with a suspended license for conduct that is no longer criminal under the bill.

**Sec. 14** (p.33) provides for an effective date of the bill of September 1, 2016.