

H.571; House Conferee Proposal 5/4/16

SJC Strike-all Sec. No.	House-as-Passed Sec. No.	Substantive differences summarized and highlighted in yellow	House Conferee Proposal 5/4/16	Senate Conferee Counterproposal 5/5/16
1	1	No difference. (Eliminates suspensions arising from pre-1990 traffic offense failures to appear).	No difference	No difference
2	2	<p>SCOJ report amends the Driver Restoration Program by:</p> <p>a) Limiting the traffic violation judgments eligible to be reduced to \$30 to those judgments entered on or before 7/1/06. (House version made judgments entered on or before 1/1/15 eligible for reduction).</p> <p>b) Eliminating House language ensuring that a person ineligible for a reduction in outstanding judgments would have an individualized hearing on ability to pay if the person files a post-judgment motion to amend.</p> <p>c) Eliminating reporting requirements by the Court Administrator and DMV related to the outcome of the Program (i.e. deleted House subsec. (g)).</p>	<p>House proposal is:</p> <p>a) House version: eligible traffic violation judgments are those entered on or before 1/1/15</p> <p>b) Accept Senate proposal</p> <p>c) House version (keep reporting requirement).</p>	Strike section in its entirety
3	2a	In section that terminates suspensions in effect on the effective of the act that arose from provisions of law repealed in the act (w/o reinstatement fee), SCOJ report does not terminate underage alcohol and marijuana suspensions arising from failure to report to Diversion, because these suspensions are not repealed.	House version (terminate suspensions for failure to report to Diversion).	Senate version
4	3	No difference. (Repeals 23 V.S.A. § 305a and § 2307).	No difference	No difference
5	4	SCOJ report reduces suspension for nonpayment of all traffic violation judgments from 120 to 30 days. (House version reduced	House version (eliminate suspensions arising from nonpayment of traffic violation judgments that do not carry	Senate version

		such suspensions to 30 days for points-carrying traffic violations and eliminated such suspensions for violations that do not result in points.	points).	
6	5	Underage alcohol violations: a) SCOJ report keeps civil penalty for 1st violation at \$300 (House had raised it to \$400) and raises maximum civil penalty for a second or subsequent offense from \$600 to \$1200 (House had changed the penalty for 2d and subsequent violations from “not more than \$600” to “not less than \$400 and not more than \$600”). b) SCOJ report retains 90-day (1st) and 180-day (2d and subseq) license suspensions for failing to report to or complete Diversion. c) SCOJ report retains language requiring DMV to maintain a registry of adjudications.	House version	Senate version, except Senate proposes a \$350 civil penalty for a first offense and a civil penalty of not more than \$900 for a second or subsequent offense.
7–9	6–8	No difference. (Repealing crime for 3d or subseq. underage alcohol offense; conforming changes).	No difference	No difference
10	9	No difference. (Eliminating suspension for an underage tobacco offense).	No difference	No difference
11	10	No difference. (Eliminating suspension for under 18/student false public alarm offense).	No difference	No difference
12	--	SCOJ report adds section amending the penalty for a person 21 years of age or older who commits a third or subsequent civil marijuana possession offense to provide for a civil penalty of \$500 (instead of a penalty of “not more than \$500.00”) and for suspension of the person’s operator’s license and privilege to operate a motor vehicle for a period of 30 days.	Remove this section added by the Senate	House proposal
13	11	Underage marijuana violations: • SCOJ report keeps civil penalty for 1st violation at \$300 (House had raised it to \$400) and raises maximum civil penalty for a second or subsequent offense from	House version	Senate version, except Senate proposes a \$350 civil penalty for a first offense and a civil penalty of not more than \$900 for a second or subsequent offense.

		<p>\$600 to \$1200 (House had changed the penalty for 2d and subsequent violations from “not more than \$600” to “not less than \$400 and not more than \$600).</p> <ul style="list-style-type: none"> • SCOJ report retains 90-day (1st) and 180-day (2d and subseq) license suspensions for failing to report to or complete Diversion. • SCOJ report retains language requiring DMV to maintain a registry of adjudications. 		
--	12	SCOJ report eliminates House section expressing intent that DMV registry of underage alcohol and marijuana offenders be destroyed.	House version	Senate version
14–15	13–14	No difference. (Repealing crime for 3d or subseq. underage marijuana offense; conforming change).	No difference	No difference
16	15	No difference. (Repealing suspension for nonpayment of purchase and use tax).	No difference	No difference
17	16	<p>Criminal DLS:</p> <ul style="list-style-type: none"> • SCOJ report makes a 3d civil DLS a criminal DLS if the 2 priors occurred within 2 years of the 3d offense and on or after 12/1/16. (House version made a 3d civil DLS a criminal DLS only in the case of points-related suspensions, and had no 2-year “roll off the record” period). 	Accept Senate version	Senate version
18	--	SCOJ report adds a section that makes a second driving <u>without</u> a license offense--as distinguished from a driving with <u>suspended</u> license offense--within a 2-year period subject to criminal penalties. Under current law, driving <u>without</u> a license is only a civil traffic violation, regardless of the number of such offenses.	Accept Senate version	Senate version
--	17–22	SCOJ report eliminates House sections doubling points for work zone speeding offenses, raising points for certain handheld portable electronic device and texting offenses.	House version	Senate version

		and enhancing points for a criminal speeding offense.		
19–21	--	<p>SCOJ report adds new sections related to motorcycle helmets and motorcycle face protection</p> <p>a) Secs. 19–20 provide that a person convicted of violating the motorcycle helmet law shall not have points assessed against his or her driving record.</p> <p>b) Secs. 20–21 change the terminology of the motorcycle “face” protection law to refer to motorcycle “eye” protection.</p>	Accept Senate version	Senate version
22	23	In section requiring a Judicial Bureau hearing officer to consider a person’s ability to pay, the SCOJ report accepts the House version but with a wording change recommended by the Judiciary requiring that the hearing officer only consider ability to pay AFTER a defendant is convicted of the underlying offense.	Accept Senate version	Senate version
--	24	Senate eliminated House section repealing the DLS Diversion Program.	Accept Senate version	Senate version
23	25	No difference. (Raising awareness of traffic violation judgment payment and hearing options).	No difference.	No difference

24	--	SCOJ report adds section limiting the liability of a person who forcibly enters a motor vehicle to remove a child or animal if the person reasonably and in good faith believes that the child or animal is in imminent danger of harm and if certain other conditions are satisfied.	Remove this section added by the Senate	Amend 13 V.S.A.386 ¹ (confinement of animals in vehicles) to expand immunity from liability to any person and to address children.
25–26	--	<p>SCOJ report adds sections related to fair and impartial policing:</p> <p><u>Sec. 25:</u></p> <ul style="list-style-type: none"> • Requires that the Criminal Justice Training Council’s minimum training standards for law enforcement officers include training on the fair and impartial policing policy of the enforcement agency that employs the officer. • Requires that all law enforcement officers receive initial training on the fair and impartial policing policy on or before 12/31/18 and that enforcement officers receive refresher training during every odd-numbered year. <p><u>Sec. 26</u></p> <ul style="list-style-type: none"> • Provides that if a law enforcement agency or constable required to adopt a fair and impartial policing policy before July 1, 2016 fails to do so, the agency or constable will be deemed to have adopted and must enforce the model policy issued 	Accept Senate version	Senate version

¹ § 386. Confinement of animals in vehicles

(a) A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.

(b) Any humane officer or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a humane society, veterinarian or town or municipal pound. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses, and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.

(c) Failure to comply with subsection (a) of this section is a violation of subdivision 352(3) of this title.

		<p>by the Council).</p> <ul style="list-style-type: none"> Requires law enforcement agencies to work with the Council and a vendor chosen by the Council to collect uniform roadside stop data and adopt uniform storage methods and periods for such data. Requires that on or before Sept. 1, 2016 and annually thereafter, law enforcement agencies provide the roadside stop data to the vendor chose by the Council, and that such data be posted on the receiving agency's website in a manner that is capable of being accessed and analyzed by the public. 		
--	26-28	SCOJ report eliminates House sections requiring Court Administrator to report statistics regarding criminal DLS charges and related to traffic violation hearings and receipts, and requiring the Diversion Program to report statistics related to completion of diversion by underage marijuana and alcohol offenders.	House version	Accept House version Secs. 26-27, and eliminate House version Sec. 28.
27	--	SCOJ report adds section directing the Secretary of Transportation and the Commissioner of Public Safety to work collaboratively to ensure that funding is available, either through the Governor's Highway Safety Program's administration of NHTSA funds or other State funding sources, for training the number of officers necessary to provide sufficient statewide coverage for the enforcement of impaired driving laws through Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) programs.	Accept Senate version	Senate version
28	--	SCOJ report adds a section requiring DFR to study the issue of use of credit scores in auto insurance underwriting.	Accept Senate version	Senate version
29	28	In the SCOJ report, the fair and impartial policing sections take effect on passage, except	Accept Senate version	Senate version

		that the provision regarding refresher training takes effect on 1/1/19.		
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