

## Marjorie Zunder

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**From:** Karen Lafayette <kmlafayette@aol.com>  
**Sent:** Thursday, December 10, 2015 1:50 PM  
**To:** Marjorie Zunder; amy.fowler@state.vt.us; Ann@heneyrealtors.com; annie.noonan@state.vt.us; breena.holmes@state.vt.us; carlenf@voicesforvtkids.org; Claire Ayer; Damien Leonard; Diane Lanpher; erhardm@vtaffordablehousing.org; Hal.Cohen@state.vt.us; jmurray@vtlegalaid.org; jfrancis@vtvsa.org; Jennifer Carbee; jessica.stein@state.vt.us; Jill Krowinski; Johannah.donovan@gmail.com; vt13@aol.com; Katie McLinn; laurie.hurlburt@vermont.gov; mary.skovira@state.vt.us; maureen.start@state.vt.us; Nolan Langweil; Paul.Dragon@state.vt.us; roger.vantassel@state.vt.us; senatorayer@gmavt.net; Katie.Whitney@state.vt.us  
**Subject:** Re: driver restoration program

Hello

This was the language about driver restoration the Governors Pathways from Poverty Council:

This program is different then the 30 by 30 payment cited below in state law and the court diversion. (all options for paying fines and restoring drivers licenses)

### **Recommendation from Pathways (I will incorporate this into our Child Poverty Recommends)**

Implement a uniform driver restoration policy statewide; repeal outdated infractions unrelated to driving or safety that may result in driver's license suspensions. Implement "income sensitive" fines for Vermonters on public assistance; eliminate the license reinstatement fee; and create a high-risk insurance pool that drivers with suspended licenses can buy into so they can get back on the road safely, legally, affordably, and fully insured.

*Read more about the program recently done in Chittenden and being duplicated around the state:*

## **Will driver restoration program expand in Vermont?**



Elizabeth Murray, Free Press Staff Writer 12:08 a.m. EDT April 24, 2015



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More than 1,000 people line up at the Costello Courthouse in Burlington on March 20 for Driver Restoration Day. The pilot program allows Vermonters in certain counties to pay off a parking ticket for \$20. The line stretched from the courthouse front door on Cherry Street around the building onto Pearl Street.

Chittenden County State's Attorney T.J. Donovan says he has learned some valuable lessons from the recent Driver Restoration Day about public policy and the Vermonters who found themselves buried by delinquent ticket fines.

More than 6,700 tickets were reduced and 1,236 people assisted during the March 20 pilot program. Residents from Chittenden, Lamoille, Franklin, Grand Isle and Washington counties were eligible to participate.

Each ticket was reduced to \$20 and the state collected a total of \$148,373.03. Donovan said that total could have included people who decided to pay off tickets from counties not included in the program.

Essex County State's Attorney Vince Illuzzi said Thursday he wishes the program had been rolled out statewide to give all Vermonters the equal opportunity. He said the way the program was presented may discourage other ticket-holders from paying as other states attorneys decide whether to do a Driver Restoration Day in their own counties.

Donovan counts the day as a conversation-starter more than as a way to collect revenue for the state. He said some people had tickets dating back to the 1980s, and for him, this was money that would most likely not be collected unless it was at a reduced cost.

Some of the Vermonters who paid off tickets lived in or close to poverty and have had to decide between feeding their families and reinstating their license in the past, Donovan said.

"This is a real issue in our state," he said. "Getting something is better than getting nothing, and giving people an opportunity to get back on their feet and go to work, to pay taxes, to do the right thing, that's in the interest of public safety ... and the state of Vermont."

Donovan said the program is operated at no cost to taxpayers.

### **A second chance**

Vermonters formed a long line around the Costello Courthouse in Burlington on March 20, starting early in the morning to be guaranteed service.

Many were excited for the chance to pay off delinquent tickets and move on with their lives. Before the event, at least 22,000 Vermonters had suspended licenses with about 100,000 unpaid delinquent tickets, Donovan said.

The event was a multi-agency effort, including the judicial bureau, the judiciary staff, the Department of Motor Vehicles, Legal Aid, and local law enforcement.

The 1,236 people who paid off their tickets that day are eligible to reinstate their license after securing the proper insurance. Donovan said the program represented a "hand-up" and not a handout to those who needed the assistance and "want to do the right thing."

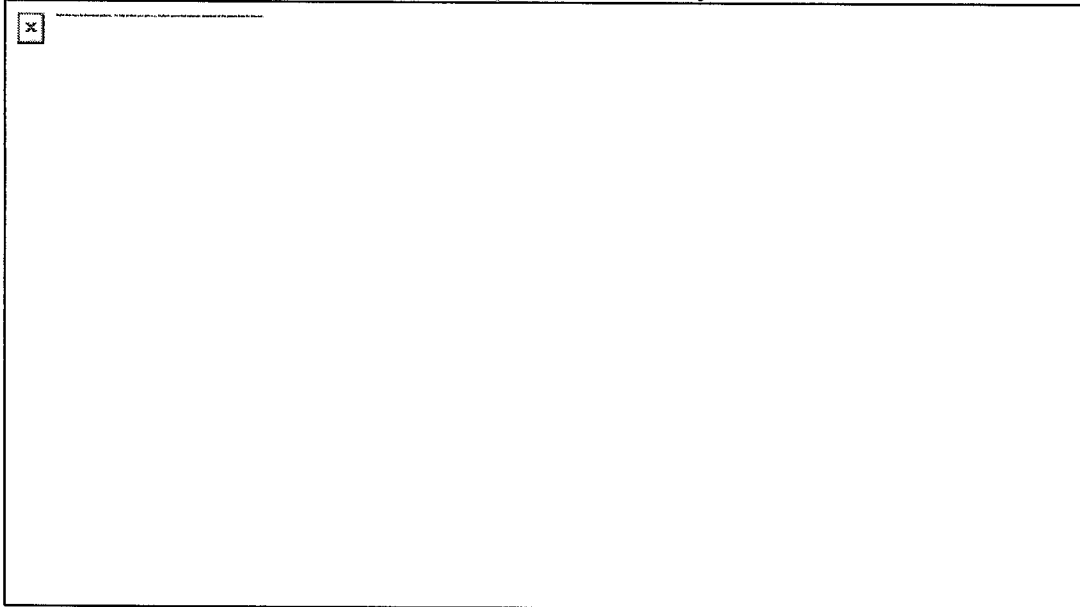
"This was about public safety and getting people reinstatement-ready," Donovan said. "We're a rural state. We want people working and we want people driving legally, and I think that some of the stories we heard were really about folks who saw this as a chance to do the right thing and get back on their feet to go to work."

According to the Department of Motor Vehicles, there are a number of ways by which a person can have his or her license suspended. These include driving under the influence of drugs or alcohol, racking up excessive moving violations, failing to stop following a crash and driving without a license.

A person's license will also be suspended if he or she fails to appear in court for a hearing or fails to pay back traffic tickets.

The overwhelming interest in Driver Restoration Day represented a reason to take a look at the system by which Vermonters' licenses get suspended, Donovan said. The system is imperfect, he said, and tends to marginalize those with fewer financial means.

"We have to hold people accountable, but at some point in time, it's in our state's interest to, after they've paid their debt to society, have them reintegrate into society," Donovan said.



About 1000 Vermonters from five counties lined up around the block at the Costello courthouse in Burlington to pay off outstanding tickets for \$20 per ticket. The pilot program is called Driver Restoration Day. GLENN RUSSELL/FREE PRESS

### **Equal opportunity statewide**

Essex County State's Attorney Illuzzi said he may have been in favor of a program like the Driver Restoration Day if he had been asked to participate and given more details. Instead, he heard about the pilot program from a news report the day it was announced.

"We were never alerted to the opportunity to participate, and this is the kind of program that should be rolled out statewide at the same time," Illuzzi said. "You can't treat people in other parts of the state differently than you do people in five counties. ... I just think it could have been rolled out so much better."

Illuzzi said several methods are used by the Essex County court to assist those with suspended licenses:

- Court diversion programs, where people set up a payment plan instead of going through criminal procedure; and

- Deferred sentencing, which allows people the chance to wipe a conviction from their record in exchange for good behavior.

Policy changes for insurance needed after a traffic offense have also helped, Illuzzi said.

Illuzzi said the program appeared to be "rushed" and "ill-thought-out" in the end, especially since it failed to include the other counties. He said he would like to work with the legislature to come up with a statewide program that treats all Vermonters equally.

"I just don't like the way it was rolled out," Illuzzi said. "It appeared to have been slapped together, and this is the kind of thing that should be well-thought-out."

Messages to other states attorneys requesting comment were not immediately returned this week.

Some people with tickets from counties not included in the March 20 program came to Burlington hoping to pay off their tickets, Donovan said.

Donovan said he respects the autonomy of other state's attorneys and hopes they will consider doing a restoration day that fits their local counties. However, he said, it is not the solution to all the state's problems.

"I don't think we can do it in Chittenden County again," Donovan added. "There has to be an expectation that people pay their tickets."

Donovan has offered to share insights from the first Driver Restoration Day with other counties if the counties would like to have a similar program. Some things could have gone better, such as organization and the paperwork flow, he said.

### **Time for a change?**

Donovan said he believes the fines would not have been paid back, and it was better to reduce the cost rather than allow people to continue on without licenses.

The judicial bureau did not release numbers around how much the tickets for the 1,236 people totaled before reduced. Messages to the bureau were not immediately returned on Friday.

Donovan hopes there could be policy changes going forward. Donovan said the state should look at the number of offenses that carry license suspension and focus on helping people be compliant with the law.

"It's acknowledging the circumstances some folks find themselves in with their inability to pay," Donovan said. He added, "The larger public policy issue is do we want to build budgets and have the expectation of revenue from people violating the law? It's not good public policy, and you're taking it from the poorest of the poor."

*Contact Elizabeth Murray at 651-4835 or [emurray@freepressmedia.com](mailto:emurray@freepressmedia.com). Follow her on Twitter at [www.twitter.com/LizMurraySMC](http://www.twitter.com/LizMurraySMC).*

## **VERMONT DRIVER RESTORATION DAY**

<http://governor.vermont.gov/driverrestorationday>

### **What is Driver Restoration Day?**

On December 11, 2015 the Windsor County State's Attorney's office in collaboration with the Department of Motor Vehicles, the Judicial Bureau and the Agency of Transportation will hold a Driver's Restoration Day. The purpose of this program is help people who have delinquent traffic tickets get their license reinstated by accepting \$25 per delinquent ticket. The goal is to reduce the number of suspended drivers and improve the safety of our roadways by encouraging people to drive fully licensed and fully insured.

### **When and where is Driver Restoration Day?**

Driver Restoration Day will take place on Friday, December 11, 2015 from 8 a.m. to 4:30 p.m. at the State Office Building at 118 Prospect Street, White River Junction. There are no appointments, and given the level of interest in the program individuals should expect long wait times.

### **Who qualifies for Driver Restoration Day?**

Any Windsor County resident who has had their license suspended due to a failure or inability to pay the associated fines. Tickets must be delinquent; meaning a ticket is more than 75 days past due. People whose current suspension is a result of a DUI or certain other serious offenses are not eligible for this program.

### **How Does Driver Restoration Day work?**

Eligible Vermonters will be able to get their license reinstated by paying \$25 per outstanding ticket. If an individual has five tickets, they'd need to come with \$125 in order to get their license reinstated.

### **What information should I bring to Driver Restoration Day?**

Be sure to bring this information with you on December 11th: Driver's Name, Date of Birth, PID (License) Number, Ticket number(s), Location of ticket(s), Phone number.

### **How can I pay?**

Acceptable forms of payment are limited to check or money order. Cash will not be accepted.

### **How Long Will it Take to get your license reinstated?**

The Judicial Bureau will process payments as quickly as possible. Depending on the number of individuals who attend Driver Restoration Day it may take a number of weeks for individuals to get reinstatement ready. After attending Driver Restoration Day, individuals will receive paperwork in the mail with information on their license reinstatement.

### **What other resources are available to help me get my driver's license back?**

Vermont's Court Division DLS Program is available statewide and may be a resource for you. Through this program, some people with suspended licenses may be eligible for a reduction in their debt, or may be eligible for community service or participation in an educational program in exchange for a reduction in fines and fees owed. More information about the program is at: <http://vtcourtdiversion.org/driving-with-license-suspended-program/>

### **What if I still have questions?**

If you have additional questions please contact the Windsor County State's Attorney's Office at 802-295-8870 or the Governor's Office at 802-828-3333

### **Karen Moran Lafayette**

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Burlington Vermont

802-373-3366

-----Original Message-----

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Sent: Thu, Dec 10, 2015 12:47 pm

Subject: driver restoration program

Dear **Members** of the Vermont Child Poverty Council

Below is information on the driver restoration payment plan that was discussed in the meeting today at the **State** House. David Hall, Legislative Counsel, requested it on your behalf from Helena Gardner, Legislative Counsel.

Marjorie Zunder

Staff

PreKindergarten-16 Council

802-229-9617

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**From:** Helena Gardner  
**Sent:** Thursday, December 10, 2015 11:50 AM  
**To:** David Hall  
**Subject:** RE: payment plan?

David,

Below is an email that I wrote for a rep on this topic in Dec. 2013 (I've made a couple changes to reflect a 2014 change in one of the relevant laws). Feel free to forward to Sen. Ayer.

Best,  
Helena

Under existing law, the license of a person who fails to pay a judgment on a traffic ticket is suspended for 120 days. (Prior to 7/1/14, such suspensions used to be indefinite.)

Two mechanisms exist for people to avoid suspension of a license, or to obtain a license reinstatement, while paying off motor vehicle fines arising from traffic violations:

- (1) The Judicial Bureau has authority under 23 VSA 2307(b) to delay imposition of a license suspension for failure to pay a judgment on a traffic violation. Also, in the context of a contempt proceeding for failure to pay a judgment on a traffic violation, the Bureau also has authority under 23 VSA 2307(c) to reinstate a license suspended for failure to pay and to extend the time to pay, and to reduce the amount due. In practice, the Judicial Bureau implements this authority through an informal "30 by 30" program, which allows a person (regardless of income) to avoid suspension or have his or her license reinstated if the person pays \$30 per month per ticket until the fine is paid off. If the person misses his or her monthly \$30 per ticket payment, the suspension goes back into effect.

→ Note: anecdotally, I've hear that the 30 by 30 program is not well-advertised, and that people may hear about it if they talk to a lawyer or someone else who has benefited from 30 by 30.

- (2) The \$30 per month per ticket amount can add up to a lot of money if a person has multiple unpaid tickets. As a result, another option for such people may be the DLS Diversion Program. This program was created by Act 147 of 2012, and is described at <http://vtcourtdiversion.org/driving-with-license-suspended-program/>. The head of the Diversion Program is Willa Farrell, and it is implemented on the county level. Under DLS Diversion, a person can enter into a diversion program contract and, if they've met other requirements for licensure (e.g. taken a road test if they've been suspended for more than 3 years), can get their license back right away with a payment as low as \$25 per month. The cost of entering the diversion program is \$300, but for many people this \$300 is reduced by 50-75% based on their ability to pay.

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**From:** David Hall  
**Sent:** Thursday, December 10, 2015 11:07 AM  
**To:** Helena Gardner  
**Subject:** payment plan?

Had a question today from Sen. Ayer – can a person set up a payment plan for a motor vehicle related fine, e.g., suspended license?

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