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H.91

Introduced by Representatives Myers of Essex, Devereux of Mount Holly,
Potter of Clarendon, Bancroft of Westford, Batchelor of Derby,
Greshin of Warren, Hubert of Milton, Parent of St. Albans
Town, Poirier of Barre City, Sullivan of Dorset, and Tate of
Mendon

Referred to Committee on

Date:

Subject: Motor vehicles; distracted driving; enforcement; municipalities;
allocation of proceeds

Statement of purpose of bill as introduced: This bill proposes to require that
certain monies collected as a result of enforcement of Vermont's distracted
driving laws by a municipal enforcement officer be remitted to the
municipality.

An act relating to allocation of monies collected from enforcement of
distracted driving laws

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 13 V.S.A. § 7251 is amended to read:

3 § 7251. MUNICIPALITIES; PAYMENT TO AND LIABILITY OF

4 (a) Fines, forfeitures, and penalties, imposed by ~~the district or superior a~~
5 court or by the ~~judicial bureau~~ Judicial Bureau for violation of a ~~village, town,~~
6 ~~or city~~ municipal ordinance shall be paid to the ~~village, town or city,~~
7 ~~respectively~~ municipality, except for a \$12.50 administrative charge for each
8 case which shall be retained by the ~~state~~ State.

9 (b)(1) ~~Fines~~ Except for a \$12.50 administrative charge for each case which
10 shall be retained by the State, fines, forfeitures, and penalties imposed by a
11 court or the judicial bureau for all speeding traffic violations under subchapter
12 8 of chapter 13 of Title 23 entitled “speed restrictions” on state highways and
13 for height and width violations under 23 V.S.A. § 1431 and length violations
14 under 23 V.S.A. § 1432 on town highways Judicial Bureau resulting from the
15 enforcement by ~~towns~~ a municipality within the ~~its~~ its jurisdiction of ~~the town~~ the
16 following traffic violations shall be paid to the ~~town~~ municipality by the
17 formula set forth in subsection (c) of this section ~~except for the administrative~~
18 ~~charge according to the provisions of subsection (a) of this section which shall~~
19 ~~be retained by the state;~~

20 (A) speeding violations under 23 V.S.A. chapter 13, subchapter 8
21 (“speed restrictions”) on State highways;

1 (B) motor vehicle height and width violations under 23 V.S.A.
2 § 1431 and length violations under 23 V.S.A. § 1432 on town highways; and
3 (C) restrictions on the use of portable electronic devices while
4 operating a motor vehicle under 23 V.S.A. §§ 1095a, 1095b, 1099, or 4125(b)
5 or (c), on State and town highways.

6 ~~(2) The enforcement by towns~~ Enforcement by municipalities shall be
7 by a ~~town~~ municipal law enforcement officer or a law enforcement officer by
8 contract with the ~~town~~ municipality. Such law enforcement officer shall be
9 certified according to the provisions of 20 V.S.A. § 2358. Nothing in this
10 section shall be construed to limit the jurisdiction of a certified law
11 enforcement officer. The revenue that is collected by the ~~state~~ State pursuant
12 to enforcement of this section by a ~~town~~ municipality shall be distributed
13 annually during the first quarter of the fiscal year immediately following the
14 fiscal year in which the fines, forfeitures, and penalties are collected.

15 ~~(c) The allocation of revenue to the towns under the formula shall be~~
16 ~~updated annually by the state court administrator and shall provide that the~~
17 ~~revenue be distributed to those towns whose~~ Annually, the State Court
18 Administrator shall update a formula for the allocation to municipalities of
19 fine, forfeiture, and penalty revenue received as a result of municipal law
20 enforcement efforts on ~~state~~ State highways and town highways as specifically
21 set forth in subsection (b) of this section ~~have resulted in the imposition of the~~

1 ~~fines, forfeitures, and penalties for all speeding traffic violations under~~
2 ~~subchapter 8 of chapter 13 of Title 23 entitled "speed restrictions" and for~~
3 ~~height and width violations under 23 V.S.A. § 1431 and length violations~~
4 ~~under 23 V.S.A. § 1432 provided that. Under the formula, no town~~
5 ~~municipality may receive more than five percent of the total revenue in any~~
6 ~~given year. The formula ~~used for distribution~~ shall reflect the percentage of a~~
7 ~~~~town's~~ municipality's law enforcement expenditures as it relates to the ~~town's~~~~
8 ~~municipality's total municipal taxing effort. The ~~town's~~ municipality's total~~
9 ~~municipal taxing effort shall be determined by subtracting the ~~town's~~~~
10 ~~municipality's school taxes assessed from the total taxes assessed as provided~~
11 ~~each year in the annual report of the ~~division of property valuation and review~~~~
12 ~~Division of Property Valuation and Review by the Vermont ~~department of~~~~
13 ~~~~taxes~~ Department of Taxes. By July 31 of each year, the local legislative body~~
14 ~~of any ~~town~~ municipality which had law enforcement efforts resulting in the~~
15 ~~imposition of fines, forfeitures, and penalties and which wishes to participate~~
16 ~~shall submit to the ~~court administrator~~ Court Administrator the total amount of~~
17 ~~the funds spent for law enforcement in the most recently completed ~~town~~~~
18 ~~municipal fiscal year.~~

19 (d) Fines, forfeitures, and penalties imposed by a court or the judicial
20 ~~bureau~~ Judicial Bureau for violations of subdivisions 352(3), (4), and (9) of
21 this title, relating to animal cruelty that result from ~~the~~ enforcement by

1 ~~villages, towns, and cities~~ a municipality within ~~their~~ its jurisdiction shall be
2 paid to the ~~respective village, town, or city~~ municipality, except for a \$12.50
3 administrative charge for each violation which shall be retained by the ~~state~~
4 State. The enforcement by ~~villages, towns, and cities~~ a municipality shall be
5 by a ~~local~~ municipal law enforcement officer or a law enforcement officer by
6 contract with the ~~village, town, or city~~ municipality. Such law enforcement
7 officer shall be certified according to the provisions of 20 V.S.A. § 2358.

8 (e) As used in this section, “municipality” means a village, town, or city.

9 Sec. 2. EFFECTIVE DATE AND TRANSITION PROVISION

10 (a) This act shall take effect on July 1, 2017.

11 (b) The allocation of fine, forfeiture, and penalty proceeds related to
12 municipal enforcement of the laws specified in 13 V.S.A. § 7251(b)(1)(C), as
13 amended in Sec. 1 of this act, shall apply to any such proceeds collected on or
14 after the effective date of this act, even if the underlying traffic ticket was
15 issued before the effective date of this act.