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H.511

Representative Bancroft of Westford moves that the House concur in the Senate Proposal of Amendment with further amendment by adding two new sections to be Secs. 15a and 15b to read as follows:

Sec. 15a. 23 V.S.A. § 1210(l) is added to read:

(l) Minor in vehicle. A person who violates section 1201 of this title while a minor is in the person’s vehicle shall, in addition to any other penalty imposed by law, be:

(1) fined not more than \$300.00 or imprisoned for not more than six months, or both; or

(2) fined not more than \$5,000.00 or imprisoned for not more than 10 years, or both, if the violation results in the death of or serious bodily injury to the minor.

Sec. 15b. 23 V.S.A. § 1217 is added to read:

§ 1217. PERSONS UNDER 21 YEARS OF AGE; OPERATING A VEHICLE WHILE IN POSSESSION OR UNDER THE INFLUENCE OF A DRUG; CIVIL PENALTIES

(a) A person under 21 years of age shall not operate, attempt to operate, or be in actual physical control of a vehicle on a highway while:

(1) under the influence of a drug; or

1           (2) in possession of a regulated drug as defined in 18 V.S.A. § 4201,  
2           unless the person obtained possession with a valid prescription or registration  
3           card, or the person is lawfully transporting or delivering the drug.

4           (b) A violation of subsection (a) of this section shall be a civil offense  
5           subject to the jurisdiction of the Judicial Bureau and subject to the following  
6           sanctions:

7           (1) For a first violation, the Commissioner shall suspend the person's  
8           license to operate a motor vehicle for a period of six months.

9           (2) For a second or subsequent violation, the Commissioner shall  
10           suspend the person's license to operate a motor vehicle for a period of one year  
11           or until the person reaches 21 years of age, whichever is longer.

12           (3) Any suspension imposed pursuant to this section shall run  
13           concurrently with any suspension imposed pursuant to section 1205, 1206,  
14           1208, or 1216 of this title, any suspension imposed by another jurisdiction  
15           under comparable statutes, or a suspension resulting from a conviction for a  
16           violation of section 1091 of this title if it arose from the same incident. A  
17           person shall receive credit for any elapsed period of a suspension served in  
18           Vermont against a later suspension imposed in Vermont.

19           (c) No fine shall be imposed and no points shall be assessed for a violation  
20           of this section.

1        (d) Any civil penalty imposed by this section shall not bar prosecution for  
2        any crime arising out of the same violation, including a prosecution under  
3        section 1201 of this title.

4        (e) As used in subdivision (a) of this subsection, “under the influence of a  
5        drug” shall have the same meaning as in subsection 1201(h) of this title.