

1 H.184

2 Introduced by Representatives Chesnut-Tangerman of Middletown Springs,
3 Burke of Brattleboro, Colburn of Burlington, Cordes of
4 Lincoln, Donahue of Northfield, Gonzalez of Winooski, James
5 of Manchester, Jickling of Randolph, Nicoll of Ludlow, Ralph
6 of Hartland, Troiano of Stannard, and White of Hartford

7 Referred to Committee on

8 Date:

9 Subject: Judicial Bureau; civil fines; community service

10 Statement of purpose of bill as introduced: This bill proposes to allow for
11 conversion of civil fines to community service when the defendant is unable
12 to pay.

13 An act relating to providing for conversion of civil fines to community
14 service

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

16 Sec. 1. 4 V.S.A. § 1109 is amended to read:

17 § 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

18 (a) Definitions. As used in this section:

1 (1) “Amount due” means all financial assessments contained in a
2 Judicial Bureau judgment, including penalties, fines, surcharges, court costs,
3 and any other assessment authorized by law.

4 (2) “Designated collection agency” means a collection agency
5 designated by the Court Administrator.

6 (3) [Repealed.]

7 (b) Late fees; suspensions for nonpayment of certain traffic violation
8 judgments.

9 (1) A Judicial Bureau judgment shall provide notice that a \$30.00 fee
10 shall be assessed for failure to pay within 30 days. If the defendant fails to pay
11 the amount due within 30 days, the fee shall be added to the judgment amount
12 and deposited ~~in~~ into the Court Technology Special Fund established pursuant
13 to section 27 of this title.

14 (2)(A) In the case of a judgment on a traffic violation for which the
15 imposition of points against the person’s driving record is authorized by law,
16 the judgment shall contain a notice that failure to pay or otherwise satisfy the
17 amount due within 30 days ~~of~~ after the notice will result in suspension of the
18 person’s operator’s license or privilege to operate; and that payment plan
19 options are available. If the defendant fails to pay the amount due within
20 30 days ~~of~~ after the notice, or by a later date as determined by a Judicial
21 Bureau clerk or hearing officer, and the case is not pending on appeal, the

1 Judicial Bureau shall provide electronic notice thereof to the Commissioner of
2 Motor Vehicles. After 20 days from the date of receiving the electronic notice,
3 the Commissioner shall suspend the person's operator's license or privilege to
4 operate for a period of 30 days or until the amount due is satisfied, whichever
5 is earlier.

6 (B) At minimum, the Judicial Bureau shall offer a payment plan
7 option that allows a person to avoid a suspension of his or her license or
8 privilege to operate by paying ~~no~~ not more than \$30.00 per traffic violation
9 judgment per month, and not to exceed \$100.00 per month if the person has
10 four or more outstanding judgments.

11 * * *

12 (e) Venue. For purposes of civil contempt proceedings, venue shall be
13 statewide. No entry or motion fee shall be charged to a defendant who applies
14 for a reduced judgment under subdivision (c)(4)(B) of this section.

15 (f) Third-party contract for collections. Notwithstanding 32 V.S.A. § 502,
16 the Court Administrator is authorized to contract with a third party to collect
17 fines, penalties, and fees by credit card, debit card, charge card, prepaid card,
18 stored value card, and direct bank account withdrawals or transfers, as
19 authorized by 32 V.S.A. § 583, and to add on and collect, or charge against
20 collections, a processing charge in an amount approved by the Court
21 Administrator.

1 (g) Conversion of civil fine to community service.

2 (1) A defendant who is not incarcerated may file a motion to convert all
3 or part of a civil fine to community service. The court may grant the motion if
4 the defendant establishes that he or she has made a good faith effort to pay the
5 fine but is unable to do so.

6 (2) Community service performed pursuant to a motion granted under
7 this subsection shall be:

8 (A) credited against outstanding fines at the then-existing rate of the
9 Vermont minimum wage;

10 (B) monitored by an entity approved by the court, which shall report
11 on the defendant's compliance status to the court; and

12 (C) performed in the county where the offense occurred.

13 (3) A conversion of a fine to community service under this subsection
14 shall:

15 (A) not apply to surcharges, court costs, or other assessments; and

16 (B) be in addition to the contempt procedures applicable under this
17 section.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on July 1, 2019.