

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 578
3 entitled “An act relating to operator’s license and privilege to operate
4 suspensions and proof of financial responsibility” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 * * * Waiver of Reinstatement Fee * * *

8 Sec. 1. 4 V.S.A. § 1109(c)(4) is amended to read:

9 (4)(A) Hearing. The hearing shall be conducted in a summary manner.
10 The hearing officer shall examine the defendant and any other witnesses and
11 may require the defendant to produce documents relevant to the defendant’s
12 ability to pay the amount due. The State or municipality shall not be a party
13 except with the permission of the hearing officer. The defendant may be
14 represented by counsel at the defendant’s own expense.

15 (B) Traffic violations; reduction of amount due. When the judgment
16 is based upon a traffic violation, the hearing officer may waive the
17 reinstatement fee required pursuant to 23 V.S.A. § 675 or reduce the amount
18 due on the basis of the defendant’s driving history, ability to pay, or service to
19 the community; the collateral consequences of the violation; or the interests of
20 justice. The hearing officer’s decision ~~on a motion~~ to reduce the amount due

1 shall not be subject to review or appeal except in the case of a violation of
2 rights guaranteed under the Vermont or U.S. Constitution.

3 * * * Proof of Financial Responsibility * * *

4 Sec. 2. 23 V.S.A. § 801 is amended to read:

5 § 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

6 (a) The Commissioner shall require proof of financial responsibility to
7 satisfy any claim for damages, by reason of personal injury to or the death of
8 any person, of at least \$25,000.00 for one person and \$50,000.00 for two or
9 more persons killed or injured and \$10,000.00 for damages to property in any
10 one accident, as follows:

11 (1) From a person who is convicted of any of the following violations of
12 this title:

13 (A) Death resulting from:

14 (i) careless and negligent operation of a motor vehicle; or

15 (ii) reckless driving of a motor vehicle.

16 (B) Any violation of section 1201 of this title or for any suspension
17 pursuant to section 1205 of this title.

18 (C) Failing to immediately stop and render such assistance as may be
19 reasonably necessary following an accident resulting in injury to any person or
20 property, other than the vehicle then under his or her control.

1 (D) Operating, taking, using, or removing a motor vehicle without
2 the consent of the owner in violation of section 1094 of this title.

3 (E) Operating a motor vehicle after suspension, revocation, or refusal
4 of a license, in violation of section 674 of this title.

5 (F) ~~Operating without financial responsibility.~~ [Repealed.]

6 (G) ~~Any moving violation as defined in section 4 of this title if the
7 person has five points assessed against the person's license at the time the
8 moving violation occurs. At the time a ticket or a citation for a moving
9 violation is issued, the law enforcement officer shall give the defendant an
10 insurance verification certificate, which shall not be an SR 22 certificate. The
11 defendant shall complete the certificate and mail or deliver it to the
12 Commissioner within 21 days of being issued the ticket or citation. The
13 Commissioner shall prescribe the form of the insurance verification certificate
14 and administer the insurance verification process by adopting rules and may,
15 pursuant to 3 V.S.A. chapter 25, adopt rules to administer the insurance
16 verification process.~~ [Repealed.]

17 (H) The provisions of subdivisions (a)(1)(A), (C), (D), and (E), ~~and~~
18 ~~(G)~~ of this section shall not apply to an operator furnishing the Commissioner
19 with satisfactory proof that a standard provisions automobile liability insurance
20 policy, issued by an insurance company authorized to transact business in this
21 State insuring the operator against public liability and property damage, in the

1 amounts required under this section with respect to proof of financial
2 responsibility, was in effect at the time of the violation. Nor shall these
3 provisions apply if the operator was a nonresident, holding a valid license
4 issued by the state of his or her residence, at the time of the violation, and
5 satisfactory proof, in the form of a certificate issued by an insurance company
6 authorized to transact business in the state of his or her residence, and
7 accompanied by a power of attorney authorizing the Commissioner to accept
8 service on its behalf, of notice or process in any action arising out of the
9 violation, certifying that insurance covering the legal liability of the operator to
10 satisfy any claim or claims for damage to person or property, in an amount
11 equal to the amounts required under this section with respect to proof of
12 financial responsibility was in effect at the time of the violation.

13 * * *

14 Sec. 3. 23 V.S.A. § 809 is amended to read:

15 § 809. WAIVER OF PROOF OF FINANCIAL RESPONSIBILITY

16 (a) The Commissioner shall relieve an operator from the obligation to
17 furnish proof of financial responsibility after ~~three years~~ one year from the
18 accident, conviction, or judgment giving rise to the obligation. In the event
19 that a suspension or revocation resulted from the conviction giving rise to the
20 obligation, an operator shall not be relieved of the obligation to furnish proof

1 of financial responsibility until ~~three years~~ one year after his or her
2 reinstatement eligibility date.

3 (b) Notwithstanding subsection (a) of this section, the Commissioner shall
4 not relieve an operator from the obligation to furnish proof of financial
5 responsibility until three years after a conviction of careless and negligent
6 operation of a motor vehicle resulting in death, conviction of reckless driving
7 of a motor vehicle resulting in death, or second and subsequent conviction of a
8 violation of section 1201 of this title. In the event that a suspension resulted
9 from the conviction giving rise to the obligation, an operator shall not be
10 relieved of the obligation to furnish proof of financial responsibility until three
11 years after his or her reinstatement eligibility date.

12 (c) This ~~provision~~ section shall not be construed to relieve an operator of
13 his or her responsibility to comply with the mandatory insurance requirement
14 set forth in section 800 of this title.

15 Sec. 4. WAIVER OF PROOF OF FINANCIAL RESPONSIBILITY

16 (a) The Commissioner shall relieve an operator from the obligation to
17 furnish proof of financial responsibility required pursuant to 23 V.S.A.
18 § 801(a)(1) as amended by this act in accordance with 23 V.S.A. § 809 as
19 amended by this act.

20 (b) If an operator is not required to furnish proof of financial responsibility
21 pursuant to 23 V.S.A. § 801(a)(1) as amended by this act then the

1 Commissioner shall relieve the operator from the obligation to furnish proof of
2 financial responsibility.

3 (c) This section shall not be construed to relieve an operator of his or her
4 responsibility to comply with the mandatory insurance requirement set forth in
5 23 V.S.A. § 800.

6 * * * Effective Date * * *

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE