

Recent History of Actions to Address Driving with License Suspended (DLS)

[2006 Acts & Resolves No. 167](#) – Sec. 2 amends 23 V.S.A. § 674 (DLS, criminal) to include subdivision (a)(2), which criminalizes a sixth or subsequent violation of 23 V.S.A. § 676 (DLS, civil) if the five prior offenses occurred after July 1, 2003.

[2011 Acts & Resolves No. 41](#) – Sec. 4 creates the Nonviolent Misdemeanor Sentence Review Committee to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses.

[Nonviolent Misdemeanor Sentencing Review Committee Report, January 2012](#) – Recommends, among other things, that civil DLS cases be referred to court diversion, rather than the Judicial Bureau in certain instances (model legislation attached).

[2012 Acts & Resolves No. 147](#) –

- Sec. 2 creates the [DLS Diversion Program](#).
- Sec. 3 amends 23 V.S.A. § 674 (DLS, criminal) to include subdivision (a)(3), which eliminates violations of 23 V.S.A. § 676 (DLS, civil) from the tally of prior offenses if the offense occurred prior to participation in the DLS Diversion Program.
- Sec. 4. amends 23 V.S.A. § 2502 (point assessment schedule) to eliminate point assessments for 23 V.S.A. §§ 674 and 676.
- Sec. 5 amends 23 V.S.A. § 2506 (suspension procedure) to remove a first conviction of 23 V.S.A. § 674 as the basis for a 30-day suspension.
- Sec. 6 creates the DLS Diversion Special Fund.

[2014 Acts & Resolves No. 128](#) –

- Sec. 1 amends 4 V.S.A. § 1109(c)(4)(B)(iii) to eliminate the reporting of delinquent traffic violation payments to credit bureaus and instead require the Commissioner of Motor Vehicles to suspend the individual's privilege to operate until the amount due is paid or otherwise satisfied.
- Sec. 2 amends 23 V.S.A. § 674 (DLS, criminal) to exclude a violation of 23 V.S.A. § 676 (DLS, civil) from the tally of prior offenses if it occurred prior to payment of amount due to the Judicial Bureau. Supposedly this is administratively unworkable, per [Law Enforcement Bulletin 15-08](#), so instead the database would no longer reflect a “flag” for a potential DLS, criminal based on five DLS, civil violations.
- Sec. 3 amends 23 V.S.A. § 2307 to (1) extend time to pay judgments on traffic violations, (2) cap the length of suspensions at 120 days, and (3) only have owed judgments against a sole vehicle registrant lead to a denial of registration renewal.

March 20, 2015 – [Driver Restoration Day](#) (Chittenden, Franklin, Grand Isle, Lamoille, and Washington Counties)

December 11, 2015 – [Second Driver Restoration Day](#) (Windsor County)

February 25, 2015 – Rep. Grad and Sen. Sears send a letter to Secretary of Transportation Sue Minter requesting a working group to study approaches for reducing the number and duration of DLS in Vermont.

[Driver's License Suspension Task Force Report](#), December 30, 2015

[2016 Acts & Resolves No. 147](#) –

- Sec. 1 terminates certain pre-July 1, 1990 suspensions for failure to appear.
- Sec. 2 creates a one-time driver restoration program running from September 1, 2016 to November 30, 2016 that targets suspensions arising from nonpayment of traffic violation judgments entered prior to July 1, 2012 and requires reporting back to the Joint Legislative Justice Oversight Committee ([Report on Act 147 – Statewide Driver Restoration Program, December 29, 2016](#)).
- Sec. 3 terminates suspensions imposed pursuant to provisions repealed in or amended by Secs. 6, 10–12 and 15 (all nondriving conduct).
- Sec. 4 repeals 23 V.S.A. §§ 305a (registration renewal denied for nonpayment of a traffic judgment) and 2307.
- Sec. 5 amends 4 V.S.A. § 1109 to include *most* of the language in repealed 23 V.S.A. § 2307.
 - Authority for Judicial Bureau hearing officer to waive the reinstatement fee under 23 V.S.A. § 675 repealed but not added to 4 V.S.A. § 1109.
 - Switch from “traffic violation” to “traffic violation for which points [are] authorized.”
 - Authority for Judicial Bureau hearing officer to reduce the amount due (and considerations: driving history, ability to pay, or service to the community; the collateral consequences of the violation; or the interests of justice) repealed and added.
 - Suspension length for nonpayment decreased to 30 days, or until judgment paid, from 120 days, or until judgment paid.
 - Authority to deny an application for motor vehicle registration renewal eliminated.
 - Authority to approve a proposed DLS Diversion Program contract and citation to 2012 Acts & Resolves No. 147, Sec. 2 repealed but not added to 4 V.S.A. § 1109.
 - Payment plans of \$30/violation with an \$100/month cap existing practice added to codified law (4 V.S.A. § 1109(b)(2)(B)).
- Sec. 16 amends 23 V.S.A. § 674 (DLS, criminal) to decrease the number of violations of 23 V.S.A. § 676 (DLS, civil) an individual can have before becoming a criminal offense and eliminates the provision that a paid judgment shall not count as a prior offense:
 - Previously: Sixth or subsequent if five prior occurred after July 1, 2003; and
 - Amended: Third or subsequent if two prior within two years of the third offense and on or after December 1, 2016.
- Sec. 22 requires the Criminal Justice Training Council to train enforcement officers about the existence of payment plan options for traffic violation judgments and encourage enforcement officers to mention these option when issuing a traffic violation complaint; encourages the Judicial Bureau to update its materials/website to notify individuals of payment plan options and hearings on ability to pay; and requires the Agency of Transportation to carry out a campaign to raise public awareness of payment plan options and Judicial Bureau hearings on ability to pay.
- Sec. 23 requires annual reporting (2016, [2017](#), [2018](#), [2019](#), and 2020) on license suspension statistics.