

1 H.635

2 Introduced by Representatives Colston of Winooski, Mrowicki of Putney,  
3 Anthony of Barre City, Bluemle of Burlington, Christie of  
4 Hartford, Cina of Burlington, Copeland Hanzas of Bradford,  
5 Donnally of Hyde Park, Lippert of Hinesburg, McCormack of  
6 Burlington, Patt of Worcester, Stebbins of Burlington, Troiano  
7 of Stannard, and Vyhovsky of Essex

8 Referred to Committee on

9 Date:

10 Subject: Motor vehicles; secondary enforcement

11 Statement of purpose of bill as introduced: This bill proposes to designate  
12 certain motor vehicle and pedestrian traffic violations as violations that may  
13 only be enforced if a law enforcement officer has detained the operator of a  
14 vehicle or pedestrian for another suspected traffic violation.

15 An act relating to secondary enforcement of minor traffic offenses

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

17 ~~Sec. 1, 23 V.S.A., § 9 is added to read:~~

18 ~~§ 9. SECONDARY ENFORCEMENT OF VIOLATIONS~~

19 ~~(a) Motor vehicle violations.~~

1 ~~(1) The following offenses may be enforced only if a law enforcement~~  
2 ~~officer has detained the operator of a motor vehicle for another suspected~~  
3 ~~traffic violation:~~

4 ~~(A) section 307 of this title (failure to carry a registration certificate);~~

5 ~~(B) subsection 511(c) of this title (failure to display registration~~  
6 ~~sticker or failure to display unobstructed license numbers);~~

7 ~~(C) section 512 of this title (failure to display number plate on trailer~~  
8 ~~or semi-trailer);~~

9 ~~(D) section 615 of this title (operation by an individual with a~~  
10 ~~learner's permit);~~

11 ~~(E) section 1125 of this title (obstructing windshield or windows);~~

12 ~~(F) sections 1134 (possession or consumption of alcohol or cannabis~~  
13 ~~by operator) and 1134a (possession or consumption of alcohol or cannabis by~~  
14 ~~passenger) of this title and subsection 1134b(a) (using tobacco in a motor~~  
15 ~~vehicle with child present) of this title;~~

16 ~~(G) section 1221 of this title (condition of vehicle);~~

17 ~~(H) sections 1243 (headlights), 1244 (illumination required), 1245~~  
18 ~~(illumination required on motorcycles), 1248 (taillights), and 1249 (directional~~  
19 ~~signal lights) of this title; and~~

20 ~~(I) section 1259 of this title (safety belts; persons 18 years of age or~~  
21 ~~older).~~

1 ~~(2) An operator shall not be subject to the penalty established for the~~  
2 ~~offenses listed in subdivision (1) of this subsection unless the operator is~~  
3 ~~required to pay a penalty for the primary violation.~~

4 ~~(b) Pedestrian violations.~~

5 ~~(1) The following violations may be enforced only if a law enforcement~~  
6 ~~officer has detained the pedestrian for another suspected violation:~~

7 ~~(A) section 1023 of this title (pedestrian-control signals); and~~

8 ~~(B) sections 1052 (crossing except at crosswalks), 1054 (pedestrians~~  
9 ~~to use right half of crosswalks), 1055 (pedestrians on roadways), 1056~~  
10 ~~(highway solicitations), and 1058 (duties of pedestrians) of this title.~~

11 ~~(2) A pedestrian shall not be subject to the penalty established for the~~  
12 ~~offenses listed in subdivision (1) of this subsection unless the pedestrian is~~  
13 ~~required to pay a penalty for the primary violation.~~

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2022.~~

*Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; REPORT*

*(a)(1) The Commissioner of Public Safety shall examine the following  
motor vehicle violations for the purpose of making recommendations as to  
whether the statutes should be repealed, modified, or limited to secondary  
enforcement:*

~~*(A) 23 V.S.A. § 307 (failure to carry a registration certificate),*~~

~~(B) 23 V.S.A. § 511(e) (failure to display registration sticker or failure to display unobstructed license numbers);~~

~~(C) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);~~

~~(D) 23 V.S.A. § 615 (operation by an individual with a learner's permit);~~

~~(E) 23 V.S.A. § 1023 (pedestrian-control signals);~~

~~(F) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);~~

~~(G) 23 V.S.A. § 1125 (obstructing windshield or windows);~~

~~(H) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession or consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);~~

~~(I) 23 V.S.A. § 1221 (condition of vehicle);~~

~~(J) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and~~

~~(K) 23 V.S.A. § 1259 (safety belts, persons 18 years of age or older).~~

~~(2) The Commissioner may make recommendations for repeal, modification, or designation for secondary enforcement of other motor vehicle violations at the Commissioner's discretion.~~

~~(b) The Commissioner shall report the recommendations to the House and Senate Committees on Government Operations and on Transportation not later than October 1, 2022.~~

*Sec. 2. EFFECTIVE DATE*

~~This act shall take effect on passage.~~

*Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; ANNUAL REPORT*

~~(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine the motor vehicle violations for the purpose of making annual recommendations whether or not statutes should be repealed, modified, or limited to secondary enforcement. The following statutes shall be addressed in the first report:~~

~~(1) 23 V.S.A. § 307 (failure to carry a registration certificate);~~

~~(2) 23 V.S.A. § 511(c) (failure to display registration sticker or failure to display unobstructed license numbers);~~

~~(3) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);~~

~~(4) 23 V.S.A. § 615 (operation by an individual with a learner's permit);~~

~~(5) 23 V.S.A. § 1023 (pedestrian control signals);~~

~~(6) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);~~

~~(7) 23 V.S.A. § 1125 (obstructing windshield or windows);~~

~~(8) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession of consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);~~

~~(9) 23 V.S.A. § 1221 (condition of vehicle);~~

~~(10) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and~~

~~(11) 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older).~~

~~(b) The Executive Director and Commissioners jointly shall report the recommendations to the House and Senate Committees on Government Operations, on Judiciary, and on Transportation not later than October 1, 2022, and annually thereafter.~~

**Sec. 2. SUNSET OF REPEAL OF CERTAIN MOTOR VEHICLE**

**OFFENSES; ANNUAL REPORT**

~~Sec. 1 of this act shall be repealed on July 1, 2027.~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~

Sec. 1. MOTOR VEHICLE OFFENSES REPORT

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine all motor vehicle violations for the purpose of making recommendations on whether or not statutes should be repealed, modified, or limited to secondary enforcement.

(b) The Executive Director and Commissioners jointly shall provide an interim report to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023 and a final written report to the committees on or before October 1, 2023.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.