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H.53

Introduced by Representatives Dolan of Essex Junction, LaLonde of South  
Burlington, Burditt of West Rutland, Burke of Brattleboro,  
Christie of Hartford, Notte of Rutland City, and Rachelson of  
Burlington

Referred to Committee on

Date:

Subject: Motor vehicles; driver's licenses; privilege to operate; suspension;  
nonpayment

Statement of purpose of bill as introduced: This bill proposes to eliminate the  
suspension of a driver's license or privilege to operate based on the  
nonpayment of civil penalties for moving violations.

~~An act relating to driver's license suspensions~~

*An act relating to driver's license suspensions and revenue for the Domestic  
and Sexual Violence Special Fund*

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

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

§ 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

\* \* \*

1           (b) Late fees; ~~suspensions for nonpayment of certain traffic violation~~  
2           ~~judgments payment plans.~~

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

8           ~~(2)(A) In the case of a judgment on a traffic violation for which the~~  
9           ~~imposition of points against the person's driving record is authorized by law,~~  
10          ~~the judgment shall contain a notice that failure to pay or otherwise satisfy the~~  
11          ~~amount due within 30 days of the notice will result in suspension of the~~  
12          ~~person's operator's license or privilege to operate, and that payment plan~~  
13          ~~options are available. If the defendant fails to pay the amount due within 30~~  
14          ~~days of the notice, or by a later date as determined by a Judicial Bureau clerk~~  
15          ~~or hearing officer, and the case is not pending on appeal, the Judicial Bureau~~  
16          ~~shall provide electronic notice thereof to the Commissioner of Motor Vehicles.~~  
17          ~~After 20 days from the date of receiving the electronic notice, the~~  
18          ~~Commissioner shall suspend the person's operator's license or privilege to~~  
19          ~~operate for a period of 30 days or until the amount due is satisfied, whichever~~  
20          ~~is earlier.~~



1 be a party except with the permission of the hearing officer. The defendant  
2 may be represented by counsel at the defendant's own expense.

3 (B) Traffic violations; reduction of amount due. When the judgment  
4 is based upon a traffic violation, the hearing officer may waive the  
5 reinstatement fee required pursuant to 23 V.S.A. § 675(a) or reduce the amount  
6 due on the basis of the defendant's driving history, ability to pay, or service to  
7 the community; the collateral consequences of the violation; or the interests of  
8 justice. The hearing officer's decision to reduce the amount due shall not be  
9 subject to review or appeal except in the case of a violation of rights  
10 guaranteed under the Vermont or U.S. Constitution.

11 (5) Contempt.

12 (A) The hearing officer may conclude that the defendant is in  
13 contempt if the hearing officer states in written findings a factual basis for  
14 concluding that:

15 (i) the defendant knew or reasonably should have known that ~~he~~  
16 ~~or she~~ the defendant owed an amount due on a Judicial Bureau judgment;

17 (ii) the defendant had the ability to pay all or any portion of the  
18 amount due; and

19 (iii) the defendant failed to pay all or any portion of the amount  
20 due.



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

4 (f) Collections. Notwithstanding 32 V.S.A. § 502, the Court Administrator  
5 is authorized to contract with a third party to collect fines, penalties, and fees  
6 by credit card, debit card, charge card, prepaid card, stored value card, and  
7 direct bank account withdrawals or transfers, as authorized by 32 V.S.A. §  
8 583, and to add on and collect, or charge against collections, a processing  
9 charge in an amount approved by the Court Administrator.

10 ~~Sec. 2. EFFECTIVE DATE~~

11 ~~This act shall take effect on passage and no driver's licenses or privileges to~~  
12 ~~operate that are not already suspended shall be suspended solely for the~~  
13 ~~nonpayment of one or more civil penalties for a traffic violation due as of the~~  
14 ~~effective date of this act.~~

~~Sec. 2. IMPLEMENTATION~~

~~*The Commissioner of Motor Vehicles shall not suspend any driver's licenses*~~  
~~*or privileges to operate that are not already suspended as of the effective date*~~  
~~*of this act solely for the nonpayment of a civil penalty for a traffic violation*~~  
~~*committed prior to the effective date of this act.*~~

~~Sec. 3. EFFECTIVE DATE~~

~~*This act shall take effect 30 calendar days after passage.*~~

*Sec. 2. IMPLEMENTATION*

*The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this section solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this section.*

*Sec. 3. LEGISLATIVE FINDINGS*

*The General Assembly finds that the Domestic and Sexual Violence Special Fund, created by 13 V.S.A. § 5360 and which receives \$10.00 from each Judicial Bureau Surcharge imposed pursuant to 13 V.S.A. § 7282(a)(8)(D), might see decreased revenue if fewer individuals promptly pay judgments owed on traffic violations for which the imposition of points against the individual's driving record is authorized by law and that an increased revenue source is needed in order to ensure sufficient grant funding for the Vermont Network against Domestic and Sexual Violence and for the Criminal Justice Training Council position dedicated to domestic violence training.*

*Sec. 4. 32 V.S.A. § 1712 is amended to read:*

*§ 1712. TOWN CLERKS*

*Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:*

*(1) For issuing and recording a civil marriage license, ~~\$60.00~~ \$80.00 to be paid by the applicant, ~~\$10.00~~ \$15.00 of which sum shall be retained by the*

*town clerk as a fee, ~~\$35.00~~ \$50.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by ~~him or her~~ the town clerk during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.*

\* \* \*

~~Sec. 5. EFFECTIVE DATES~~

~~(a) Sec. 4 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1, 2023.~~

~~(b) All other sections shall take effect 20 calendar days after passage.~~

*Sec. 5. 32 V.S.A. § 1712 is amended to read:*

*§ 1712. TOWN CLERKS*

*Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:*

*(1) For issuing and recording a civil marriage license, ~~\$80.00~~ \$60.00 to be paid by the applicant, ~~\$15.00~~ \$10.00 of which sum shall be retained by the town clerk as a fee, ~~\$50.00~~ \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all*



*fees received by the town clerk during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.*

\* \* \*

*Sec. 6. EFFECTIVE DATES*

*(a) Sec. 4 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1, 2023.*

*(b) Sec. 5 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1, 2025.*

*(c) All other sections shall take effect 30 calendar days after passage.*