

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

[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 eliminate violations of 23 V.S.A. § 676 (DLS, civil) from tally of prior offenses (if prior to participation in 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 (so no longer a moving violation after 7/1/12).**
- 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.

[2014 Acts & Resolves No. 128](#) –

- **Sec. 1 amends 4 V.S.A. § 1109 to substitute suspension for reporting delinquent traffic violation payments to credit bureaus.**
- Sec. 2 amends 23 V.S.A. § 674 (DLS, criminal) to exclude a violation of 23 V.S.A. § 676 (DLS, civil) from tally of prior offenses (prior to payment due to the Judicial Bureau).
- **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 judgements owed against a sole vehicle registrant lead to a denial of registration renewal.**

March 20, 2015/December 11, 2015 – [Driver Restoration Day](#) (Chittenden, Franklin, Grand Isle, Lamoille, and Washington Counties) and [Second Driver Restoration Day](#) (Windsor County).

February 25, 2015 – Chairs of House and Senate Judiciary request, from the Sec. of Transp., a working group to study approaches for reducing the number and duration of DLS in Vermont.

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

[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 (9/1/16–11/30/16) 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 (remedies for failure to pay traffic violations).**
- 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” (aka a moving violation) for nonpayment suspensions.**
  - 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.**
  - Payment plans of \$30/violation with an \$100/month cap, which was supposedly existing practice, added to codified law.
- 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:
  - Pre-Amendment: Sixth or subsequent if five prior occurred after 7/1/03; and
  - Amended: Third or subsequent if two prior within two years and on or after 12/1/16.
- Sec. 22 requires the Criminal Justice Training Council to train enforcement officers about payment plan options for traffic violation judgments and encourage enforcement officers to mention this option when issuing a traffic violation complaint; encourages the Judicial Bureau to update materials/website to notify individuals of payment plan options and hearings on ability to pay; and requires the Agency of Transportation to do a campaign to raise 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.

[2020 Acts and Resolves No. 149, Sec. 10](#) – Gives hearing officers authority to waive the \$80.00 license reinstatement fee “on the basis of the defendant’s driving history, ability to pay, or service to the community; the collateral consequences of the violation; or the interests of justice.” This authority was repealed (inadvertently?) in 2016 Acts and Resolves No. 147, Sec. 5.