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Act No. 41 (H.44). An act relating to miscellaneous amendments to the laws governing impaired driving

Subjects: Motor vehicles; Judiciary; reporting; impaired driving

This act makes a variety of changes to the impaired driving laws, including technical corrections, closing loopholes to ensure that the DMV is notified of license suspensions, and creating proportionate accountability for noncompliance with warrant-based blood draws, among other changes.

Sec. 1 of the act amends 4 V.S.A. § 33, concerning the jurisdiction of the Family Division of the Superior Court. Specifically, this section makes technical corrections by striking out the term “juvenile” and adding a reference to 33 V.S.A. chapter 52A—the youthful offender chapter—to proceedings within the jurisdiction of the family court. Additional changes to this statute are made to comply with federal “masking” regulations for commercial drivers, ensuring that Vermont law does not permit a CDL holder who is convicted of a qualifying traffic violation to have that violation be differed, dismissed, or go unreported. Finally, this statute is further amended to make technical changes by clarifying terms, ensuring that felony motor vehicle offenses can be heard in the Family Division, and to ensure that Family Division court decisions are reported to the Commissioner of Motor Vehicles.

Sec. 2 of the act amends various parts of 23 V.S.A. chapter 13, subchapter 13. First, the term “serious bodily injury” is added to the definitions section of the subchapter. Amendments to 23 V.S.A. § 1201 make gender neutral updates to the statute but also add a new subsection (j) mandating a person’s compliance with the collection of an evidentiary blood sample issued through a warrant. A person who knowingly hinders the collection of an evidentiary blood sample could face a charge of criminal refusal. However, subsection (f) ensures that a person cannot be convicted of both a DUI violation and a criminal refusal. An amendment to 23 V.S.A. § 1202(d)(6) requires that a DUI suspect is made aware that the suspect could be charged with a criminal refusal.

Sec. 2 also amends 23 V.S.A. § 1205 by resolving a statutory gap in the law between 23 V.S.A. §§ 1201 and 1205. 23 V.S.A. § 1201 creates a criminal offense if someone possesses a BAC of .08 or higher. The act amends 23 V.S.A. § 1205 so that it is consistent with 23 V.S.A. § 1201. Additionally, 23 V.S.A. § 1205(c) is amended to ensure that the Commissioner of Motor Vehicles receives a police officer’s affidavit of probable cause when someone is provided a DUI notice of violation. Finally, 23 V.S.A. § 1210 is amended to ensure that a separate DUI violation can be charged for each person who dies or is seriously injured in the same DUI-related car crash, in addition to several technical corrections to the statute.

Secs. 3 and 4 of the act amend 33 V.S.A. §§ 5202 and 5229 to ensure that the Commissioner of Motor Vehicles receives any merits adjudication orders concerning the potential license suspension of a person subject to a family court proceeding.

Sec. 5 of the act creates the Impaired Driving Processing Task Force. The Task Force is created to study the concept of implied consent during DUI investigations with the dual goals to recommend constitutional approaches that:

- (1) minimize the length of a law enforcement encounter for a suspect; and
- (2) minimize the processing and paperwork requirements for the law enforcement officer.

The Task Force is composed of the Chief Judge of the Superior Court, the Commissioners of Public Safety and Motor Vehicles, the Defender General, the Executive Director of the Department of State's Attorneys and Sheriffs, the President of the Vermont Sheriff's Association, and a representative from the Vermont Police Association. A report in the form of proposed legislation is due to the House and Senate Committees on Judiciary by November 15, 2025.

Sec. 6 states that the act goes into effect on July 1, 2025.

Effective Date: July 1, 2025