

H.789

Introduced by Representatives Lalley of Shelburne and Pouech of Hinesburg

Referred to Committee on

Date:

Subject: Motor vehicles; operator's licenses; suspension and revocation;
intelligent speed assistance devices

Statement of purpose of bill as introduced: This bill proposes to require that individuals who have committed certain speeding violations or whose operator's licenses or privilege to operate has been suspended or revoked due to speeding and other violations obtain an intelligent speed assistance restricted operator's license or certificate and operate only vehicles equipped with an intelligent speed assistance device.

An act relating to intelligent speed assistance devices

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

Sec. 1. SHORT TITLE

This act may be referred to as the "Super Speeder Accountability Act."

Sec. 2. 23 V.S.A. § 680 is added to read:

§ 680. INTELLIGENT SPEED ASSISTANCE DEVICES

(a) As used in this section:

1 (1) “Intelligent speed assistance certificate” means a restricted privilege
2 to operate a motor vehicle issued by the Commissioner allowing a nonresident
3 whose privilege to operate a motor vehicle in Vermont has been suspended or
4 revoked or who has been convicted of operating a motor vehicle on a public
5 highway in Vermont at a speed of 100 miles per hour or more to operate a
6 motor vehicle, other than a commercial motor vehicle as defined in section
7 4103 of this title, equipped with an approved intelligent speed assistance
8 device.

9 (2) “Intelligent speed assistance device” means an aftermarket device
10 approved by the Commissioner that uses GPS to actively limit a motor
11 vehicle’s speed to posted or preset speed limits. Intelligent speed assistance
12 devices do not include any technology or device that is provided by a motor
13 vehicle manufacturer as a component of a new motor vehicle and can control
14 or affect the speed of the motor vehicle.

15 (3) “Intelligent speed assistance restricted operator’s license” or
16 “intelligent speed assistance ROL” means a restricted license to operate a
17 motor vehicle issued by the Commissioner allowing a resident whose privilege
18 to operate a motor vehicle in Vermont has been suspended or revoked or who
19 has been convicted of operating a motor vehicle on a public highway in
20 Vermont at a speed of 100 miles per hour or more to operate a motor vehicle,

1 other than a commercial motor vehicle as defined in section 4103 of this title,
2 equipped with an approved intelligent speed assistance device.

3 (b)(1) An individual whose license or privilege to operate is suspended
4 pursuant to subdivision 671(a)(2) of this chapter may operate a motor vehicle,
5 other than a commercial motor vehicle as defined in section 4103 of this title,
6 during the period of suspension if issued an intelligent speed assistance ROL
7 or certificate pursuant to the provisions of this section.

8 (2) An individual whose license or privilege to operate is revoked
9 pursuant to section 673a of this title for moving violations that include one or
10 more convictions in the past five years for operating a motor vehicle on a
11 public highway in this State at a speed that was more than 30 miles per hour
12 over and in excess of the speed limit may operate a motor vehicle, other than a
13 commercial motor vehicle as defined in section 4103 of this title, during the
14 period of revocation if issued an intelligent speed assistance ROL or certificate
15 pursuant to the provisions of this section.

16 (3) An individual whose license or privilege to operate is suspended
17 pursuant to chapter 25 of this title for a period of 90 days or more and who has
18 been convicted by any court in this State of one or more moving violations
19 during the past two years in which the individual operated a motor vehicle on a
20 public highway in this State at a speed that was over and in excess of the speed
21 limit may operate a motor vehicle, other than a commercial motor vehicle as

1 defined in section 4103 of this title, during the period of suspension if issued
2 an intelligent speed assistance ROL or certificate pursuant to the provisions of
3 this section.

4 (c)(1) Upon application by an individual described in subsection (b) of this
5 section who is otherwise licensed or eligible to be licensed to operate a motor
6 vehicle, the Commissioner shall issue an intelligent speed assistance ROL or
7 intelligent speed assistance certificate if the individual submits the following:

8 (A) a \$125.00 application fee; and

9 (B) satisfactory proof of installation of an approved intelligent speed
10 assistance device in any motor vehicle to be operated by the individual and of
11 financial responsibility pursuant to the provisions of section 801 of this title.

12 (2) An intelligent speed assistance ROL or intelligent speed assistance
13 certificate shall expire at 12:00 midnight on the eve of the second birthday of
14 the applicant following the date of issue and may be renewed for one-year
15 terms. The Commissioner shall send by first-class mail an application for
16 renewal of the intelligent speed assistance ROL or certificate at least 30 days
17 prior to the day renewal is required and shall impose the same conditions for
18 renewal as are required for initial issuance. The renewal fee shall be \$125.00.

19 (d) An individual required to install and use an intelligent speed assistance
20 device pursuant to subsection (b) of this section shall be responsible for all
21 costs related to installing, removing, purchasing or leasing, and maintaining the

1 intelligent speed assistance device, as well as any costs related to calibrating
2 the device and retrieving data from it periodically as required by the
3 Commissioner.

4 (e) The holder of an intelligent speed assistance ROL or intelligent speed
5 assistance certificate shall, during the period required by the Commissioner
6 pursuant to subsection (b) of this section, operate only motor vehicles in which
7 an intelligent speed assistance device is installed.

8 (f)(1) The holder of an intelligent speed assistance ROL or intelligent speed
9 assistance certificate shall not attempt or take any action to tamper with or
10 otherwise circumvent an intelligent speed assistance device.

11 (2) A person shall not knowingly and voluntarily tamper with an
12 intelligent speed assistance device on behalf of another person or otherwise
13 assist another person in circumventing an intelligent speed assistance device.
14 A person who violates this subdivision shall be assessed a civil penalty of not
15 more than \$500.00.

16 (g) Upon receipt of notice that the holder of an intelligent speed assistance
17 ROL or certificate has been convicted of an offense under this title that would
18 result in suspension, revocation, or recall of a license or privilege to operate,
19 the Commissioner shall suspend, revoke, or recall the individual's intelligent
20 speed assistance ROL or certificate for the same period that the license or
21 privilege to operate would have been suspended, revoked, or recalled. The

1 Commissioner may impose a reinstatement fee in accordance with section 675
2 of this title and require, prior to reinstatement, satisfactory proof of installation
3 of an approved intelligent speed assistance device.

4 (h)(1)(A) The Commissioner, in consultation with any persons the
5 Commissioner deems appropriate, shall adopt rules and may enter into
6 agreements to implement the provisions of this section.

7 (B) The rules shall establish:

8 (i) uniform performance standards for intelligent speed assistance
9 devices, including required levels of accuracy;

10 (ii) requirements for periodic calibration to ensure accuracy of the
11 devices;

12 (iii) the means and frequency of the retrieval and sharing with the
13 Department of data collected by intelligent speed assistance devices; and

14 (iv) a schedule of extensions of the period prior to eligibility for
15 reinstatement for violations of the provisions of this section or the rules
16 adopted pursuant to this subsection (h).

17 (2) An individual who holds an intelligent speed assistance ROL or
18 certificate and violates a rule adopted by the Commissioner pursuant to
19 subdivision (1) of this subsection or a provision of this section shall, after
20 notice and an opportunity to be heard, be subject to an extension of the period
21 prior to eligibility for reinstatement in accordance with the rules adopted by the

1 Commissioner pursuant to this subsection. The extension of the period prior to
2 eligibility for reinstatement shall be in addition to any other penalties imposed
3 by law.

4 (3) The Commissioner shall not approve a manufacturer of intelligent
5 speed assistance devices as a provider in this State unless the manufacturer
6 agrees to reduce the cost of installing, leasing, and uninstalling the device by at
7 least 50 percent for persons who furnish proof of receipt of 3SquaresVT,
8 LIHEAP, or Reach Up benefits or similar benefits in another state.

9 (i)(1) All individually identifiable information in the custody of a public
10 agency related to the use of an intelligent speed assistance device shall be
11 exempt from public inspection and copying under the Public Records Act and
12 shall not be disclosed except:

13 (A) pursuant to a warrant;

14 (B) if a law enforcement officer, in good faith, believes that an
15 emergency involving danger of death or serious bodily injury to any person
16 requires access to the information without delay; or

17 (C) in connection with enforcement proceedings under this section or
18 rules adopted pursuant to this section.

19 (2) Information disclosed in violation of this subsection shall be
20 inadmissible in any judicial or administrative proceeding.

1 Sec. 3. 23 V.S.A. § 671 is amended to read:

2 § 671. PROCEDURE

3 (a)(1) ~~In~~ Except as otherwise provided in subdivision (2) of this subsection,
4 in the Commissioner's discretion, the Commissioner may suspend indefinitely
5 or for a definite time the license of an operator, or the right of an unlicensed
6 individual to operate a motor vehicle, after opportunity for a hearing upon not
7 less than 15 days' notice, if the Commissioner has reason to believe that the
8 holder of the license or right to operate is an individual who is incompetent to
9 operate a motor vehicle or is operating improperly so as to endanger the public.
10 If, upon receipt of such notice, the individual requests a hearing, the
11 suspension shall not take effect unless the Commissioner, after hearing,
12 determines that the suspension is justified. If the Commissioner imposes a
13 suspension, the Commissioner may order the license delivered to the
14 Commissioner. Not less than six months from the date of suspension and after
15 each subsequent six months, an individual upon whom such suspension has
16 been imposed may apply for reinstatement of the individual's license or right
17 to operate or for a new license. Upon receipt of such application, the
18 Commissioner shall cause an investigation to be made and, if so requested,
19 conduct a hearing to determine whether such suspension should be continued
20 in effect.

4 (A) six months for the first conviction;
5 (B) one year for the second conviction; and
6 (C) two years for a third or subsequent conviction.

8 Sec. 4. EFFECTIVE DATE

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