

S.144

Introduced by Senators Vyhovsky and Gulick

Referred to Committee on

Date:

Subject: Motor vehicles; secondary enforcement; searches

Statement of purpose of bill as introduced: This bill proposes to designate certain motor vehicle violations as violations that may only be enforced if a law enforcement officer has detained the operator of a vehicle for another suspected violation. This bill also proposes to prohibit law enforcement officers from requesting consent for a search of a vehicle or vehicle operator or passenger following a stop for a moving violation.

An act relating to secondary enforcement of certain motor vehicle violations

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

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

§ 9. SECONDARY ENFORCEMENT OF VIOLATIONS

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

(1) section 307 of this title (failure to carry a registration certificate);

1           (2) subsection 511(c) of this title (failure to display registration sticker  
2           or failure to display unobstructed license numbers);

3           (3) section 512 of this title (failure to display number plate on trailer or  
4           semi-trailer);

5           (4) subsections 601(a) and 676(a) of this title (operation by an individual  
6           without a valid driver's license under certain circumstances);

7           (5) section 615 of this title (operation by an individual with a learner's  
8           permit);

9           (6) subsection 1031(b) of this title (operation on the right side of the  
10          highway);

11          (7) section 1110 of this title (prolonged idling);

12          (8) section 1125 of this title (operation with an obstructed windshield or  
13          windows);

14          (9) subsection 1222(c) of this title (operation of an uninspected motor  
15          vehicle);

16          (10) subsection 1248(a) of this title (taillights), but only if a single  
17          taillight or the brake light portion of a single taillight is broken;

18          (11) section 1064 of this title (signaling a lane change or turn);

19          (12) section 1082 of this title (impeding traffic with a slow moving  
20          vehicle); and

1           (13) section 1221 of this title (operating a vehicle with an excessively  
2           loud muffler).

3           (b) An operator shall not be subject to the penalty established for the  
4           violations listed in subsection (a) of this section unless the operator is required  
5           to pay a penalty for a primary violation.

6           (c)(1) Notwithstanding subdivision (a)(8) of this section, a law enforcement  
7           officer may stop a vehicle for a violation of the provisions of section 1125 of  
8           this title (operation with an obstructed windshield or windows) if the officer  
9           reasonably believes based on articulable facts that the violation is of a nature or  
10          magnitude that poses an immediate threat to the health or safety of the vehicle  
11          operator or passengers or others on the highway.

12          (2) Prior to stopping a vehicle pursuant to subdivision (1) of this  
13          subsection, a law enforcement officer shall either log digitally or notify  
14          dispatch of the reason for the stop, including a detailed description of the  
15          immediate threat to the health or safety of the vehicle operator or passengers or  
16          others on the highway.

17          (d) A law enforcement officer shall not stop or otherwise detain an operator  
18          of a motor vehicle to enforce any warrant for a misdemeanor unless the  
19          warrant is for:

20               (1) a violation of section 1201 of this title (operating under the influence  
21               of alcohol or another substance);

1           (2) a violation of 13 V.S.A. § 1030 (violation of an abuse prevention  
2           order, an order against stalking or sexual assault, or a protective order  
3           concerning contact with a child); or

4           (3) a violation of 13 V.S.A. § 1042 (domestic assault).

5       Sec. 2. 23 V.S.A. § 10 is added to read:

6       § 10. LAW ENFORCEMENT SEARCHES FOLLOWING STOP FOR  
7       TRAFFIC VIOLATION; RESTRICTIONS

8       (a) Following a motor vehicle stop, a law enforcement officer shall not:

9           (1) request consent to search the operator of the motor vehicle, any  
10          passenger in the motor vehicle, or the motor vehicle; or

11          (2) except as provided pursuant to subsection (b) of this section,  
12          question the operator of the motor vehicle or any passenger in the motor  
13          vehicle about any subject other than the moving violation that was the reason  
14          for the stop.

15          (b) A law enforcement officer may question a motor vehicle operator or a  
16          passenger in a motor vehicle that has been stopped for a moving violation  
17          regarding a subject other than the moving violation if the law enforcement  
18          officer detects evidence that establishes a reasonable suspicion sufficient to  
19          question the operator regarding an independent criminal offense.

1        (c) Evidence recovered during a stop, detention, or search that is in  
2        violation of this section or section 9 of this chapter shall be inadmissible in any  
3        criminal proceeding.

4        Sec. 3. EFFECTIVE DATE

5        This act shall take effect on July 1, 2025.