

**H.105 – Side-by-Side**  
**Comparison of Affected Provisions of House Passed Bill and**  
**Senate Proposal of Amendment**

H.105 As Passed by House	H.105 Senate Proposal of Amendment
<p>Sec. 1. 7 V.S.A. § 656 is amended to read:</p> <p>§ 656. PERSON <del>46</del> <u>12</u> YEARS OF AGE OR OLDER</p> <p>AND UNDER 21</p> <p>YEARS OF AGE MISREPRESENTING AGE,</p> <p>PROCURING,</p> <p>POSSESSING, OR CONSUMING</p> <p>ALCOHOLIC BEVERAGES;</p> <p><u>IMPAIRED DRIVING</u>; CIVIL VIOLATION</p>	<p>Sec. 1. 7 V.S.A. § 656 is amended to read:</p> <p>§ 656. PERSON <del>46</del> <u>12</u> YEARS OF AGE OR</p> <p>OLDER AND UNDER 21</p> <p>YEARS OF AGE MISREPRESENTING</p> <p>AGE, PROCURING,</p> <p>POSSESSING, OR CONSUMING</p> <p>ALCOHOLIC BEVERAGES;</p> <p><u>IMPAIRED DRIVING</u>; <b>POSSESSION OF</b></p> <p><b>CANNABIS</b>; CIVIL VIOLATION</p> <p>(a) <b>Definitions. As used in this section:</b></p> <p>(1) <b>“Alcohol” has the same meaning as in 23</b></p> <p><b>V.S.A. § 1200(4).</b></p> <p>(2) <b>“Alcohol concentration” has the same</b></p> <p><b>meaning as in 23 V.S.A. § 1200(1).</b></p> <p>(3) <b>“Cannabis” has the same meaning as in</b></p> <p><b>subdivision 831(2) of this title.</b></p> <p>(4) <b>“Highway” has the same meaning as in 23</b></p> <p><b>V.S.A. § 1200(7).</b></p> <p>(5) <b>“Ignition interlock device” has the same</b></p> <p><b>meaning as in 23 V.S.A. § 1200(8).</b></p>

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	<p>(6) “Ignition interlock restricted driver’s license,” “ignition interlock RDL” or “RDL,” and “ignition interlock certificate” have the same meaning as in 23 V.S.A. § 1200(9).</p> <p>(7) “Law enforcement officer” has the same meaning as “enforcement officer” as defined in 23 V.S.A. § 4(11)(A).</p> <p>(8) “License to operate a motor vehicle” has the same meaning as in 23 V.S.A. § 4(48).</p> <p>(9) “Motor vehicle” or “vehicle” has the same meaning as “motor vehicle” as defined in 23 V.S.A. § 4(21).</p> <p>(10) “Operate or attempts to operate” has the same meaning as in 23 V.S.A. § 4(24).</p> <p>(11) “Operator” has the same meaning as in 23 V.S.A. § 4(25) and shall include “junior operator” as defined in 23 V.S.A. § 4(16).</p> <p>(12) “Person” has the same meaning as in 23 V.S.A. § 4(27).</p> <p>(13) “Privilege to operate” has the same meaning as in 23 V.S.A. § 4(58).</p> <p>(14) “Suspension” or “suspension of the person’s operator’s license” has the same meaning as</p>

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<p><b>(a)</b> Prohibited conduct; <del>offense</del> <u>offenses</u>.</p> <p>(1) Prohibited conduct. A person <del>16</del> <u>12</u> years of age or older and under 21 years of age shall not:</p> <p>(A) Falsely represent the person's age for the purpose of procuring or attempting to procure malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons.</p> <p>(B) Possess malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines for the purpose of consumption by the person or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor.</p> <p><b>(C)</b> Consume malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines. A violation of this subdivision may be prosecuted in a jurisdiction where the <del>minor</del> <u>person</u> has consumed malt</p>	<p><u>"suspension of license" as defined in 23 V.S.A. § 4(50).</u></p> <p><b>(b)</b> Prohibited conduct; <del>offense</del> <u>offenses</u>.</p> <p>(1) Prohibited conduct. A person <del>16</del> <u>12</u> years of age or older and under 21 years of age shall not:</p> <p>(A) Falsely represent the person's age for the purpose of procuring or attempting to procure malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons.</p> <p>(B) Possess malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines for the purpose of consumption by the person or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor.</p> <p>(C) <u>Knowingly and unlawfully possess one ounce or less of cannabis or five grams or less of hashish or two mature cannabis plants or fewer or four immature cannabis plants or fewer.</u></p>

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<p>or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.</p> <p><u>(D) Operate, attempt to operate, or be in actual physical control on a highway of a vehicle when the person's blood alcohol concentration is 0.02 or more.</u></p> <p>(2) <del>Offense</del> <u>Procurement, possession, or consumption penalties.</u> A person who knowingly violates <del>subdivision any of subdivisions</del> (1)(A)–<u>(C)</u> of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. A person who fails to complete the program successfully <u>commits a civil violation under the jurisdiction of the Judicial Bureau and</u> shall be subject to <u>the following</u>:</p> <p>(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and</p> <p>(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and</p>	<p><u>(D)</u> Consume malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines. A violation of this subdivision may be prosecuted in a jurisdiction where the <del>minor</del> <u>person</u> has consumed malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.</p> <p><u>(E) Operate, attempt to operate, or be in actual physical control on a highway of a vehicle when the person's blood alcohol concentration is 0.02 or more.</u></p> <p>(2) <del>Offense</del> <u>Procurement, possession, or consumption penalties.</u> A person who knowingly violates <del>subdivision any of subdivisions</del> (1)(A)–<u>(D)</u> of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. A person who fails to complete the program successfully <u>commits a civil violation under the jurisdiction of the Judicial Bureau and</u> shall be subject to <u>the following</u>:</p>

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<p>privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.</p> <p><u>(3) Impaired driver penalties.</u></p> <p><u>(A) A person who violates subdivision (1)(D) of this subsection (a) commits a civil violation, shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program, and shall serve a suspension of the person's operator's license and privilege to operate a motor vehicle in accordance with subdivision (B) of this subdivision (3). A person who fails to complete the Program successfully commits a civil violation under the jurisdiction of the Judicial Bureau and shall be subject to the following:</u></p> <p><u>(i) For a first offense, a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days and compliance with the requirements of 23 V.S.A. § 1209a(a)(1).</u></p> <p><u>(ii) For a second or subsequent offense, a civil penalty of \$600.00 and suspension of the person's operator's license for a period of one year or until the</u></p>	<p><u>(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and</u></p> <p><u>(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.</u></p> <p><u>(3) Impaired driver penalties.</u></p> <p><u>(A) A person who violates subdivision (1)(E) of this subsection (b) commits a civil violation, shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program, and the Commissioner of Motor Vehicles shall suspend the person's operator's license and privilege to operate a motor vehicle in accordance with subdivision (B) of this subdivision (b)(3). A person who fails to complete the Program successfully commits a civil violation under the jurisdiction of the Judicial Bureau and shall be subject to the following:</u></p> <p><u>(i) For a first offense, a civil penalty of \$300.00 and suspension of the person's operator's</u></p>

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<p><u>person reaches 21 years of age, whichever is longer, and compliance with the requirements of 23 V.S.A. § 1209a(a)(2).</u></p> <p><u>(iii) A person who violates subdivision (1)(D) of this subsection (a) may also be subject to recall of the person's provisional license under 23 V.S.A. § 607a.</u></p> <p><u>(iv) If a law enforcement officer has reasonable grounds to believe that a person is violating subdivision (1)(D) of this subsection (a), the officer may request the person to submit to a breath test using a preliminary screening device approved by the Commissioner of Public Safety. A refusal to submit to the breath test shall be considered a violation of subdivision (1)(D) of this subsection (a).</u></p> <p><u>Notwithstanding any provisions to the contrary in 23 V.S.A. §§ 1202 and 1203 of this title:</u></p> <p><u>(I) the results of the test shall be admissible evidence in a proceeding under this section; and</u></p> <p><u>(II) there shall be no statutory right to counsel prior to the administration of the test.</u></p>	<p><u>license and privilege to operate a motor vehicle for a period of 180 days and compliance with the requirements of 23 V.S.A. § 1209a(a)(1).</u></p> <p><u>(ii) For a second or subsequent offense, a civil penalty of \$600.00 and suspension of the person's operator's license for a period of one year or until the person reaches 21 years of age, whichever is longer, and compliance with the requirements of 23 V.S.A. § 1209a(a)(2).</u></p> <p><u>(iii) A person who violates subdivision (1)(E) of this subsection (b) may also be subject to recall of the person's provisional license under 23 V.S.A. § 607a.</u></p> <p><u>(iv) If a law enforcement officer has reasonable grounds to believe that a person is violating subdivision (1)(E) of this subsection (b), the officer may request the person to submit to a breath test using a preliminary screening device approved by the Commissioner of Public Safety. A refusal to submit to the breath test shall be considered a violation of subdivision (1)(E) of this subsection (b).</u></p> <p><u>Notwithstanding any provisions to the contrary in 23 V.S.A. §§ 1202 and 1203:</u></p>

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<p><u>(v) In a proceeding under this section, if there was at any time within two hours after operating, attempting to operate, or being in actual physical control of a vehicle on a highway a blood alcohol concentration of 0.02 or more, it shall be a rebuttable presumption that the person's blood alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control.</u></p> <p><u>(vi) No points shall be assessed for a violation of subdivision (1)(D) of this subsection (a).</u></p> <p><u>(vii) The Alcohol and Driving Program required under this section shall be administered by the Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under 21 years of age.</u></p> <p><u>(viii) An alleged violation of this section shall not bar prosecution for any crime, including a prosecution under 23 V.S.A. § 1201.</u></p> <p><u>(ix) Suspensions imposed under this subdivision (3)(A) or any comparable statute of any other jurisdiction shall run concurrently with</u></p>	<p><u>(I) the results of the test shall be admissible evidence in a proceeding under this section; and</u></p> <p><u>(II) there shall be no statutory right to counsel prior to the administration of the test.</u></p> <p><u>(v) In a proceeding under this section, if there was at any time within two hours after operating, attempting to operate, or being in actual physical control of a vehicle on a highway a blood alcohol concentration of 0.02 or more, it shall be a rebuttable presumption that the person's blood alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control.</u></p> <p><u>(vi) No points shall be assessed for a violation of subdivision (1)(E) of this subsection (b).</u></p> <p><u>(vii) The Alcohol and Driving Program required under this section shall be administered by the Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under 21 years of age.</u></p>

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<p><u>suspensions imposed under 23 V.S.A. §§ 1205, 1206, and 1208 or any comparable statutes of any other jurisdiction or with any suspension resulting from a conviction for a violation of 23 V.S.A. § 1091 from the same incident.</u></p> <p><u>(B)(i) For a first offense, a person shall serve suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days and shall be automatically reinstated after the 90-day period.</u></p> <p><u>(ii) For a second or subsequent offense, a person shall serve a suspension of the person's operator's license and privilege to operate a motor vehicle for a period 145 days and shall be automatically reinstated after the 145-day period.</u></p> <p><u>(iii) The Commissioner of Motor Vehicles shall issue a notice of reinstatement to the person serving a suspension under this subdivision (a)(3)(B) upon successful completion of the suspension.</u></p> <p><u>(iv) If a person fails to complete the Youth Substance Awareness Safety Program, the person shall receive credit for any elapsed period of a suspension served pursuant to this subdivision (3)(B) against any</u></p>	<p><u>(viii) An alleged violation of this section shall not bar prosecution for any crime, including a prosecution under 23 V.S.A. § 1201.</u></p> <p><u>(ix) Suspensions imposed under this subdivision (3)(A) or any comparable statute of any other jurisdiction shall run concurrently with suspensions imposed under 23 V.S.A. §§ 1205, 1206, and 1208 or any comparable statutes of any other jurisdiction or with any suspension resulting from a conviction for a violation of 23 V.S.A. § 1091 from the same incident.</u></p> <p><u>(B)(i) For a first offense, a person shall serve suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days and shall be automatically reinstated after the 90-day period.</u></p> <p><u>(ii) For a second or subsequent offense, a person shall serve a suspension of the person's operator's license and privilege to operate a motor vehicle for a period 145 days and shall be automatically reinstated after the 145-day period.</u></p> <p><u>(iii) The Commissioner of Motor Vehicles shall issue a notice of reinstatement to the</u></p>



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<p><u>suspension imposed pursuant to subdivision (A) of this subdivision (3).</u></p> <p><u>(C) During a suspension issued pursuant to subdivisions (A) or (B) of this subdivision (3), a person may operate a motor vehicle if issued an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213.</u></p> <p><u>(i) A person subject to penalties under subdivision (A)(i) of this subdivision (3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of 180 days, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.</u></p> <p><u>(ii) A person subject to penalties under subdivision (A)(i) of this subdivision (3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of one year or until the person reaches 21 years of age, whichever is longer, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.</u></p>	<p><u>person serving a suspension under this subdivision (b)(3)(B) upon successful completion of the suspension.</u></p> <p><u>(iv) If a person fails to complete the Youth Substance Awareness Safety Program, the person shall receive credit for any elapsed period of a suspension served pursuant to this subdivision (b)(3)(B) against any suspension imposed pursuant to subdivision (A) of this subdivision (b)(3).</u></p> <p><u>(C) During a suspension issued pursuant to subdivision (A) or (B) of this subdivision (3), a person may operate a motor vehicle if issued an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213.</u></p> <p><u>(i) A person subject to penalties under subdivision (A)(i) of this subdivision (b)(3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of 180 days, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.</u></p>

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<p><b>(b)</b> Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. <u>A person shall not be cited for more than one violation of subsection (a) of this section arising out of the same incident.</u> The notice of violation shall require the person to provide the person's name and address and shall explain procedures under this section, including that:</p> <p style="text-align: center;">* * *</p> <p><b>(c)</b> <u>Issuance of Notice of Suspension.</u></p> <p><u>(1) On behalf of the Commissioner of Motor Vehicles, a law enforcement officer issuing a notice of violation in accordance with subsection (b) of this section shall also serve a notice of suspension of the person's operator's license and privilege to operate a motor vehicle in a form prescribed by the Court Administrator. The form shall include the following:</u></p> <p style="padding-left: 40px;">(A) <u>the effective date of the suspension;</u></p> <p style="padding-left: 40px;">(B) <u>the suspension's duration;</u></p> <p style="padding-left: 40px;">(C) <u>an explanation of the consequences of the suspension;</u></p>	<p><u>(ii) A person subject to penalties under subdivision (A)(i) of this subdivision (b)(3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of one year or until the person reaches 21 years of age, whichever is longer, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.</u></p> <p><b>(b)(c)</b> Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. <u>A person shall not be cited for more than one violation of subsection (b) of this section arising out of the same incident.</u> The notice of violation shall require the person to provide the person's name and address, <u>shall indicate the presence of any substances that constitute a violation of subsection (b) of this section,</u> and shall explain procedures under this section, including that:</p> <p style="text-align: center;">* * *</p>

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<p><u>(D) an explanation of the process to operate a motor vehicle with an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213; and</u></p> <p><u>(E) the projected date of reinstatement upon successful completion of the suspension.</u></p> <p><u>(2) A suspension issued pursuant to subdivision (a)(3)(B) of this section shall become effective on the 11th day after the person receives notice in accordance with this subsection (c).</u></p> <p><u>(3) A copy of the notice of suspension shall be sent to the Commissioner of Motor Vehicles.</u></p> <p><u>(d)</u> Summons and complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.</p> <p><u>(d)(f)</u> Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and</p>	<p><u>(d) Issuance of Notice of Suspension.</u></p> <p><u>(1) On behalf of the Commissioner of Motor Vehicles, a law enforcement officer issuing a notice of violation in accordance with subsection (c) of this section shall also serve a notice of suspension of the person's operator's license and privilege to operate a motor vehicle in a form prescribed by the Court Administrator. The form shall include the following:</u></p> <p><u>(A) the effective date of the suspension;</u></p> <p><u>(B) the suspension's duration;</u></p> <p><u>(C) an explanation of the consequences of the suspension;</u></p> <p><u>(D) the option to operate a motor vehicle with an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213;</u></p> <p><u>(E) the projected date of reinstatement upon successful completion of the suspension; and</u></p> <p><u>(F) the ability to review the imposition of the suspension pursuant to Rule 75 of the Vermont Rules of Civil Procedure.</u></p> <p><u>(2) A suspension issued pursuant to subdivision (b)(3)(B) of this section shall become</u></p>

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<p>register for the Youth Substance Abuse Safety Program.</p> <p>If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person <del>charged with</del> <u>subject to the</u> violation.</p> <p><del>(e)</del>(f) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:</p> <p style="text-align: center;">* * *</p>	<p><u>effective on the 11th day after the person receives notice in accordance with this <b>subsection</b>.</u></p> <p><u>(3) A copy of the notice of suspension shall be sent to the Commissioner of Motor Vehicles.</u></p> <p><del>(e)</del>(e) Summons and complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.</p> <p><del>(d)</del>(e) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice</p>

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<p><del>(f)</del>(g) Diversion Program requirements.</p> <p>(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.</p> <p style="text-align: center;">* * *</p> <p>(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.</p>	<p>of violation and shall provide two copies to the person <del>charged with</del> <u>subject to</u> the violation.</p> <p><del>(f)</del>(g) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:</p> <p style="text-align: center;">* * *</p> <p><del>(f)</del>(h) Diversion Program requirements.</p> <p>(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or</p>

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<p style="text-align: center;">* * *</p> <p><b>(h)</b> Record of adjudications; <u>confidentiality; public records exemption.</u></p> <p>(1) Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications that shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to <u>the following:</u></p> <p style="padding-left: 40px;">(A) a law enforcement officer determining whether the person has previously violated this section; <u>or</u></p> <p style="padding-left: 40px;">(B) <u>an insurance company or its third-party contractor only for the purposes of recording a license suspension issued pursuant to subdivision (a)(3) of this section.</u></p> <p>(2) Except as provided in this subsection <b>(h)</b>:</p> <p style="padding-left: 40px;">(A) <u>All information related to a suspension issued pursuant to subdivision (a)(3) of this section shall be held strictly confidential and not released without the participant's prior consent.</u></p>	<p>both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.</p> <p style="text-align: center;">* * *</p> <p><b>(5)(A)</b> A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.</p> <p style="padding-left: 40px;"><b>(B)</b> <u>Prior to the filing of the complaint with the Judicial Bureau in accordance with this section, a person aggrieved by a suspension imposed under subdivision (b)(3)(B) of this section may seek review of that imposition pursuant to Rule 75 of the Vermont Rules of Civil Procedure.</u></p> <p style="text-align: center;">* * *</p> <p><b><del>(h)</del>(i)</b> Record of adjudications; <u>confidentiality; public records exemption.</u></p> <p>(1) Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications that shall be</p>

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<p><u>(B) Any records or information produced or acquired pursuant to a suspension issued pursuant to subdivision (a)(3) of this section shall be exempt from public inspection or copying under Vermont's Public Records Act.</u></p> <p><u>(i) Reporting. Annually, beginning on October 1, 2026, the Office of the Attorney General, and other entities as needed, shall submit a written report to the House and Senate Committees on Judiciary related to impaired driver violations under this section, containing the following:</u></p> <p style="text-align: center;">* * *</p>	<p>separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to <u>the following:</u></p> <p style="padding-left: 40px;"><u>(A) a law enforcement officer determining whether the person has previously violated this section; or</u></p> <p style="padding-left: 40px;"><u>(B) an insurance company or its third-party contractor only for the purposes of recording a license suspension issued pursuant to subdivision (b)(3) of this section.</u></p> <p><u>(2) Except as provided in this subsection:</u></p> <p style="padding-left: 40px;"><u>(A) All information related to a suspension issued pursuant to subdivision (b)(3) of this section shall be held strictly confidential and not released without the participant's prior consent.</u></p> <p style="padding-left: 40px;"><u>(B) Any records or information produced or acquired pursuant to a suspension issued pursuant to subdivision (b)(3) of this section shall be exempt from public inspection or copying under Vermont's Public Records Act.</u></p> <p><u>(i) Reporting. Annually, beginning on October 1, 2026, the Office of the Attorney General, and other</u></p>

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	<p><u>entities as needed, shall submit a written report to the House and Senate Committees on Judiciary related to impaired driver violations under this section, containing the following, if available:</u></p> <p style="text-align: center;">* * *</p>
<p>Sec. 2. IMPAIRED DRIVING; OUTCOME MEASURES; REPORT</p> <p><u>For the first report submitted pursuant to 7 V.S.A. § 656(i), the Office of the Attorney General, in collaboration with the Vermont Statistical Analysis Center and others as needed, shall propose outcome measures to assess the effectiveness of any suspensions imposed for impaired driver violations and the Youth Substance Awareness Safety Program as a whole.</u></p>	<p>Sec. 2. IMPAIRED DRIVING; OUTCOME MEASURES; REPORT</p> <p><u>For the first report submitted pursuant to 7 V.S.A. § 656(i), the Office of the Attorney General, in collaboration with the Vermont Statistical Analysis Center and others as needed, shall propose outcome measures to assess the effectiveness of any suspensions imposed for impaired driver violations and the Youth Substance Awareness Safety Program as a whole.</u></p>
<p>Sec. 4. REPEALS</p> <p><u>(a) 7 V.S.A. § 657a (person under 16 years of age misrepresenting age or procuring or possessing alcoholic beverages; delinquency) is repealed.</u></p> <p><u>(b) 23 V.S.A. § 1216 (persons under 21 years of age; alcohol concentration of 0.02 or more) is repealed.</u></p>	<p>Sec. 4. REPEALS</p> <p><u>(a) 7 V.S.A. § 657a (person under 16 years of age misrepresenting age or procuring or possessing alcoholic beverages; delinquency) is repealed.</u></p> <p><u>(b) 18 V.S.A. § 4230b (cannabis possession by a person 16 years of age or older and under 21 years of age; civil violation) is repealed.</u></p>



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	<p><u>(c) 18 V.S.A. § 4230j (cannabis possession by a person under 16 years of age; delinquency) is repealed.</u></p> <p><u>(d) 23 V.S.A. § 1216 (persons under 21 years of age; alcohol concentration of 0.02 or more) is repealed.</u></p>