

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 4: Judiciary

Chapter 29: Judicial Bureau

§ 1101. Repealed. 1999, No. 160 (Adj. Sess.), § 5.

§ 1102. Judicial Bureau; jurisdiction

(a) A Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

(1) Traffic violations alleged to have been committed on or after July 1, 1990.

(2) Civil ordinance violations alleged to have been committed on or after July 1, 1994.

(3) Minor fish and wildlife violations alleged to have been committed on or after September 1, 1996.

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person less than 18 years of age.

(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under the age of 18 years.

(6) Violations of 24 V.S.A. § 2201, relating to littering, burning of solid waste, and illegal dumping.

(7) Violations of 16 V.S.A. chapter 1, subchapter 9, relating to hazing.

(8) Violations of 20 V.S.A. § § 2056a, 2056b, and 2056c, relating to unauthorized disclosure of criminal record information.

(9) Violations of 7 V.S.A. § 656, relating to illegal possession of alcoholic beverages.

(10) Violations under 7 V.S.A. § 658(c)(1), relating to an employee of a second class licensee selling alcohol to a minor during a compliance check.

(11) Violations of 18 V.S.A. § 4234b(b), relating to selling ephedrine base,

pseudoephedrine base, or phenylpropanolamine base.

(12) Violations of 13 V.S.A. § 352(3), (4), and (9), relating to cruelty to animals, and 13 V.S.A. § 355(d), relating to interference with a guide dog.

(13) Violations of 18 V.S.A. § 4249, relating to the introduction of tobacco or tobacco products into a correctional facility.

(14) Violations of 21 V.S.A. chapter 5, subchapter 1, relating to conditions for employment.

(15) Violations of 9 V.S.A. § 3023(a), relating to the purchase and sale of scrap metal.

(16) Violations of 18 V.S.A. chapter 38 that are subject to civil penalties pursuant to subsection 1760a(a), relating to reducing lead hazards in housing.

(17) Repealed.]

(18) Violations of 23 V.S.A. § 3327(d), relating to obeying a law enforcement officer while operating a vessel.

(19) Violations of 6 V.S.A. § 2965 relating to the misuse of identification labels for agricultural products produced in Vermont and meeting standards of quality established by the Secretary of Agriculture, Food and Markets.

(20) Violations of 21 V.S.A. § 692(c)(1).

(21) Violations of 13 V.S.A. §§ 3602 and 3603, relating to the unlawful cutting of trees and the marking of harvest units.

(22) Violations of 10 V.S.A. § 1266b, relating to the application of fertilizer to nonagricultural turf.

(23) Violations of 18 V.S.A. § 1513, relating to minors using tanning facilities.

(24) Violations of 18 V.S.A. §§ 4230a and 4230b, relating to possession of marijuana.

(25) Violations of 9 V.S.A. chapter 97A that are subject to civil penalties pursuant to 9 V.S.A. § 3890(a), relating to the purchase and sale of precious metal by a precious metal dealer, as defined in 9 V.S.A. § 3881.

(26) Violations of 9 V.S.A. § 4191, relating to the solicitation or acceptance of a fee to remove a booking photograph from the Internet.

(c) The Judicial Bureau shall not have jurisdiction over municipal parking violations.

(d) Three hearing officers appointed by the Court Administrator shall determine waiver penalties to be imposed for violations within the Judicial Bureau's jurisdiction, except:

(1) Municipalities shall adopt full and waiver penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For purposes of municipal violations, the issuing law enforcement officer shall indicate the appropriate full and waiver penalty on the complaint.

(2) Repealed.] (Added 1997, No. 121 (Adj. Sess.), § 4; amended 1999, No. 63, § 2; 1999, No. 120 (Adj. Sess.), § 10; 1999, No. 151 (Adj. Sess.), § 11; 1999, No. 160 (Adj. Sess.), § 6; 1999, No. 163 (Adj. Sess.), § 1a; 2005, No. 23, § 2; 2005, No. 164 (Adj. Sess.), § 1, eff. Sept. 30, 2006; 2007, No. 51, § 19; 2007, No. 64, § 1; 2007, No. 144 (Adj. Sess.), § 4; 2007, No. 176 (Adj. Sess.), § 35, eff. Jan. 1, 2010; 2007, No. 195 (Adj. Sess.), § 11, eff. July 1, 2009; 2009, No. 30, § 5; 2009, No. 54, § 58; 2009, No. 78 (Adj. Sess.), § 6d; 2009, No. 121 (Adj. Sess.), § 2; 2009, No. 142 (Adj. Sess.), § 4; 2009, No. 147 (Adj. Sess.), § 6; 2011, No. 37, § 3, eff. Jan. 1, 2012; 2011, No. 73 (Adj. Sess.), § 8; 2011, No. 97 (Adj. Sess.), § 2, eff. May 2, 2012; 2013, No. 76, § 3; 2013, No. 196 (Adj. Sess.), § 4, eff. Jan. 1, 2015; 2015, No. 62, § 5.)

§ 1103. Venue

Venue for violation hearings in the judicial bureau shall be in the unit of the superior court where the violation is alleged to have occurred. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 2009, No. 154 (Adj. Sess.), § 54.)

§ 1104. Appointment of hearing officers

The administrative judge shall appoint members of the Vermont bar to serve as hearing officers to hear cases. Hearing officers shall be subject to the Code of Judicial Conduct. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 2009, No. 154 (Adj. Sess.), § 55a.)

§ 1105. Answer to complaint; default

(a) A violation shall be charged upon a summons and complaint form approved and distributed by the Court Administrator. The complaint shall be signed by the issuing officer or by the State's Attorney. The original shall be filed with the Judicial Bureau; a copy shall be retained by the issuing officer or State's Attorney and two copies shall be given to the defendant. The Judicial Bureau may,

consistent with rules adopted by the Supreme Court pursuant to 12 V.S.A. § 1, accept electronic signatures on any document, including the signatures of issuing officers, State's Attorneys, and notaries public. The complaint shall include a statement of rights, instructions, notice that a defendant may admit, not contest, or deny a violation, notice of the fee for failure to answer within 20 days, and other notices as the Court Administrator deems appropriate. The Court Administrator, in consultation with appropriate law enforcement agencies, may approve a single form for charging all violations, or may approve two or more forms as necessary to administer the operations of the Judicial Bureau.

(b) A person who is charged with a violation shall have 20 days from the date the complaint is issued to admit or deny the allegations or to state that he or she does not contest the allegations in the complaint. The Judicial Bureau shall assess against a defendant a fee of \$20.00 for failure to answer a complaint within the time allowed. The fee shall be assessed in the default judgment and deposited in the Court Technology Special Fund established pursuant to section 27 of this title.

(c) A person who admits or does not contest the allegations may so indicate and sign the complaint. The Bureau shall accept the admission or statement that the allegations are not contested and accept payment of the waiver penalty.

(d) If the person sends in the amount of the waiver penalty without signing the complaint, the Bureau shall accept the payment indicating that payment was made and that the allegations were not contested.

(e) A person who denies the allegations may so indicate and sign the complaint. Upon receipt, the Bureau shall schedule a hearing.

(f) If a person fails to appear or answer a complaint, the Bureau shall enter a default judgment against the person. However, no default judgment shall be entered until the filing of a declaration by the issuing officer or State's Attorney, under penalty of perjury, setting forth facts showing that the defendant is not a person in military service as defined at 50 App. U.S.C. § 511 (Servicemembers Civil Relief Act definitions), except upon order of the hearing officer in accordance with the Servicemembers Civil Relief Act, 50 App. U.S.C. Titles I-II. The Bureau shall mail a notice to the person that a default judgment has been entered. A default judgment may be set aside by the hearing officer for good cause shown.

(g) All Judicial Bureau judgments shall contain a notice of tax setoff pursuant to 32 V.S.A. § 5941. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 1999, No. 58, § 3; 1999, No. 160 (Adj. Sess.), § 7; 2007, No. 51, § 1; 2007, No. 153 (Adj. Sess.), § 17; 2013, No. 57, § 23.)

§ 1106. Hearing

(a) The Bureau shall notify the person charged and the issuing officer of the time and place for the hearing.

(b) The hearing shall be held before a hearing officer and conducted in an impartial manner. The hearing officer may, by subpoena, compel the attendance and testimony of witnesses and the production of books and records. All witnesses shall be sworn. The burden of proof shall be on the State or municipality to prove the allegations by clear and convincing evidence. As used in this section, "clear and convincing evidence" means evidence which establishes that the truth of the facts asserted is highly probable. Certified copies of records supplied by the Department of Motor Vehicles or the Agency of Natural Resources and presented by the issuing officer or other person shall be admissible without testimony by a representative of the Department of Motor Vehicles or the Agency of Natural Resources.

(c) The hearing officer shall make findings which shall be stated on the record or, if more time is needed, made in writing at a later date. The hearing officer may make a finding that the person has committed a lesser included violation.

(d) A law enforcement officer may void or amend a complaint issued by that officer by so marking the complaint and returning it to the Bureau, regardless of whether the amended complaint is a lesser included violation. At the hearing, a law enforcement officer may void or amend a complaint issued by that officer in the discretion of that officer.

(e) A State's Attorney may dismiss or amend a complaint.

(f) The Supreme Court shall establish rules for the conduct of hearings under this chapter. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 2009, No. 54, § 59, eff. June 1, 2009; 2009, No. 154 (Adj. Sess.), § 55b; 2011, No. 73 (Adj. Sess.), § 9.)

§ 1107. Appeals

(a) A decision of the hearing officer may be appealed to the Criminal Division of the Superior Court. The proceeding before the Criminal Division of the Superior Court shall be on the record, or at the option of the defendant, de novo. The defendant shall have the right to trial by jury. An appeal shall stay payment of a penalty and the imposition of points.

(b) [Repealed.]

(c) If a decision is appealed, the State's Attorney of the county in which the violation occurred shall represent the State, and the State's Attorney, grand juror, or municipal attorney shall represent the municipality.

(d) No appeal as of right exists to the Supreme Court. On motion made to the Supreme Court by a party, the Supreme Court may allow an appeal to be taken to it from the Criminal Division of the Superior Court. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 2005, No. 188 (Adj. Sess.), § 7; 2009, No. 54, § 60, eff. June 1, 2009; 2009, No. 154, §§ 236, 238; 2011, No. 73 (Adj. Sess.), § 10.)

§ 1108. Judicial bureau violations; jurisdiction of assistant judges

(a) Subject to the limits of this section and notwithstanding any provision of law to the contrary, an assistant judge sitting alone shall have the same jurisdiction, powers, and duties to hear and decide matters within the jurisdiction of the judicial bureau under section 1102 of this title as a hearing officer has under the provisions of this chapter.

(b)(1) An assistant judge who elects to hear and decide matters in the judicial bureau shall:

(A) [Repealed.]

(B) have successfully completed at least 40 hours of training, which shall be provided by the court administrator; and

(C) annually complete eight hours of continuing education supervised by the court administrator.

(2) The training and education required by this subsection shall be developed by the court administrator in consultation with the association of assistant judges. Law clerk assistance shall be available to the assistant judges.

(c) The administrative judge may assign or direct assignment of an assistant judge with his or her consent to hear matters in the judicial bureau within the county in which the assistant judge presides or in a county other than the county in which the assistant judge presides if the assistant judge has elected to hear and decide such matters. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 2005, No. 167 (Adj. Sess.), § 6, eff. May 20, 2006; 2009, No. 154 (Adj. Sess.), § 55a.)

§ 1109. Remedies for failure to pay

(a) As used in this section:

(1) "Amount due" means all financial assessments contained in a Judicial Bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(2) "Designated collection agency" means a collection agency designated by the Court Administrator.

(3) [Repealed.]

(b) A Judicial Bureau judgment shall provide notice that a \$30.00 fee shall be assessed for failure to pay within 30 days. If the defendant fails to pay the amount due within 30 days, the fee shall be added to the judgment amount and deposited in the Court Technology Special Fund established pursuant to section 27 of this title.

(c) Civil contempt proceedings. If an amount due remains unpaid for 75 days after the Judicial Bureau provides the defendant with a notice of judgment, the Judicial Bureau may initiate civil contempt proceedings pursuant to this subsection.

(1) Notice of hearing. The Judicial Bureau shall provide notice by first class mail sent to the defendant's last known address that a contempt hearing will be held pursuant to this subsection, and that failure to appear at the contempt hearing may result in the sanctions listed in subdivision (2) of this subsection.

(2) Failure to appear. If the defendant fails to appear at the contempt hearing, the hearing officer may direct the clerk of the Judicial Bureau to do one or more of the following:

(A) Cause the matter to be reported to one or more designated collection agencies.

(B) Refer the matter to the Criminal Division of the Superior Court for contempt proceedings.

(C) Provide electronic notice thereof to the Commissioner of Motor Vehicles who shall suspend the person's operator's license or privilege to operate. However, the person shall become eligible for reinstatement if the amount due is paid or otherwise satisfied.

(3) Hearing. The hearing shall be conducted in a summary manner. The hearing officer shall examine the defendant and any other witnesses and may require the defendant to produce documents relevant to the defendant's ability to

pay the amount due. The State or municipality shall not be a party except with the permission of the hearing officer. The defendant may be represented by counsel at the defendant's own expense.

(4) Contempt.

(A) The hearing officer may conclude that the defendant is in contempt if the hearing officer states in written findings a factual basis for concluding that:

(i) the defendant knew or reasonably should have known that he or she owed an amount due on a Judicial Bureau judgment;

(ii) the defendant had the ability to pay all or any portion of the amount due; and

(iii) the defendant failed to pay all or any portion of the amount due.

(B) In the contempt order, the hearing officer may do one or more of the following:

(i) Set a date by which the defendant shall pay the amount due.

(ii) Assess an additional penalty not to exceed ten percent of the amount due.

(iii) Order that the Commissioner of Motor Vehicles suspend the person's operator's license or privilege to operate. However, the person shall become eligible for reinstatement if the amount due is paid or otherwise satisfied.

(iv) Recommend that the Criminal Division of the Superior Court incarcerate the defendant until the amount due is paid. If incarceration is recommended pursuant to this subdivision (4), the Judicial Bureau shall notify the Criminal Division of the Superior Court that contempt proceedings should be commenced against the defendant. The Criminal Division of the Superior Court proceedings shall be de novo. If the defendant cannot afford counsel for the contempt proceedings in the Criminal Division of the Superior Court, the Defender General shall assign counsel at the Defender General's expense.

(d) Collections.

(1) If an amount due remains unpaid after the issuance of a notice of judgment, the Court Administrator may authorize the clerk of the Judicial Bureau to refer the matter to a designated collection agency.

(2) The Court Administrator or the Court Administrator's designee is authorized to contract with one or more collection agencies for the purpose of collecting unpaid Judicial Bureau judgments pursuant to 13 V.S.A. § 7171.

(e) For purposes of civil contempt proceedings, venue shall be statewide.

(f) Notwithstanding 32 V.S.A. § 502, the Court Administrator is authorized to contract with a third party to collect fines, penalties, and fees by credit card, debit card, charge card, prepaid card, stored value card, and direct bank account withdrawals or transfers, as authorized by 32 V.S.A. § 583, and to add on and collect, or charge against collections, a processing charge in an amount approved by the Court Administrator. (Added 2007, No. 51, § 2; amended 2007, No. 153 (Adj. Sess.), § 18; 2009, No. 154, § 238; 2013, No. 128 (Adj. Sess.), § 1.)

§ 1110. Licenses or governmental contracts

(a) As used in this section, "license" means any license, certification, or registration issued by an agency to conduct a trade or business, including a license to practice a profession or occupation, or a license required to engage in recreational activities, including licenses to hunt, fish, or trap.

(b) Every applicant for a license shall sign a statement that the applicant is in good standing with respect to any unpaid judgment issued by the judicial bureau or criminal division of the superior court for fines or penalties for a violation or criminal offense. A license may not be issued or renewed without such a statement.

(c) For the purposes of this section, a person is in good standing with respect to any unpaid judgment issued by the judicial bureau or criminal division of the superior court for fines or penalties for a violation or criminal offense if:

- (1) 60 days or fewer have elapsed since the date a judgment was issued; or
- (2) the person is in compliance with a repayment plan approved by the judiciary. (Added 2007, No. 51, § 3, eff. Jan. 1, 2008; amended 2009, No. 154, § 238.)

§ 1111. Civil violation; failure to produce identification

(a) A law enforcement officer is authorized to detain a person if:

- (1) the officer has reasonable grounds to believe the person has committed a civil violation of Title 7, 10, 13, 18, or 23; and
- (2) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(b) The person may be detained under this section only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122. (Added 2013, No. 194 (Adj. Sess.), § 12, eff. June 17, 2014.)