

**2023 Acts and Resolves No. 19 (H.53) -
An act relating to driver's license suspensions
and revenue for the Domestic and Sexual Violence Special Fund**

The most recent legislative step in addressing driver's license
suspensions in Vermont

Legislative Wrap-Up CLE - Anthea Dexter-Cooper - June 14, 2023

Brief (and Relevant) History of Recent Actions to Address Driving with License Suspended (DLS)*

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2012 Acts & Resolves No. 147 -

- Sec. 2 creates the DLS Diversion Program.
- Sec 4. amends 23 V.S.A. § 2502 (point assessment schedule) to eliminate point assessments for 23 V.S.A. §§ 674 (DLS criminal) and 676 (DLS civil). So these are no longer moving violations (traffic violations with points) after July 1, 2012.

2014 Acts & Resolves No. 128 -

- Sec. 1 amends 4 V.S.A. § 1109 to allow for driver's license suspensions if a defendant fails to appear at a civil contempt hearing for nonpayment of a Judicial Bureau judgment.
- Sec. 3 amends 23 V.S.A. § 2307 to (1) extend time to pay judgments on traffic violations, (2) cap the length of suspensions at 120 days, and (3) only have judgements owed against a sole vehicle registrant lead to a denial of registration renewal.

* For a more extensive recent history see handout posted [here](#).

Brief (and Relevant) History of Recent Actions to Address DLS (continued)

2016 Acts & Resolves No. 147 -

- Sec. 3 terminates suspensions imposed pursuant to provisions repealed in or amended by Secs. 6, 10-12 and 15 (all nondriving conduct).
- Sec. 4 repeals 23 V.S.A. §§ 305a (registration renewal denied for nonpayment of a traffic judgment) and 2307 (remedies for failure to pay traffic violations).
- Sec. 5 amends 4 V.S.A. § 1109 to include *most* of the language in repealed 23 V.S.A. § 2307. Highlights include:
 - switch from “traffic violation” to “traffic violation for which points [are] authorized” (aka a moving violation) for nonpayment suspensions;
 - authority for Judicial Bureau hearing officer to reduce the amount due (and considerations: driving history, ability to pay, or service to the community; the collateral consequences of the violation; or the interests of justice) repealed and re-enacted;
 - the repeal, but not re-enactment, of authority for Judicial Bureau hearing officer to waive the reinstatement fee under 23 V.S.A. § 675;

Brief (and Relevant) History of Recent Actions to Address DLS (continued)

2016 Acts & Resolves No. 147 (continued) -

- suspension length for nonpayment decreased to 30 days, or until judgment paid, from 120 days, or until judgment paid; and
- payment plans of \$30/violation/month with an \$100 (total)/month cap, which was supposedly existing practice, added to codified law.
- Sec. 16 amends 23 V.S.A. § 674 (DLS criminal) to decrease the number of violations of 23 V.S.A. § 676 (DLS civil) an individual can have before it becomes a criminal offense and eliminates the provision that a paid judgment shall not count as a prior offense:
 - pre-Amendment: sixth or subsequent if five prior occurred after July 1, 2003; and
 - amended: third or subsequent if two prior within two years and on or after December 1, 2016.

Brief (and Relevant) History of Recent Actions to Address DLS (continued)

2016 Acts & Resolves No. 147 (continued) -

- Sec. 22 requires the Criminal Justice Training Council to train enforcement officers about payment plan options for traffic violation judgments and encourage enforcement officers to mention this option when issuing a traffic violation complaint; encourages the Judicial Bureau to update materials/website to notify individuals of payment plan options and hearings on ability to pay; and requires the Agency of Transportation to do a campaign to raise awareness of payment plan options and Judicial Bureau hearings on ability to pay.
- Sec. 23 requires annual reporting (2016, [2017](#), [2018](#), [2019](#), and [2020](#)) on license suspension statistics.

2020 Acts & Resolves No. 149, Sec. 10 -

- Amends 4 V.S.A. § 1109 to give hearing officers authority to waive the \$80.00 license reinstatement fee “on the basis of the defendant’s driving history, ability to pay, or service to the community; the collateral consequences of the violation; or the interests of justice.” This authority was repealed (inadvertently?) in 2016 Acts and Resolves No. 147, Sec. 5.

Pertinent Law (4 V.S.A. § 1109(b)(2)) Prior to Act 19 (H.53)

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(2)(A) In the case of a judgment on a traffic violation for which the imposition of points against the person's driving record is authorized by law, the judgment shall contain a notice that failure to pay or otherwise satisfy the amount due within 30 days of the notice will result in suspension of the person's operator's license or privilege to operate and that payment plan options are available. If the defendant fails to pay the amount due within 30 days of the notice, or by a later date as determined by a Judicial Bureau clerk or hearing officer, and the case is not pending on appeal, the Judicial Bureau shall provide electronic notice thereof to the Commissioner of Motor Vehicles. After 20 days from the date of receiving the electronic notice, the Commissioner shall suspend the person's operator's license or privilege to operate for a period of 30 days or until the amount due is satisfied, whichever is earlier.

(B) At minimum, the Judicial Bureau shall offer a payment plan option that allows a person to avoid a suspension of his or her license or privilege to operate by paying no more than \$30.00 per traffic violation judgment per month and not to exceed \$100.00 per month if the person has four or more outstanding judgments.

Pertinent Law (4 V.S.A. § 1109(b)(2)) After Act 19 (H.53)

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~~(2)(A) In the case of a judgment on a traffic violation for which the imposition of points against the person's driving record is authorized by law, the judgment shall contain a notice that failure to pay or otherwise satisfy the amount due within 30 days of the notice will result in suspension of the person's operator's license or privilege to operate and that payment plan options are available. If the defendant fails to pay the amount due within 30 days of the notice, or by a later date as determined by a Judicial Bureau clerk or hearing officer, and the case is not pending on appeal, the Judicial Bureau shall provide electronic notice thereof to the Commissioner of Motor Vehicles. After 20 days from the date of receiving the electronic notice, the Commissioner shall suspend the person's operator's license or privilege to operate for a period of 30 days or until the amount due is satisfied, whichever is earlier.~~

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But what about court-related special funds, like the Domestic and Sexual Violence Special Fund?

- H.53 Fiscal Note: “H.53 could impact collections to the court-related special funds if it induces behavior to change. Removing the threat of a license suspension for failure to pay amounts due within 30 days could reduce voluntary compliance rates for making prompt payments. However, a policy argument can be made that suspending driver’s licenses over failure to pay may be counterproductive if it hinders an individual’s ability to maintain employment and earn the wages necessary to pay what they owe.”
- Domestic and Sexual Violence Special Fund currently has two statutory revenue sources: \$10.00 from the \$47.00 Judicial Bureau surcharge and \$35.00 from the civil marriage license fee. See 13 V.S.A. § 7282(a)(8)(D) and 32 V.S.A. § 1712(1).

Domestic and Sexual Violence Special Fund, (Temporary) Solution

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- House Proposal of Amendment - Increase the civil marriage license fee by \$20.00 (to \$80.00 from \$60.00), with an additional \$15.00 going to the Domestic and Sexual Violence Special Fund starting on July 1, 2023.
- Senate Proposal of Amendment - Ok, but then return the fee to \$60.00 on July 1, 2025. Time to figure out a more permanent solution. See [H.53 Fiscal Note](#).
- Budget Bill (???) - Amend 13 V.S.A. § 7282(a)(8)(C) and (D) to increase the \$10.00 to the Domestic and Sexual Violence Special Fund to \$13.50. See [H.494 \(as passed by both bodies\), Sec. E.204.1](#).

Takeaways

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- Starting 30 days after passage (June 24, 2023), driver's licenses (and privileges to operate) will no longer be suspended for the nonpayment of a traffic violation (moving or otherwise).
- No changes to any of the other statutory reasons for suspension (nonpayment of child support, point accumulation, DUI, negligent operation, operating without insurance, etc.).
- No changes to how the Judicial Bureau can collect owed civil penalties (collection agencies, tax return offsets, and contempt).
- If your partner is pressuring you to get married, you have a monetary reason to delay!*

* LAWYER DISCLAIMER: This is my own attempt at making a joke to make this CLE more entertaining. Encouraging a two-year delay in civil marriage was not a policy goal of the General Assembly and this unintended quirk was discussed in committee.