

1 H.478

2 Introduced by Representative Colburn of Burlington

3 Referred to Committee on

4 Date:

5 Subject: DUI; license reinstatement; cannabis use

6 Statement of purpose of bill as introduced: This bill proposes to exempt
7 cannabis use by a Medical Cannabis Registry patient from the abstinence
8 requirement for reinstatement of an operator's license after a lifetime
9 suspension or revocation.

10 An act relating to reinstatement of an operator's license after a lifetime
11 suspension or revocation

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

13 Sec. 1. 23 V.S.A. § 1209a is amended to read:

14 § 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND
15 DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

16 * * *

17 (b) Abstinence.

18 (1)(A) Notwithstanding any other provision of this subchapter, a person
19 whose license or privilege to operate has been suspended or revoked for life
20 under this subchapter may apply to the Commissioner for reinstatement of his

1 ~~or her~~ the person's driving privilege. The person shall have completed three
2 years of total abstinence from consumption of alcohol and nonprescription
3 regulated drugs. The use of a regulated drug in accordance with a valid
4 prescription or the use of cannabis by a patient on the Medical Cannabis
5 Registry shall not disqualify an applicant for reinstatement of ~~his or her~~ the
6 person's driving privileges ~~unless the applicant used the regulated drug in a~~
7 ~~manner inconsistent with the prescription label.~~

8 (B) The beginning date for the period of abstinence shall be not
9 earlier than the effective date of the suspension or revocation from which the
10 person is requesting reinstatement and shall not include any period during
11 which the person is serving a sentence of incarceration to include furlough.
12 The application shall include the applicant's authorization for a urinalysis
13 examination, or another examination if it is approved as a preliminary
14 screening test under this subchapter, to be conducted prior to reinstatement
15 under this subdivision. The application to the Commissioner shall be
16 accompanied by a fee of \$500.00. The Commissioner shall have the discretion
17 to waive the application fee if the Commissioner determines that payment of
18 the fee would present a hardship to the applicant.

19 (2) If the Commissioner or a medical review board convened by the
20 Commissioner is satisfied by a preponderance of the evidence that the
21 applicant has abstained for the required number of years immediately

1 preceding the application, has successfully completed a therapy program as
2 required under this section, and has operated under a valid ignition interlock
3 RDL or under an ignition interlock certificate for at least three years following
4 the suspension or revocation, and the person provides a written
5 acknowledgment that ~~he or she~~ the person cannot drink any amount of alcohol
6 at all and cannot consume nonprescription regulated drugs under any
7 circumstances or cannabis unless the person is a patient on the Medical
8 Cannabis Registry, the person's license or privilege to operate shall be
9 reinstated immediately, subject to the condition that the person's suspension or
10 revocation will be put back in effect in the event any further investigation
11 reveals a return to the consumption of alcohol or drugs and to such additional
12 conditions as the Commissioner may impose. The requirement to operate
13 under an ignition interlock RDL or ignition interlock certificate shall not apply
14 if the person is exempt under subdivision (a)(4) of this section.

15 (3) If after notice and hearing the Commissioner later finds that the
16 person was violating the conditions of the person's reinstatement under this
17 subsection, the person's operating license or privilege to operate shall be
18 immediately suspended or revoked for life.

19 (4) If the Commissioner finds that a person reinstated under this
20 subsection is suspended pursuant to section 1205 of this title or is convicted of
21 a violation of section 1201 of this title subsequent to reinstatement under this

1 subsection, the person shall be conclusively presumed to be in violation of the
2 conditions of ~~his or her~~ the person's reinstatement.

3 (5) A person shall be eligible for reinstatement under this subsection
4 only once following a suspension or revocation for life.

5 (6)(A) If an applicant for reinstatement under this subsection resides in a
6 jurisdiction other than Vermont, the Commissioner may elect not to conduct an
7 investigation. If the Commissioner elects not to conduct an investigation, ~~he or~~
8 ~~she~~ the Commissioner shall provide a letter to the applicant's jurisdiction of
9 residence stating that Vermont does not object to the jurisdiction issuing the
10 applicant a license if the applicant is required to operate only vehicles
11 equipped with an ignition interlock device for at least a three-year period,
12 unless exempt under subdivision (a)(4) of this section, and is required to
13 complete any alcohol rehabilitation or treatment requirements of the licensing
14 jurisdiction.

15 (B) If the applicant's jurisdiction of residence is prepared to issue or
16 has issued a license in accordance with subdivision (A) of this subdivision (6)
17 and the applicant satisfies the requirements of section 675 of this title, the
18 Commissioner shall update relevant State and federal databases to reflect that
19 the applicant's lifetime suspension or revocation in Vermont under chapter 13,
20 subchapter 13 of this title has terminated.

21 * * *

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.