

1 H.541

2 Introduced by Representative Myers of Essex

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; distracted driving; enforcement; municipalities; fine
6 proceeds

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 fine proceeds collected in connection with enforcement of Vermont's
9 distracted driving laws by a municipal enforcement officer be remitted to the
10 municipality.

11 An act relating to allocation of fine proceeds from enforcement of the
12 State's distracted driving laws

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

14 Sec. 1. 13 V.S.A. § 7251 is amended to read:

15 § 7251. MUNICIPALITIES; PAYMENT TO AND LIABILITY OF

16 (a) Fines, forfeitures, and penalties, imposed by ~~the district or superior~~
17 ~~court~~ a District or Superior Court or by the ~~judicial bureau~~ Judicial Bureau for
18 violation of a village, town, or city ordinance shall be paid to the village, town,
19 or city, respectively, except for a \$12.50 administrative charge for each case
20 which shall be retained by the ~~state~~ State.

1 (b)(1) Fines, forfeitures, and penalties imposed by a court or the judicial
2 bureau for all speeding traffic violations under subchapter 8 of chapter 13 of
3 Title 23 entitled “speed restrictions” on state highways and for height and
4 width violations under 23 V.S.A. § 1431 and length violations under 23 V.S.A.
5 § 1432 on town highways Judicial Bureau resulting from ~~the~~ enforcement by
6 ~~towns~~ within the jurisdiction of ~~the town~~ a municipality by a municipal
7 enforcement officer in connection with the following traffic violations shall be
8 paid to the ~~town~~ municipality by the formula set forth in subsection (c) of this
9 section, except for that the administrative charge ~~according to the provisions of~~
10 specified in subsection (a) of this section ~~which~~ shall be retained by the state
11 State:

12 (A) speeding violations under 23 V.S.A. chapter 13, subchapter 8
13 (“speed restrictions”) on State highways;

14 (B) motor vehicle height and width violations under 23 V.S.A.
15 § 1431 and length violations under 23 V.S.A. § 1432 on town highways; and

16 (C) restrictions on the use of portable electronic devices while
17 operating a motor vehicle under 23 V.S.A. §§ 1095a, 1095b, 1099, or 4125(b)
18 or (c), on State or town highways.

19 (2) ~~The enforcement by towns~~ Enforcement by municipalities shall be
20 by a ~~town~~ municipal law enforcement officer or a law enforcement officer by
21 contract with the ~~town~~ municipality. Such law enforcement officer shall be

1 certified according to the provisions of 20 V.S.A. § 2358. Nothing in this
2 section shall be construed to limit the jurisdiction of a certified law
3 enforcement officer. The revenue that is collected by the ~~state~~ State pursuant
4 to enforcement of this section by a ~~town~~ municipality shall be distributed
5 annually during the first quarter of the fiscal year immediately following the
6 fiscal year in which the fines, forfeitures, and penalties are collected.

7 (c) The allocation of revenue to ~~the towns~~ municipalities under the formula
8 shall be updated annually by the ~~state court administrator~~ State Court
9 Administrator and shall provide that the revenue be distributed to those ~~towns~~
10 municipalities whose law enforcement efforts on ~~state~~ State highways and
11 town highways as specifically set forth in subsection (b) of this section have
12 resulted in the imposition of the fines, forfeitures, and penalties ~~for all~~
13 ~~speeding traffic violations under subchapter 8 of chapter 13 of Title 23 entitled~~
14 ~~“speed restrictions” and for height and width violations under 23 V.S.A.~~
15 ~~§ 1431 and length violations under 23 V.S.A. § 1432,~~ provided that no ~~town~~
16 municipality may receive more than five percent of the total revenue in any
17 given year. The formula used for distribution shall reflect the percentage of a
18 ~~town’s~~ municipality’s law enforcement expenditures as it relates to the ~~town’s~~
19 municipality’s total municipal taxing effort. The ~~town’s~~ municipality’s total
20 municipal taxing effort shall be determined by subtracting the ~~town’s~~
21 municipality’s school taxes assessed from the total taxes assessed as provided

1 each year in the annual report of the ~~division of property valuation and review~~
2 Division of Property Valuation and Review by the Vermont ~~department of~~
3 ~~taxes~~ Department of Taxes. By July 31 of each year, the local legislative body
4 of any ~~town~~ municipality which had law enforcement efforts resulting in the
5 imposition of fines, forfeitures, and penalties and which wishes to participate
6 shall submit to the ~~court administrator~~ Court Administrator the total amount of
7 the funds spent for law enforcement in the most recently completed town fiscal
8 year.

9 * * *

10 Sec. 2. EFFECTIVE DATE AND TRANSITION PROVISION

11 (a) This act shall take effect on July 1, 2016.

12 (b) The allocation of fine, forfeiture, and penalty proceeds related to
13 municipal enforcement of the laws specified in 13 V.S.A. § 7251(b)(1)(C), as
14 amended in Sec. 1 of this act, shall apply to any such proceeds collected on or
15 after the effective date of this act, even if the underlying traffic ticket was
16 issued before the effective date of this act.