

October 22, 2015

15-08

LAW ENFORCEMENT BULLETIN

Notice to all law enforcement regarding criminal DLS charges pursuant to 23 VSA 674(a)

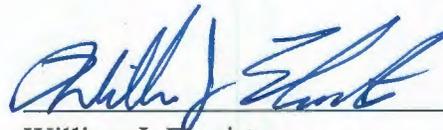
The Department of Motor Vehicles has recently become aware of a possible motor vehicle record issue that may be relevant to criminal charges for driving with a license suspended pursuant to 23 V.S.A. sec. 674(a)(2). Section 674(a)(2) provides that a person who drives with a suspended license following five prior civil "OSC" (Operating under Suspension Civil) violations may be subject to criminal penalties. Section 674(a)(3) provides that prior OSC violations for which the driver has (a) completed diversion, or (b) paid the associated fine shall not count as prior offenses for purposes of criminal DLS.

At this time, state motor vehicles records may not reflect the payment of all OSC tickets and therefore may not reflect information that is necessary to determine whether a motorist is in violation 23 V.S.A. sec. 674(a)(2). The Department is working with the Judicial Bureau to correct this issue and will advise law enforcement when OSC payment information in the DMV database is updated.

In the meantime and effective immediately, the DMV database will no longer reflect a "flag" for potential criminal DLS activity based on five OSC violations. Flags for potential criminal DLS activity will only be displayed when a driver is suspended for the major DMV violations set forth in 23 V.S.A. § 674(a)(1). Law enforcement may wish to continue to pursue seizure of license plates for criminal violations other than OSC-based criminal violations as allowed in § 674(c).

Please contact me if you have questions – by phone at 828-2078, or by email at William.Elovirta@vermont.gov.

Thank you.

 10/22/15

William J. Elovirta

Date

Interim Director

Enforcement & Safety Division