

***If a municipal highway ordinance does not specify a penalty for traffic violations, does the issuing enforcement officer have the authority to assess the statutory penalty/fine? If so, what is the amount of the fine?***

If a municipal highway ordinance does not specify a penalty for traffic violations, the issuing enforcement officer does have the authority to assess the statutory penalty/fine. Municipal ordinances relating to the operation and use of motor vehicles are considered to be regulations promulgated under Title 23. Therefore, fines set under that title should be applicable to traffic offenses committed under the same title. Traffic offense is defined in 23 V.S.A. § 2201 and includes municipal ordinances and charter provisions relating to the operation and use of motor vehicles (excluding parking offenses), the use of streets and highways by pedestrians, and the operation of any other vehicles, such as snowmobiles and motorcycles.

Title 23 § 2205(b) states that where no fine for a traffic offense has been established, "...three district court judges appointed by the court administrator shall establish schedules, within the limits prescribed by law, of the amounts of fines to be imposed." Twenty-three V.S.A. § 2205(c) limits the amount of the fine to be assessed to \$100.00, and allows for the suspension of the violator's license pursuant to Title 23 §§ 2505 and 2506.

A penalty schedule for traffic offenses, which includes the amount of fines and points assessed, can be found at: [www.state.vt.us/courts/vtb/trfcmp.htm#21](http://www.state.vt.us/courts/vtb/trfcmp.htm#21). This site provides a list of fines for speed limit violations and a whole list of other traffic offenses. It also provides a copy of the point system penalties.

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