

1 S.99

2 Senators Mazza, Chittenden, Ingalls, Kitchel and Perchlik move that the
3 Senate concur in the House proposal of amendment with the following
4 proposal of amendment thereto:

5 By striking out Secs. 34, reports on amount paid by State for towing
6 abandoned motor vehicles from public property, and 35, towing working
7 group; report, in their entireties and inserting in lieu thereof the following:

8 Sec. 34. [Deleted.]

9 Sec. 35. TOWING PRACTICES; REPORT

10 (a) The Office of the Attorney General shall study motor vehicle towing
11 practices, including practices related to abandonment or suspected
12 abandonment of motor vehicles, such as the use of liens and bonds to ensure
13 the recoupment of costs borne by towing companies; storage practices; and
14 pricing.

15 (b) In conducting the study, the Office of the Attorney General shall:

16 (1) consult with the Department of Financial Regulation, the
17 Department of Motor Vehicles, the Department of Public Safety, the Office of
18 Professional Regulation, and the Office of the Vermont State Treasurer; and

19 (2) solicit input and public comment from interested persons and hold at
20 least one public hearing.

21 (c) The study shall, at a minimum, address:

- 1 (1) pricing of pleasure car and commercial vehicle towing and recovery,
2 including from State and town highways that are restricted based on motor
3 vehicle size;
- 4 (2) crash site remediation, including costs borne by towing companies;
- 5 (3) storage practices, including:
 - 6 (A) pricing;
 - 7 (B) vehicle access for removal of personal belongings; and
 - 8 (C) vehicle access for removal of cargo;
- 9 (4) practices relating to abandonment or suspected abandonment when
10 necessary or appropriate;
- 11 (5) best practices from other states, including:
 - 12 (A) a comprehensive survey of the following from other states, with a
13 focus on states neighboring Vermont:
 - 14 (i) motor vehicle lien laws;
 - 15 (ii) laws related to access to towed motor vehicles for purposes of
16 removal of personal belongings and cargo; and
 - 17 (iii) laws related to pricing, including for towing and recovery,
18 remediation, and storage;
 - 19 (B) the use of statutory liens when a motor vehicle has been towed at
20 the request of the owner or the motor vehicle has been abandoned, as defined

1 in 23 V.S.A. § 2151(1), in order to secure payment of a towing business's
2 towing and recovery, storage, and remediation charges;

3 (C) the retention of the motor vehicle and the contents of the motor
4 vehicle until a towing business's towing and recovery, storage, and
5 remediation charges have been paid; and

6 (D) the use of a surety bond in lieu of the payment of a towing
7 business's towing and recovery, storage, and remediation charges in order to
8 secure the release of a motor vehicle that is being retained until a towing
9 business's towing and recovery, storage, and remediation charges have been
10 paid;

11 (6) any applicable recommendations for amendments to State statute;
12 and

13 (7) any other information that the Office of the Attorney General deems
14 pertinent to the study.

15 (d)(1) The Attorney General shall file a written report on the study,
16 including any recommendations it deems appropriate, with the House
17 Committees on Commerce and Economic Development, on Government
18 Operations and Military Affairs, and on Transportation and the Senate
19 Committees on Economic Development, Housing and General Affairs, on
20 Finance, on Government Operations, and on Transportation on or before
21 December 15, 2023.

1 (2) The recommendations in the written report shall balance consumer
2 protections and the needs of towing businesses, reflecting the necessary role
3 towing businesses serve in maintaining the health, safety, and welfare of
4 Vermonters.