

1 S.225

2 Introduced by Senators Mazza and Westman

3 Referred to Committee on Transportation

4 Date: January 5, 2016

5 Subject: Motor vehicles; dealer definition; overweight vehicle permitting;

6 log-haulers; diesel-powered pleasure vehicles; registration; truck user

7 license fee

8 Statement of purpose of bill as introduced: This bill proposes to:

9 (1) eliminate the requirement that a vehicle or motorboat not be  
10 registered in order to count as a sale or exchange toward qualifying as a dealer;

11 (2) repeal the authority of the Commissioner of Motor Vehicles to enter  
12 into contracts with electronic permitting services for issuance of single-trip  
13 overweight and overdimension vehicle permits;

14 (3) repeal special registration fees for log-haulers and diesel-powered  
15 pleasure cars and make a related conforming change;

16 (4) repeal a provision directing the Commissioner of Motor Vehicles to  
17 negotiate an interstate compact for the implementation of uniform truck annual  
18 user license fees.

19 An act relating to miscellaneous changes to laws related to motor vehicles

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

2 ~~\*\*\* Definition of Dealer \*\*\*~~

3 Sec. 1. 23 V.S.A. § 4(8) is amended to read:

4 (3)(A)(i) “Dealer” means a person, partnership, corporation, or other  
5 entity engaged in the business of selling or exchanging new or used motor  
6 vehicles, snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as  
7 part of or incidental to such business, repair such vehicles or motorboats, sell  
8 parts and accessories, or lease or rent such vehicles or motorboats. “Dealer”  
9 shall not include a finance or auction dealer or a transporter.

10 (ii)(I) For a dealer in new or used cars or motor trucks, “engaged  
11 in the business” means having sold or exchanged at least 12 cars or motor  
12 trucks, or a combination thereof, in the immediately preceding year, or 24 in  
13 the two immediately preceding years.

14 (II) For a dealer in snowmobiles, motorboats, or all-terrain  
15 vehicles, “engaged in the business” means having sold or exchanged at least  
16 one snowmobile, motorboat, or all-terrain vehicle, respectively, in the  
17 immediately preceding year or two in the two immediately preceding years.

18 (III) For a dealer in trailers, semi-trailers, or trailer coaches,  
19 “engaged in the business” means having sold or exchanged at least one trailer,  
20 semi-trailer, or trailer coach in the immediately preceding year or a  
21 combination of two such vehicles in the two immediately preceding years.

1 ~~(IV) For a dealer in motorcycles or motor driven cycles,~~  
2 “engaged in the business” means having sold or exchanged at least one  
3 motorcycle or motor-driven cycle in the immediately preceding year or a  
4 combination of two such vehicles in the two immediately preceding years.

5 ~~(V) For the purposes of this subdivision (8)(A)(ii), the sale or~~  
6 ~~exchange of vehicles or motorboats owned but not registered by the dealer, or~~  
7 ~~that have been in lease or rental services, shall count as sales or exchanges.~~  
8 ~~Vehicles or motorboats that are to be scrapped, dismantled, or destroyed shall~~  
9 ~~not count as sales or exchanges.~~

10 \* \* \*

11 \* \* \* Overweight and Overdimension Vehicle Permitting \* \* \*

12 Sec. 2. 23 V.S.A. § 1400(d) is amended to read:

13 ~~(d) The Commissioner may enter into contracts with an electronic~~  
14 ~~permitting service that will allow the service to issue single trip permits to a~~  
15 ~~commercial motor vehicle operator, on behalf of the Department of Motor~~  
16 ~~Vehicles. The permitting service shall be authorized to issue single trip~~  
17 ~~permits for travel to and from a Vermont facility by commercial motor~~  
18 ~~vehicles which are not greater than 72 feet in length on routes that have been~~  
19 ~~approved by the Agency of Transportation. The permitting service may assess,~~  
20 ~~collect, and retain an additional administrative fee which shall be paid by the~~  
21 ~~commercial motor vehicle carrier. [Repealed.]~~

~~\*\*\* Repeals and Conforming Change \*\*\*~~

Sec. 3. REPEALS

The following sections are repealed:

(1) 23 V.S.A. § 366 (log-haulers; registration).

(2) 23 V.S.A. § 382 (diesel-powered pleasure cars; registration).

(3) 23 V.S.A. § 423 (negotiating and entering into an interstate compact regarding truck license fees).

Sec. 4. 23 V.S.A. § 369 is amended to read:

§ 369. TRACTORS OTHER THAN FARM TRACTORS

The annual fee for registration of a tractor, except log-haulers on snow roads and farm tractors as otherwise provided in this chapter, shall be based on the actual weight of such tractor at the same rate as that provided for trucks of like weight under the provisions of this chapter. The minimum fee for registering any tractor shall be \$20.00.

\*\*\* Effective Date \*\*\*

Sec. 5. EFFECTIVE DATE

~~This act shall take effect on July 1, 2016.~~

*\*\*\* Dealers \*\*\**

*Sec. 1. 23 V.S.A. § 4(8) is amended to read:*

*(8)(A)(i) "Dealer" means a person, partnership, corporation, or other entity engaged in the business of selling or exchanging new or used motor vehicles, snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as part of or incidental to such business, repair such vehicles or motorboats, sell parts and accessories, or lease or rent such vehicles or motorboats. "Dealer" shall not include a finance or auction dealer or a transporter.*

(ii)(I) For a dealer in new or used cars or motor trucks, “engaged in the business” means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the immediately preceding year, or 24 in the two immediately preceding years.

(II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, “engaged in the business” means having sold or exchanged at least ~~one snowmobile, motorboat, or all-terrain vehicle~~ six snowmobiles, motorboats, or all-terrain vehicles, respectively, in the immediately preceding year or ~~two~~ 12 in the two immediately preceding years.

(III) For a dealer in trailers, semi-trailers, or trailer coaches, “engaged in the business” means having sold or exchanged at least ~~one trailer, semi-trailer, or trailer~~ each six trailers, semi-trailers, or trailer coaches, in the immediately preceding year or a combination of ~~two~~ 12 such vehicles in the two immediately preceding years. However, the sale or exchange of a trailer with a gross vehicle weight rating of 3,500 pounds or less shall be excluded under this subdivision (8)(A)(ii)(III).

(IV) For a dealer in motorcycles or motor-driven cycles, “engaged in the business” means having sold or exchanged at least ~~one motorcycle or motor-driven cycle~~ six motorcycles or motor-driven cycles in the immediately preceding year or a combination of ~~two~~ 12 such vehicles in the two immediately preceding years.

\* \* \*

## Sec. 2. DEALER REGULATION REVIEW

(a) The Commissioner of Motor Vehicles shall review Vermont statutes, rules, and procedures regulating motor vehicle, snowmobile, motorboat, and all-terrain vehicle dealers, and review the regulation of such dealers by other states, to determine whether and how Vermont’s regulation of dealers and associated motor vehicle laws should be amended to:

(1) enable vehicle and motorboat sales to thrive while protecting consumers from fraud or other illegal activities in the market for vehicles and motorboats; and

(2) protect the State’s interest in collecting taxes, enforcing the law, and ensuring an orderly marketplace.

(b) In conducting his or her review, the Commissioner shall consult with new and used dealers or representatives of such dealers, or both, and other interested persons.

(c) The Commissioner shall review:

(1) required minimum hours and days of operation of dealers;

(2) physical location requirements of dealers;

(3) the required number of sales to qualify as a dealer and the types of sales and relationships among sellers that should count toward the sales threshold;

(4) the permitted uses of dealer plates;

(5) whether residents of other states should be allowed to register vehicles in Vermont;

(6) the effect any proposed change will have on fees and taxes that dealers collect and consumers pay;

(7) the effect any proposed changes will have on the ability of Vermont consumers and law enforcement to obtain information from a dealer selling vehicles or motorboats in Vermont; and

(8) other issues as may be necessary to accomplish the purpose of the review as described in subsection (a) of this section.

(d) On or before January 15, 2017, the Commissioner shall report his or her findings and recommendations to the Senate and House Committees on Transportation and submit proposed legislation as may be required to implement the recommendations.

\* \* \* Motor-Assisted Bicycles \* \* \*

Sec. 3. 23 V.S.A. § 4 is amended to read:

#### § 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

\* \* \*

(45)(A) "Motor-driven cycle" means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~Neither an~~ Neither an electric personal assistive mobility device nor a motor-assisted bicycle is ~~not~~ a motor-driven cycle.

(B) "Motor-assisted bicycle" means a bicycle or tricycle with fully operable pedals, that is equipped with a motor capable of generating a maximum power prescribed by the Commissioner or capable of producing a maximum top speed as prescribed by the Commissioner or both. Under Vermont law, motor-assisted bicycles shall be governed as bicycles as prescribed in section 1136 of this title.

\* \* \*

Sec. 4. 23 V.S.A. § 1136(d) is added to read:

(d) Motor-assisted bicycles shall be governed by Vermont laws applicable to bicycles, and operators of motor-assisted bicycles shall be subject to all of the rights and duties applicable to bicyclists under Vermont law. Motor-assisted bicycles shall be exempt from motor vehicle registration, licensing, and inspection requirements. Nothing in this subsection shall interfere with the existing right of municipalities to regulate the operation and use of motor-assisted bicycles in accordance with 24 V.S.A. § 2291(1) and (4).

\* \* \* Nondriver Identifications Cards; Data Elements \* \* \*

Sec. 5. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

\* \* \*

(b) Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a ~~\$20.00~~ \$24.00 fee. At least 30 days before an identification card will expire, the Commissioner shall either mail first class to the cardholder or send the cardholder electronically an application to renew the identification card.

\* \* \*

(i) An identification card issued under this subsection to an ~~individual~~ under the age of 30 shall include a magnetic strip that includes only the name, date of birth, height, and weight of the individual identified on the card initial or renewal applicant shall include data elements as prescribed in 6 C.F.R. § 37.19.

\* \* \*

\* \* \* Refund When Registration Plates Not Used \* \* \*

Sec. 6. 23 V.S.A. § 327 is amended to read:

§ 327. REFUND WHEN PLATES NOT USED

*Subject to the conditions set forth in subdivisions (1), (2), and (3) of this section, the Commissioner may cancel the registration of a motor vehicle, snowmobile, or motor boat when the owner returns the number plates, if any, ~~the validation sticker, if issued for that year,~~ and the registration certificate to the Commissioner. Upon cancellation of the registration, the Commissioner shall notify the Commissioner of Finance and Management, who shall issue a refund as follows:*

*(1) For registrations ~~which are~~ cancelled prior to the beginning of the registration period, the refund is the full amount of the fee paid, less a fee of \$5.00. ~~The validation stickers may be affixed to the plates.~~*

*(2) For registrations ~~which are~~ cancelled within 30 days of the date of issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The owner of a motor vehicle must prove to the Commissioner's satisfaction that the number plates have not been used or attached to a motor vehicle, ~~or that the current validation sticker has not been affixed to the plate or to the snowmobile or motorboat.~~*

*(3) For registrations ~~which are~~ cancelled prior to the beginning of the second year of a two-year registration period, the refund is one-half of the full amount of the two-year fee paid, less a charge of \$5.00. ~~The validation stickers may be affixed to the plates.~~*

~~\*\*\* Refunds of Overpayments \*\*\*~~

~~Sec. 7. 23 V.S.A. § 381(e) is amended to read:~~

~~(e) Whenever a payment is received that is less than, but within \$0.99 of, the required fee, the transaction shall be processed. The Commissioner may determine that action will not be taken to collect the missing portion of the fee. When Notwithstanding 32 V.S.A. § 509, when a payment up to \$1.00 \$5.00 greater than the required fee is received, the excess shall not be refunded.~~

~~Sec. 7. [Deleted.]~~

~~\*\*\* Provisions Common to Registrations and Operator's Licenses \*\*\*~~

~~Sec. 8. 23 V.S.A. § 208 is added to read:~~

~~§ 208. RECIPROCAL RECOGNITION OF NONRESIDENT REGISTRATIONS, LICENSES, AND PERMITS, FOREIGN VISITORS~~

~~As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits.~~



However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period of not more than 30 days for vacation purposes even if the country does not grant like privileges to residents of this State.

Sec. 9. 23 V.S.A. § 411 is amended to read:

§ 411. *RECIPROCAL PROVISIONS*

~~As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. [Repealed.]~~

\* \* \* Operator's Licenses \* \* \*

Sec. 10. 23 V.S.A. § 601 is amended to read:

§ 601. *LICENSE REQUIRED*

(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section ~~411~~ 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:

(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; ~~or~~

(B) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or

(C) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:

(i) is 18 or more years of age, is lawfully present in the United States, and has been in the United States for less than one year;

(ii) the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and

(iii) he or she possesses an international driving permit.

\* \* \*

(c) At least 30 days before a license is scheduled to expire, the Commissioner shall either mail first class to the licensee or send the licensee electronically an application for renewal of the license. A person shall not operate a motor vehicle unless properly licensed.

\* \* \*

#### Sec. 11. CONFORMING CHANGES

In 23 V.S.A. §§ 614 and 615, "section 411" is hereby replaced with "section 208."

\* \* \* Special Examinations; Conforming Changes \* \* \*

Sec. 12. 23 V.S.A. § 637 is amended to read:

#### § 637. EXAMINERS OF PHYSICAL AND MENTAL CONDITIONS

The Commissioner may designate physicians, certified physician assistants, licensed advance practice registered nurses, ophthalmologists, oculists, and optometrists properly registered and authorized to practice in this State or in an adjoining state as examiners of operators. The Commissioner may refer any matter relative to the issuing, suspending, or reinstating of licenses ~~which concern~~ that concerns the physical or mental condition or eyesight of any applicant for or holder of a license or any petitioner for reinstatement to, and require the applicant or other person to be examined by, such examiner in the vicinity of the person's residence as he or she determines to be qualified to examine and report. Such examiner shall report to the Commissioner the true and actual result of examinations made by him or her together with his or her decision as to whether the person examined should be granted or allowed to retain an operator's license or permitted to operate a motor vehicle.

Sec. 13. 23 V.S.A. § 638 is amended to read:

§ 638. ~~DISSATISFACTION WITH PHYSICAL AND MENTAL EXAMINATION~~

~~If any person is dissatisfied with the result of an examination given by any one examiner, as provided in section 637 of this title, he or she may apply to the Commissioner for and shall be granted an examination by two physicians, ophthalmologists, oculists, or optometrists selected from a list of examiners approved by the Commissioner, and their decision shall be final. The Commissioner may designate the area of specialization from which the examiners are to be selected in each case, but in no event shall he or she limit the choice of an examiner to any one individual within the profession from which he or she is to be chosen. [Repealed.]~~

Sec. 14. 23 V.S.A. § 639 is amended to read:

§ 639. FEES FOR PHYSICAL AND MENTAL EXAMINATIONS

The compensation of the examiners provided in ~~sections~~ section 637 and 638 of this title shall be paid by the person examined.

\* \* \* School Bus Operators \* \* \*

Sec. 15. 23 V.S.A. § 1282(d) is amended to read:

~~(d)(1) A No less often than every two years, and before the start of a school year, a person licensed by the Department of Motor Vehicles to assume the duty of transporting school pupils in either a Type I or Type II school bus shall annually before the commencement of the school year furnish his or her the employer, where he or she is employed who employs him or her as a school bus driver; the following:~~

~~(A) a certificate signed by a licensed physician, ~~or~~ a certified physician assistant, or a nurse practitioner in accordance with written protocols, certifying that ~~he or she~~ the licensee is, as far as can be determined by reasonable inquiry and examination, mentally and physically competent to perform his or her duties; and that he or she meets or exceeds the minimum hearing standards, based on voice testing, as prescribed by the Commissioner; and~~

~~(B) a certificate signed by a properly registered and authorized medical doctor, ophthalmologist, optometrist, or nurse practitioner certifying that he or she meets or exceeds the minimum vision standards as prescribed by the Commissioner.~~

~~(2) Upon receipt of a certificate required by this subsection which indicates that the school bus driver is not mentally or physically competent or~~

*does not meet the minimum hearing or vision standards, the employer shall immediately notify the Commissioner.*

*(3) The certificates required under this subsection may be valid for up to two years from the examination.*

*\* \* \* Overweight and Overdimension Vehicles \* \* \**

*Sec. 16. 23 V.S.A. § 1391a(d) is amended to read:*

*(d) Fines imposed for violations of this section shall be deposited in the Transportation Fund, unless the fines are the result of enforcement actions on a town highway by an enforcement officer employed by or under contract with the municipality, in which case the fine shall be paid to the municipality, except for ~~a \$6.00~~ the administrative charge for each case authorized under 13 V.S.A. § 7251, which shall be retained by the State.*

*Sec. 17. 23 V.S.A. § 1400(d) is amended to read:*

*~~(d) The Commissioner may enter into contracts with an electronic permitting service that will allow the service to issue single trip permits to a commercial motor vehicle operator, on behalf of the Department of Motor Vehicles. The permitting service shall be authorized to issue single trip permits for travel to and from a Vermont facility by commercial motor vehicles which are not greater than 72 feet in length on routes that have been approved by the Agency of Transportation. The permitting service may assess, collect, and retain an additional administrative fee which shall be paid by the commercial motor vehicle carrier. [Repealed.]~~*

*\* \* \* Motor Vehicle Titles \* \* \**

*Sec. 18. 23 V.S.A. § 2001 is amended to read:*

*§ 2001. DEFINITIONS*

*Except when the context otherwise requires, as used in this chapter:*

*\* \* \**

*(13) “Salvaged motor vehicle” means a motor vehicle which has been purchased or otherwise acquired as salvage; scrapped, dismantled, or destroyed; or declared a total loss by an insurance company.*

*\* \* \**

*(17) “Salvage certificate of title” means a title that is stamped or otherwise branded to indicate that the vehicle described thereon is a salvaged motor vehicle ~~or has been scrapped, dismantled, destroyed, or declared a total loss by an insurance company, or both.~~*

*\* \* \**

*Sec. 19. 23 V.S.A. § 2019 is amended to read:*

*§ 2019. MAILING OR DELIVERING CERTIFICATE*

*The certificate of title shall be mailed or personally delivered, upon proper identification of the individual, to the first lienholder named in it or, if none, to the owner. However, a person is entitled to a personal delivery of only one title in a single day and of no more than three titles in a calendar month.*

*Sec. 20. 23 V.S.A. § 2091 is amended to read:*

*§ 2091. ~~DISMANTLING OR DESTRUCTION OF VEHICLE SALVAGE CERTIFICATES OF TITLE; FORWARDING OF PLATES AND TITLES OF CRUSHED VEHICLES~~*

*(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title and for vehicles which are more than 15 years old, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss, shall ~~make application~~ apply to the Commissioner for a salvage certificate of title within 15 days of the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.*

*(b) ~~The~~ Except as provided in subsection (c) of this section, the application shall be accompanied by:*

*(1) any certificate of title; and*

*(2) any other information or documents that the Commissioner may reasonably require to establish ownership of the vehicle and the existence or nonexistence of any security interest in the vehicle.*

*(c)(1) An insurer required to obtain a salvage certificate of title under this section for a vehicle declared a total loss, or a representative of the insurer, may obtain the title without satisfying the requirements of subsection (b) of this section if the application for the salvage certificate of title is accompanied by:*

*(A) the required fee;*

*(B) evidence that the insurer has made payment for the total loss of the vehicle, and evidence that the payment was made to any lienholder identified in the records of certificates of title of the Department and to the vehicle owner, if applicable; and*

(C) a copy of the insurer's written request for the certificate of title sent at least 30 days prior to the application to the vehicle owner and to any lienholder identified in the records of certificates of title of the Department, proof that the request was sent by certified mail or was delivered by a courier service that provides proof of delivery, and copies of any responses from the vehicle owner or lienholder.

(2) If the Commissioner issues a salvage certificate of title to an eligible person under this subsection, the title shall be issued free and clear of all liens.

(b)(d) ~~When~~ Except for vehicles for which no certificate of title is required under this chapter, when a vehicle is destroyed by crushing for scrap, the person causing the destruction shall immediately mail or deliver to the Commissioner the certificate of title, ~~if any,~~ endorsed "crushed" and signed by the person, accompanied by the original plate showing the original vehicle identification number. The plate shall not be removed until such time as the vehicle is crushed.

~~(e)(e)~~ This section shall not apply to, and salvage certificates of title shall not be required for, unrecovered stolen vehicles or vehicles stolen and recovered in an undamaged condition, provided that the original vehicle identification number plate has not been removed, altered, or destroyed and the number thereon is identical with that on the original title certificate.

\* \* \* Abandoned Motor Vehicles \* \* \*

Sec. 21. 23 V.S.A. chapter 21, subchapter 7 is amended to read:

Subchapter 7. Abandoned Motor Vehicles

§ 2151. ABANDONED MOTOR VEHICLES; DEFINED DEFINITIONS

~~(a)(1) For the purposes of As used in this subchapter, an "abandoned motor vehicle" means:~~

(1)(A) "Abandoned motor vehicle" means:

(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property ~~for more than 48 hours~~, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or

~~(B)(ii)~~ a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.

(B) "Abandoned motor vehicle" does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner which does not interfere with the normal movement of traffic.

(2) "Landowner" means a person who owns or leases or otherwise has authority to control use of real property.

(3) For purposes of this subsection, "Public vehicle identification number" means the public vehicle identification number which is usually visible through the windshield and attached to the driver's side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver's side of the vehicle.

~~(b) Construction equipment. A vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be an abandoned motor vehicle.~~

#### § 2152. AUTHORIZED REMOVAL OF ABANDONED MOTOR VEHICLES

(a) Public property. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contact a towing service for its removal of such motor vehicle, based upon personal observation by the officer that the vehicle is an abandoned motor vehicle.

(b) Private property.

(1) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a towing service for its removal from private property of such vehicle, based upon complaint of the owner or agent of the property the request of the landowner on which whose property the vehicle is located that the and information indicating that the vehicle is an abandoned motor vehicle.

(2) An owner or agent of an owner A landowner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property or to any other place on any property of the landowner, and may contact a towing service for its removal from that property of an abandoned vehicle. If an owner or agent of an owner A landowner who removes or causes removal of an abandoned motor vehicle, the owner or agent shall immediately notify the police agency in the jurisdiction from which the vehicle is removed. Notification shall include identification of and provide the registration plate number, the public vehicle identification number, if available, and the make, model, and color of the vehicle. The owner or agent of an owner of property



~~upon which a motor vehicle is abandoned~~ landowner may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service under the provisions of this subsection, without incurring any civil liability to the owner of the abandoned vehicle.

§ 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

(a) ~~Within 30 days of removal of the vehicle, a towing service which has removed an abandoned motor vehicle~~ A landowner on whose property an abandoned motor vehicle is located shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department of Motor Vehicles within 30 days of the date the vehicle was discovered on or brought to the property unless the vehicle has been removed from the property. An abandoned motor vehicle certification form shall indicate the date of removal, that the abandoned motor vehicle was discovered or brought to the property; the make, color, model, and location found, and of the vehicle; the name, address, and phone telephone number of the towing service, landowner; and a certification of the public vehicle identification number, if any, to be recorded by a law enforcement officer. This subsection shall not be construed as creating a private right of action against the landowner.

(b) Upon receipt of an abandoned motor vehicle certification form, the Commissioner ~~of Motor Vehicles~~ shall attempt to identify and notify the owner of the vehicle as required by section 2154 of this title. If no owner can be determined by the Commissioner within the time period allowed by section 2154 of this title, the Commissioner shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title, or both, and the vehicle may be disposed of in the manner set forth in section 2156 of this title.

§ 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED  
MOTOR VEHICLES

(a) The Department ~~of Motor Vehicles~~ shall make a reasonable attempt to locate an owner of an abandoned motor vehicle.

(1) If the abandoned motor vehicle is not identifiable by its registration plates or public vehicle identification number, and if no owner can be determined within 21 days of the date of receipt of the abandoned motor vehicle certification form, the Commissioner ~~of Motor Vehicles~~ shall issue a certificate of abandoned motor vehicle with an appropriate title or salvage title.

(2) If the abandoned motor vehicle is identifiable by its registration plates or public vehicle identification number, the Department ~~of Motor Vehicles~~ shall, within three business days of receipt of the form for



*certification of abandoned motor vehicle, send notice to the last known registered owner and lienholder of the vehicle. The notice shall be sent by certified mail, return receipt requested, and shall advise the last known registered owner of the motor vehicle's location and a telephone number where additional information about the motor vehicle may be obtained. If the receipt is not returned to the Department within seven business days, the Commissioner shall, by first class mail, send a second notice. Within 21 days of sending the second notice, the last known registered owner or lienholder may reclaim and retrieve the motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or arranging to pay any fees or charges authorized by section 2155 of this title. If the last known registered owner or lienholder fails or refuses to reclaim the motor vehicle within 21 days of the second mailing, the Commissioner of ~~Motor Vehicles~~ shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title.*

*(b) An owner or lienholder may reclaim an abandoned motor vehicle by presenting to the Department of ~~Motor Vehicles~~ satisfactory evidence of ownership, and paying or reimbursing, or making arrangements to pay or reimburse, the towing agency, the Department of ~~Motor Vehicles~~, or the ~~owner or agent of private property~~ landowner, as the case may be, any towing fee or storage charges permitted under section 2155 of this title.*

#### *§ 2155. FEES AND CHARGES*

*(a) Towing fees. For towing an abandoned motor vehicle from private property, a towing service may charge a reasonable fee to be paid by the vehicle owner or agent of the owner landowner of the private property.*

*(b) Storage charges. In addition to any towing fee, an owner or lienholder reclaiming an abandoned motor vehicle may be charged and shall pay a fee for the costs of storage of the vehicle, except that no fee may be charged for storage for any period preceding the date upon which the form for abandoned motor vehicle certification is sent ~~by the towing service~~ to the Department of ~~Motor Vehicles~~.*

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*\* \* \* Repeals and Conforming Change \* \* \**

#### *Sec. 22. REPEALS*

*The following sections are repealed:*

*(1) 23 V.S.A. § 366 (log-haulers; registration).*

*(2) 23 V.S.A. § 382 (diesel-powered pleasure cars; registration).*

(3) 23 V.S.A. § 423 (negotiating and entering into an interstate compact regarding truck license fees).

(4) 23 V.S.A. § 605 (unsatisfied judgment; suspension).

Sec. 23. 23 V.S.A. § 369 is amended to read:

**§ 369. TRACTORS OTHER THAN FARM TRACTORS**

~~The annual fee for registration of a tractor, except log haulers on snow roads and farm tractors as otherwise provided in this chapter, shall be based on the actual weight of such tractor at the same rate as that provided for trucks of like weight under the provisions of this chapter. The minimum fee for registering any tractor shall be \$20.00.~~

Sec. 24. 23 V.S.A. § 603(a)(2) is amended to read:

~~(2) The Commissioner may, however, in his or her discretion, refuse to issue a license to any person whenever he or she is satisfied from information given him or her by credible persons, and upon investigation, that the person is mentally or physically unfit, or because of his or her habits, or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. A person refused a license; under the provisions of this subsection or section 605 of this title, shall be entitled to hearing as provided in sections 105–107 of this title.~~

Sec. 25. 18 V.S.A. § 1772(13) is amended to read:

~~(13) “Motor vehicle” means every vehicle intended primarily for use and operation on the public highways and shall include snowmobiles, all-terrain vehicles, and farm tractors and other machinery used in the production, harvesting, and care of farm products~~ all vehicles propelled or drawn by power other than muscular power, including snowmobiles, motorcycles, all-terrain vehicles, farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, or tracked vehicles or electric personal assistive mobility devices.

\* \* \* Effective Dates \* \* \*

Sec. 26. EFFECTIVE DATES

(a) This section and Sec. 25 shall take effect on passage.

(b) All other sections shall take effect on July 1, 2016.