

1 Sec. XX. 23 V.S.A. chapter 19 is amended to read:

2 CHAPTER 19.

3 PARKING AND TOWING

4 Subchapter 1. Parking; Police Courts

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6 § 1753. ORDINANCES AUTHORIZING REMOVAL

7 The selectboard of a town, the trustees of a village, or the board of aldermen  
8 or council of a city may enact ordinances authorizing the removal of motor  
9 vehicles parked without authorization on publicly or privately owned land and  
10 including, by illustration and not limitation, public, municipal, or private  
11 parking lots, drives, and ways. The owner of the motor vehicle may be  
12 required to pay reasonable towing and storage charges, as determined by the  
13 legislative body of the municipality, for which a lien may be imposed against  
14 the motor vehicle and its owner, or both, which may be in addition to any  
15 ~~criminal~~ penalty.

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17 Subchapter 2. Involuntary Towing and Storage

18 § 1760. INVOLUNTARY TOWING AND STORAGE; FEES; CONSUMER

19 RIGHTS

20 (a) Definitions. As used in this subchapter:

1           (1)(A) “Involuntary tow” means the towing or recovery of a motor  
2           vehicle by a towing operator without the consent of the owner.

3           (B) “Involuntary storage” means the storage of a motor vehicle  
4           subsequent to an involuntary tow and prior to transfer of possession of the  
5           vehicle to the owner.

6           (C) “Involuntary tow” and “involuntary storage” do not include the  
7           towing or storage of a lawfully repossessed motor vehicle.

8           (3) “Owner” means the owner as defined in subdivision 4(26) of this  
9           title or authorized operator of a motor vehicle.

10           (4) “Storage operator” means any person who stores a motor vehicle that  
11           has been towed.

12           (5) “Towing operator” means any person who tows a motor vehicle.

13           (b) Towing fees. A storage operator shall not charge a storage fee of more  
14           than \$50.00 per 24-hour period, even if the 24-hour period spans two calendar  
15           days, for involuntary storage for the first seven calendar days. A storage  
16           operator may charge a daily storage fee that is ordinary and customary after the  
17           first seven calendar days, but an overall fee for involuntary storage shall not  
18           exceed the lesser of \$500.00 or the fair market value of the vehicle. However,  
19           fees for storing a motor vehicle following a tow pursuant to a municipal towing

1 ordinance may be established by the municipality in accordance with section  
2 1753 of this title.

3 (c) Additional fees and right of retrieval. The owner of a motor vehicle  
4 subject to involuntary towing and storage shall have the right, at no additional  
5 charge, to retrieve personal possessions from the vehicle, inspect the vehicle,  
6 and retrieve the vehicle during normal business hours.

7 (d) Itemized invoices. Towing and storage operators shall provide owners  
8 an itemized invoice detailing any involuntary towing, involuntary storage, or  
9 related fees at the time of payment.

10 (e) Reporting by towing operator. A towing operator, within one hour of  
11 towing a motor vehicle, shall notify the law enforcement agency with authority  
12 over the location from which the vehicle was towed of:

13 (1) the make, model, and license plate number, if available, of the  
14 vehicle that was towed;

15 (2) the location where the towed vehicle is stored; and

16 (3) contact information for the storage company, if applicable.

17 Sec. XX. 23 V.S.A. § 2154 is amended to read:

18 § 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED

19 MOTOR VEHICLES

20 (a) The Department of Motor Vehicles shall make a reasonable attempt to  
21 locate and provide notice to an owner of an abandoned motor vehicle.

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

6           (2) If the abandoned motor vehicle is identifiable by its registration  
7 plates or public vehicle identification number, ~~the~~

8           (A) The Department shall, within three business days of receipt of the  
9 form for certification of abandoned motor vehicle, send notice to the last  
10 known registered owner and lienholder of the vehicle. The notice shall be sent  
11 by certified mail, return receipt requested, and shall advise the last known  
12 registered owner of the motor vehicle's location and a telephone number where  
13 additional information about the motor vehicle may be obtained. If the receipt  
14 is not returned to the Department within seven business days, the  
15 Commissioner shall, by first class mail, send a second notice. Within 21 days  
16 of sending the second notice, the last known registered owner or lienholder  
17 may reclaim and retrieve the motor vehicle by presenting to the Department  
18 satisfactory evidence of ownership, and paying or arranging to pay any fees or  
19 charges authorized by section 2155 of this title. If the last known registered  
20 owner or lienholder fails or refuses to reclaim the motor vehicle within 21 days

1 of the second mailing, the Commissioner shall issue a certificate of abandoned  
2 motor vehicle with appropriate title or salvage title.

3 (B) The Department shall maintain and keep current on its website a  
4 list of motor vehicles for which an application for a certificate of abandoned  
5 motor vehicle has been filed and contact information for Department personnel  
6 to whom evidence of ownership may be presented under subsection (b) of this  
7 section. At a minimum, the list shall include the vehicle's make; registration  
8 plate number or public vehicle identification number, or both if available;  
9 model; model year; and the name and contact information of the person who  
10 applied for the certificate of abandoned motor vehicle.

11 (b) An owner or lienholder may reclaim an abandoned motor vehicle by  
12 presenting to the Department satisfactory evidence of ownership, and paying or  
13 reimbursing, or making arrangements to pay or reimburse, the towing agency,  
14 the Department, or the landowner, as the case may be, any towing fee or  
15 storage charges permitted under section 2155 of this title.

16 Sec. XX. 9 V.S.A. chapter 51, subchapter 2 is amended to read:

17 SUBCHAPTER 2.

18 ARTISAN'S SERVICE PROVIDER LIENS FOR PERSONAL PROPERTY

19 § 1951. ARTISAN'S LIEN

20 A person who makes, alters, launders, dry cleans, or repairs an article of  
21 personal property, at the request of the owner, shall have a lien thereon for his

1 or her reasonable charges and may retain possession of the property until the  
2 same are paid.

3 § 1951a. TOWING AND STORING LIEN

4 A person who tows, recovers, or stores a motor vehicle pursuant to a request  
5 by the owner of the motor vehicle, the owner of private property, or a public  
6 official or enforcement officer acting within his or her legal authority shall  
7 have a lien on the motor vehicle for the ordinary and customary charges for  
8 towing, recovering, and storing fees as limited by 23 V.S.A. § 1760 on the  
9 motor vehicle and shall retain possession of the motor vehicle until the charges  
10 are paid.

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