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H.329

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Motor vehicles; involuntary towing and storage; abandoned vehicles;  
consumer protection

Statement of purpose of bill as introduced: This bill proposes to establish  
certain consumer protections related to the towing and storage of abandoned  
motor vehicles.

An act relating to the towing and storage of abandoned motor vehicles

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

Sec. 1. 23 V.S.A. § 2151 is amended to read:

§ 2151. DEFINITIONS

As used in this subchapter:

(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~~ 96 hours without the consent of the  
owner or person in control of the property and has a valid registration plate or  
public vehicle identification number that has not been removed, destroyed, or  
altered; or



1 contact a towing service for its removal, based upon personal observation by  
2 the officer that the vehicle is an abandoned motor vehicle.

3 (b) Private property.

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

9 (2) A landowner of private property is authorized to remove or cause  
10 removal of an abandoned motor vehicle from that property or to any other  
11 place on any property of the landowner, and may contact a towing service for  
12 its removal. A landowner who removes or causes removal of an abandoned  
13 motor vehicle shall immediately notify the police agency in the jurisdiction  
14 from which the vehicle is removed and provide the registration plate number,  
15 the public vehicle identification number, if available, and the make, model, and  
16 color of the vehicle. The landowner may remove the vehicle from the place  
17 where it is discovered to any other place on any property owned by ~~him or her~~  
18 the landowner, or cause the vehicle to be removed by a towing service under  
19 the provisions of this subsection, without incurring any civil liability to the  
20 owner of the abandoned vehicle.

1        (c) Record of caller.

2            (1) If a towing service is summoned to tow an abandoned motor vehicle  
3 by the landowner of private property, the towing service shall record the first  
4 name, last name, and telephone number of the individual who summoned it to  
5 the scene and the make, model, year, color, vehicle identification number  
6 (VIN), and license plate number of the towed vehicle.

7            (2) If a towing company is summoned to tow an abandoned motor  
8 vehicle by a law enforcement officer, the towing service shall record the  
9 identity of the law enforcement officer and the log number, call number,  
10 incident number, or dispatch number assigned to the incident as applicable.

11        (d) Visual documentation. Prior to towing a vehicle under this section, a  
12 towing service shall take photographs, video, or other visual documentation to  
13 evidence the location of the vehicle and any damages.

14        (e) Record retention and production.

15            (1) The towing service shall maintain a record of the information  
16 described in subsections (c) and (d) of this section and shall retain that  
17 information for three years from the date on which it tows the vehicle.

18            (2) The towing service shall make the records required to be maintained  
19 under subdivision (1) of this subsection available within 48 hours after receipt  
20 of a written request from law enforcement or the Department of Motor  
21 Vehicles.

1        (f) Storage. The towing service shall properly secure all towed vehicles  
2        and make all reasonable efforts to prevent further damage, weather damage, or  
3        theft to all towed vehicles, including the vehicle's cargo and contents.

4        (g) Recovery of personal items.

5            (1) The towing service shall promptly allow the vehicle owner, or with  
6        the vehicle owner's written authorization the vehicle owners' spouse, child,  
7        sibling, or parent, to recover the following personal items from a towed vehicle  
8        prior to the payment of charges for the towing and storage of the vehicle:

9            (A) child restraint systems, as defined in 49 C.F.R. § 571.213, or  
10        child booster seats;

11            (B) eyeglasses;

12            (C) food;

13            (D) medicine;

14            (E) personal medical and health care devices;

15            (F) hearing aids;

16            (G) perishable property;

17            (H) operator's licenses or privilege cards;

18            (I) Social Security card or other identifying document;

19            (J) cash, credit cards, checks, or checkbooks;

1           (K) wallet, purse, or other item containing an operator's license or  
2           privilege card, cash, credit card, check, checkbook, Social Security card,  
3           identifying document; and

4           (L) higher education textbooks and study materials.

5           (2) The towing service shall promptly allow an individual other than the  
6           vehicle owner to recover any of the individual's personal property from the  
7           vehicle if the individual provides adequate proof that the property belongs to  
8           the individual.

9           (h) Hearing on vehicle removal.

10           (1) A vehicle owner may file a petition in the Superior Court for the  
11           county in which the owner resides or in which the owner's motor vehicle is  
12           located, to:

13           (A) contest whether the owner's vehicle was an abandoned motor  
14           vehicle at the time of its removal pursuant to subsection (a) or (b) of this  
15           section;

16           (B) determine the reasonableness of any fees or charges assessed  
17           pursuant to section 2155 of this subchapter;

18           (C) seek compensation for any damages to the owner's vehicle or  
19           damage to or loss of personal property in the vehicle; and

1           (D) seek relief from any charges or fees related to the towing or  
2           storage of the vehicle that were assessed in violation of the provisions of  
3           section 2155 of this subchapter.

4           (2) Notice of the hearing shall be provided to the towing service, the  
5           municipality if the vehicle was removed from public property, the private  
6           property owner if the vehicle was removed from private property, and any  
7           known lienholder for the vehicle.

8           (3) The court may award relief as it determines to be appropriate to a  
9           vehicle owner who prevails in an action brought under this subsection,  
10          including:

11           (A) injunctive relief, including release of the vehicle or a reduction in  
12           fees or charges assessed in relation to the removal, towing, or storage of the  
13           vehicle;

14           (B) actual damages;

15           (C) costs and reasonable attorney's fees; and

16           (D) other appropriate relief.

17          Sec. 3. 23 V.S.A. § 2154 is amended to read:

18          § 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED  
19                  MOTOR VEHICLES

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





1 vehicle has been filed and contact information for Department personnel to  
2 whom evidence of ownership may be presented under subsection (b) of this  
3 section. At a minimum, the list shall include the vehicle's make; registration  
4 plate number or public vehicle identification number, or both if available;  
5 model; model year; and the name and contact information of the person who  
6 applied for the certificate of abandoned motor vehicle.

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

12 Sec. 4. 23 V.S.A. § 2155 is amended to read:

13 § 2155. FEES AND CHARGES

14 (a) Towing fees. For towing an abandoned motor vehicle from private  
15 property, a towing service may charge a reasonable fee that is not more than  
16 \$130.00 or \$4.50 per mile towed, whichever is greater, to be paid by the  
17 vehicle owner or the landowner of the private property.

18 (b) Storage charges. In addition to any towing fee, an owner or lienholder  
19 reclaiming an abandoned motor vehicle may be charged and shall pay a fee for  
20 the costs of storage of the vehicle that is not more than \$35.00 per day, except  
21 that no fee may be charged for storage for any period preceding the date upon

1 which the form for abandoned motor vehicle certification is sent to the  
2 Department.

3 Sec. 5. ABANDONED MOTOR VEHICLES; WORKING GROUP;  
4 REPORT

5 (a) Creation. There is created the Abandoned Motor Vehicle Working  
6 Group to develop an equitable system for the disposal and sale of unclaimed,  
7 abandoned motor vehicles.

8 (b) Membership. The Working Group shall be composed of the following  
9 members:

10 (1) the Treasurer or designee;

11 (2) the Commissioner of Motor Vehicles or designee;

12 (3) the Attorney General or designee;

13 (4) a representative of municipal government designated by the Vermont  
14 League of Cities and Towns;

15 (5) a representative of municipal law enforcement designated by the  
16 Vermont Association of Chiefs of Police; and

17 (6) an individual designated by the Vermont Towing Association to  
18 represent the interests of towing service operators.

19 (c) Powers and duties. The Working Group shall study the potential for  
20 amending the process for the disposal or sale of unclaimed, abandoned motor  
21 vehicles, including the following:

1           (1) the benefits and drawbacks of the current procedure set forth in

2           Vermont law for:

3                   (A) the removal of abandoned motor vehicles;

4                   (B) identification and location of the owner of an abandoned motor  
5           vehicle;

6                   (C) providing notice to the owner of an abandoned motor vehicle;

7           and

8                   (D) disposal or sale of an abandoned motor vehicle if the vehicle's  
9           owner cannot be identified or located or if the vehicle is not claimed;

10           (2) potential changes to the Vermont statutes to improve the process of  
11           identifying and locating the owner of an abandoned motor vehicle and  
12           providing notice to that owner of the abandoned motor vehicle;

13           (3) a process for disposing of abandoned motor vehicles with sufficient  
14           value through public auctions;

15           (4) potential options for the disposal of abandoned motor vehicles that  
16           lack sufficient value to be sold at public auction;

17           (5) an equitable process for the distribution of any proceeds from the  
18           sale of abandoned motor vehicles at auction, including:

19                   (A) payment of charges and fees related to towing and storage of the  
20           abandoned motor vehicle;

21                   (B) satisfaction of any liens on the abandoned motor vehicle; and

1           (C) potential options for providing any remaining amounts to the  
2           owner of the abandoned motor vehicle, including the potential for the  
3           Unclaimed Property Division in the Office of the Treasurer to provide  
4           assistance; and

5           (6) other potential uses for any proceeds from the sale of an abandoned  
6           motor vehicle if the owner of the abandoned motor vehicle cannot be identified  
7           or located.

8           (d) Assistance. The Working Group shall have the administrative,  
9           technical, and legal assistance of the Office of the Treasurer and the technical  
10           and legal assistance of the Department of Motor Vehicles.

11           (e) Report. On or before January 15, 2026, the Working Group shall  
12           submit a written report to the House and Senate Committees on Transportation  
13           with its findings and any recommendations for legislative action.

14           (f) Meetings.

15           (1) The Treasurer or designee shall call the first meeting of the Working  
16           Group to occur on or before September 1, 2025.

17           (2) The Treasurer or designee shall be the chair.

18           (3) A majority of the membership shall constitute a quorum.

19           (4) The Working Group shall cease to exist on February 15, 2026.

20           (g) Compensation and reimbursement. Members of the Working Group  
21           who are not otherwise compensated for their attendance at meetings shall be

1 entitled to per diem compensation and reimbursement of expenses as permitted  
2 under 32 V.S.A. § 1010 for not more than four meetings. These payments  
3 shall be made from monies appropriated to the Office of the Treasurer.

4 Sec. 6. EFFECTIVE DATES

5 (a) This section and Sec. 5 shall take effect on passage.

6 (b) The remaining sections shall take effect on July 1, 2026.