

Office of the Vermont Secretary of State
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**Veto Message: Governor Dean
2002 (S.151)
An act relating to abandoned motor vehicles.**

STATE OF VERMONT
Executive Department.
Montpelier, Vt., June 28, 2002

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Kate O'Connor, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fifteenth day of June, 2002, he returned without signature and vetoed a bill originating in the Senate of the following title:

S. 151. An act relating to abandoned motor vehicles.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned Senate Bill No.151 to the Senate is as follows:

June 14, 2002
David Gibson
Secretary of the Senate
State House
Montpelier, VT 05602

Dear David:

I am returning S. 151, an act relating to abandoned motor vehicles, because of my objections described below.

Senate bill 151, as passed by the Senate and as originally reported on the House floor, was a very good and much needed bill. I appreciate all the work that went into crafting this bill to address the issues identified by law enforcement and DMV to improve the current abandoned vehicle statute. I want to thank the House and Senate Transportation and Appropriations committees, the Senate Finance committee and the many people that worked on this bill. I am sure that the intended result of all was a better process to deal with abandoned motor vehicles. Unfortunately, the bill as passed does not achieve that result.

Under existing law, an abandoned motor vehicle is a "a motor vehicle without claimed ownership for thirty days." This statute provides a means to dispose of abandoned vehicles. Absent the statute, communities and landowners are stuck in the frustrating position of not having any way of moving or disposing of abandoned cars and trucks.

On the basis of recent experience, the number of abandoned vehicles processed by DMV will continue to increase. The average number of vehicles abandoned had been around 175 but, over the last two years, roughly 300 vehicles a year must be dealt with. Testimony before the various Legislative Committees suggested that there is a very high level of underreporting and that the actual number of abandoned vehicles towed would approach 1000. Finally, it is important to note that approximately ninety percent of abandoned cars and trucks are removed from private property.

In S. 151 as passed, the definition of "abandoned motor vehicle" was narrowed. It now would only include those vehicles remaining "on public or private property or on or along a highway without the consent of owner or person in control of the property for any period of time *if the vehicle does not have a valid registration plate or ascertainable vehicle identification number.*" (Emphasis added.)

Since virtually all motor vehicles have an ascertainable vehicle

identification number, there will be few, if any, vehicles that will fit this definition. As a result people could do nothing about most abandoned vehicles left on their property.

This bill specifically provides that its provisions do not preempt any municipal ordinances on the subject. The municipalities could continue to remove such vehicles; however, disposal of them would be complicated if not impossible.

Unfortunately, the bill as passed also repeals DMV's current authority to investigate ownership of the vehicle, notify the owner, and dispose of the vehicle. This would prevent removal and subsequent disposal of such vehicles. Rather than improving the present procedure, S. 151 now leaves the state with no process or authority to deal with this growing problem.

Although I do not believe it was the intent of the General Assembly to cause the bill to create these problems, given the problems created by S. 151, I am returning the bill unsigned and with objections in writing to the Senate pursuant to Chapter II, §11 of the Vermont Constitution.

Sincerely,
/s/Howard B. Dean
Howard B. Dean
Governor
HD/rr

**Governor's Veto Sustained
S.151, 2002**

The Governor's veto was sustained in the Senate:

Yeas 2, Nays 23

(the necessary override two-thirds vote not having been attained).