LEGISLATURE OF THE VIRGIN ISLANDS

CERTIFICATE OF ENACTMENT
NOTWITHSTANDING THE GOVERNOR'S VETO

THIS IS TO CERTIFY THAT, Bill No. 35-0403 - An Act amending title 20 Virgin Islands Code, part II by repealing and re-enacting with amendments chapter 49 relating to abandoned and derelict motor vehicles passed by the Thirty-Fifth Legislature of the Virgin Islands at its regular session held on November 20, 2024, (a copy of which is attached hereto) and vetoed by the Governor on December 3, 2024, was duly enacted by override by the Thirty-Fifth Legislature at its regular session held on December 18, 2024, pursuant to section 9(d) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. §1575 (d).

DATED: 19 DEC 24

Novelle E. Francis, Jr.
President

ATTEST:

Carla J. Joseph
Legislative Secretary

OVERRIDDEN
DATE: 12/18/2024

ACT NO. 8955

VETOED
DEC 03 2024
GOVERNOR

BILL NO. 35-0403

THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2024

An Act amending title 20 Virgin Islands Code, part II by repealing and re-enacting with amendments chapter 49 relating to abandoned and derelict motor vehicles

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WHEREAS, abandoned and derelict motor vehicles affect the aesthetic appeal of neighborhoods and public spaces; and

WHEREAS, abandoned and derelict motor vehicles constitute a hazard to the health and welfare of the people; and

WHEREAS, abandoned and derelict motor vehicles harbor noxious diseases, provides shelter and breeding places for rodents, and

WHEREAS, abandoned and derelict motor vehicles attract vandals, may be used for drug drops or prostitution, accumulate refuse, and may be used as shelters by the homeless; and

WHEREAS, abandoned and derelict motor vehicles present physical dangers to the safety and well-being of children and other citizens; and

WHEREAS, it is in the public interest that the present accumulation of abandoned and derelict motor vehicles be eliminated and that the future abandonment of such vehicles be prevented; Now Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 20 Virgin Islands Code, part II, chapter 49 is repealed and re-enacted with amendments to read as follows:

"Chapter 49. Abandoned Motor Vehicles

§ 741. Definitions

As used in this chapter:

(a) "Abandoned motor vehicle" means abandoned motor vehicle as defined in section 742.

(b) "Department" means the Virgin Islands Police Department.

(c) "Derelict motor vehicle" means derelict motor vehicle as defined in section 743.

(d) "Motor vehicle" or "vehicle" means a motor vehicle or a trailer.

(e) "Owner" means the registered owner, the owner as recorded on the title, lessor, lessee, security interest holders, and all lien holders as shown on the records of the Virgin Islands Bureau of Motor Vehicles.

(f) "Vehicle constituting a hazard or obstruction" means a vehicle constituting a hazard or obstruction as defined in section 744.

(g) "Antique car" means a motor vehicle manufactured in 1975 or earlier, either as a display vehicle or restored to conform with the original manufacturer's specifications.

(h) "Classic car" means a motor vehicle manufactured in 1990 or earlier.

(i) "Vintage car" means a motor vehicle manufactured between 1915 and 1930, either as a display vehicle or restored to conform with the original manufacturer's specifications."; and

§ 742. Abandoned motor vehicle, exceptions

(a) An abandoned motor vehicle is a motor vehicle that is presumed to be abandoned under any of the following circumstances:

(1) The vehicle is left unattended and remained illegally on or along a highway, roadside or other public property for more than 72 hours and does not bear all of the following:

(A) A valid registration sticker;

(B) A valid license plate; and

(C) An ascertainable vehicle identification number.

(2) The registered vehicle is left unattended and remained illegally on or along a highway, roadside or other public property for more than 72 hours.

(3)(a) A motor vehicle is abandoned if it is left unattended on privately owned property for more than 60 days, or if it is left on the property without the owner's permission.

(b) A private property owner may presume a vehicle is abandoned under subsection (a) and may claim ownership if:

(1) The property owner provides notice of the claim to the vehicle's owner of record and any lienholders, as prescribed by the Virgin Islands Police Department's regulations or section 743 of this chapter.

(2) The notice states the vehicle's location, the period of abandonment, and the owner's intent to claim title.

(c) If the owner or lienholder cannot be located, notice shall be given by publication in a manner consistent with the Rules of the Superior Court for service by publication.

(d) If the vehicle is not reclaimed within 30 days of notice as required in subsection (b), ownership of the vehicle vests with the private property owner. Upon application to the Bureau of Motor Vehicles, the private property owner shall receive a new certificate of title for the vehicle.

§ 743. Derelict motor vehicle, exceptions

(a) A derelict motor vehicle is a vehicle that:

(1) is inoperable and is left unattended on a highway or other public property for more than 72 hours;

(2) is inoperable and is intentionally kept in an area on private property that is not an enclosed garage or storage building;

(3) is missing a vehicle identification number, license plates and any other means of identification that nullify efforts to locate or identify the registered and legal owner;

(4) is more than 12 years old and does not bear a current license tag as required by the Bureau of Motor Vehicles; or

(5) is being repaired on public streets.

(b) The following vehicles are not considered derelict motor vehicles:

(1) Vehicles on the premises of junk yards or automobile graveyards that are licensed by the Department of Licensing and Consumer Affairs;

(2) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order; or

(3) Classic, vintage, and antique cars that have a current annual permit from the Bureau of Motor Vehicles.

(c) For purposes of this section, "inoperable" means that the vehicle is in a condition such that it has no substantial potential for further use consistent with its usual functions.

§ 744. Vehicle constituting hazard or obstruction

(a) A vehicle constituting a hazard or obstruction is a motor vehicle that is parked or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway.

(b) As used in this section, a "hazard or obstruction" includes:

(1) Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane.

(2) Any vehicle that is parked so that any part of the vehicle extends within the road shoulder of any road:

(A) at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

(B) during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. if the vehicle has a gross vehicle weight of more than 26,000 pounds; or

(C) during or into the period between sunset and sunrise if the vehicle presents a clear danger.

"Hazard or obstruction" does not include parking in a designated parking area along any road or, parking temporarily on the shoulder of the highway as indicated by a short passage of time and by the operation of the hazard lights of the vehicle, the raised hood of the vehicle, or advance warning with emergency flares or emergency signs.

§ 745. Towing, fees

(a) An abandoned or derelict motor vehicle or a vehicle constituting a hazard or obstruction may be taken into custody and towed by the Department.

(b) The owners of vehicles towed under this section is responsible for all towing and storage charges.

(c) Vehicles taken into custody under this section may be subject to a lien.

§ 746. Equipment

The Department may use its own personnel, equipment and facilities for the towing and preservation of abandoned vehicles or hire or otherwise engage other personnel, equipment and facilities for that purpose.

§ 747. Penalties

(a) Any owner who abandons a motor vehicle commits the offense of abandoning a motor vehicle. Any owner who fails to properly dispose of a derelict vehicle commits the offense of failure to properly dispose of a derelict vehicle. Both offenses are punishable as follows:

(1) For a first offense, by a fine not to exceed $500 and non-renewal of the owner driver's license until the fine is paid;

(2) For a second offense, by a fine not to exceed $2,500, suspension of the owner driver's license for six months, and no reinstatement of the driver's license until the fine is paid; and

(3) For a third and subsequent offense, by a fine not to exceed $5,000, suspension of the owner driver's license for one year, and no reinstatement of the driver's license until the fine is paid.

(b) In addition to the penalties set forth in subsection (a), the owner shall pay any additional costs for the towing, storing, and disposal of the vehicle.

(c) In addition to the penalties set forth in subsections (a) and (b), the owner may also be prohibited from registering or licensing another vehicle until all fees are paid.

(d) A private property owner who improperly claims ownership of a vehicle under section 742(a)(3) may be subject to penalties, including fines of up to $1,000 and forfeiture of rights to claim title to the vehicle.

§ 748. Public Service Announcements

The Virgin Islands Police Department shall issue Public Service Announcements throughout the year on the laws regarding abandoned and derelict motor vehicles and motor vehicles constituting a hazard or obstruction.

§ 749. Regulation

The Commissioner of the Virgin Islands Police Department shall establish regulations as may be necessary to effectuate the intent of this chapter. The Bureau of Motor Vehicles shall establish fees and regulations specifically for classic, vintage, and antique cars that are not intended to be operated on public roads.

Thus passed by the Legislature of the Virgin Islands on November 20, 2024.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 21st day of November, A.D., 2024.

Novelle E. Francis, Jr.
President

Carla J. Joseph
Secretary