

COMMITTEE ON HOMELAND SECURITY, JUSTICE  
AND PUBLIC SAFETY

11/19/2024-AMENDED AND REPORTED OUT TO THE FLOOR  
11/12/2024-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

**BILL NO. 35-0403**

**Thirty-Fifth Legislature of the Virgin Islands**

**November 12, 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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**PROPOSED BY:** Senator Donna A. Frett-Gregory

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

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

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

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

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

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

4 *Be it enacted by the Legislature of the Virgin Islands:*

5           **SECTION 1.** Title 20 Virgin Islands Code, part II, chapter 49 is repealed and re-enacted  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

7                   **“Chapter 49. Abandoned Motor Vehicles**

8                   **§ 741. Definitions**

9           As used in this chapter:

10           (a)   “Abandoned motor vehicle” means abandoned motor vehicle as defined in section  
11 742.

12           (b)   “Department” means the Virgin Islands Police Department.

13           (c)   “Derelict motor vehicle” means derelict motor vehicle as defined in section 743.

14           (d)   “Motor vehicle” or “vehicle” means a motor vehicle or a trailer.

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

18           (f)   “Vehicle constituting a hazard or obstruction” means a vehicle constituting a  
19 hazard or obstruction as defined in section 744.

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

22           (h)   “Classic car” means a motor vehicle manufactured in 1990 or earlier.

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

1       **§ 742. Abandoned motor vehicle, exceptions**

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

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

7                   (A) A valid registration sticker;

8                   (B) A valid license plate; and

9                   (C) An ascertainable vehicle identification number.

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

12          (3) The vehicle has remained on private property without the consent of the  
13 owner or person in control of the property for more than 48 hours.

14       (b) The presumption in subsection (a) is rebuttable by a preponderance of the evidence.

15       (c) The following vehicles are not considered abandoned motor vehicles:

16           (1) motor vehicles used or to be used in construction or in the operation or  
17 maintenance of highways or public utility facilities, which are left in a manner that does  
18 not interfere with the normal movement of traffic;

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

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

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

25       **§ 743. Derelict motor vehicle, exceptions**

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

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

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

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

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

10 (5) is being repaired on public streets.

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

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

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

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

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

20 **§ 744. Vehicle constituting hazard or obstruction**

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

24 (b) As used in this section, a “hazard or obstruction” includes:

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

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

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

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

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

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

15           **§ 745. Towing, fees**

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

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

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

21           **§ 746. Equipment**

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

25           **§ 747. Penalties**

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

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

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

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

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

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

#### 17 **§ 748. Public Service Announcements**

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

#### 21 **§ 749. Regulation**

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

**BILL SUMMARY**

This bill amends title 20 Virgin Islands Code, part II by repealing and re-enacting with amendments chapter 49 relating to abandoned and derelict motor vehicles. The bill provides definitions for an “abandoned motor vehicle”, a “derelict motor vehicle”, and a “vehicle constituting a hazard or obstruction”; allows the Virgin Islands Police Department or the Virgin Islands Department of Public Works to tow the vehicle(s) and take them into custody; establishes penalties; requires the Virgin Islands Police Department to issue Public Service Announcements on the laws regarding abandoned and derelict motor vehicles and vehicles constituting a hazard or obstruction.

**BR23-0038/October 30, 2024/**

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