

1 H.5

2 Introduced by Representative Peltz of Woodbury

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; DUI; immobilization and forfeiture of vehicle

6 Statement of purpose: This bill proposes to permit immobilization and
7 forfeiture of a vehicle for first offenses of DUI with death or serious bodily
8 injury resulting. The bill also prohibits selling or encumbering a vehicle that is
9 subject to immobilization or forfeiture because of the operator's DLS offenses.

10 AN ACT RELATING TO MOTOR VEHICLE OFFENSES AND
11 VEHICLE FORFEITURE

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

13 Sec. 1. 23 V.S.A. § 1213a is amended to read:

14 § 1213a. IMMOBILIZATION OF VEHICLE

15 (a) Immobilization. At the time of sentencing after a second or subsequent
16 conviction under section 1201 of this title or after any conviction under
17 subsection 1210(e) or (f) of this title, the court may, upon the motion of the
18 state, and in addition to any penalty imposed by law, order the motor vehicle
19 operated by the defendant at the time of the offense seized and immobilized by

1 a law enforcement agency designated by the court, as provided in this section
2 and section 1213c of this title.

3 * * *

4 Sec. 2. 23 V.S.A. § 1213b is amended to read:

5 § 1213b. FORFEITURE OF VEHICLE

6 At the time of sentencing after a third or subsequent conviction under
7 section 1201 of this title or after any conviction under subsection 1210(e) or (f)
8 of this title, the court may, upon motion of the state and in addition to any
9 penalty imposed by law and after notice and hearing, order the motor vehicle
10 operated by the defendant at the time of the offense forfeited and sold as
11 provided in section 1213c of this title.

12 Sec. 3. 23 V.S.A. § 674 is amended to read:

13 § 674. OPERATING AFTER SUSPENSION OR REVOCATION OF

14 LICENSE; PENALTY; REMOVAL OF REGISTRATION PLATES;

15 TOWING

16 * * *

17 (h)(1) At the time of sentencing after a second or subsequent conviction
18 under subsection (b) of this section, the court may, in addition to any penalty
19 imposed by law, order that the motor vehicle operated by the person at the time
20 of the offense be immobilized. At the time of sentencing after a third or
21 subsequent conviction under subsection (b) of this section, the court may, in

1 addition to any penalty imposed by law, order that the motor vehicle operated
2 by the person at the time of the offense be forfeited and sold. Immobilization
3 and forfeiture procedures under this section shall be conducted in accordance
4 with the procedures in section 1213c of this title.

5 (2) Selling or encumbering prohibited. Except as provided in
6 subdivision (3) of this subsection, after a person is detained, arrested, lodged,
7 or released upon citation for a second or subsequent violation of subsection (b)
8 of this section, no person shall sell, transfer, or encumber the title to a vehicle
9 that the person knows may be subject to immobilization under section 1213a of
10 this title or forfeiture under section 1213b of this title, unless approved by the
11 court in which the charge is filed for good cause shown. A person who
12 violates this section shall be imprisoned not more than two years or fined not
13 more than \$1,000.00, or both.

14 (3) If the state has not commenced a prosecution for a second or
15 subsequent violation of subsection (b) of this title within 90 days of the
16 detention, arrest, lodging, or release upon citation, the person may sell,
17 transfer, or encumber the subject vehicle.

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