

SENATE BILL NO. 296

INTRODUCED BY E. ARNTZEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 5 DAYS TO 48 HOURS THE PERIOD OF TIME THAT A VEHICLE MAY BE LEFT ABANDONED ON A PUBLIC RIGHT-OF-WAY OR ON PRIVATE PROPERTY BEFORE THE VEHICLE MAY BE TAKEN INTO CUSTODY; AND AMENDING SECTION 61-12-401, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-12-401, MCA, is amended to read:

"61-12-401. Taking vehicle into custody. (1) The following law enforcement agencies may take into custody any motor vehicle found abandoned for a period of 48 hours or more on the right-of-way of a public highway or on private property or for a period of 5 days or more on a city street; or public property, or private property:

(a) the Montana highway patrol if the vehicle is ~~upon~~ on the right-of-way of any public highway other than a county road;

(b) the sheriff of the county if the vehicle is ~~upon~~ on the right-of-way of any county road;

(c) the city police if the vehicle is ~~upon~~ on a city street.

(2) The Montana highway patrol, sheriff of the county, or city police may use their personnel, equipment, and facilities for the removal and storage of the vehicle or may hire other personnel, equipment, and facilities for those purposes.

(3) If the Montana highway patrol, the sheriff of the county, or the chief of police of the city in which the vehicle is being stored has hired other personnel, equipment, and facilities to remove and store a vehicle, the Montana highway patrol, sheriff, or chief of police shall either:

(a) pay the person hired to remove the vehicle an amount not to exceed the amount for a removal charge established by rules adopted by the department of environmental quality and may request reimbursement of the hired removal charge from the motor vehicle recycling and disposal program of the department of environmental quality in an amount and manner established by rules adopted by the department of environmental quality for this purpose; or

(b) authorize the person hired to remove the vehicle to submit directly to the department of environmental

1 quality a claim for payment to be made directly to the person hired to remove the vehicle.

2 (4) (a) At the request of the owner or person in lawful possession or control of the private property, the
3 sheriff of the county in which the vehicle is located or the city police of the city in which the vehicle is located may
4 remove and hold it in the manner and upon the conditions provided in subsections (1) and (2).

5 (b) A private landowner owning property considered to be part of ways of this state open to the public,
6 as defined in 61-8-101, who can demonstrate meeting the ~~5-day~~ 48-hour waiting period in subsection (1) by
7 calling one of the law enforcement agencies listed in subsection (1) at the start of the ~~5-day~~ 48-hour period may
8 remove the abandoned vehicle within the conditions provided for in subsections (1) and (2)."

9 - END -