

SB 117 -1, -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/21, 4/18

WHAT THE MEASURE DOES:

Prohibits tow of motor vehicle from parking facility unless sign in plain view prohibits or restricts public parking. Adds requirement that tower receive written signed authorization from parking facility's owner or owner's agent before towing a motor vehicle. Prohibits tower from serving as owner's agent for purpose of signed authorization to tow motor vehicle. Prohibits tower from monitoring parking facility within 1,000 feet for towing business. Removes exception allowing tow of motor vehicle without signed authorization when parking is in violation of a sign that warns parking is prohibited 24 hours a day. Adds requirement that photograph taken of towed vehicle be provided, upon request, to owner or operator of motor vehicle. Creates civil process for owner or operator of motor vehicle to challenge validity of tow. Adds requirement that tower inform owner or operator of motor vehicle notice of right to redemption and hearing, and form to request hearing. Adds certain towing requirements to basis for county or city to suspend or revoke towing license. Adds certain towing provisions to acts enforceable as unlawful trade practice. Makes technical, stylistic, and conforming changes.

REVENUE: May have fiscal impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

- Retention of property within vehicle by tower
- Montana model for hearings
- Concerns with requiring signature of property owner

EFFECT OF AMENDMENT:

-1 Allows tow of motor vehicle from parking facility if owner or owner's agent contacts tower in place of tower contacting owner or owner's agent. Requires signed authorization to be dated. Requires tower to maintain authorization for two years and provide it to owner or operator of motor vehicle upon request at no additional charge. Removes provision allowing tow of motor vehicle when parked without permission in residential apartment without property owner or agent's signed authorization in certain circumstances.

-3 Allows tow of motor vehicle from parking facility regardless of facility's signage if tow is with prior consent of vehicle owner or operator. Specifies that requirement to photograph motor vehicle applies to motor vehicle unlawfully parked on proscribed property. Adds requirement that tower with multiple storage facilities tow motor vehicle to closest location in same county that has available space to where the vehicle was towed from.

-4 Allows tow of motor vehicle from parking facility regardless of facility's signage if tow is with prior consent of vehicle owner or operator. Requires tower to maintain authorization for two years and provide it to owner or operator of motor vehicle upon request at no additional charge. Adds requirement that tower with multiple storage

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facilities tow motor vehicle to closest location in same county that has available space to where the vehicle was towed from. Defines when hookup of motor vehicle is complete. Removes civil process for owner or operator of motor vehicle to challenge validity of tow.

BACKGROUND:

Senate Bill 117 makes several stylistic and technical changes to towing provisions that apply to unlawfully parked and abandoned vehicles. SB 117 also places additional requirements and prohibitions on towers. It prohibits a tower from towing a motor vehicle from a parking facility unless there is a sign displayed in plain view prohibiting or restricting public parking at the facility. It also requires a tower to receive signed written authorization from a parking facility's owner or owner's agent prior to towing a motor vehicle from the facility. It prohibits a tower from acting as a parking facility owner's agent for purpose of this signed authorization. It removes an exception from the requirement for signed authorization to tow if the motor vehicle is parked in violation of a sign warning that parking is prohibited 24 hours a day. SB 117 modifies the existing requirement that a tower photograph a towed vehicle as it was unlawfully left or parked by directing the tower to provide a copy of the photograph upon request of the motor vehicle owner or operator. It also removes the exception allowing towers to monitor parking facilities within 1,000 feet for business when the tower provides notice of the hours when this monitoring occurs. SB 117 creates a right to expedited civil review in circuit court regarding the validity of a tow. It requires towers to inform owners and operators of motor vehicles of this right to review and the form to request a hearing. SB 117 adds several of these provisions to the basis for a city or county to suspend or revoke a towing license. Finally, SB 117 makes violation of several of these towing provisions an unlawful trade practice.