

SENATE BILL NO. 384

INTRODUCED BY D. WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PRIVATE LANDOWNER TO HAVE AN ABANDONED VEHICLE REMOVED FROM THE LANDOWNER'S PROPERTY AFTER MEETING A 5-DAY WAITING PERIOD; 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 a public highway or for a period of 5 days or more on a city street, public property, or private property:

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

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

(c) the city police if the vehicle is upon 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. The sheriff of the county or the chief of police of the city in which the vehicle is being stored 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.

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

(b) A private landowner OWNING PROPERTY CONSIDERED TO BE PART OF WAYS OF THIS STATE OPEN TO THE PUBLIC, AS DEFINED IN 61-8-101, who can demonstrate meeting the 5-day waiting period in subsection (1) BY CALLING ONE OF THE LAW ENFORCEMENT AGENCIES LISTED IN SUBSECTION (1) AT THE START OF THE 5-DAY PERIOD may remove the abandoned vehicle within the conditions provided for in subsections (1) and (2)."

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