

HOUSE BILL NO. 421

INTRODUCED BY BLYTON, CLARK, GALT, GREEF, HAGAN, HOLLANDSWORTH, MCCHESENEY,  
ROSENDALE, SCHWADERER, STEENBERG, WAGONER, WASHBURN, WEBB

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 5 DAYS TO ~~48~~ 72 HOURS THE PERIOD OF  
TIME THAT A VEHICLE MAY BE LEFT ABANDONED UPON A CITY STREET OR STATE, COUNTY, OR CITY  
PROPERTY BEFORE THE VEHICLE MAY BE TAKEN INTO CUSTODY; AND AMENDING SECTIONS 61-8-356  
AND 61-12-401, MCA."

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

**Section 1.** Section 61-8-356, MCA, is amended to read:

**"61-8-356. Prohibition against parking or leaving vehicles on public property -- presumption of ownership.** (1) A vehicle may not be parked or left standing upon the right-of-way of a public highway ~~for a period longer than 48 hours~~ FOR A PERIOD LONGER THAN 48 HOURS or upon a city street or state, county, or city property for a period longer than ~~5 days~~ 48 72 hours.

(2) The abandonment of a vehicle, other than a bicycle, on a public highway, a city street, public property, or private property creates a prima facie presumption that the last-registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.

(3) The filing of a theft report with a law enforcement agency prior to the abandonment relieves the last-registered owner of liability under subsection (2)."

**Section 2.** 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~~ upon the right-of-way of a public highway or ~~for a period of 5 days or more on~~ FOR A PERIOD OF 72 HOURS OR MORE upon 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;



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

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

3 (2) The Montana highway patrol, sheriff of the county, or city police may use their personnel, equipment,  
4 and facilities for the removal and storage of the vehicle or may hire other personnel, equipment, and facilities for  
5 those purposes. The sheriff of the county or the chief of police of the city in which the vehicle is being stored may  
6 request reimbursement of the hired removal charge from the motor vehicle recycling and disposal program of the  
7 department of environmental quality in an amount and manner established by rules adopted by the department  
8 of environmental quality for this purpose.

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

12 (b) A private landowner owning property considered to be part of ways of this state open to the public,  
13 as defined in 61-8-101, who can demonstrate meeting the ~~5-day 48-hour~~ 72-HOUR waiting period in subsection  
14 (1) by calling one of the law enforcement agencies listed in subsection (1) at the start of the ~~5-day 48-hour~~  
15 72-HOUR period may remove the abandoned vehicle within the conditions provided for in subsections (1) and (2)."

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