

HOUSE BILL NO. 421

INTRODUCED BY J. BLYTON

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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 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~~ or upon a city street or state, county, or city property for a period longer than ~~5 days~~ 48 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~~ 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;
- (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.



