

HOUSE BILL NO. 455

INTRODUCED BY BLYTON, BALLANCE, GLIMM, HERTZ, LASZLOFFY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO REISSUANCE OF CERTIFICATE OF TITLE FOR ABANDONED, WRECKED, AND DISABLED VEHICLES; AND AMENDING SECTION 61-8-913, MCA."

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

**Section 1.** Section 61-8-913, MCA, is amended to read:

**"61-8-913. Notice to owner -- payment of removal and storage costs -- request for reissuance of certificate of title.** (1) Within 15 days after the date that a wrecked or disabled vehicle is removed from a public roadway by a qualified tow truck operator at the request of a law enforcement officer under 61-8-908, the qualified tow truck operator shall send a certified letter to the vehicle owner or lienholder, as shown in the department's records, notifying the owner or lienholder that the vehicle has been towed and is being stored by the qualified tow truck operator. The certified letter must be sent return receipt requested and postage prepaid to the owner or lienholder at the latest address shown in the department's records.

(2) The owner or lienholder of the vehicle may not reclaim the vehicle until the owner, the lienholder, or the owner's or lienholder's insurance provider has paid the costs incurred by the qualified tow truck operator in removing and storing the vehicle.

(3) If the removal and storage costs have not been paid within ~~60~~ 30 days after the date that the notice provided for in subsection (1) was postmarked, the qualified tow truck operator may request, on a form provided by the department, that the department cancel the vehicle's certificate of title, remove any perfected security interest, and reissue the certificate of title to the qualified tow truck operator. In the request, the qualified tow truck operator shall certify that the notice required in subsection (1) was sent and that the owner or lienholder has not made payment as required in subsection (2). A copy of the notice required in subsection (1) must be attached to the request.

(4) Upon receipt of a valid request as provided in subsection (3), the department shall cancel the certificate of title to the vehicle and reissue the certificate of title to the qualified tow truck operator. The qualified tow truck operator shall pay all required fees on the vehicle. After the department has reissued the certificate of



1 title, the former owner or lienholder has no further right, title, claim, or interest in or to the vehicle."

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