

SENATE BILL NO. 401

INTRODUCED BY W. CURDY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY MOTOR VEHICLE RECYCLING AND DISPOSAL LAWS; MAKING PERMANENT PROVISIONS ALLOWING A COUNTY TO DISPOSE OF NONMOTORIZED VEHICLES AND MOBILE HOMES THAT ARE PUBLIC NUISANCES OR CAUSE CONDITIONS OF DECAY; AMENDING SECTION 61-12-402, MCA; REPEALING SECTION 5, CHAPTER 427, LAWS OF 2019, AND SECTION 1, CHAPTER 72, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 61-12-402, MCA, is amended to read:

**"61-12-402. ~~(Temporary)~~ Notice to owner.** (1) Within 72 hours after a vehicle is removed and held by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the county or the chief of police of the city in which the vehicle is being stored of where and when the vehicle was taken into custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall furnish the sheriff or the chief of police:

- (a) a complete description of the vehicle, including year, make, model, serial number, and license number if available;
  - (b) any costs incurred to that date in the removal, storage, and custody of the vehicle; and
  - (c) any available information concerning the vehicle's ownership.
- (2) The highway patrol shall notify the sheriff of the county or the chief of police of the city in which the vehicle was taken into custody of the location at which the vehicle is being stored if the vehicle was removed to a different county.

(3) The sheriff or the city police in the jurisdiction where the vehicle is being stored shall make reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession of the vehicle taken into custody under 61-12-401. If a name and address are ascertained, the sheriff or the city

1 police shall notify the owner, lienholder, or person of the location of the vehicle.

2 (4) If the vehicle is registered in the office of the department, notice is considered to have been  
3 given when a certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest  
4 address shown by the records in the office of the department, return receipt requested and postage prepaid, is  
5 mailed at least 30 days before the vehicle is sold ~~as provided in 61-12-404(1)(a) or at least 60 days before the~~  
6 ~~vehicle is sold as provided in 61-12-404(1)(b).~~

7 (5) If the identity of the last-registered owner cannot be determined, if the registration does not  
8 contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and  
9 addresses of all lienholders, notice by one publication in one newspaper of general circulation in the county  
10 where the motor vehicle is being stored is sufficient to meet all requirements of notice pursuant to this part. The  
11 notice by publication may contain multiple listings of abandoned vehicles. The notice must be provided in the  
12 same manner as prescribed in 25-13-701(1)(b).

13 (6) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under  
14 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,  
15 lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)  
16 through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts  
17 made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the  
18 vehicle and shall deliver to the sheriff or the city police proof of the notice given.

19 (7) (a) (i) A vehicle found by law enforcement officials to be a junk vehicle, as defined in 75-10-  
20 501, and that has a value of \$500 or less may be directly submitted for disposal in accordance with the  
21 provisions of Title 75, chapter 10, part 5, upon a release given by the sheriff or the city police. The county  
22 representative designated to implement the county motor vehicle recycling and disposal program pursuant to  
23 75-10-521 for the county where the vehicle is being stored shall determine the value of the vehicle. In the  
24 release, the sheriff or the city police shall include a description of the vehicle, including year, make, model,  
25 serial number, and license number if available. If the vehicle is being stored by a motor vehicle wrecking facility,  
26 the sheriff or the city police shall transmit the release to the motor vehicle wrecking facility and the facility shall  
27 consider the release to meet the requirements for records under 61-3-225 and 75-10-512. If the vehicle is being  
28 stored by a qualified tow truck operator, as defined in 61-8-903, the sheriff or the city police shall transmit the

1 release to the operator. Vehicles described in this section may be submitted for disposal without notice and  
2 without a required holding period.

3 (ii) A junk nonmotorized vehicle, as defined in 75-10-501, may be submitted for disposal as  
4 provided in this subsection (7)(a) pursuant to the same provisions as a junk vehicle if the county has agreed to  
5 accept junk nonmotorized vehicles for disposal pursuant to 75-10-521(10).

6 (b) A licensed vehicle that otherwise meets the definition of a junk vehicle, as defined in 75-10-  
7 501, and that has a value of \$500 or less may be directly submitted for disposal as provided in subsection  
8 (7)(a). (~~Terminates June 30, 2023--sec. 1, Ch. 72, L. 2021.~~)

9 ~~**61-12-402. (Effective July 1, 2023) Notice to owner.** (1) Within 72 hours after a vehicle is removed  
10 and held by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the  
11 county or the chief of police of the city in which the vehicle is being stored of where and when the vehicle was  
12 taken into custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall  
13 furnish the sheriff or the chief of police:~~

14 ~~(a) a complete description of the vehicle, including year, make, model, serial number, and license  
15 number if available;~~

16 ~~(b) any costs incurred to that date in the removal, storage, and custody of the vehicle; and~~

17 ~~(c) any available information concerning the vehicle's ownership.~~

18 ~~(2) The highway patrol shall notify the sheriff of the county or the chief of police of the city in which the  
19 vehicle was taken into custody of the location at which the vehicle is being stored if the vehicle was removed to  
20 a different county.~~

21 ~~(3) The sheriff or the city police in the jurisdiction where the vehicle is being stored shall make  
22 reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession  
23 of the vehicle taken into custody under 61-12-401. If a name and address are ascertained, the sheriff or the city  
24 police shall notify the owner, lienholder, or person of the location of the vehicle.~~

25 ~~(4) If the vehicle is registered in the office of the department, notice is considered to have been given  
26 when a certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest  
27 address shown by the records in the office of the department, return receipt requested and postage prepaid, is  
28 mailed at least 30 days before the vehicle is sold as provided in 61-12-404(1)(a) or at least 60 days before the~~

1 vehicle is sold as provided in 61-12-404(1)(b).

2 (5) ~~If the identity of the last registered owner cannot be determined, if the registration does not~~  
3 ~~contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and~~  
4 ~~addresses of all lienholders, notice by one publication in one newspaper of general circulation in the county~~  
5 ~~where the motor vehicle is being stored is sufficient to meet all requirements of notice pursuant to this part. The~~  
6 ~~notice by publication may contain multiple listings of abandoned vehicles. The notice must be provided in the~~  
7 ~~same manner as prescribed in 25-13-701(1)(b).~~

8 (6) ~~If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under~~  
9 ~~75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,~~  
10 ~~lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)~~  
11 ~~through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts~~  
12 ~~made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the~~  
13 ~~vehicle and shall deliver to the sheriff or the city police proof of the notice given.~~

14 (7) (a) ~~A vehicle found by law enforcement officials to be a junk vehicle, as defined by 75-10-501, and~~  
15 ~~that has a value of \$500 or less may be directly submitted for disposal in accordance with the provisions of Title~~  
16 ~~75, chapter 10, part 5, upon a release given by the sheriff or the city police. The county representative~~  
17 ~~designated to implement the county motor vehicle recycling and disposal program pursuant to 75-10-521 for the~~  
18 ~~county where the vehicle is being stored shall determine the value of the vehicle. In the release, the sheriff or~~  
19 ~~the city police shall include a description of the vehicle, including year, make, model, serial number, and license~~  
20 ~~number if available. If the vehicle is being stored by a motor vehicle wrecking facility, the sheriff or the city~~  
21 ~~police shall transmit the release to the motor vehicle wrecking facility and the facility shall consider the release~~  
22 ~~to meet the requirements for records under 61-3-225 and 75-10-512. If the vehicle is being stored by a qualified~~  
23 ~~tow truck operator, as defined in 61-8-903, the sheriff or the city police shall transmit the release to the~~  
24 ~~operator. Vehicles described in this section may be submitted for disposal without notice and without a required~~  
25 ~~holding period.~~

26 (b) ~~A licensed vehicle that otherwise meets the definition of a junk vehicle, as defined in 75-10-501,~~  
27 ~~and that has a value of \$500 or less may be directly submitted for disposal as provided in subsection (7)(a)."~~

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1            NEW SECTION. Section 2. **Repealer.** Section 5, Chapter 427, Laws of 2019, and section 1, Chapter  
2 72, Laws of 2021, are repealed.

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4            NEW SECTION. Section 3. **Effective date.** [This act] is effective on passage and approval.

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