66th Legislature SB0248.01

1	SENATE BILL NO. 248
2	INTRODUCED BY J. COHENOUR
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING ABANDONED VEHICLES
5	AUTHORIZING LAW ENFORCEMENT TO TAKE CUSTODY OF ANY VEHICLES ABANDONED FOR CERTAIN
6	PERIODS OF TIME; AND AMENDING SECTION 61-12-401, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	Section 1. Section 61-12-401, MCA, is amended to read:
11	"61-12-401. Taking vehicle into custody. (1) The following law enforcement agencies may take into
12	custody any motor vehicle found abandoned for a period of 48 hours or more on a public highway or for a period
13	of 5 days or more on a city street, public property, or private property:
14	(a) the Montana highway patrol if the vehicle is upon <u>on</u> the right-of-way of any public highway other than
15	a county road;
16	(b) the sheriff of the county if the vehicle is upon on the right-of-way of any county road;
17	(c) the city police if the vehicle is upon <u>on</u> a city street.
18	(2) The Montana highway patrol, sheriff of the county, or city police may use their personnel, equipment
19	and facilities for the removal and storage of the vehicle or may hire other personnel, equipment, and facilities for
20	those purposes.
21	(3) If the Montana highway patrol, the sheriff of the county, or the chief of police of the city in which the
22	vehicle is being stored has hired other personnel, equipment, and facilities to remove and store a vehicle, the
23	Montana highway patrol, sheriff, or chief of police shall either:
24	(a) pay the person hired to remove the vehicle an amount not to exceed the amount for a removal charge
25	established by rules adopted by the department of environmental quality and may request reimbursement of the
26	hired removal charge from the motor vehicle recycling and disposal program of the department of environmenta
27	quality in an amount and manner established by rules adopted by the department of environmental quality for this
28	purpose; or
29	(b) authorize the person hired to remove the vehicle to submit directly to the department of environmenta
30	quality a claim for payment to be made directly to the person hired to remove the vehicle.

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(4) (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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