

1 HB316
2 203834-4
3 By Representative Treadaway (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 25-FEB-20

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2 ENROLLED, An Act,

3 Relating to abandoned motor vehicles in Class 1
4 municipalities; to amend Section 32-13-2, Code of Alabama
5 1975, to provide further for the towing of motor vehicles
6 under certain conditions.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 32-13-2, Code of Alabama 1975, is
9 amended to read as follows:

10 "§32-13-2.

11 "(a) A law enforcement officer or, in a Class 1
12 municipality, a parking enforcement officer or traffic
13 enforcement officer who is not required to be certified by the
14 Alabama Peace Officers' Standards and Training Commission, may
15 cause a motor vehicle to be removed to the nearest garage or
16 other place of safety under any of the following
17 circumstances:

18 "(1) The motor vehicle is left unattended on a
19 public street, road, or highway or other property for a period
20 of at least 48 hours.

21 "(2) The motor vehicle is left unattended because
22 the driver of the vehicle has been arrested or is impaired by
23 an accident or for any other reason which causes the need for
24 the vehicle to be immediately removed as determined necessary
25 by the law enforcement officer.

1 "(3) The motor vehicle is subject to an impoundment
2 order for outstanding traffic or parking violations.

3 "(b) (1) A law enforcement officer, parking
4 enforcement officer, or traffic enforcement officer who,
5 pursuant to this section, causes any motor vehicle to be
6 removed to a garage or other place of safety shall be liable
7 for gross negligence only.

8 "(2) A person removing a motor vehicle or other
9 property at the direction of an owner or owner's authorized
10 agent, a lessee of real property or the lessee's authorized
11 agent, or a law enforcement officer, parking enforcement
12 officer, or traffic enforcement officer in accordance with
13 this section shall have a lien on the motor vehicle for a
14 reasonable fee for the removal and for the storage of the
15 motor vehicle.

16 "(c) A law enforcement officer, parking enforcement
17 officer, or traffic enforcement officer who causes the removal
18 of any motor vehicle to a garage or other place of safety
19 pursuant to this section, within five calendar days, shall
20 give written notice of the removal. The notice shall include a
21 complete description of the motor vehicle identification
22 number and license number thereof, provided the information is
23 available, to the Secretary of the Alabama State Law
24 Enforcement Agency.

1 "(d) An owner or owner's authorized agent, or a
2 lessee of real property or the lessee's authorized agent, upon
3 which a motor vehicle has become unclaimed, as provided for in
4 Section 32-8-84, may cause the motor vehicle to be removed to
5 a secure place. Any person or entity removing the vehicle at
6 the direction of the owner or lessee of real property or his
7 or her agent pursuant to this section shall have a lien on the
8 motor vehicle for a reasonable fee for the removal and for
9 storage of the motor vehicle.

10 "(e) An owner or lessee or agent of the real
11 property owner and the towing agent or wrecker service
12 employed shall be liable to the owner or lienholder of record
13 for action taken under this section only for gross
14 negligence."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

