

1 SB298
2 135667-2
3 By Senator Holley
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 14-FEB-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 32-13-1 and 32-13-2 of the Code of
12 Alabama 1975, relating to abandoned motor vehicles, to further
13 define an abandoned motor vehicle and to specify when a law
14 enforcement officer may have a motor vehicle towed if the
15 driver has been arrested or is injured or the motor vehicle
16 otherwise needs to be removed from a public street or highway.
17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 32-13-1 and 32-13-2 of the Code
19 of Alabama 1975, are amended to read as follows:

20 "§32-13-1.

21 "For the purposes of this chapter, an abandoned
22 motor vehicle shall mean a motor vehicle as defined in Section
23 32-8-2:

24 "(1) Which has been left by the owner, or some
25 person acting for the owner, with an automobile dealer,
26 repairman, or wrecker service for repair or for some other
27 reason and has not been called for by the owner or other

1 person within a period of 60 days after the time agreed upon
2 and within 60 days after the vehicle is turned over to a
3 dealer, repairman, or wrecker service when no time is agreed
4 upon, or within 60 days after the completion of necessary
5 repairs.

6 "(2) Which is left unattended on a public street,
7 road, or highway or other public property for a period of at
8 least seven days; or which is unattended because the driver of
9 the vehicle has been arrested or is impaired by an accident
10 which causes the need for the vehicle to be immediately
11 removed as determined necessary by the law enforcement
12 officer, or which is subject to an impoundment order for
13 outstanding traffic or parking violations; or left unattended
14 continuously for at least seven days in a business district or
15 a residence district; or if left unattended in a business
16 district that has at least one posted notice in an open and
17 conspicuous place indicating that there is a time limitation
18 on the length of time a motor vehicle may remain parked in the
19 district and the motor vehicle remains unattended for a period
20 of time in excess of that posted on the notice; or left
21 unattended in a business district or residence district that
22 has at least one posted notice indicating that only authorized
23 motor vehicles may park in that district and the owner of the
24 motor vehicle or his or her agent has not received the
25 required authority prior to leaving the motor vehicle
26 unattended; or left unattended on a private road or driveway
27 without the express or implied permission of the owner or

1 lessee of the driveway or their agent. A posted notice when
2 required by this chapter shall meet the following
3 specifications:

4 "a. The notice shall be prominently placed at each
5 driveway access or curb cut allowing vehicular access to the
6 property, within five feet from the public right-of-way line.
7 If there are no curbs or access barriers, the signs must be
8 posted not less than one sign each 25 feet of lot frontage.

9 "b. The notice shall clearly indicate, in not less
10 than two-inch high light-reflective letters on a contrasting
11 background, that unauthorized vehicles will be towed away at
12 the owner's expense. The words "tow away zone" shall be
13 included on the sign in not less than four-inch high letters.

14 "c. The notice shall also provide the name and
15 current telephone number of the person or firm towing or
16 removing the vehicles, if the property owner, lessor, or
17 person in control of the property has a written contract with
18 a wrecker service.

19 "d. The sign structure containing the required
20 notices shall be permanently installed with the bottom of the
21 sign not less than four feet above ground level, and be
22 continuously maintained on the property for not less than 24
23 hours prior to the towing or removal of any vehicles.

24 "(3) Which has been lawfully towed onto the property
25 of another at the written request of a law enforcement officer
26 and left there for a period of not less than 60 days without
27 anyone having made claim thereto.

1 "(4) Which has been abandoned, has an expired
2 license plate, or is inoperable in a parking area on private
3 property maintained by the property owner or his or her agent
4 for use by his or her tenants, residents, or their guests. A
5 vehicle shall be defined as abandoned or inoperable under this
6 subdivision if it has an expired license plate or has remained
7 in the same parking lot for a period of 30 days or more. To
8 bring a vehicle within the provisions of this subdivision, the
9 property owner or his or her agent shall post a dated notice
10 in a conspicuous place on the vehicle in question stating:

11 "a. That the vehicle has been determined to be
12 abandoned or inoperable and will be removed at the direction
13 of the property owner or his or her agent upon the expiration
14 of seven days from the date of the notice.

15 "b. The name and address of the last registered
16 owner of the vehicle in question and the name and address of
17 the property owner or his or her agent and a daytime phone
18 number for the person giving the notice.

19 "A copy of the notice shall be mailed by regular
20 mail to the last known address of the registered owner, if
21 ascertainable, on the date of posting or not later than the
22 next business day. Calculation of the seven-day notice period
23 shall commence on the date of posting of the notice on the
24 vehicle.

25 "§32-13-2.

26 "(a) Any ~~peace~~ law enforcement officer who finds a
27 motor vehicle which has been left unattended on a public

1 street, road, or highway or other property for a period of at
2 least seven days, ~~shall be authorized to, or which is~~
3 unattended because the driver of the vehicle has been arrested
4 or is impaired by an accident or for any other reason which
5 causes the need for the vehicle to be immediately removed as
6 determined necessary by the law enforcement officer, or which
7 is subject to an impoundment order for outstanding traffic or
8 parking violations, may cause the motor vehicle to be removed
9 to the nearest garage or other place of safety.

10 "(b) Any ~~peace~~ law enforcement officer who pursuant
11 to this section causes any motor vehicle to be removed to a
12 garage or other place of safety shall be liable for gross
13 negligence only and any person removing the vehicle or other
14 property at the direction of a ~~peace~~ law enforcement officer
15 in accordance with this section shall have a lien on the motor
16 vehicle for a reasonable fee for the removal and for the
17 storage of the motor vehicle.

18 "(c) Any ~~peace~~ law enforcement officer who under
19 this section causes the removal of any motor vehicle to a
20 garage or other place of safety shall within five days give
21 written notice of the removal, which notice shall include a
22 complete description of the motor vehicle serial number and
23 license number thereof, provided the information is available,
24 to both the Secretary of State, ~~State of Alabama,~~ and the
25 Department of Public Safety, ~~State of Alabama.~~

26 "(d) The owner or lessee of real property or their
27 agent upon which an abandoned motor vehicle as defined in

1 Section 32-13-1 has become abandoned ~~shall be authorized to~~
2 may cause the abandoned motor vehicle to be removed to a
3 secure place. Any owner or lessee of the real property or
4 their agent who shall cause the abandoned motor vehicle to be
5 removed from their real property shall, within 24 hours of the
6 removal, give written notice to the county or municipal law
7 enforcement agency in whose jurisdiction the abandoned motor
8 vehicle was situated. Any person or corporation removing the
9 vehicle or other property at the direction of the owner or
10 lessee of real property or their agent in accordance with this
11 section have a lien on the motor vehicle for a reasonable fee
12 for the removal and for storage of the motor vehicle.

13 "(e) The owner or lessee or agent of the real
14 property owner, lien holder, and the towing agent or wrecker
15 service employed shall be liable to the owner or party in
16 possession of the vehicle only for gross negligence under this
17 section."

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Commerce, Transportation, and Utili-
ties..... 14-FEB-12

Read for the second time and placed on the calen-
dar 1 amendment..... 16-FEB-12

Read for the third time and passed as amended 28-FEB-12

Yeas 26
Nays 0

Patrick Harris
Secretary