

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 269

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING SECTION 49-1803,
2 IDAHO CODE, TO PROVIDE FOR LIENHOLDER NOTICE AND TO MAKE A TECHNICAL
3 CORRECTION; AMENDING SECTION 49-1804, IDAHO CODE, TO REVISE PROVISIONS
4 REGARDING NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SEC-
5 TION 49-1806, IDAHO CODE, TO REQUIRE CERTAIN NOTICE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 49-1803, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 49-1803. REMOVAL OF STOLEN VEHICLES. (1) Any authorized officer, upon
11 discovery of a vehicle reported as stolen and not recovered, may take the ve-
12 hicle into custody and cause it to be taken to and stored in a suitable place,
13 or may cause the vehicle to be placed in the custody of a tow truck operator,
14 all expenses of towing and storage to be those of the vehicle owner unless
15 otherwise determined according to the provisions of section 49-1805(5),
16 Idaho Code.

17 (2) Within forty-eight (48) hours, excluding weekends and holidays, of
18 the time that the vehicle is taken into custody and is stored pursuant to this
19 chapter, the agency of which the officer is an agent shall give written no-
20 tice by certified mail to the registered and legal owners of the vehicle, ~~if~~
21 ~~known~~. A copy of this notice shall also be mailed by certified mail to any
22 lienholder within seventy-two (72) hours, excluding weekends and holidays.
23 The notice shall state:

- 24 (a) That the vehicle has been taken into custody and stored; and
25 (b) The location of storage of the vehicle.

26 (3) The public agency by which the officer is employed shall appraise
27 the vehicle and shall include in the notice: identification of the officer;
28 location of the vehicle; a description of the vehicle including make, year
29 model, identification number, license number, state of registration and the
30 statutory authority for storage.

31 SECTION 2. That Section 49-1804, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 49-1804. REMOVAL OF ABANDONED VEHICLES BY AUTHORIZED OFFICER. (1) Any
34 authorized officer within the jurisdiction in which a vehicle is located,
35 who has reasonable grounds to believe that the vehicle has been abandoned,
36 may remove the vehicle from a highway or from public or private property to a
37 garage or nearest place of safety.

- 38 (a) Upon discovery of an abandoned vehicle ~~which~~ that is not within the
39 class of vehicles defined under "extraordinary circumstances," an au-
40 thorized officer shall attach on the vehicle, in plain view, a notice

1 that this vehicle will be towed away at the expiration of forty-eight
 2 (48) hours as an abandoned vehicle. The notice shall contain: the name
 3 of the officer who prepared the notice; the name of the agency employ-
 4 ing the officer; the time and date of attaching the notice; the time and
 5 date after which the vehicle will be removed; the telephone number and
 6 address of the agency where further information can be obtained. A rea-
 7 sonable attempt shall be made to notify by telephone the owner of any ve-
 8 hicle ~~which that~~ has current license plates and registration as shown
 9 on the records of the department, prior to the expiration of the forty-
 10 eight (48) hour notice period, of the location of the vehicle and the
 11 time and date of intent to remove the vehicle. The inability of an offi-
 12 cer to notify the owner shall not preclude the removal of the vehicle at
 13 the expiration of the forty-eight (48) hour period.

14 (b) Any vehicle ~~which that~~ does not have current or any license plate
 15 attached may be immediately removed to a safe place of storage.

16 (2) Within seventy-two (72) hours, excluding weekends and holidays,
 17 after a vehicle is taken into custody and stored pursuant to this chapter,
 18 the authorized agent shall give written notice by certified mail to the reg-
 19 istered and legal owners of the vehicle and to any lienholder with a lien on
 20 the vehicle. Such written notice shall state:

21 (a) That the vehicle has been taken into custody and stored;

22 (b) The location where the vehicle is stored;

23 (c) Identification of the officer; and

24 (d) A description of the vehicle including make, model, year, vehi-
 25 cle identification number, license plate number, and state of registra-
 26 tion.

27 SECTION 3. That Section 49-1806, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 49-1806. REMOVAL -- BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLE
 30 FROM REAL PROPERTY. (1) Any person having possession or control of real
 31 property who finds an unauthorized vehicle standing upon his property is
 32 permitted to have the vehicle removed or booted if there is posted on or near
 33 the property in a clearly conspicuous location, in large print, a sign or
 34 notice that unauthorized vehicles will be removed or booted at the owner's
 35 expense and designating the name of the towing firm. Unauthorized vehicles
 36 need not meet the provision of section 49-102(2), Idaho Code, in this in-
 37 stance. Following removal of the vehicle, the authorized agent must comply
 38 with the provisions of section 49-1804, Idaho Code.

39 (2) Any person having possession or control of real property who finds
 40 an abandoned vehicle standing on his property, where the property is not
 41 posted as set out in subsection (1) of this section, may contact an au-
 42 thorized officer, who must in turn comply with the provisions of section
 43 49-1804, Idaho Code, in accomplishing the removal of the vehicle except un-
 44 der those circumstances set out in subsection (3) of this section.

45 (3) Where access into or out of private property or substantial in-
 46 terference with the use and enjoyment of private property is created by an
 47 unauthorized or abandoned vehicle being parked or otherwise left on pri-
 48 vate property, the person owning or controlling the property may contact an
 49 authorized officer who may, without regard for the provisions of section

1 49-1804, Idaho Code, immediately proceed to have the vehicle removed to a
2 garage or nearest place of safety. All other provisions of this chapter
3 shall be complied with.