

CHAPTER NO. 191

HOUSE BILL NO. 322

INTRODUCED BY HARRINGTON

IN THE HOUSE

January 23, 1979	Introduced and referred to Committee on Judiciary.
January 26, 1979	Committee recommend bill do pass. Report adopted.
January 27, 1979	Printed and placed on members' desks.
January 29, 1979	Second reading, do pass.
January 30, 1979	Considered correctly engrossed.
January 31, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 1, 1979	Introduced and referred to Committee on Highways and Transportation.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 322
2 INTRODUCED BY Hamilton

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A LICENSED
5 WRECKING FACILITY TO MAKE THE REQUIRED SEARCH FOR THE OWNER
6 OF AN ABANDONED VEHICLE; AMENDING SECTION 61-12-402, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

10 "61-12-402. Notice to owner. (1) Within 72 hours after
11 any vehicle is removed and held by or at the direction of
12 the Montana highway patrol or the city police, they shall
13 notify the sheriff of the county in which the vehicle was
14 located at the time it was taken into custody and the place
15 where the vehicle is being held. In addition the Montana
16 highway patrol or the city police shall furnish the sheriff
17 a complete description of the vehicle to include year, make,
18 model, serial number, and license number if available, any
19 costs incurred to that date in the removal, preservation,
20 and custody of the vehicle, and any available information
21 concerning its ownership.

22 (2) The sheriff shall make reasonable efforts to
23 ascertain the name and address of the owner, lienholder, or
24 person entitled to possession of the vehicle. If such name
25 and address are ascertained, the sheriff shall notify such

1 owner and lienholder or person of the location of the
2 vehicle.

3 (3) If the vehicle is registered in the office of the
4 division of motor vehicles of this state, notice shall be
5 deemed given when a registered or certified letter addressed
6 to the registered owner of the vehicle and lienholder, if
7 any, at the latest address shown by the records in the
8 office of the division, return receipt requested and postage
9 prepaid thereon, is mailed at least 30 days before the
10 vehicle is sold as hereinafter provided.

11 (4) If the identity of the last registered owner
12 cannot be determined, or if the registration contains no
13 address for the owner, or if it is impossible to determine
14 with reasonable certainty the identity and addresses of all
15 lienholders, notice by one publication in one newspaper of
16 general circulation in the county where the motor vehicle
17 was abandoned shall be sufficient to meet all requirements
18 of notice pursuant to this part. Such notice by publication
19 can contain multiple listings of abandoned vehicles. Any
20 such notice shall be within the time requirements prescribed
21 for notice by certified or registered mail and shall have
22 the same contents required for a notice by certified or
23 registered mail.

24 (5) If the abandoned vehicle is in the possession of a
25 motor vehicle wrecking facility licensed under 75-10-511,

1 the wrecking facility may make the required search to
2 ascertain the name and address of the owner, lienholder, or
3 person entitled to possession of the vehicle and shall give
4 the notices required in subsections (2) through (4). The
5 wrecking facility shall deliver to the sheriff a certificate
6 describing the efforts made to ascertain the name and
7 address of the owner, lienholder, or person entitled to
8 possession of the vehicle and shall deliver to the sheriff
9 proof of the notice given.

10 ~~(5)(6)~~ A vehicle found by law enforcement officials to
11 be a "junk vehicle" as defined by 75-10-501 and certified as
12 having an appraised value of \$100 or less as determined by
13 the county assessor in accordance with the rules of the
14 department of revenue may be directly submitted for disposal
15 in accordance with the provisions of part 5 of chapter 10,
16 Title 75, upon a release given by the sheriff. In the
17 release the sheriff shall include a description of the
18 vehicle including year, make, model, serial number, and
19 license number if available. A release provided by the
20 sheriff under this section shall be transmitted to the motor
21 vehicle wrecking facility and shall be considered by that
22 facility to meet the requirements for records under
23 75-10-512 and 75-10-513. Vehicles described in this section
24 may be submitted without notice and without a required
25 holding period."

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4 division of motor vehicles of this state, notice shall be
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25 motor vehicle wrecking facility licensed under 75-10-511,

1 ~~the wrecking facility may make the required search to~~
2 ~~ascertain the name and address of the owner, lienholder, or~~
3 ~~person entitled to possession of the vehicle and shall give~~
4 ~~the notices required in subsections (2) through (4). The~~
5 ~~wrecking facility shall deliver to the sheriff a certificate~~
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10 ~~(5)(6)~~ A vehicle found by law enforcement officials to
11 be a "junk vehicle" as defined by 75-10-501 and certified as
12 having an appraised value of \$100 or less as determined by
13 the county assessor in accordance with the rules of the
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(3) If the vehicle is registered in the office of the division of motor vehicles of this state, notice shall be deemed given when a registered or certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest address shown by the records in the office of the division, return receipt requested and postage prepaid thereon, is mailed at least 30 days before the vehicle is sold as hereinafter provided.

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