

SENATE BILL NO. 278
INTRODUCED BY BOYLAN

IN THE SENATE

January 30, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 22, 1985	Committee recommend bill be concurrent in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 26, 1985	Received from House.
March 27, 1985	Sent to enrolling. Reported correctly enrolled.

1 Sen. Sengstack BILL NO. 278
 2 INTRODUCED BY Sen. Sengstack
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CITY
 5 POLICE TO DISPOSE OF ABANDONED VEHICLES SEIZED ON CITY
 6 STREETS; AMENDING SECTIONS 61-12-402 THROUGH 61-12-405 AND
 7 61-12-407, MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

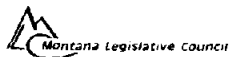
11 "61-12-402. Notice to owner. (1) Within 72 hours after
 12 any vehicle is removed and held by or at the direction of
 13 the Montana highway patrol ~~or--the--city--police,~~ they the
 14 highway patrol shall notify the sheriff of the county in
 15 which the vehicle was located at the time it was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

23 (2) The sheriff or the city police shall make
 24 reasonable efforts to ascertain the name and address of the
 25 owner, lienholder, or person entitled to possession of the

1 vehicle taken into custody under 61-12-401. If such name and
 2 address are ascertained, the sheriff or the city police
 3 shall notify such owner and lienholder or person of the
 4 location of the vehicle.

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

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



1 (5) If the abandoned vehicle is in the possession of a
 2 motor vehicle wrecking facility licensed under 75-10-511,
 3 the wrecking facility may make the required search to
 4 ascertain the name and address of the owner, lienholder, or
 5 person entitled to possession of the vehicle and shall give
 6 the notices required in subsections (2) through (4). The
 7 wrecking facility shall deliver to the sheriff or the city
 8 police a certificate describing the efforts made to
 9 ascertain the name and address of the owner, lienholder, or
 10 person entitled to possession of the vehicle and shall
 11 deliver to the sheriff or the city police proof of the
 12 notice given.

13 (6) A vehicle found by law enforcement officials to be
 14 a "junk vehicle" as defined by 75-10-501 and certified as
 15 having an appraised value of \$100 or less as determined by
 16 the county assessor in accordance with the rules of the
 17 department of revenue may be directly submitted for disposal
 18 in accordance with the provisions of part 5 of chapter 10,
 19 Title 75, upon a release given by the sheriff or the city
 20 police. In the release the sheriff or the city police shall
 21 include a description of the vehicle including year, make,
 22 model, serial number, and license number if available. A
 23 release provided by the sheriff or the city police under
 24 this section shall be transmitted to the motor vehicle
 25 wrecking facility and shall be considered by that facility

1 to meet the requirements for records under 75-10-512 and
 2 75-10-513. Vehicles described in this section may be
 3 submitted without notice and without a required holding
 4 period."

5 Section 2. Section 61-12-403, MCA, is amended to read:
 6 "61-12-403. Reclaiming vehicle. The owner, lienholder,
 7 or person entitled to possession of the vehicle may reclaim
 8 it at any time after it is taken into custody and before it
 9 is sold. He shall present to the sheriff of the county or
 10 the city police of the city in which the vehicle was located
 11 at the time it was taken into custody satisfactory proof of
 12 ownership or right to possession, and pay the costs and
 13 expenses incurred in the removal, preservation, and custody
 14 of the vehicle. He shall not be required to pay storage
 15 charges for a period longer than 90 days."

16 Section 3. Section 61-12-404, MCA, is amended to read:
 17 "61-12-404. Sale of vehicle if not reclaimed. (1) If a
 18 vehicle is not reclaimed as provided in 61-12-403 within 30
 19 days after notification by registered or certified mail or
 20 prescribed publication, the sheriff of the county or the
 21 city police of the city in which it is located at the time
 22 it was taken into custody shall sell it at public auction in
 23 the manner provided in 25-13-701 through 25-13-709.

24 (2) After any vehicle has been so sold, the former
 25 owner or person entitled to possession has no further right,

1 title, claim, or interest in or to the vehicle."

2 Section 4. Section 61-12-405, MCA, is amended to read:

3 "61-12-405. Certificate of sale. (1) When any vehicle
4 is so sold, the sheriff or the city police at the time of
5 the payment of the purchase price shall execute a
6 certificate of sale in duplicate--He and shall deliver the
7 original certificate to the purchaser and retain the copy.

8 (2) The certificate of sale shall contain the name and
9 address of the purchaser, the date of sale, the
10 consideration paid, a description of the vehicle, and a
11 stipulation that no warranty is made as to the condition or
12 title of the vehicle."

13 Section 5. Section 61-12-407, MCA, is amended to read:

14 "61-12-407. Transmitting return of sale and balance of
15 proceeds. (1) When any vehicle is sold as provided in
16 61-12-404 the sheriff or the city police shall transmit to
17 the division and to the county treasurer or to the city
18 treasurer, respectively, a return of sale setting forth a
19 description of the vehicle, the purchase price, the name and
20 address of the purchaser, the costs incurred in the sale,
21 and the costs and expenses incurred in the removal,
22 preservation, and custody of the vehicle.

23 (2) With the return of sale, the sheriff shall
24 transmit to the county treasurer or the city police shall
25 transmit to the city treasurer the balance of the proceeds

1 of the sale after deducting the costs incurred in the sale
2 and the costs and expenses incurred in the removal,
3 preservation, and custody of the vehicle.

4 (3) Upon receipt of the return of sale and such
5 balance from:

6 (a) the county sheriff, the county treasurer shall
7 file the return in his office and deposit the balance in the
8 county road fund on all vehicles seized by the sheriff or
9 highway patrol; ~~or The county treasurer shall transmit to~~
10 ~~the city treasurer the balance of the proceeds of the sale~~
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12 ~~and expenses incurred in the removal, preservation, and~~
13 ~~custody of vehicles seized by~~

14 (b) the city police, and the city treasurer shall file
15 the return in his office and deposit such proceeds the
16 balance in the city street fund on all vehicles seized by
17 the city police."

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INTRODUCED BY Senate BILL NO. 278
Conlan

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CITY POLICE TO DISPOSE OF ABANDONED VEHICLES SEIZED ON CITY STREETS; AMENDING SECTIONS 61-12-402 THROUGH 61-12-405 AND 61-12-407, MCA."

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

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

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

(2) The sheriff or the city police shall make reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession of the

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vehicle taken into custody under 61-12-401. If such name and address are ascertained, the sheriff or the city police shall notify such owner and lienholder or person of the location of the vehicle.

(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.

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



1 (5) If the abandoned vehicle is in the possession of a
 2 motor vehicle wrecking facility licensed under 75-10-511,
 3 the wrecking facility may make the required search to
 4 ascertain the name and address of the owner, lienholder, or
 5 person entitled to possession of the vehicle and shall give
 6 the notices required in subsections (2) through (4). The
 7 wrecking facility shall deliver to the sheriff or the city
 8 police a certificate describing the efforts made to
 9 ascertain the name and address of the owner, lienholder, or
 10 person entitled to possession of the vehicle and shall
 11 deliver to the sheriff or the city police proof of the
 12 notice given.

13 (6) A vehicle found by law enforcement officials to be
 14 a "junk vehicle" as defined by 75-10-501 and certified as
 15 having an appraised value of \$100 or less as determined by
 16 the county assessor in accordance with the rules of the
 17 department of revenue may be directly submitted for disposal
 18 in accordance with the provisions of part 5 of chapter 10,
 19 Title 75, upon a release given by the sheriff or the city
 20 police. In the release the sheriff or the city police shall
 21 include a description of the vehicle including year, make,
 22 model, serial number, and license number if available. A
 23 release provided by the sheriff or the city police under
 24 this section shall be transmitted to the motor vehicle
 25 wrecking facility and shall be considered by that facility

1 to meet the requirements for records under 75-10-512 and
 2 75-10-513. Vehicles described in this section may be
 3 submitted without notice and without a required holding
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5 Section 2. Section 61-12-403, MCA, is amended to read:
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7 original certificate to the purchaser and retain the copy.

8 (2) The certificate of sale shall contain the name and
9 address of the purchaser, the date of sale, the
10 consideration paid, a description of the vehicle, and a
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13 Section 5. Section 61-12-407, MCA, is amended to read:

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14 (b) the city police, and the city treasurer shall file
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-End-

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-End-

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REFERENCE BILL

SB 278



1 (5) If the abandoned vehicle is in the possession of a
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12 title of the vehicle."

13 Section 5. Section 61-12-407, MCA, is amended to read:

14 "61-12-407. Transmitting return of sale and balance of
15 proceeds. (1) When any vehicle is sold as provided in
16 61-12-404 the sheriff or the city police shall transmit to
17 the division and to the county treasurer or to the city
18 treasurer, respectively, a return of sale setting forth a
19 description of the vehicle, the purchase price, the name and
20 address of the purchaser, the costs incurred in the sale,
21 and the costs and expenses incurred in the removal,
22 preservation, and custody of the vehicle.

23 (2) With the return of sale, the sheriff shall
24 transmit to the county treasurer or the city police shall
25 transmit to the city treasurer the balance of the proceeds

1 of the sale after deducting the costs incurred in the sale
2 and the costs and expenses incurred in the removal,
3 preservation, and custody of the vehicle.

4 (3) Upon receipt of the return of sale and such
5 balance from:

6 (a) the county sheriff, the county treasurer shall
7 file the return in his office and deposit the balance in the
8 county road fund on all vehicles seized by the sheriff or
9 highway patrol; ~~or The county treasurer shall transmit to~~
10 ~~the city treasurer the balance of the proceeds of the sale~~
11 ~~after deducting the costs incurred in the sale and the costs~~
12 ~~and expenses incurred in the removal, preservation, and~~
13 ~~custody of vehicles seized by~~

14 (b) the city police, and the city treasurer shall file
15 the return in his office and deposit such proceeds the
16 balance in the city street fund on all vehicles seized by
17 the city police."

-End-