### SENATE BILL NO. 278

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# 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.
II	N THE HOUSE
February 27, 1985	Introduced and referred to Committee on Local Government.
March 22, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in.
	Returned to Senate.
II	N THE SENATE
March 26, 1985	Received from House.
March 27, 1985	Sent to enrolling.
	Reported correctly enrolled.

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LC 1392/01

BILL NO. 278 1 2 INTRODUCED BY 3

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."

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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 any vehicle is removed and held by or at the direction of 12 13 the Montana highway patrol or--the--city--police, they the highway patrol shall notify the sheriff of the county in 14 15 which the vehicle was located at the time it was taken into custody and the place where the vehicle is being held. In 16 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 if available, any costs incurred to that date in the 20 removal, preservation, and custody of the vehicle, and any 21 available information concerning its ownership. 22

(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

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

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

> -2- INTRODUCED BILL 5B 278

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 police a certificate describing the efforts made to 8 Q. 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 in accordance with the provisions of part 5 of chapter 10, 18 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 this section shall be transmitted to the motor vehicle 24 25 wrecking facility and shall be considered by that facility LC 1392/01

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."

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

Section 3. Section 61-12-404, MCA, is amended to read: 16 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 prescribed publication, the sheriff of the county or the 20 city police of the city in which it is located at the time 21 it was taken into custody shall sell it at public auction in 22 23 the manner provided in 25-13-701 through 25-13-709.

24 (2) After any vehicle has been so sold, the former25 owner or person entitled to possession has no further right,

title, claim, or interest in or to the vehicle." 1 Section 4. Section 61-12-405, MCA, is amended to read: 2 "61-12-405. Certificate of sale. (1) When any vehicle Э is so sold, the sheriff or the city police at the time of 4 the payment of the purchase price shall execute a 5 certificate of sale in duplicate---He and shall deliver the 6 original certificate to the purchaser and retain the copy. 7 (2) The certificate of sale shall contain the name and 8

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."

Section 5. Section 61-12-407, MCA, is amended to read: 13 "61-12-407. Transmitting return of sale and balance of 14 proceeds. (1) When any vehicle is sold as provided in 15 61-12-404 the sheriff or the city police shall transmit to 16 the division and to the county treasurer or to the city 17 treasurer, respectively, a return of sale setting forth a 18 description of the vehicle, the purchase price, the name and 19 address of the purchaser, the costs incurred in the sale, 20 and the costs and expenses incurred in the removal, 21 preservation, and custody of the vehicle. 22

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

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

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

(a) the county sheriff, the county treasurer shall 6 file the return in his office and deposit the balance in the 7 county road fund on all vehicles seized by the sheriff or 8 highway patrol; or The-county-treasurer-shall-transmit-to 9 10 the-city-treasurer-the-balance-of-the-proceeds-of--the--sale 11 after-deducting-the-costs-incurred-in-the-sale-and-the-costs and--expenses--incurred--in--the--removaly-preservationy-and 12 custody-of-vehicles-seized-by 13 14 (b) the city police, and the city treasurer shall file the return in his office and deposit such--proceeds the 15 balance in the city street fund on all vehicles seized by 16

17 the city police."

-End-

LC 1392/01

49th Legislature

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LC 1392/01 Approved by comm. On local government

BILL NO. 278 INTRODUCED BY

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."

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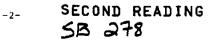
(2) The sheriff or the city police shall make
reasonable efforts to ascertain the name and address of the
owner, lienholder, or person entitled to possession of the

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

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

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1 (5) If the abandoned vehicle is in the possession of a 2 motor vehicle wrecking facility licensed under 75-10-511, the wrecking facility may make the required search to 3 ascertain the name and address of the owner, lienholder, or 4 person entitled to possession of the vehicle and shall give 5 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 a "junk vehicle" as defined by 75-10-501 and certified as 14 having an appraised value of \$100 or less as determined by 15 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 police. In the release the sheriff or the city police shall 20 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 ownership or right to possession, and pay the costs and 12 expenses incurred in the removal, preservation, and custody 13 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 vehicle is not reclaimed as provided in 61-12-403 within 30 18 days after notification by registered or certified mail or 19 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 former25 owner or person entitled to possession has no further right,

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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.

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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."

Section 5. Section 61-12-407, MCA, is amended to read: 13 "61-12-407. Transmitting return of sale and balance of 14 proceeds. (1) When any vehicle is sold as provided in 15 61-12-404 the sheriff or the city police shall transmit to 16 the division and to the county treasurer or to the city 17 treasurer, respectively, a return of sale setting forth a 18 description of the vehicle, the purchase price, the name and 19 address of the purchaser, the costs incurred in the sale, 20 and the costs and expenses incurred in the removal, 21 22 preservation, and custody of the vehicle.

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-End-

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BILL NO. 278 1 INTRODUCED BY 2 3

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THIRD READING

5B 278

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

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

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

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the city police."

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-End-

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SB 0278/02

SB 0278/02

1	SENATE BILL NO. 278
2	INTRODUCED BY BOYLAN
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5	POLICE TO DISPOSE OF ABANDONED VEHICLES SEIZED ON CITY
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REFERENCE BILL

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SB 0278/02

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SB 278

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-End-

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