

HOUSE BILL NO. 335  
INTRODUCED BY PISTORIA

IN THE HOUSE

JANUARY 21, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

JANUARY 30, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS.   REPORT ADOPTED.

JANUARY 31, 1987                   PRINTING REPORT.

FEBRUARY 3, 1987                   SECOND READING, DO PASS.

FEBRUARY 4, 1987                   ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
                                      AYES, 91; NOES, 8.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FEBRUARY 12, 1987                  COMMITTEE RECOMMEND BILL BE  
CONCURRED IN.   REPORT ADOPTED.

FEBRUARY 16, 1987                  SECOND READING, CONCURRED IN.

FEBRUARY 17, 1987                  ON MOTION, TAKEN FROM ENGROSSING AND  
REREFERRED TO COMMITTEE ON JUDICIARY.

MARCH 6, 1987                      COMMITTEE RECOMMEND BILL BE CONCURRED  
IN AS AMENDED.   REPORT ADOPTED.

MARCH 10, 1987                     ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

MARCH 12, 1987                     SECOND READING, CONCURRED IN AS  
AMENDED.

MARCH 14, 1987

THIRD READING, CONCURRED IN.  
AYES, 48; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 17, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 18, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 335  
2 INTRODUCED BY Historia

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PRIVATE  
5 PARKING SERVICE FROM IMPOUNDING A MOTOR VEHICLE; PROVIDING  
6 THAT FAILURE TO COMPLY WITH THE PARKING REGULATIONS OF A  
7 PRIVATE PARKING SERVICE RESULTS IN A CIVIL LIABILITY; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Private parking services -- limitation on  
12 penalties. (1) As used in this section, the following  
13 definitions apply:

14 (a) "Local government" means a municipality, if the  
15 private parking service operates parking services within a  
16 municipality, or a county, if such services are not operated  
17 within a municipality.

18 (b) "Private parking service" means the service of  
19 providing areas for parking motor vehicles, as defined in  
20 61-1-102, by the general public for compensation and  
21 includes such services conducted:

- 22 (i) on private property; or
- 23 (ii) on public property under contract or agreement
- 24 with the local government.

25 (2) A private parking service may not impound a motor

1 vehicle either by removing it to a location that is not  
2 unconditionally accessible to its operator or by attaching a  
3 device that makes the motor vehicle immobile.

4 (3) Failure to comply with the parking regulations of  
5 a private parking service results in a civil liability by  
6 the violator that may be remedied by the private parking  
7 service as any other civil action is remedied. A violation  
8 of a regulation of a private parking service does not  
9 constitute a violation of the parking regulations or  
10 ordinances of the local government. In addition to any  
11 civil remedies, the private parking service may refuse to  
12 provide parking services to a violator who has not satisfied  
13 his liability to the private parking service.

14 Section 2. Effective date. This act is effective on  
15 passage and approval.

-End-



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 House BILL NO. 335  
2 INTRODUCED BY Bistoria

3  
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7 PRIVATE PARKING SERVICE RESULTS IN A CIVIL LIABILITY; AND  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PRIVATE  
5 PARKING SERVICE FROM IMPOUNDING A MOTOR VEHICLE; PROVIDING  
6 THAT FAILURE TO COMPLY WITH THE PARKING REGULATIONS OF A  
7 PRIVATE PARKING SERVICE RESULTS IN A CIVIL LIABILITY; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
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12 penalties. (1) As used in this section, the following  
13 definitions apply:

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17 within a municipality.

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20 61-1-102, by the general public for compensation and  
21 includes such services conducted:

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- 23 (ii) on public property under contract or agreement
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13 his liability to the private parking service.

14 Section 2. Effective date. This act is effective on  
15 passage and approval.

-End-



HOUSE BILL NO. 335  
INTRODUCED BY PISTORIA

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AUTHORIZING  
A PRIVATE PARKING SERVICE FROM IMPOUNDING A MOTOR VEHICLE;  
PROVIDING THAT FAILURE TO COMPLY WITH THE PARKING  
REGULATIONS OF A PRIVATE PARKING SERVICE RESULTS IN A CIVIL  
LIABILITY TO ENTER INTO AN AGREEMENT WITH A LOCAL GOVERNMENT  
FOR ENFORCEMENT OF PARKING REGULATIONS; ALLOWING CERTAIN  
FORMS OF IMPOUNDING MOTOR VEHICLES; AND PROVIDING AN  
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Private parking services -- limitation on  
penalties PARKING CITATIONS. (1) As used in this section,  
the following definitions apply:

(a) "Local government" means a municipality, if the  
private parking service operates parking services within a  
municipality, or a county, if such services are not operated  
within a municipality.

(b) "Private parking service" means the service of  
providing areas for parking motor vehicles, as defined in  
61-1-102, by the general public for compensation and  
includes such services conducted:

(i) on private property; or

(ii) on public property under contract or agreement  
with the local government.

~~(2) A private parking service may not impound a motor  
vehicle either by removing it to a location that is not  
unconditionally accessible to its operator or by attaching a  
device that makes the motor vehicle immobile.~~

~~(3) Failure to comply with the parking regulations of  
a private parking service results in a civil liability by  
the violator that may be remedied by the private parking  
service as any other civil action is remedied. A violation  
of a regulation of a private parking service does not  
constitute a violation of the parking regulations or  
ordinances of the local government. In addition to any  
civil remedies, the private parking service may refuse to  
provide parking services to a violator who has not satisfied  
his liability to the private parking service.~~

(2) A LOCAL GOVERNMENT MAY BY ORDINANCE ALLOW A  
PRIVATE PARKING SERVICE TO IMPOUND A MOTOR VEHICLE. A MOTOR  
VEHICLE MAY NOT BE IMPOUNDED BY ATTACHING A DEVICE THAT  
MAKES THE MOTOR VEHICLE IMMOBILE.

(2)(3) A PRIVATE PARKING SERVICE MAY ENTER INTO AN  
AGREEMENT WITH THE LOCAL GOVERNMENT TO AUTHORIZE EMPLOYEES  
OF THE PRIVATE PARKING SERVICE TO ISSUE CITATIONS FOR  
PARKING VIOLATIONS AS DEFINED BY STATE, MUNICIPAL, OR COUNTY  
LAWS, WHICH OCCUR WITHIN THE BOUNDARIES OF THE PRIVATE



1 PARKING SERVICE'S PARKING AREAS. ALL SUCH CITATIONS MUST BE  
2 CONSIDERED WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT  
3 AND MUST BE HANDLED IN THE SAME MANNER AS CITATIONS ISSUED  
4 BY PEACE OFFICERS THEREOF.

5 Section 2. Effective date. This act is effective on  
6 passage and approval.

-End-

# STANDING COMMITTEE REPORT

March 5 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 335

Reference reading copy ( salmon )  
color

~~XXXXXX~~ Prohibit private parking service from impounding motor vehicle.  
Pistoria (Meyer)

HOUSE BILL 335

Respectfully report as follows: That..... No.....

be amended as follows:

1. Title, line 4.

Following: " "AN ACT"

Strike: "PROHIBITING"

Insert: "AUTHORIZING"

2. Title, lines 5 through 7.

Following: "SERVICE" on line 5

Strike: the remainder of line 5 through "LIABILITY" on line 7

Insert: "TO ENTER INTO AN AGREEMENT WITH A LOCAL GOVERNMENT FOR ENFORCEMENT OF PARKING REGULATIONS"

3. Page 1, lines 11 and 12.

Following: "services --" on line 11

Strike: the remainder of line 11 through "penalties" on line 12

Insert: "parking citations"

4. Page 1, line 25 through page 2, line 13.


Strike: subsections (2) and (3) in their entirety

Insert: "(2) A private parking service may enter into an agreement with the local government to authorize employees of the private parking service to issue citations for parking violations as defined by state, municipal, or county laws, which occur within the boundaries of the private parking service's parking areas. All such citations must be considered within the jurisdiction of the local government and must be handled in the same manner as citations issued by peace officers thereof."

~~DO PASS~~

AND AS AMENDED  
BE CONCURRED IN

~~DO NOT PASS~~



Senator Mazurek

Chairman.