

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 10, 2016

Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB16-1056 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 7 through 21 and substitute:

2 (6) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH (a), an operator or its agent shall, no less than two days, but
4 no more than ten days after a motor vehicle has been towed, determine if
5 ~~there is an~~ WHO THE owner IS and IF THERE IS a lienholder ~~represented in~~
6 ~~department records~~ AND send a notice by certified mail, return receipt
7 requested, to the last address of the owner ~~as shown on the motor~~
8 ~~vehicle's registration~~, and the ANY lienholder ~~as shown on the title~~, if
9 ~~either is shown in department records~~ AS DETERMINED FROM RECORDS OF
10 THE DEPARTMENT OR FROM A NATIONAL SEARCH PERFORMED BY THE
11 DEPARTMENT.

12 (II) IF THE DEPARTMENT CONDUCTS A NATIONAL TITLE SEARCH IN
13 ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION,
14 EACH DAY ELAPSING BETWEEN THE DEPARTMENT BEING NOTIFIED AND THE
15 DEPARTMENT RETURNING INFORMATION ON THE MOTOR VEHICLE AS A
16 RESULT OF THE SEARCH DOES NOT COUNT AGAINST THE TOW OPERATOR'S
17 TEN-DAY DEADLINE TO CONTACT THE MOTOR VEHICLE'S OWNER OR ANY
18 LIENHOLDER. THIS SUBPARAGRAPH (II) DOES NOT AFFECT DAILY STORAGE
19 FEES.

20 (III) The cost of complying with this paragraph (a) ~~shall be~~
21 ~~considered~~ IS a cost of towing; except that the total of ~~such~~ ALL costs OF
22 COMPLYING WITH THIS SECTION shall not exceed one hundred fifty dollars.
23 TO COMPLY WITH THIS SUBSECTION (6), the notice to the owner and
24 lienholder ~~shall~~ MUST be sent within ~~three~~ FIVE days after the operator
25 receives the information from the department ~~Such notice shall~~ AND MUST

1 contain the following information:"
2 Page 3, line 23, strike (b.5) and substitute "(c) (IV), (3) (c) (V), and (3)
3 (c) (VI)".

4 Page 3, line 24, strike "**property.**" and substitute "**property - rules.**".

5 Page 3, strike lines 25 through 27.

6 Strike page 4.

7 Page 5, strike lines 1 through 7 and substitute:

8 "(c) (I) (A) An operator or its agent shall, no less than two days,
9 but no more than ten days after a motor vehicle has been towed or
10 abandoned, determine ~~if there is an~~ WHO THE owner IS and IF THERE IS A
11 lienholder ~~represented in department records~~ and send a notice by
12 certified mail, return receipt requested, to the address of the owner as
13 ~~shown on the motor vehicle's registration,~~ and the ANY lienholder ~~if either~~
14 ~~is shown in department records.~~ Such AS DETERMINED FROM RECORDS OF
15 THE DEPARTMENT OR FROM THE NATIONAL SEARCH PERFORMED BY THE
16 DEPARTMENT.

17 (B) IF THE DEPARTMENT CONDUCTS A NATIONAL TITLE SEARCH IN
18 ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), EACH
19 DAY ELAPSING BETWEEN THE DEPARTMENT BEING NOTIFIED AND THE
20 DEPARTMENT RETURNING INFORMATION ON THE MOTOR VEHICLE AS A
21 RESULT OF THE SEARCH DOES NOT COUNT AGAINST THE TOW OPERATOR'S
22 TEN-DAY DEADLINE TO CONTACT THE MOTOR VEHICLE'S OWNER OR ANY
23 LIENHOLDER. THIS SUB-SUBPARAGRAPH (B) DOES NOT AFFECT DAILY
24 STORAGE FEES.

25 (C) THE notice ~~shall~~ MUST include the information required by the
26 report set forth in paragraph (b) of this subsection (3).

27 (D) The cost of complying with ~~the provisions of~~ this paragraph
28 (c) ~~shall be considered~~ IS a cost of towing; except that the total of ~~such~~
29 ALL costs OF COMPLYING WITH THIS SECTION shall not exceed one hundred
30 fifty dollars. The TOW OPERATOR SHALL SEND THE notice to the owner and
31 lienholder ~~shall be sent within three~~ WITHIN FIVE days after receiving the
32 information from the department.

33 (IV) IF THE TOW OPERATOR DETERMINES IN ACCORDANCE WITH
34 THIS SUBSECTION (3) THAT THE DEPARTMENT DOES NOT HAVE A CURRENT
35 RECORD FOR A MOTOR VEHICLE, THE TOW OPERATOR SHALL NOTIFY THE
36 DEPARTMENT IN WRITING, INCLUDING ELECTRONICALLY. UPON RECEIVING

1 THE NOTICE, THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH WITH AN
2 ENTITY THAT:
3 (A) HAS A NATIONAL DATABASE;
4 (B) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE
5 IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER ON THE
6 LICENSE PLATE; AND
7 (C) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE
8 IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE
9 OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S
10 NAME AND CONTACT INFORMATION.
11 (V) WITHIN TEN WORKING DAYS AFTER RECEIVING THE WRITTEN
12 NOTICE THAT NO RECORD EXISTS UNDER SUBPARAGRAPH (IV) OF THIS
13 PARAGRAPH (c), THE DEPARTMENT SHALL COMPLETE ITS SEARCH AND
14 SHALL TRANSMIT ALL RELEVANT INFORMATION TO THE RESPONSIBLE LAW
15 ENFORCEMENT AGENCY OR TOW OPERATOR. THIS TEN-DAY PERIOD DOES
16 NOT DECREASE THE NUMBER OF DAYS A TOW OPERATOR HAS TO NOTIFY
17 THE OWNER OR LIENHOLDER IN ACCORDANCE WITH THIS PARAGRAPH (c).
18 (VI) THE DEPARTMENT MAY CHARGE THE TOW OPERATOR A FEE IN
19 AN AMOUNT NOT TO EXCEED THE LESSER OF FIVE DOLLARS OR THE DIRECT
20 AND INDIRECT COSTS OF IMPLEMENTING THIS PARAGRAPH (c)."

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