Bill as Introduced

HB 699-FN – AS INTRODUCED

2003 SESSION

03-0917
03/09

HOUSE BILL ***699-FN***

AN ACT relative to abandoned vehicles.

SPONSORS: Rep. Packard, Rock 75; Rep. R. L'Heureux, Hills 58

COMMITTEE: Transportation

ANALYSIS

This bill permits a person storing an abandoned vehicle to remove items from a vehicle and hold them pending payment of fees due. This bill also requires the suspension of the driver's license of any person failing to pay court-ordered costs of abandoning a vehicle.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0917
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to abandoned vehicles.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Review of Fees for Removal and Impoundment; Items in Vehicle. Amend RSA 262:35-a by inserting after paragraph II the following new paragraph:

III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision, the person may remove any items from within the vehicle that are not a part of or accessories to the vehicle. The person may hold any such items, other than wallets, purses, legal documents, eyeglasses, medicine, or medical equipment, pending payment of any fees due under this subdivision. If fees remain unpaid after 60 days, the person may dispose of the items.

2 Abandoning a Vehicle; Penalty. Amend RSA 262:40-c to read as follows:

262:40-c Abandoning a Vehicle; Penalty. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his ***or her*** own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director [~~may~~] ***shall*** suspend the driver's license of any person who has not paid such costs.

3 Effective Date. This act shall take effect January 1, 2004.

LBAO
03-0917
1/28/03

HB 699-FN - FISCAL NOTE

AN ACT relative to abandoned vehicles.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Safety and Administrative Office of the Courts. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 699-FN – AS AMENDED BY THE HOUSE

25mar03... 0557h

2003 SESSION

03-0917
03/09

HOUSE BILL ***699-FN***

AN ACT relative to abandoned vehicles.

SPONSORS: Rep. Packard, Rock 75; Rep. R. L'Heureux, Hills 58

COMMITTEE: Transportation

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HB 699-FN – AS AMENDED BY THE HOUSE

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03-0917
03/09

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In the Year of Our Lord Two Thousand Three

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3 Effective Date. This act shall take effect January 1, 2004.

LBAO
03-0917
Revised 2/10/03

HB 699 FISCAL NOTE

AN ACT relative to abandoned vehicles.

FISCAL IMPACT:

The Department of Safety has determined this bill may increase state highway fund revenue and expenditures and local revenue by an indeterminable amount in FY 2004 and each year thereafter. There will be no fiscal impact on county and local expenditures or county revenue.

METHODOLOGY:

The Department of Safety stated the portion of this bill relating to abandoning a vehicle will amend RSA 262:40-c to require the Director of Motor Vehicles to suspend the driver's license of any person who has not paid court assessed costs of abandoning a vehicle, instead of allowing the director discretion as to whether or not to suspend the person's license. The Department of Safety does not know how often in the past the director chose not to suspend a person's license for this violation. Therefore, the Department cannot reasonably estimate how much additional Highway Fund revenue may be collected with the suspension mandated. However, the Department believes this legislation will significantly increase the number of hearings required to be held, which will substantially increase personnel and other related costs necessary to conduct these hearings. Local Highway Aid will change at 12% of the gross Highway Fund change.

CHAPTER 119
HB 699-FN – FINAL VERSION

25mar03... 0557h
05/08/03 1475s

2003 SESSION

03-0917
03/09

HOUSE BILL ***699-FN***

AN ACT relative to abandoned vehicles.

SPONSORS: Rep. Packard, Rock 75; Rep. R. L'Heureux, Hills 58

COMMITTEE: Transportation

ANALYSIS

This bill permits a person storing an abandoned vehicle to remove items from a vehicle and hold them pending payment of fees due. This bill also requires the suspension of the driver's license of any person failing to pay court-ordered costs of abandoning a vehicle.

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CHAPTER 119
HB 699-FN – FINAL VERSION

25mar03... 0557h
05/08/03 1475s

03-0917
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to abandoned vehicles.

Be it Enacted by the Senate and House of Representatives in General Court convened:

119:1 New Paragraph; Review of Fees for Removal and Impoundment; Items in Vehicle. Amend RSA 262:35-a by inserting after paragraph II the following new paragraph:

III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision, the person may remove any items from within the vehicle that are not a part of or accessories to the vehicle. The person may hold any such items, other than wallets, purses, legal documents, car seats, eyeglasses, medicine, or medical equipment, pending payment of any fees due under this subdivision. If fees remain unpaid after 60 days, the person may dispose of the items.

119:2 Abandoning a Vehicle; Penalty. Amend RSA 262:40-c to read as follows:

262:40-c Abandoning a Vehicle; Penalty. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his ***or her*** own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation ***and shall be subject to a fine of not less than $100 and not more than $500,*** and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director [~~may~~] ***shall*** suspend the driver's license of any person who has not paid such costs.

119:3 Effective Date. This act shall take effect 60 days after its passage.

(Approved: Enacted in accordance with Article 44, Part II, N.H. Constitution, without signature of Governor, June 9, 2003)
(Effective Date: August 8, 2003)

Amendments

Senate Transportation
May 2, 2003
2003-1475s
03/04

Amendment to HB 699-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

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Date: April 23, 2003
Time: 4:25 p.m.
Room: 104 LOB

The Senate Committee on Transportation held a hearing on the following:

HB 699-FN relative to abandoned vehicles.

Members of Committee present:
Senator Kenney
Senator Martel
Senator Below
Senator Flanders
Senator Morse

The Chair, Senator Joseph D. Kenney, opened the hearing.

Senator Joseph D. Kenney, D. 3: We'll go ahead and open up the hearing on HB 699 relative to abandoned vehicles. (audio) This is the main event for Transportation today; at least that's my sense with everyone speaking. I would just ask that we try not to be repetitive in our comments, try to add to substantive facts to the bill and to try and limit our discussion to those new facts. With that, I would ask that Representative Packard the primary sponsor – Welcome.

Representative Packard: Thank you Mr. Chairman and members of the Committee. This bill I put in, actually have been working on this issue for probably about 3 or 4 years with the Towing Association. I'm not going to get in the problems they are having. I'm sure one of their members will be much better able to explain it. Let me tell you what we did in this bill. We have a tremendous problem in this state with abandoned vehicles and it's getting worse. Because of that, what we did with this bill we added a new paragraph in the first part that allows the tow companies right now to be able to keep non-items like a person had a steering wheel or something like this. What's happening now is if a person abandons a vehicle they go to the salvation yard, tow yard where the vehicle is and they can take all their personal stuff out of it and just leave the vehicle there. The tow truck operator gets stuck with his vehicle and gets stuck having to dispose of it. So we put in the first paragraph that people could obviously go after wallets, pertinent legal

documents, or any medical or medical equipment but they would be allowed to keep other stuff hopefully if people would take care of the problem.

In the second part of the bill, the original language in the law right now just said that they would be guilty of a violation. What we did is we added a fine of $100 not more than $500. We had 3 bills in the House and we combined them into one. One of the bills we had wanted to make a misdemeanor and we thought that was kind of harsh so we added the fine of $100 and not more than $500. But I think the main thing that we did is if you look on line 22 in current law it said *the director may suspend the driver's license of any person who has not paid such costs.* We changed the *may* to *shall.* Our hope is that with a letter going out from the Dept. of Safety that their license could be suspended unless the problem is being taken care of. Hopefully the vast majority of the people will take care of the problem. Will there be some more excess hearings over there? It could be but we don't know how many. We're hoping not too many. We're hoping the letter does the trick. I could get in to a lot deeper discussion on the problems of abandoned vehicles. I think they'd be able to explain it a lot better than I could, so I think I'll just stop right there and take any questions on the bill and let them explain the real problems they're having.

Senator Joseph D. Kenney, D. 3: Any questions of the Committee? Senator Below

Senator Clifton Below, D. 5: Thank you Mr. Chairman. Representative Packard thank you; I have a question I realize it pertains to the existing law but perhaps because you've worked with it you could explain to me how it works in practice. At line 12 is says *For the purposes of this section, a vehicle shall be considered abandoned if it is left for more than 24 hours without the appropriate permission being given.* I was just wondering, I presume places where it's permissible to park, full day parking/24 hour parking that if somebody parks in a parking lot where there's no time limit on the parking if it sits there for several days does that make it...?

Senator Packard: No I think what they're referring to Senator is we had an incident like this down in Manchester – bank parking lots, private parking lots. There was some, I know there was a bunch of cars towed in Manchester a few years ago. The banks left instructions and certain companies left instructions that if they parked people after hours parked in their private property that the cars could be towed. I know we had a problem down in Manchester with that. I don't believe this was referring to that type of situation you know a public parking lot this is a private parking lot where people just drive on and park and let their cars there for more than 24 hours.

Please see NH Towing Association ABANDONED VEHICLE PROBLEM attached hereto and referred to as Attachment 1.

Senator Clifton Below, D. 5: O.K. Thank you.

Senator Joseph D. Kenney, D. 3: Any other questions of the Committee? Just one question in regards to "he may be the subject to the loss of the driver's license". So even though they paid the fine they still may be subject to...

Representative Packard: No. The intention is initially a letter will go out from the Dept. of Safety. There's a long paper trail and I think maybe they can explain it better than I could. You know they'll have to fill out a form, notify the Police Dept. of the community that they're in and then that information will go to the Dept. of Safety. At that point, the Dept. of Safety will send out a letter and saying that this has to be taken care of or your license shall be suspended if it's not taken care of obviously in a certain amount of time.

Senator Joseph D. Kenney, D. 3: Yes, but you're saying it maybe subject to loss of license?

Representative Packard: Right now. Current loss is made and nothing is being done right now that's why we changed it to shall.

Senator Joseph D. Kenney, D. 3: Thank you. At this point if no other questions, thank you for your testimony. Representative Clegg yes.

Senator Robert Clegg, Jr., D. 14: Senator Clegg (laughter) it's o.k. We both come from the same place.

Senator Joseph D. Kenney, D. 3: Oh my God!

Senator Robert Clegg, Jr., D. 14: It's alright we both came from the same place.

Senator Joseph D. Kenney, D. 3: Major "faux pas"!

Senator Robert Clegg, Jr., D. 14: I don't know maybe not (laughter)

Senator Joseph D. Kenney, D. 3: Go ahead Senator Clegg.

Senator Robert Clegg, Jr., D. 14: Thank you Mr. Chairman and members of the Committee. I'll be brief because we're in Interstate Corporation. This bill is very important and I'm 100% behind it. I'll explain to you that the 24 hr. period whether it's a parking lot so long as it's not a city lot, if it's a parking lot, it's intended for people to park in that are doing business at that establishment whether it be the mall or what have you. Having been involved in property management for a lot of years, I can tell you that it's typical for them to drop off their junk car, pull the plates and you're stuck with it. Now a lot of tow companies have a problem because the law requires that they store the vehicle, somebody has to pay them a buck and half to go pick it up. The people who just continue to drop off the cars thumb their nose at everybody.

What this bill does, especially the part that says they shall suspend the driver's license, it's the best part of the bill, in my opinion. Because the guy that drops off his clunkers on my lots now loses his right to drive. So at least it may be costing me $300 or $400 a month to get rid of his vehicles but at least now he doesn't get to enjoy the privilege of driving. I get some satisfaction and maybe he'll stop doing it. It is a huge problem and it's a huge problem both Nashua, Manchester, Salem it's true we have the problem there too. Mostly the big cities, so I urge you to pass the bill and give us a little bit of help in the process. I'll answer any questions.

Senator Joseph D. Kenney, D. 3: The question I have is when you pass this bill is this possibly a step towards introducing reciprocity among us that maybe a vehicle from outside like the state of Maine somehow abandoned in NH that we have the relationship with Me that we could suspend that individuals license in ME?

Senator Robert Clegg, Jr., D. 14: Well, that would be nice but I think we already have some reciprocity now on licenses for different infractions. If one state yanks your license for legitimate purpose, typically the other states will follow. That's for non-payment of fines and I'm hoping this will be considered the same thing.

Senator Joseph D. Kenney, D. 3: Any other questions of the Committee? Good testimony, Senator Clegg.

Representative Packard: If I just may Senator, if a license is yanked any place in New England, the other states do automatically recognize that as a suspended license.

Senator Joseph D. Kenney, D. 3: I guess the question was if someone from ME abandoned a car in NH for reciprocity sense we got a car from ME can we go back to ME and say yank your license if there's reciprocity there? Next is Representative Letourneau.

Representative Letourneau: Thank you Mr. Chairman and members of the Committee. For the record, I'm Representative Bob Letourneau, representing District 77, Derry, NH and I'm here today as a member of Transportation also representing one of my constituents. As luck would have it, I just had a car fixed at one of my local car dealers/car repairer and he happens to have a towing organization there also – Space Town. You may have heard of it Space Town Towing and Auto Body? He says Bob, he says, I have this huge problem with all these abandoned cars, I have 50 of them in my back yard from this winter alone. I said funny you should mention that because we're working on that legislation right now. I gave him a call this morning and he couldn't make it up here this afternoon.

I want to tell you from his perspective from the small town of Derry he's had 50 cars in the last 3 months. That's a major problem. He has to haul those up and when the police call him up and say this car is on the road you have to get it out of here; if he wants to stay on the list he's got to go get it. That's just the way it works. So it's a huge problem. When he gets rid of them, it actually costs him money to do so. So it's a huge problem for these folks that are trying to operate a towing business. I want to represent that from that perspective and I'm sure there are other people here plenty of organizations to tell you their horror stories also. Thank you.

Senator Joseph D. Kenney, D. 3: Thank you for your testimony. Next we'll ask former House member Larry Guaraldi to speak. Welcome back.

Larry Guaraldi: Thank you Senator. I'm here on my own behalf and I'm also representing NH property owners which is a group of property managers and landlords throughout the state of NH. Jim Gator use to represent them but is not very well right now. Last fall, you folks weren't very busy in putting bills in the hopper. I asked one of my local reps to put in a couple of bills pertaining to this issue and fortunately Sherman Packard here also had a bill and then they combined the bills together and I think he's got a great bill right now and I support it wholeheartedly.

The issues we find when I work with my city and town, you may want to talk to Capt. Shipman, on the police force. It's a major problem up there. Under the current law, if I drive my car on your property and just leave it there and you don't know who it belongs to, you can call a tow company who may or may not tow it in most cases they won't today because of the cost. You can

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call your local police and they have to by statute come and get that car so it's become an expense. In some communities, the towns end up actually end up paying for the tow and the storage of this vehicle until it's declared an abandoned vehicle. Then I guess it's even difficult to get rid of them because the recycler's are not taking the lower price of scrap so on and so forth. It's a big issue anyway and it's costing a lot of people a lot of money. I as a landlord myself have had tenants and have told them to get rid of that un-registered car and I had one a year ago March push the car down the driveway into the street and then call the police. He didn't want to pay for the towing. He was going to do it on his own but that's what he did.

Another issue, I was talking to Rob Johnson from the Farmer's Group over here and I didn't realize was contributed to by this issue. We've seen a lot of farms post their property and a lot of people think it's an anti-hunting issue. Have you ever gone up a farm trail or lane somewhere to see an abandoned car just driven there or refrigerator's (audio) there. This is part of the cause. There are just frustrated with this happening so often. People take their car in the woods usually the trunk is full of tires and they just stop there and leave it, take the plates off and disappear. So it's hurting all kinds of people throughout the state non-profits in my area have a problem. There's one that they just left a note on and said DONATE. The car is worth maybe $30 or $40 for salvage value if it was worth that. They ended up spending a lot more money to get rid of it.

I think that pretty much tells you what the issue is. We may have an issue at a future date that we have to come back to on the abandoned portion of it because as I understand it when the tow operators or recyclers get the car it takes a while for these vehicles to be declared abandoned. Partially because they're the older vehicles that have low value and in many cases they're not even titled anymore because of their age. It's hard to trace out who owns it and so on and so forth. I think this bill just goes a long way to take care of that problem.

Senator Joseph D. Kenney, D. 3: Any questions of the Committee? You think it's a course in High School on life skills Not to Abandon Your Car we ought to start teaching students? (laughter)

Larry Guaraldi: Maybe but I suspect it's not the good students that are doing this.

Senator Joseph D. Kenney, D. 3: Never is! Thank you very much for your testimony.

Larry Guaraldi: Thank you!

Senator Joseph D. Kenney, D. 3: Senator Martel would you like to speak.

Senator Andre Martel, D. 18: Thank you Mr. Chairman and members of the Committee. Within a half a mile of my house, there's a spot where many vehicles have been abandoned right on one of the busiest streets in the city of Manchester. On the corner of S Beech Street and Gold Street where the traffic goes by at least 20 to 30,000 cars a day go up and down that street. It's notorious for people to leave their vehicles especially stolen vehicles. They have their windows shot out, the plates lifted and just leave the vehicles there and let anybody who wants to pick them up pick them up. It's a major problem, it's outside a project area and it's pretty well hidden area. There are many others like that in my district and I just thought I'd talk about that example for that reason. We have to make sure we rectify this problem and a lot of people want to speak behind me and I'll just wait for them to give you more details. Thank you and I'm ready to answer your questions if you have any?

Senator Joseph D. Kenney, D. 3: Thank you Senator Martel. Rene Fortin, NH Towing Association

Rene Fortin: Mr. Chairman thank you and members of the Committee, I'm Rene Fortin and I'm President of the NH Towing Association. Really I'd like to consider this bill, it's a bill on accountability. It's time that the people who have been causing such a nuisance problem be kept accountable and step up and properly handle the disposition of the vehicles that are really worthless to everyone and becoming safety hazards and becoming eye sores to the general public.

In reference to the abandonment issue of 24 hours, the towing industry as well as property owners are not simply going to go out and just drag every car off the road. In place already is an issue that the state police operate as a standard procedure that if a vehicle is on the road for 24 hours they then tag it and then they have a procedure that they follow to try and get hold of the individual that owns the vehicle. A lot of the towns are doing the same. I think as you drive up and down you'll notice that a lot of cars on the side of the road have a yellow sticker in the back window, mirrors and something to that effect. So it is a thing that right away we're just waiting to put out these cars.

The problem that we're having is that the vehicles that are being abandoned are becoming 8, 10, 12 year old vehicles. As you're well aware of, the wear and tear of the winters, salt usage and everything else these vehicles are just not made to hold up as well as they use to. The problem that we're having is

that the state has gone either the state with the Federal regulations and we are headed towards titling 15-year-old vehicles up to 15 years. You can imagine what happened to a vehicle after 8, 10, 12, 15 years of NH roads there isn't too much left of it. I believe Russell will be covering the aspect of what it takes to prepare a vehicle for disposition. Disposing of all of the liquids, all of what had been deemed hazardous materials from tires, anti-freeze etc.

The other issue that I think becomes a thing with the loss of license, this is already in place with the state of NH for unpaid fines, excessive speeding etc. The hearing process is already in place without modifying any of this. We are simply adding the abandoned car issue to the hearing process. If someone is notified by the state of NH with an official letter stating your vehicle is indeed abandoned, you are being deemed the owner of this vehicle and you must respond within an X number of days, whatever the criteria is. I believe that the state of NH will scare enough folks into saying maybe I should be doing the right thing because I don't want to lose my license, don't want to lose my plates.

The other issue of the fines and the monetary amounts, I think will also take care of letting people know that it isn't just a loss of license now it's also going to cost me some extra money really I don't want to share with anyone. But if an individual who abandons a vehicle comes to the towing service, gets a paid receipt and forwards it to the Motor Vehicle Dept. all the hearings are up. The hearing has been cancelled and there is going to be a procedure in place which I assume MV will obviously watch very very closely. The tows will also be reporting to MV with a prepared form that the DMV will be giving us to identify that law enforcement was involved in the removal of this vehicle.

Again, it isn't just an errant thing that any tower who goes down redeems the vehicle even a 1999 Mercedes, he feels is a nice abandoned vehicle, we're going to take it off the road. These are the things, we've tried to look at the safeguards, we've tried to make sure there was going to be fairness. Fairness to the towers, fairness to the public but more importantly fairness to the people who like to abandon motor vehicles let them be fair to everyone else and be responsible for what they are doing and be responsible for taking care of the problem that they are creating.

One other issue and we did distribute the folders with the support document earlier this afternoon. The state of Washington, Florida, as well as, the state of Illinois already have very similar laws in place so this isn't anything that we're trying to reinvent the wheel. We are simply trying to bring our state into compliance and have it move forward. With that said, we could go on for the next 4 hours and I know Senator you want to keep this moving so I'm just

going to rest at this point and answer any questions that the Committee might have.

Senator Joseph D. Kenney, D. 3: Any questions of the Committee? The definition of a vehicle is?

Rene Fortin: I don't have the official terminology but I believe it's 4 wheel self-propelled vehicular equipment which would, in fact, take care of tractor trailers, trucks, cars. We don't really get a lot of mopeds so it's not a big problem.

Senator Joseph D. Kenney, D. 3: (audio) Thank you very much for your testimony. Next will be Donald Heyden.

Donald Heyden: Than you Mr. Chairman and members of the Committee. My name is Donald Heyden and not only am I a member of the NH Towing Association, I own and operate a towing company in Nashua. As recently as this morning, I had spoken with the newly appointed, full time officer that is in charge of tending to abandon motor vehicles in Nashua. He has given me information that since January 1st through yesterday, April 22nd, we've had 380 complaints that were investigated by Motor of Vehicles in the city of Nashua. Out of those, 120 of those have been towed. We have a holding lot at the Nashua landfill. It is very difficult for us and very time consuming. We are one of the very fortunate companies in the state where the city of Nashua actually pays us $45 to go out on the road and pick up this vehicle with wheels, without wheels.

I've towed campers, motor homes that have been abandoned left in neighborhoods that kids have gone into and partied. You wouldn't believe what we have to go through, it's very sad. We use to get, 2 years ago, 2 vehicles brought to a salvage yard would cost approximately $80; sometimes $100 depending on the size of the vehicle and salvage value. Now it's coming to the point where we have to travel 20 miles if we want to dispose of them ourselves and they will graciously take these vehicles for nothing. But I see in the very near future it's going to start costing us to dispose of these vehicles.

We have people that abandon vehicles on our lot after we've been called by law enforcement whether it's state or local for an accident; they'd look at us and say it's not worth anything, you keep it. Our hands are tied and basically by the time we get there, they've already gone right through the car, ripped their CD players out, taken anything of value out of this vehicle and leaving us with nothing. This takes up space on our lot. The lots start looking really bad; the city starts coming down on us because now we're

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looking like a junkyard. We have to hold the vehicle for X amount of days, file forms with the state in order to get information on past registered owner, send out a registered letter, wait for this to come back, post this in the paper that we're going to have an auction of these abandoned motor vehicles. If that doesn't happen by that time, we are allowed by the state to dispose of these vehicles. This takes about 2 mo. It's a very very serious problem. They're abandoned in parking garages, landlords are consistently calling to have their abandoned motor vehicles towed off their property. No one in Nashua is doing this. Now the city gets into it because they have to - $45 per car. Again, as of this year we have a full time officer that goes around and checks out the abandoned motor vehicles. I think this bill would help us out tremendously in disposing these vehicles and possibly dissuade people from abandoning them. A lot of them where we are a border town are abandoned from MA. It's a sad case.

Senator Joseph D. Kenney, D. 3: The police officers in Nashua that handle the vehicles that have been abandoned, have they been able to trace back through all those vehicles the number of the license plate, registration?

Donald Heyden: What this officer does, his standard practice, is he will send out a letter first class mail to these individuals after he puts a sticker on the car. Generally, they're abandoned in their own neighborhoods when they see the green sticker, a lot of them when we arrive have had a couple of green stickers put on them. They have to be stickered, they run the vin number and 24 hours later the officer comes back and if it's still there it is totaled. Then the officer sends out the letter and of 120 letters that he has sent out this year, he hasn't received any response. No one has come to pay the fines. The city of Nashua has an ordinance that imposes a $200 fine for abandoning a motor vehicle and $45 towing fee. He has gotten no response and some of these vehicles, they're junk. They pull the plates.

Senator Joseph D. Kenney, D. 3: Let me ask you about that ordinance. Would this supercede that ordinance as far as the fine?

Donald Heyden: Absolutely, because they have no way to take anyone to court the way the ordinance is written. All they can do is put the ticket out and hope that when people come to renew their license they are caught. It's going to take a long time if they even catch them that way. The city of Nashua feels that the majority of these people are transients. You can go up to an auction, pick up a vehicle, go to a state facility register it with a 20-day plate, drive until it breaks, park it on the side of the road, leave the keys in it. Next thing you know, the tow company is called out and we have to go or we loose our spot on rotation list and then it becomes our problem. I think this would definitely help us.

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Senator Joseph D. Kenney, D. 3: Thank you for your testimony. Next we have Russell MacCleary.

Russell MacCleary: For the record my name is Russell MacCleary, Executive Director of the Auto and Truck Recyclers Association wishing to put that organization on record as strongly in support of this bill. Also, the lobbyists of the NH Towing Association. This has become a serious, serious problem in the state as the increase in the number of motor vehicles registered every year, it's estimated that all these vehicles that are on the road about 100,000 are terminated each year in this state. The end of the road so to speak. The average life of 10 years for an automobile

(tape change)

You can and that it has become a big big problem. So as the representative of the Auto and Truck Recyclers, what the problem there is that they're not a very good market for scrap. Use to be quite a market for it. Take it down the Mystic River, have it shredded and sent off overseas. That market is not nearly as good as it used to be. So you run into a situation now where they feel they can't afford to even have a vehicle come into the yard unless for the cost of at least $50. I was interested that the 3 bills that were introduced in the House on this subject. One was introduced by a man on behalf of his church. He said that he was doing that because some people left 2 wrecked cars in the churchyard. It cost the church $50 a piece to have them towed away because they couldn't determine who the owner was of those cars. So this has become a serious problem and that's the reason that the two organizations, the Towing Association and Auto & Truck Recyclers have joined forces in attempting to see that this legislation hopefully goes through this year. By the way it was reported unanimously in the House Committee and was on the Consent Calendar and there was no opposition whatsoever.

Senator Joseph D. Kenney, D. 3: The Senate doesn't have a Consent Calendar but we're working on that. Although we do have consensus from time to time. The Special Olympics - my father in 1995, bunch of cars, always collecting cars, Special Olympics called him up along with the Kidney Foundation they extracted these vehicles out of our yard and I'm just wondering when there's no value in scrap metal do those non-profits collect cars? I'm seeing people shaking their heads NO. O.K.

Thank you for your testimony and nice to see you. Next we have 2 speakers left that wish to speak and I didn't catch your first name, your last name it's NH T.A. Chairman?

Jim Bailey: It's Jim Bailey.

Senator Joseph D. Kenney, D. 3: Would you like to testify?

Jim Bailey: Yes sir. For the record, my name is Jim Bailey. I'm a small business owner in NH in Merrimack, NH. I'm also a member of the NH Towing Association and I'm very excited about coming up and helping out possibly share some insight on the problem that we are having here with the abandoned cars. I brought along with me, hopefully to show you folks how recent this occurrence has happened, it's almost on a weekly basis that the small businessmen are being hammered with the cost of dealing with these abandoned cars. If I may pass this around? This is a picture of a car that I was asked to pick up. I consider this an involuntary call where I was called up by State Police to go and pick up this car. The story with this car is that the operator who was driving it down the road and he had an engine fire. A motorist on cell phone called emergency 911, State Police responded, fire trucks responded and they were on their way out to extinguish the fire in the car. The operator of the car got out of the car, opened the hood saw an engine fire, smoldering going on, picked up some gravel off the road threw it on the engine and extinguished the fire, removed the license plates off the car and was able to hitch a ride by a motorist before any law enforcement arrived.

Please see photo attached hereto and referred to as Attachment 2.

Hence I got the call and the types of calls that we get are, I consider these, kind of coach recalls. When law enforcement calls me to come out and get this, I literally have to drop what I'm doing on my normal business days such as walking out in the middle of an important meeting like this; it causes that much priority on a police call to go out and pick this car up. I feel that with this law it's going to help. I feel that this person now needs a new car and within a week or two he may be going to the registry to register another used car that he could have purchased. At that point, we might have a safety net in place with the new law that's not allowing him to register the new car that he's going to buy to replace this one until he takes care of the bill that is adding up with this vehicle here.

I promise you I will find this guy, I will chase him to the ends of the earth but I...

Senator Joseph D. Kenney, D. 3: Is that after this passes into law?

Jim Bailey: Well if it passes then I have some bite behind my bark. I can go to this guy and say listen you can't do this, you're going to lose your license and this and that. Now we are threatening with loss of license but there's

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really not a lot of backbone in the enforcement of the laws and this is where we can really use some help. If I could answer a question that you asked previous about the non-profit Make-a-Wish, Salvation Army and those kind of folks? I actually brought in another abandoned car buyer, law enforcement call that I tracked down the last registered owner it was a lady in MA. I called her up and I said I have your car in my lot, you're responsible for it because you're the last known registered owner and boy she went off on me like literally yelling on the phone that that's not her problem. She donated that car to Salvation Army. That car made it to a donation to Salvation Army back around to an auction. The car was purchased and the person that bought it, drove it, broke down, pull the plates off and it was back on the road again. So it's kind of a vicious circle that's going on there.

Donating it isn't always the answer, it somehow still makes its way back onto the road. So certainly I support this bill and you know as a professional I feel a duty to go out and get that car off the road. We certainly can't leave it there. I've witnessed the aftermath of motorists slamming in the back of these cars and their car flipping over and over because it was at night. There were no hazard lights on these cars that were sitting on the side of the road. There's a huge safety issue here as professionals we've got to get them off the road. Also, I've lived in NH all my life. We're coming into our scenic time where all the boats and vacationers are going to be coming up to our highways. I don't want to give the state of NH the name oh we're going through the Bronx, look at all the abandoned cars on the road. For that reason, another professional reason we don't want to be leaving these things on the side of the road and turning NH into an unsightly thing for our tourists to come up and be looking at on the weekends so I certainly support this bill and appreciate whatever help you can give us.

Senator Joseph D. Kenney, D. 3: Mayor Giuliani that was one of his top priorities to obtain during his administration (audio)

Jim Bailey: It was and it worked. I noticed the difference yes.

Senator Joseph D. Kenney, D. 3: Any questions of the Committee? Not, thank you for your testimony. I have one more speaker; it's D & V Towing of Concord, NH. Not speaking O.K.. shows in support of this bill. Anyone else wishes to speak?

Representative Packard: Senator may I just, when I had the Amendment made on this I had asked them to put it into effect 60 days after passage. I noticed it still has January 1st on it. If that small amendment could be made it would surely help.

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Senator Joseph D. Kenney, D. 3: Anyone else wishes to speak? Yes mam! We have everyone speaking in favor so we have to have one speaking in opposition so. There is no opposition.

Juliet Enmitrano: I'm in favor of this bill that's going to be passed on. I'm Juliet Enmitrano a landlord in Manchester, NH and just today I have the same problem. I had put, I don't recognize the vehicle in my parking lot in one of my buildings. Fifteen days ago, I had put a note saying that whoever owns the car has to move that car otherwise it will get towed. Sixteen days had passed. I went there today and the car is still there. I had called the Manchester cops if they could do something about it but they won't do anything about it. I called All City Towing today but now I have to pay $75 for that abandoned car that was parked in my parking lot for it to be towed. It's making it very expensive for us landlords to maintain our cost down and if this bill is going to be passed, at least we will be helped as well so we won't be increasing our rent. Our tenants are complaining about rent increases and we can't help ourselves if our will be increasing because of just one issue like abandoned cars that are parked in our driveway or parking lots.

Senator Joseph D. Kenney, D. 3: I appreciate that personal story. Thank you very much for your testimony. Any other people wish to speak on HB 699. Yes, yes sir.

Malcolm Beaulieu: My name is Malcolm Beaulieu I'm also a landlord and I belong to the NH Property Owner's Association. A lot has been said here and I'm in favor of this bill because I've had issues of people leaving their cars, it's not just tenants leaving abandoned cars, it's also other people living in the neighborhood. The problem that I've had is tow companies will not tow older vehicles because they end up they have a cover, you've heard in testimony before. They end up with a vehicle it's old; they have to have it for a period of time. They have to acquire title to that vehicle to get rid of it. So for a landlord now you are stuck with a vehicle. For a landlord to go through that, it's the same time element to get that vehicle off the lot and yet a lot with assigned parking and it's limited (audio). So I really hope this law gets passed. I do have something I kind of devised I did this on my own. I make these on a printer (laughter). They stick pretty good you know on the glass and when people see them and if the vehicle is still registered, it has a good chance that it's going to disappear because now people don't want to get caught, pay a fine, or get their vehicle towed. If it's abandoned, well I still have the problem. This just doesn't work. It's just a self-help. I print it on the back and I keep track of the vehicles so that if I have repeat vehicles I can maybe call the police and file a complaint with them. That's all I have to say because a lot has been said here and I would just be repeating a lot. Hopefully this will get passed.

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Senator Joseph D. Kenney, D. 3: Thank you for your testimony. I appreciate that.

Malcolm Beaulieu: Thank you

Senator Joseph D. Kenney, D. 3: Question of Rep. Packard. If a car is stolen, it's abandoned, who's responsible under this law to pay for the fine?

Representative Packard: I don't think that would apply Senator. Not if it's a stolen vehicle.

Rene Fortin: Senator if I may? On a stolen motor vehicle, if any law enforcement agency runs a check of (audio) it comes back as a stolen vehicle. That just has a whole different scenario for removal purposes. That's already in place now if a stolen car is found and it gets towed, the owner is notified. You're going to find with most of these vehicles the problem we have is insurance because if they've been stolen, there isn't a value towards some of them. Somebody has taken the seats out of them or something to this effect. But in most cases the owner is identified very quickly and those cars don't become problems.

Senator Joseph D. Kenney, D. 3: Thank you very much and we're going to go ahead and close the hearing on HB 699.

Hearing concluded at 5:07 p.m.

Respectfully submitted:

Gloria Lamoureux

Gloria Lamoureux
Senate Secretary
5/19/03

Attachment # 1

2003 SERVICE NEW HAMPSHIRE TOWING ASSN. STUART ZO-HOOCOR

FOUNDING MEMBER

& CNTA

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MERRIMACK
579-0700

Vice President
STUART STONE
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Treasurer
JOHN BERGLUND
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GOFFSTOWN
644-0101

COURTNEY HEATH
SUNAPEE
763-8700

ABANDONED VEHICLE PROBLEM

The New Hampshire Towing Association comprised of over one hundred and forty small New Hampshire businesses. This letter is written to you to ask for your help with a large problem that is getting bigger every year in our Industry.

There is a growing problem of abandoned cars that we are asked to remove from public roads per request of law enforcement. A few common scenarios would be:

a. **A car left on the side of the road, sometimes with or without plates.**
b. **A car to be towed for legal reasons, i.e., driver under arrest or driving with a suspended license.**

BACKGROUND

As part of law enforcement's duty to keep the roads safe, we are called on an ASAP status, which requires us to put that call ahead of our paying customers cars with prearranged appointments. After towing these cars back to our shops, many times the owners of the cars:

a. **Never call us or come back to take care of the car and towing bill.**
b. **Sometimes return to the shop, but only to empty out personal belongings from the car, leaving the towing/auto repair shops with the vehicle and unpaid bill.**

Existing New Hampshire RSA (Chapter 262) laws address the problem, with penalties that can include loss of license or registration. Existing laws also state that the Hearing Officer may have a hearing with the last known registered owner. Unfortunately, this is not being enforced, and our members are not receiving support from that process. Replacing the words may have a hearing to shall have a hearing would help to expedite the process of dealing with abandoned vehicles. It is our opinion that if the State of New Hampshire's Hearing Department sends out a notice of a hearing, a high percentage of car owners will rectify the problem quickly in order to avoid the hearing. If the vehicle owner does not rectify the problem, there shall be a hearing in order to charge the person with vehicle abandonment.

Additionally, our Association would like to see New Hampshire RSA laws regarding abandoned vehicles changed, to better define what constitutes an abandoned vehicle. We believe New Hampshire RSA's regarding abandoned vehicles should specifically state that any vehicle which is requested to be towed by law enforcement and remains unclaimed after 30 days shall be considered abandoned. The way current New Hampshire laws are written and interpreted,

Address All Correspondence to: NEW HAMPSHIRE TOWING ASSOCIATION
P.O. Box 5438/Manchester, New Hampshire 03108-5438
Email:nhta@fcgnetworks.net

law enforcement is reluctant to consider the vehicle to be abandoned as it was law enforcement who requested the vehicle to be towed rather than the vehicle owner.

Of note, despite following the current processes set forth in existing New Hampshire laws including notifying the last registered owner of our possession of the vehicle and charges owed; our attempts at formal notifications go unheeded, leaving our business to bear the full cost associated with disposal of abandoned vehicles.

Lastly, we believe the New Hampshire RSA regarding abandoned vehicles should be changed to read that both the car and contents shall be held with the towing company/repair shop until the responsible party claims the vehicle, making full payment for all charges owed. We are open to making allowances for removal of such emergency items as prescription medication, glasses, etc. but not full removal of all personal contents. Given that abandoned vehicles typically have no value, we believe retention of personal affects is the only real leverage available to recover any costs associated with abandoned vehicles. Presently, there is little or no incentive, as evidenced by the growing problem we continue to experience.

As it now stands, the towing operators are being unduly penalized when responding to law enforcement's requests to remove abandoned vehicles and make our roadways safe. We believe we provide a valuable and important public service and would like to be compensated for our efforts.

RECOMMENDATION

New Hampshire State Laws on abandoned vehicles should be clarified and the way they are currently being enforced. The responsibility for abandoned vehicles should be directed to those who abandoned them rather than to towing companies. Following is a copy of a bill introduced in to the 2003 session of the N.H. Legislature by Sherman Packard Chairman of the House Transportation Committee. The bill if enacted should go a long way towards making New Hampshires highways safer particularly during stormy weather.

NEW HAMPSHIRE TOWING ASSOCIATION
P.O. BOX 5438
MANCHESTER, N.H. 03108-5438

HB 699-FN - Passed House March 25, 03

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TITLE XXI
MOTOR VEHICLES

CHAPTER 261
CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Registration Penalties and Offenses

Section 261:179

261:179 Suspension or Denial of Registration for Abandoning Vehicle. – The director may suspend any registrations issued to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

Source. 1989, 253:1, eff. July 25, 1989.

TITLE XXI
MOTOR VEHICLES

CHAPTER 262
ANTITHEFT LAWS, OFFENSES, PENALTIES, HABITUAL OFFENDERS, ARREST OF NONRESIDENTS AND ABANDONED VEHICLES

Abandoned Vehicles

Section 262:40-c

262:40-c Abandoning a Vehicle; Penalty. – No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director may suspend the driver's license of any person who has not paid such costs.

Source. 1989, 253:3, eff. July 25, 1989.

TITLE XXI
MOTOR VEHICLES

CHAPTER 263
DRIVERS' LICENSES

License Suspension and Revocation

Section 263:56

263:56 Authority to Suspend or Revoke License. –

I. In addition to any other authority provided by law, the director is hereby authorized to revoke or suspend any license, permit or certificate issued under this title after a hearing upon a showing by its records or other sufficient evidence that the driver:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction;

(b) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) Is an habitually reckless or negligent driver of a motor vehicle, as established by the point system set up pursuant to paragraph II, by a record of accidents, or by other evidence;

(d) Is incompetent to drive a motor vehicle by reason of physical, mental or moral impairment. For purposes of this paragraph, a license suspension or revocation on the basis of moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude;

(e) Has fraudulently or unlawfully used, permitted to be used, altered, displayed, or manufactured a license, has in his possession an altered or false license, or has been convicted of any offense specified under RSA 263:12;

(f) Has violated his written promise to appear given to an officer upon the issuance of a traffic citation in this or any other state or has failed to appear in court in this or any other state at the time specified by the court;

(g) Has by reckless or unlawful operation of motor vehicle caused or materially contributed to an accident resulting in death or injury to any other person or serious property damage; or

(h) Is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct or misuse or abuse of driving privileges.

II. For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the director shall adopt rules pursuant to RSA 260:5 establishing a uniform system assigning demerit points for convictions of violations of this title. The rules shall include a designated level of point accumulation which so identifies drivers. The director may assess points for convictions in other states of offenses which, if committed in this state, would be grounds for such assessment. Notice of the assessment of points may be given in accordance with rules adopted by the director. No points shall be assessed for violating a provision of this title regulating standing, parking, equipment, size or weight. However, points may be assessed for convictions involving abandoned vehicles as provided in RSA 262:40-c, and points may be assessed against any person who is found by the director to have abandoned a vehicle and who has not satisfied the reasonable costs of removal and storage. In case of the conviction of a licensee of 2 or

more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. The director is authorized to suspend or revoke the license of a driver when his driving record identifies him as an habitually reckless or negligent driver or an habitual or frequent violator under this section. The director may, in accordance with rules adopted pursuant to this section, order the licensee to attend a group or private driver improvement interview regarding his driving ability and record.

II-a. Notwithstanding RSA 605:6 or any other provision of law to the contrary, any conviction for an offense which is used as a basis for suspension or revocation of a license under this section and which involves a plea of nolo contendere shall be treated in the same manner as a conviction which involves a guilty plea for the purpose of assessing demerit points under paragraph II.

III. The director shall not revoke or suspend a driver's license under the provisions of this section for a period in excess of one year except:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 7 years.

(b) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(d) by reason of physical or mental impairment the director may suspend or revoke a license indefinitely provided that the person may request a hearing once every year thereafter for the purpose of reviewing the original order.

IV. In proceedings concerning accidents involving motor vehicle fatalities or serious injury, the director shall not give weight to the lack of a criminal prosecution relative to the accident in making his decision concerning license suspension or revocation. In any hearing conducted under the provisions of this section regarding a fatality, the decedent's next of kin shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. In any hearing conducted under the provisions of this section regarding a serious injury, any seriously injured person shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. The decedent's next of kin or any seriously injured person, if aggrieved by the director's order, shall have standing under RSA 263:76 to file a petition of review in the superior court for review of the questions of law in the director's order. If an appeal is made under RSA 263:76 concerning an accident involving a motor vehicle fatality or serious injury, the decedent's next of kin or any seriously injured person shall be notified of the filing of the appeal and the date of the appeal hearing and shall have the right to make a written statement to the court at the time of the hearing. The director shall be deemed to have complied with this paragraph provided that he has notified by certified mail with return receipt requested the seriously injured person or at least one of the next of kin who is, if possible, of the age of majority and listed in RSA 259:66-a and who has been identified as a result of a review of division records or of information made known to the division.

V. The director shall adopt rules as part of the point system required by paragraph II, establishing lesser point totals for suspension or revocation of driver's licenses of younger drivers including separate categories for drivers who are under the ages of 21 and 18, respectively.

Source. 1921, 119:16. PL 102:30. RL 118:32. RSA 262:39. 1981, 146:1. 1986, 193:2. 1987, 404:5-7. 1988, 20:2. 1989, 253:4. 1990, 79:6; 262:4. 1992, 21:2, eff. Jan. 1, 1993. 1999, 295:4, eff. Jan. 1, 2000.

262:40-c Abandoning a Vehicle; Penalty.

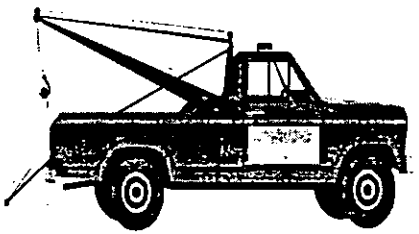
No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director may suspend the driver's license of any person who has not paid such costs.

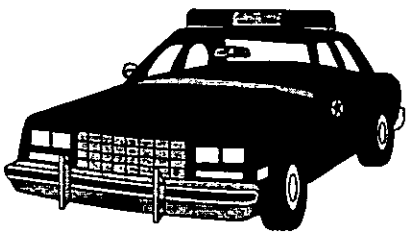
Source. 1989, 253:3, eff. July 25, 1989.

New Hampshire Towing Association

February 8, 2000

State of New Hampshire Department of Safety Division of Motor Vehicles





What is Hearings?

The Bureau of Hearings is responsible for administrative hearings conducted by the Department of Safety under the authority of Richard M. Flynn, Commissioner of Safety and Virginia C. Beecher, Director of Motor Vehicles.

The quasi-judicial hearings include all driver license reviews for example habitual offenders, demerit points system, transporting alcohol by a minor, Children in need of Supervision, (C.H.I.N.S.), Administrative License Suspension *[involving persons having taken a chemical test after an arrest or refusing to complete the test]*, Uninsured Accident Involvement and Serious Injury/Fatal Crashes. Other hearings held include topics such as Watercraft, Fireworks Licensing, Security Guard Licensing, Vehicle Dealership, Inspection Station, and the Titling of Vehicles. Also, Common Carrier Authorization, Abandoned Vehicles and Dynamite Permits to name a sampling of topics covered. More recently the Bureau of Hearings has conducted the public hearings involving watercraft in relationship to governing use on certain waterways, Vehicle Emissions and The N.H. Motor Vehicle Industry Board.

Presently hearings are accomplished in Concord, Dover, Gorham, Keene, Lebanon, Manchester, Merrimack, Salem, Tamworth and Twin Mountain.

The Bureau of Hearings staff consists of the Administrator,; Chief Hearings Examiner; Thirteen hearing examiners and seven support staff. A Litigation Post consisting of an Attorney and legal secretary rounds out the staff.

Hearings are conducted under the general authority of promulgated administrative rules (Saf-C 200) and New Hampshire law Title XXI of the Revised Statutes Annotated. Hearings are also administrated through the specific rules and statutes that are applicable to the subject matter and scope of review listed.

262:33 Procedure for Removal and Impoundment.

I. Upon satisfying the requirements of RSA 262:32, such vehicle may be removed and stored in a suitable place, and all reasonable charges incurred as a result of such removal and storage shall be a lien against the vehicle which shall be paid by th owner, custodian, or person claiming such vehicle, except as otherwise provided in this section.

II. Whenever a vehicle is towed pursuant to RSA 262:32 the owner or other person lawfully entitled to the possession of the vehicle shall be entitled to recover sai vehicle and release of the above lien by payment of all reasonable towing and storag charges. If the owner or other person lawfully entitled to possession of the vehicl wishes to challenge whether there was sufficient grounds for towing and impoundment, he may pay over to the custodian of the vehicle an amount equal to th towing and storage charges to secure the release of such vehicle, and, within 15 days of the towing and impoundment, request in writing a hearing.

III. The hearing shall be held before the head of the law enforcement agency which employs the authorized official who caused the vehicle to be removed and stored, or his designee. In the event such agency head or his designee determines sufficient grounds did not exist for the removal and storage of the vehicle, the law enforcement agency shall reimburse the owner or other person lawfully claiming possession for any amount paid to the custodian to secure release of the vehicle.

IV. Nothing in this section shall prevent a review of the reasonableness of th towing or other action as may be permitted by laws of this state by a court of competent jurisdiction.

262:34 Notice of Removal.

Whenever an authorized official or the owner or person in lawful possession of private property directs the removal and storage of a vehicle as permitted in this subdivision, he shall, if he knows or is able to ascertain from the registration records of the division the name and address of record of the registered owner of the vehicle, attempt to give or have given by the most practicable means, notice of the fact of suc removal and the place to which said vehicle has been removed. If the authorized official does not know and is not able to ascertain the name of the owner, or for an other reason is unable to give notice to the owner as provided in this section, such notice shall be filed with the director, which notice shall be placed on file by said director and open to public inspection.

261:179 Suspension or Denial of Registration for Abandoning Vehicle.

The director may suspend any registrations issued to a person who ha been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

"Shedding Light On The Illinois Towing Industry"

PRESS RELEASE

GOVERNOR SIGNS SB2161
PUBLIC ACT 92-0654

The Governor's office phoned the PTROI office to inform us that SB2161 had been signed into law July 11, 2002. It takes effect January 1, 2003. This bill gives your community or municipality the assistance needed to impose the cost of removal of abandoned vehicles on the vehicle owner.

This law provides that the Secretary of State shall prohibit the renewal, reissue, or reinstatement of the driving privileges of a person who fails to pay a fine, charge, or cost imposed for abandonment of a vehicle, and provides for procedures to be followed in imposing the sanction and to be followed when the fine, charge, or cost has been paid.

The Professional Towing and Recovery Operators of Illinois ARE ASKING ILLINOIS LAW ENFORCEMENT to work in conjunction with them to help reduce the thousands of abandoned vehicles left on Illinois roadways every year. To make this law work for the citizens of Illinois, law enforcement officers need to do no more than issue a citation for abandoning a vehicle. The ticket issued will set in motion a system which will make the responsible party for the abandonment take an affirmative step instead of passing the cost on to others.

39:4-56.1. Willfully Disabling and Abandoning Vehicles

(a) No person shall operate a vehicle upon the public highways, bridges or tunnels of this State or upon any highways, bridges or tunnels in this State operated by any authority of this State or by any authority created jointly by this State and any other State in such a manner as to willfully cause such vehicle to become disabled, by reason of lack of fuel or otherwise, for the purpose of interfering with or obstructing the passage of other vehicles.

(b) No person shall willfully abandon a vehicle upon the public highways, bridges or tunnels of this State, or upon any highways, bridges or tunnels in this State operated by any authority of this State or by any authority created jointly by this State and any other State for the purpose of interfering with or obstructing the passage of other vehicles.

39:4-56.2. Violation

Any person who has been convicted of a violation of this act shall be subject, for a first offense, to a fine of not less than $200.00 nor more than $500.00 and shall have his license to operate a motor vehicle suspended for a period of not less than 1 year nor more than 5 years. For a subsequent violation, he shall be fined not less than $500.00 nor more than $1,000.00 and shall have his license to operate a motor vehicle suspended for 5 years from the date of his conviction. In fixing the penalty to be imposed, the magistrate shall give consideration to the hazard to the public safety and the public inconvenience created by the conduct of such person.

39:4-56.3. Registration Suspended

The registration of any motor vehicle which is used by any person in violation of section 1 of this act [R.S. 39:4-56.1] shall be suspended for not less than 90 days nor more than 1 year unless the owner thereof can demonstrate to the satisfaction of the Director of Motor Vehicles that said vehicle was used in such a manner without his knowledge and consent. In fixing the period of suspension, the director shall give consideration to the threat to public safety and the public inconvenience caused by the use of said vehicle.

39:4-56.4. Serious Threat to Health, Safety and Welfare

The Legislature finds and declares that a serious threat to the health, safety and welfare of the people of this State may be presented by any concerted effort, plan or demonstration involving the use and operation of vehicles in such a way as to impede, hamper, stall and interfere with the ordinary progress of vehicular traffic on, in and through the roads, highways and bridges of the State. Because of the special road hazards, with consequent danger to the lives and property of the people of this State, and economic loss which would inevitably flow from any such course of conduct, the Legislature determines that the penalties and sanctions provided by this act shall be applicable under such circumstances.

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92nd General Assembly
Summary of HB0039

Full Text Bill Status

House Sponsors:
POE-REITZ.

Senate Sponsors:
PARKER-WALSH,L

Short description:
VEH CD-ABANDONED VEHICLES

Synopsis of Bill as introduced:

Amends the Illinois Vehicle Code. Provides that a person who abandons a vehicle or aids and abets in the abandonment of a vehicle is not eligible to obtain registration for another vehicle until the fine and costs have been paid. Provides that, if the person already has transferred his or her registration to another vehicle or has newly obtained registration for another vehicle without having paid the fine or costs, the Secretary of State shall revoke the registration and shall notify the person that his or her registration for that vehicle is void. Provides that the person may not obtain a new vehicle registration until the fine and costs have been paid.

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Support House Bill 39 Poe-Reitz

House Bill 39 deals with the ever-increasing problem of vehicles being abandoned on public roadways. In recent years the number of vehicles abandoned on Illinois highways has drastically increased. Compounding the problem is the inability of tow truck companies (who generally pick up these vehicles at the request of law enforcement) to legally dispose of these vehicles once they are in their possession. In fact much of the necessary paperwork to obtain the name and address of the owner of record and then the application process for a junk or salvage title can take many months or even years.

Current law provides for fines and costs to be paid by a person who abandons a vehicle. In the experience of the towing industry these fines and fee are rarely enforced. In fact once law enforcement or a property owner requests that an abandoned vehicle be relocated, it is no longer considered abandoned, it is unclaimed. Thus leaving the Tow Company with little choice other than to store the vehicle until the proper junk or salvage title can be secured from the State.

House Bill 39 prevents a person who abandons a vehicle from obtaining a registration for a new vehicle until the fines and costs are paid. In addition under HB39 a provision allows those in possession of abandoned unclaimed vehicles (generally tow companies) to notify the registered owner of the vehicle, that costs are owed which may prevent them from registering another vehicle; and that if they no longer wish to retain the vehicle, the title can be surrendered to the tow company. Tow truck companies have found that the vast majority of these vehicles are not wanted by the owners, there are merely "unloading them" by abandonment. HB 39 would give them an incentive to give the title to the Tow Company.

Under this scenario, the Secretary of State's office would no longer need to process thousands of junk or salvage title requests from Tow Companies, reducing the ever increasing paperwork backlog and the Tow Companies would be able to dispose of unwanted vehicles in a legal and expedited manner.

The Professional Towing and Recovery Operators of Illinois support this legislation. If you have any questions please contact Bill Anderson at 793-9086.

T.R.A.M.
TOWING & RECOVERY NEWS

ABANDONED VEHICLE LEGISLATION

Tom Greeley and Mark Champagne attended the Joint Standing Committee on Transportation's legislative meeting and a legislative workshop on abandoned vehicles.

The committee listened to the testimony given by Mark who made the following points:

- This bill is necessary to give towing companies some financial relief from their obligation to tow and store abandoned vehicles.
- Towing companies must invest time, money and wear and tear on their vehicles in order to fulfill this obligation.
- The towing company needs to secure the vehicle title in order to dispose of it.
- Proponents support an amendment that would allow the exemption if requested by a law enforcement official, not just the State Police.

Due to TRAM'S representation at these meeting changes will be made to the existing legislation.

The following is a recap of changes to be made to existing legislation:

20-A MRSA section 603, subsection 5-A to be added.

5-A. Abandoned vehicles declared a total loss. A towing company is exempt from a title fee under the following conditions:

1. The vehicle is towed by a towing company at the request of a law enforcement officer and: The towing company declares the vehicle is a total loss while claiming the vehicle pursuant to chapter 15, subchapter III and;
2. The vehicle owner is notified that the vehicle is claimed under the abandoned vehicle law as required in section 1854 and

The title fee under section 603 subsection E is requested from the vehicle owner by the Secre-

We owe special thanks to Catherine Curtis, Director, Division of Motor Vehicles for her valuable support In writing this bill for the association.

Amend 29-A MRSA, Section 1854, subsection 3.

3. Response. On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603 subsection 5-A, the letter must inform the vehicle owner they owe $23 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

29-A MRSA Section 668, subsection 3 is amended to add:

§668. Suspension or revocation of certificate of title or certificate of salvage

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or a certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State. If a person fails to deliver documents and registration plates

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PUBLIC LAWS OF MAINE
Second Regular Session of the 120th

CHAPTER 563
S.P. 740 - L.D. 2064

An Act to Waive the Title Fee for Towed Abandoned Vehicles

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §603, sub-§6 is enacted to read:

6. Abandoned vehicles declared total loss. A towing company is exempt from a title fee if:

A. The towing company tows a vehicle at the request of a law enforcement officer;
B. The towing company declares a vehicle a total loss while claiming the vehicle pursuant to chapter 15, subchapter III;
C. The Secretary of State notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law as required in section 1854; and
D. The Secretary of State requests the title fee under subsection 1, paragraph E from the vehicle owner.

Sec. 2. 29-A MRSA §668, sub-§3, as amended by PL 1995, c. 482, Pt. A, §15, is further amended to read:

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State. If the owner or person in possession of that document fails to deliver the document and registration plates to the Secretary of State, the Secretary of State may suspend the person's privilege to title or register a vehicle.

Sec. 3. 29-A MRSA §1854, sub-§3, as amended by PL 1999, c. 137, §1, is further amended to read:

3. Response. On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay $23 to the Secretary of State to transfer the title. A copy of this letter must be provided to the person claiming ownership.

Effective July 25, 2002, unless otherwise indicated.

HOWARD DEAN, M.D.
Governor

State of Vermont
OFFICE OF THE GOVERNOR
Montpelier 05609

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June 14, 2002

David Gibson
Secretary of the Senate
State House
Montpelier, Vermont 05602

Dear David,

I am returning S.151, an act relating to abandoned motor vehicles, because of my objections described below.

Senate bill 151, as passed by the Senate and as originally reported on the House floor, was a very good and much needed bill. I appreciate all the work that went into crafting this bill to address the issues identified by law enforcement and DMV to improve the current abandoned vehicle statute. I want to thank the House and Senate Transportation and Appropriations committees, the Senate Finance committee and the many people that worked on this bill. I am sure that the intended result of all was a better process to deal with abandoned motor vehicles. Unfortunately, the bill as passed does not achieve that result.

Under existing law, an abandoned motor vehicle is a "a motor vehicle without claimed ownership for thirty days." This statute provides a means to dispose of abandoned vehicles. Absent the statute, communities and landowners are stuck in the frustrating position of not having any way of moving or disposing of abandoned cars and trucks.

On the basis of recent experience, the number of abandoned vehicles processed by DMVwill continue to increase. The average number of vehicles abandoned had been around 175 but, over the last two years, roughly 300 vehicles a year must be dealt with. Testimony before the various Legislative Committees suggested that there is a very high level of underreporting and that the actual number of abandoned vehicles towed would approach 1000. Finally, it is important to note that approximately ninety percent of abandoned cars and trucks are removed from private property.

In S.151 as passed, the definition of "abandoned motor vehicle" was narrowed. It now would only include those vehicles remaining "on public or private property or on or

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along a highway without the consent of the owner or person in control of the property for any period of time *if the vehicle does not have a valid registration plate or ascertainable vehicle identification number."* (Emphasis added).

Since virtually all motor vehicles have an ascertainable vehicle identification number, there will be few, if any, vehicles that will fit this definition. As a result people could do nothing about most abandoned vehicles left on their property.

This bill specifically provides that its provisions do not preempt any municipal ordinances on the subject. The municipalities could continue to remove such vehicles; however, disposal of them would be complicated if not impossible.

Unfortunately, the bill as passed also repeals DMV's current authority to investigate ownership of the vehicle, notify the owner, and dispose of the vehicle. This would prevent removal and subsequent disposal of such vehicles. Rather than improving the present procedure, S. 151 now leaves the state with no process or authority to deal with this growing problem.

Although I do not believe it was the intent of the General Assembly to cause the bill to create these problems, given the problems created by S. 151, I am returning the bill unsigned and with objections in writing to the Senate pursuant to Chapter II, § 11 of the Vermont Constitution.

Sincerely,



Howard Dean, M.D.
Governor

HD/rr

Garden State Towman's Association, Inc.

P.O. Box 8665
Red Bank, New Jersey 07701-8665
(732) 530-4782
1-800-273-5981 (In New Jersey)
FAX: 732-530-3828
WEBSITE: www.gsta.org

The Garden State Towman's Association (GSTA) is the largest towing association in the state of New Jersey and is recognized as an affiliate of the national Towing and Recovery Association of America (TRAA) who represent towing associations across the country.

The State of New Jersey along with many other states across the country is struggling with an increasing problem of abandoned vehicles. Municipalities, law enforcement, property owners and towing companies all are burdened with the task of removing these vehicles from roadways, parking lots, and private property. Once the car is removed and unclaimed by their owners, the municipalities and law enforcement agencies are responsible to notify the owner of the vehicle, apply for titles, and dispose of these vehicles in a timely fashion. Abandoned vehicles are generated by drivers and owners who no longer want the vehicle due to its condition, value, or loss of proper credentials to operate the vehicle.

Today's older vehicles, eight (8) years old or older have no value and can become costly for the owner to dispose of. Automobile manufacturers are building disposable vehicles which cause many owners to have a tendency to leave cars on the side of the roadway, in parking lots, on private property and in commercial towing and storage yards when they no longer want the vehicle.

Towing companies across the state of New Jersey generate abandoned and unclaimed vehicles from law enforcement agencies and municipalities. Vehicles that are abandoned and towed out of harms way, and/or out of sight for the municipalities are there because they have become disabled, involved in accidents, drivers are arrested, or for improper paperwork to operate these vehicles legally in the state of New Jersey. They can also become abandoned when owners do not come back to claim them.

New Jersey has several abandoned vehicle laws in Title 39 that address abandoned vehicles. There are procedures in Title 39 which municipalities and law enforcement can take to obtain a title from DMV to legally dispose of these vehicles. In these statutes summons can be issued against the owner of a vehicle. Unfortunately, many municipalities and law enforcement agencies do not process these vehicles in a timely fashion. When municipalities do not properly handle abandoned vehicles, these vehicles end up taking a tremendous amount of storage space at towing companies. They become a liability risk and an extremely costly burden to the tower without ways of legally disposing of them. Abandoned vehicles, no matter where they are, become an eyesore, an environmental and health problem to the public and municipalities. The individual who does not claim the

abandoned vehicle puts quite a burden on the municipalities and towers.

GSTA would like to propose legislation or amend the present legislation to require the last titled owner responsible for paying reasonable towing and storage charges. Charges due would have to be paid before the owner of the vehicle could re-register, re-title another car, and/or renew his license. We feel that the owner of the vehicle should be held responsible and accountable for his actions. Municipalities, law enforcement, the public and the towing companies should not be burdened with this increasing problem and costly issue. Similar legislation has been introduced and passed in several states, including Florida, Washington, and Illinois.

We would also like to address the need for municipalities to deal with abandoned vehicles in an expeditious manner. Many municipalities do not take responsibility for disposition of these vehicles. Title 39 appears to be very clear. Law enforcement, and municipalities are responsible and obligated to apply and process vehicles for titles.

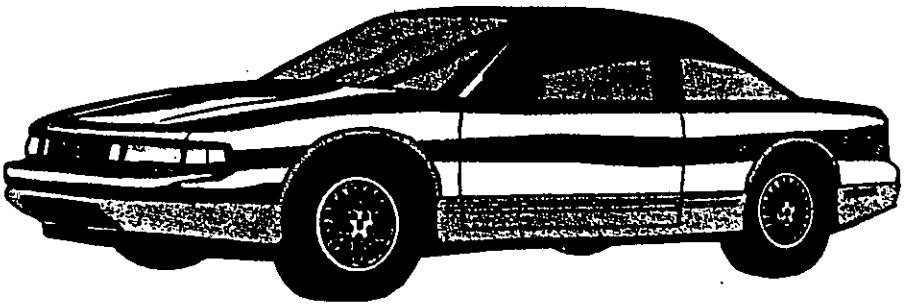
GSTA looks forward to working with all parties involved to help resolve the abandoned vehicle issue in New Jersey. Abandoned, unclaimed vehicles continue to become more difficult each year. We need to correct this issue for the safety, health, and well being of the public, municipalities, law enforcement and towing companies.

DEFINITION OF ABANDONED VEHICLES:

Any vehicle partially dismantled or not readily capable of operation under its own power or not currently used for transportation or not currently licensed, or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for storage with the owner, occupant or person in control of the premises on which it is located.

Auto Recycler and Dismantler Facilities:

Environmental Analysis of the Industry with a Focus on Storm Water Pollution



Xavier Swamikannu

Doctoral Dissertation
Environmental Science and Engineering

University of California, Los Angeles (UCLA)

1994

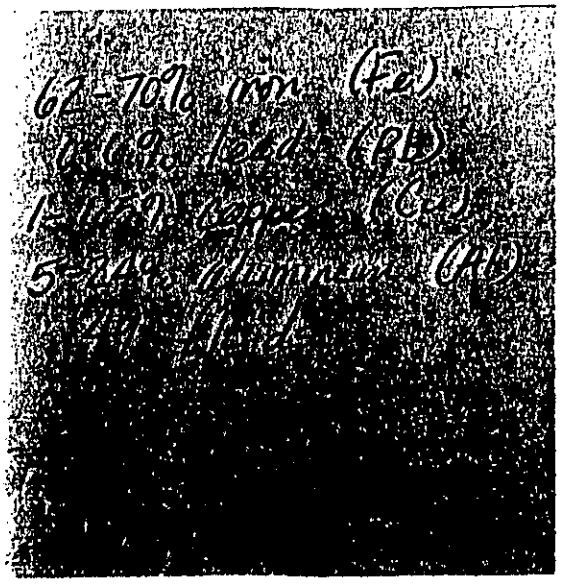
UNIVERSITY OF CALIFORNIA

Los Angeles

Auto Recycler and Dismantler Facilities: Environmental Analysis of the Industry with a Focus on Storm Water Pollution

A dissertation submitted in partial satisfaction of the requirements for the degree

Doctor of Environmental Science and Engineering



by

Xavier Swamikannu

1994

storm water runoff from auto recycler facilities because of the dissimilarity in processes between auto dismantling and vehicle shredding, and the phaseout of PCB manufacture and use.

Metals

Analysis of storm water runoff samples and the AF treatment system sludge showed higher concentrations of Fe, Zn, Pb, and lesser amounts of Cu, Ni (Figure 11). It is not surprising that the concentration of metals found in storm water comes from the two sources that characterize such facilities; automobile bodies, and waste motor oil. The average automobile weighs 1,145 kg (2,520 lbs) and has a typical composition, by weight of Fe 62-70%, Pb - 0.6%, Zn 1-1.5%, Cu 1-2%, Al 5-24%, Fluids 4% (Ness 1984, McCosh 1990, Bever 1978, USDOT 1977). However, some motor-vehicle components are rich in selected heavy metals: batteries and clamps (Pb); radiators, wires, and brake pads (Cu); and tires (Zn, Cd) (SCVNPSCP 1994, Ness 1984, Bever 1978). In addition, waste motor oil contains significant concentrations of heavy metals from piston blow-by, additives, and engine wear; Pb 1,200- > 13,000 μg/g; Zn 1,200-2,500 μg/g; Cu 50 μg/g; Ni 5 μg/g; Cd 2 μg/g; Cr 3-30 μg/g; and As 5-25 μg/g (Vazquez-Duhalt 1989, CDHS 1988).

Iron is usually not of concern as a contaminant in storm water runoff. However, at auto recycler facilities, its concentration in runoff could be used as an indicator of

713.78 Liens for recovering, towing, or storing vehicles and vessels.--

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle, vessel, or mobile home upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

Monetary penalties.

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (4) of this section has been paid.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys

RCW 46.55.105

Responsibility of registered owner.

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of the traffic infraction of "littering -- abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(6), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3,35, or35A RCW, or with a violations bureau subject to the court's jurisdiction.

[2002 c 279 § 10; 1999 c 86 § 5; 1998 c 203 § 2; 1995 c 219 § 4; 1993 c 314 § 1.]

NOTES:

Finding -- 1998 c 203: "The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents in

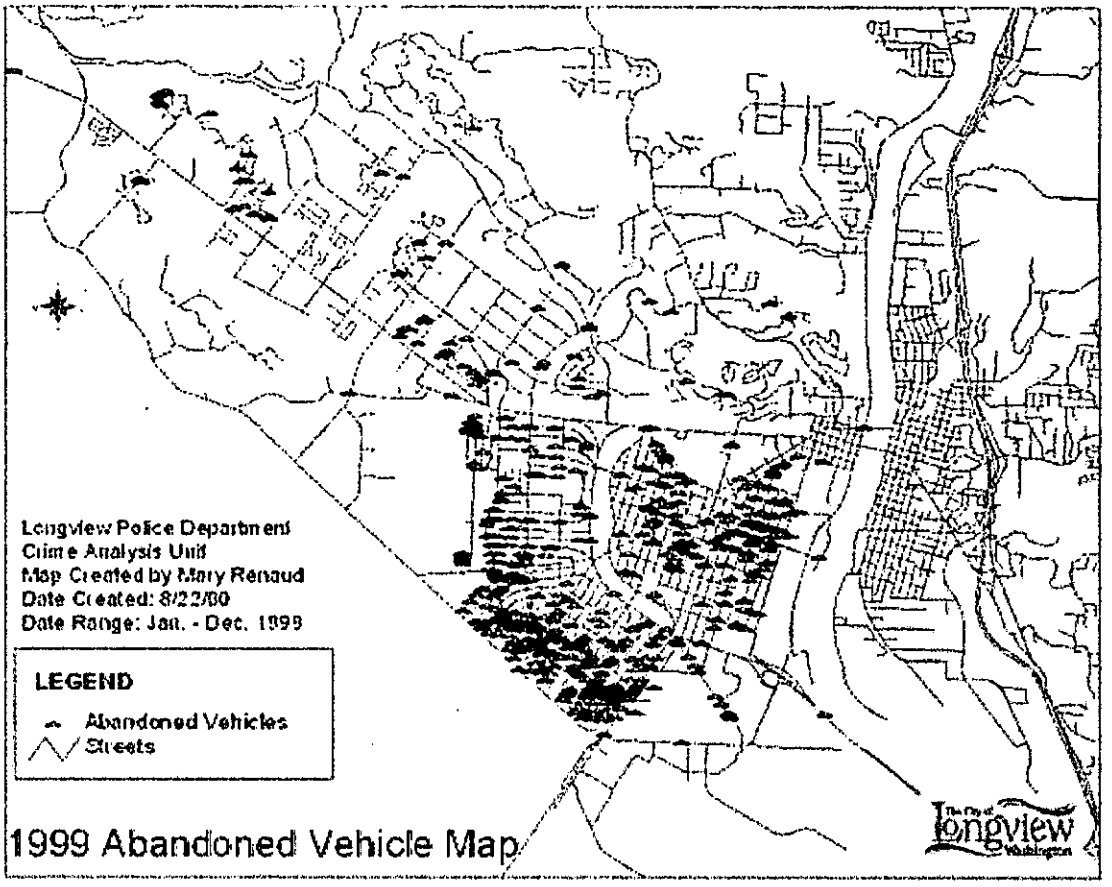
Washington annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty to not allow their vehicles to be driven by a suspended driver.

Despite the existence of criminal penalties for driving with a suspended or revoked license, an estimated seventy-five percent of these drivers continue to drive anyway. Existing sanctions are not sufficient to deter or prevent persons with a suspended or revoked license from driving. It is common for suspended drivers to resume driving immediately after being stopped, cited, and released by a police officer and to continue to drive while a criminal prosecution for suspended driving is pending. More than half of all suspended drivers charged with the crime of driving while suspended or revoked fail to appear for court hearings. Vehicle impoundment will provide an immediate consequence which will increase deterrence and reduce unlawful driving by preventing a suspended driver access to that vehicle. Vehicle impoundment will also provide an appropriate measure of accountability for registered owners who permit suspended drivers to drive their vehicles. Impoundment of vehicles driven by suspended drivers has been shown to reduce future driving while suspended or revoked offenses for up to two years afterwards, and the recidivism rate for drivers whose cars were not impounded was one hundred percent higher than for drivers whose cars were impounded. In order to adequately protect public safety and to enforce the state's driver licensing laws, it is necessary to authorize the impoundment of any vehicle when it is found to be operated by a driver with a suspended or revoked license in violation of RCW 46.20.342 and *46.20.420. The impoundment of a vehicle operated in violation of RCW 46.20.342 or *46.20.420 is intended to be a civil in rem action against the vehicle in order to remove it from the public highways and reduce the risk posed to traffic safety by a vehicle accessible to a driver who is reasonably believed to have violated these laws." [1998 c 203 § 1.]

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Abandoned Vehicles Map

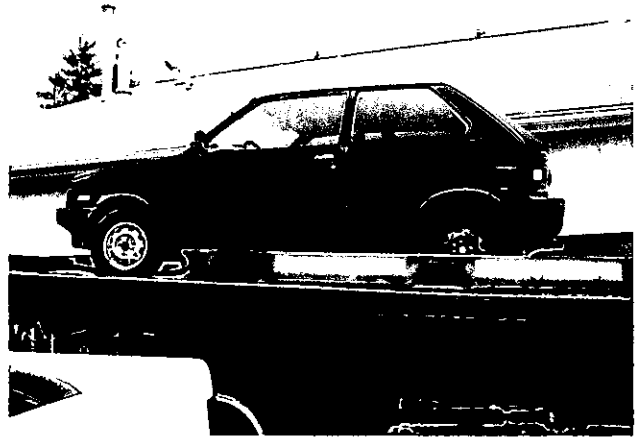
Below is a map showing the Abandoned Vehicle calls for service in 1999.

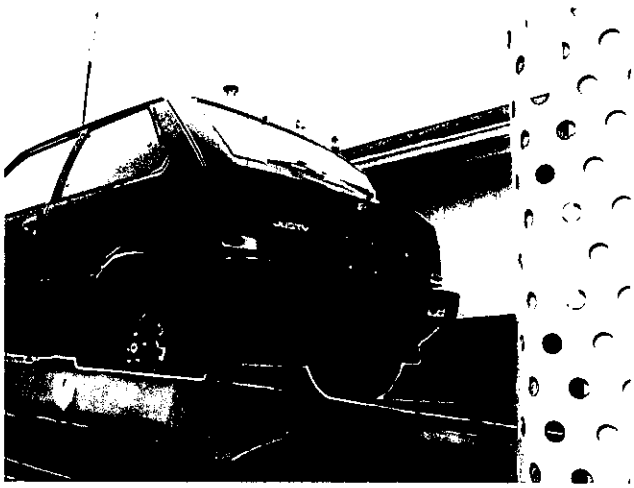


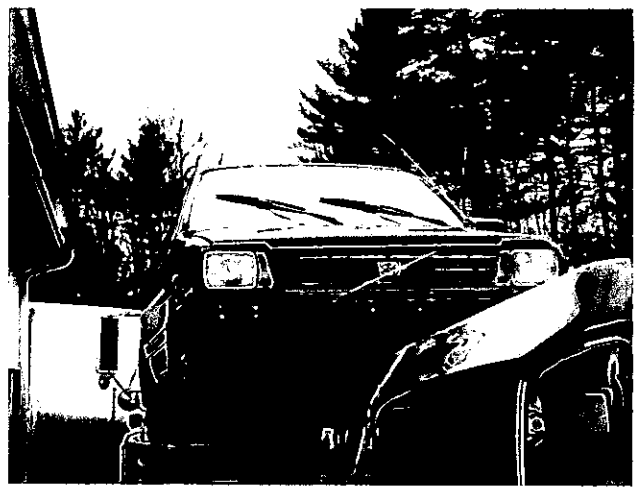
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Question or Comment? Contact Us

Attachment 2









Speakers

SENATE TRANSPORTATION COMMITTEE

Date 04/23/03 Time 4:15 p.m. Public Hearing on HB 699-FN
relative to abandoned vehicles..

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	REP. JEAN-GUY J BERGERON	DISTRICT 66 PELHAM-HUDSON
☑	☑	☐	Rep Bob Letourneau	Dist 7
☑	☑	☐	Rep Shuman Puchalski	
☑	☑	☐	~~Gary~~ Rousos	~~Life Insurers~~
☑	☑	☐	RENE R FORTIN	N.N TOWING ASSOC
☑	☑	☐	DONALD G. HAYDEN	~~Rock~~ NH Towing Assc.
☑	☑	☐	LARRY GUARALDI	NHPO + Self.
☐	☑	☐	Joanne Stone	N.H. Towing Assoc. (Stone's Auto Body)
☑	☐	☐	Sen. Andrie G. Martel	Constituency
☐	☑	☐	Rep. Bob L'Heureux	Hills 6B
☑	☐	☐	Russell MacAlloy	NH Towing Assn Exec + Bucks Recycler, ABC
☑	☑	☐	Mike Bailey	N.H.T.A. chairman CANS
☑	☑	☐	[illegible]	D+V Towing
☐	☑	☐	Wayne Peasley	Peasley Safety Consulting
☐	☑	☐	Monna Bailey	Bailey Towing + Auto Body
☐	☑	☐	Juliet Emmitt	MYSELF
☐	☑	☐	Malcolm Beaulieu	
☐	☐	☐		
☐	☐	☐		
☐	☐	☐		

Testimony

HB 699-FN

2003

FOUNDING MEMBER

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RENE FORTIN
MERRIMACK
579-0700

Vice President
STUART STONE
NEWPORT
863-4566

Treasurer
JOHN BERGLUND
KEENE
357-0138

Secretary
DON HAYDEN
NASHUA
882-8300

Executive Administrator
JOANNE STONE
NEWPORT
1-800-287-4206

Directors
STEVE PLOURDE
CLAREMONT
542-8336

SKIP STEARNS
LONDONDERRY
432-9446

GEORGE ANTOINE
CONCORD
225-5641

JIM LEONARD
LOUDON
783-4027

ALAN LOWE
RANDOLPH
466-3950

JIM BAILEY
MERRIMACK
424-4724

JIM McMAHON
LITTLETON
444-2933

WAYNE PEASLEY
HENNIKER
877-525-3581

JOHN SKIFF
GOFFSTOWN
644-0101

COURTNEY HEATH
SUNAPEE
763-8700

ABANDONED VEHICLE PROBLEM

The New Hampshire Towing Association comprised of over one hundred and forty small New Hampshire businesses. This letter is written to you to ask for your help with a large problem that is getting bigger every year in our Industry.

There is a growing problem of abandoned cars that we are asked to remove from public roads per request of law enforcement. A few common scenarios would be:

a. **A car left on the side of the road, sometimes with or without plates.**
b. **A car to be towed for legal reasons, i.e., driver under arrest or driving with a suspended license.**

BACKGROUND

As part of law enforcement's duty to keep the roads safe, we are called on an ASAP status, which requires us to put that call ahead of our paying customers cars with prearranged appointments. After towing these cars back to our shops, many times the owners of the cars:

a. **Never call us or come back to take care of the car and towing bill.**
b. **Sometimes return to the shop, but only to empty out personal belongings from the car, leaving the towing/auto repair shops with the vehicle and unpaid bill.**

Existing New Hampshire RSA (Chapter 262) laws address the problem, with penalties that can include loss of license or registration. Existing laws also state that the Hearing Officer <u>may</u> have a hearing with the last known registered owner. Unfortunately, this is not being enforced, and our members are not receiving support from that process. Replacing the words <u>may</u> have a hearing to <u>shall</u> have a hearing would help to expedite the process of dealing with abandoned vehicles. It is our opinion that if the State of New Hampshire's Hearing Department sends out a notice of a hearing, a high percentage of car owners will rectify the problem quickly in order to avoid the hearing. If the vehicle owner does not rectify the problem, there shall be a hearing in order to charge the person with vehicle abandonment.

Additionally, our Association would like to see New Hampshire RSA laws regarding abandoned vehicles changed, to better define what constitutes an abandoned vehicle. We believe New Hampshire RSA's regarding abandoned vehicles should specifically state that any vehicle which is requested to be towed by law enforcement and remains unclaimed after 30 days shall be considered abandoned. The way current New Hampshire laws are written and interpreted,

Address All Correspondence to: NEW HAMPSHIRE TOWING ASSOCIATION
P.O. Box 5438/Manchester, New Hampshire 03108-5438
Email:nhta@fcgnetworks.net

law enforcement is reluctant to consider the vehicle to be abandoned as it was law enforcement who requested the vehicle to be towed rather than the vehicle owner.

Of note, despite following the current processes set forth in existing New Hampshire laws including notifying the last registered owner of our possession of the vehicle and charges owed; our attempts at formal notifications go unheeded, leaving our business to bear the full cost associated with disposal of abandoned vehicles.

Lastly, we believe the New Hampshire RSA regarding abandoned vehicles should be changed to read that both the car and contents shall be held with the towing company/repair shop until the responsible party claims the vehicle, making full payment for all charges owed. We are open to making allowances for removal of such emergency items as prescription medication, glasses, etc. but not full removal of all personal contents. Given that abandoned vehicles typically have no value, we believe retention of personal affects is the only real leverage available to recover any costs associated with abandoned vehicles. Presently, there is little or no incentive, as evidenced by the growing problem we continue to experience.

As it now stands, the towing operators are being unduly penalized when responding to law enforcement's requests to remove abandoned vehicles and make our roadways safe. We believe we provide a valuable and important public service and would like to be compensated for our efforts.

RECOMMENDATION

New Hampshire State Laws on abandoned vehicles should be clarified and the way they are currently being enforced. The responsibility for abandoned vehicles should be directed to those who abandoned them rather than to towing companies. Following is a copy of a bill introduced in to the 2003 session of the N.H. Legislature by Sherman Packard Chairman of the House Transportation Committee. The bill if enacted should go a long way towards making New Hampshires highways safer particularly during stormy weather.

NEW HAMPSHIRE TOWING ASSOCIATION
P.O. BOX 5438
MANCHESTER, N.H. 03108-5438

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TITLE XXI
MOTOR VEHICLES

CHAPTER 261
CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Registration Penalties and Offenses

Section 261:179

261:179 Suspension or Denial of Registration for Abandoning Vehicle. – The director may suspend any registrations issued to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

Source. 1989, 253:1, eff. July 25, 1989.

TITLE XXI
MOTOR VEHICLES

CHAPTER 262
ANTITHEFT LAWS, OFFENSES, PENALTIES, HABITUAL OFFENDERS, ARREST OF NONRESIDENTS AND ABANDONED VEHICLES

Abandoned Vehicles

Section 262:40-c

262:40-c Abandoning a Vehicle; Penalty. – No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director may suspend the driver's license of any person who has not paid such costs.

Source. 1989, 253:3, eff. July 25, 1989.

TITLE XXI
MOTOR VEHICLES

CHAPTER 263
DRIVERS' LICENSES

License Suspension and Revocation

Section 263:56

263:56 Authority to Suspend or Revoke License. –

I. In addition to any other authority provided by law, the director is hereby authorized to revoke or suspend any license, permit or certificate issued under this title after a hearing upon a showing by its records or other sufficient evidence that the driver:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction;

(b) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) Is an habitually reckless or negligent driver of a motor vehicle, as established by the point system set up pursuant to paragraph II, by a record of accidents, or by other evidence;

(d) Is incompetent to drive a motor vehicle by reason of physical, mental or moral impairment. For purposes of this paragraph, a license suspension or revocation on the basis of moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude;

(e) Has fraudulently or unlawfully used, permitted to be used, altered, displayed, or manufactured a license, has in his possession an altered or false license, or has been convicted of any offense specified under RSA 263:12;

(f) Has violated his written promise to appear given to an officer upon the issuance of a traffic citation in this or any other state or has failed to appear in court in this or any other state at the time specified by the court;

(g) Has by reckless or unlawful operation of motor vehicle caused or materially contributed to an accident resulting in death or injury to any other person or serious property damage; or

(h) Is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct or misuse or abuse of driving privileges.

II. For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the director shall adopt rules pursuant to RSA 260:5 establishing a uniform system assigning demerit points for convictions of violations of this title. The rules shall include a designated level of point accumulation which so identifies drivers. The director may assess points for convictions in other states of offenses which, if committed in this state, would be grounds for such assessment. Notice of the assessment of points may be given in accordance with rules adopted by the director. No points shall be assessed for violating a provision of this title regulating standing, parking, equipment, size or weight. However, points may be assessed for convictions involving abandoned vehicles as provided in RSA 262:40-c, and points may be assessed against any person who is found by the director to have abandoned a vehicle and who has not satisfied the reasonable costs of removal and storage. In case of the conviction of a licensee of 2 or

more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. The director is authorized to suspend or revoke the license of a driver when his driving record identifies him as an habitually reckless or negligent driver or an habitual or frequent violator under this section. The director may, in accordance with rules adopted pursuant to this section, order the licensee to attend a group or private driver improvement interview regarding his driving ability and record.

II-a. Notwithstanding RSA 605:6 or any other provision of law to the contrary, any conviction for an offense which is used as a basis for suspension or revocation of a license under this section and which involves a plea of nolo contendere shall be treated in the same manner as a conviction which involves a guilty plea for the purpose of assessing demerit points under paragraph II.

III. The director shall not revoke or suspend a driver's license under the provisions of this section for a period in excess of one year except:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 7 years.

(b) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(d) by reason of physical or mental impairment the director may suspend or revoke a license indefinitely provided that the person may request a hearing once every year thereafter for the purpose of reviewing the original order.

IV. In proceedings concerning accidents involving motor vehicle fatalities or serious injury, the director shall not give weight to the lack of a criminal prosecution relative to the accident in making his decision concerning license suspension or revocation. In any hearing conducted under the provisions of this section regarding a fatality, the decedent's next of kin shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. In any hearing conducted under the provisions of this section regarding a serious injury, any seriously injured person shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. The decedent's next of kin or any seriously injured person, if aggrieved by the director's order, shall have standing under RSA 263:76 to file a petition of review in the superior court for review of the questions of law in the director's order. If an appeal is made under RSA 263:76 concerning an accident involving a motor vehicle fatality or serious injury, the decedent's next of kin or any seriously injured person shall be notified of the filing of the appeal and the date of the appeal hearing and shall have the right to make a written statement to the court at the time of the hearing. The director shall be deemed to have complied with this paragraph provided that he has notified by certified mail with return receipt requested the seriously injured person or at least one of the next of kin who is, if possible, of the age of majority and listed in RSA 259:66-a and who has been identified as a result of a review of division records or of information made known to the division.

V. The director shall adopt rules as part of the point system required by paragraph II, establishing lesser point totals for suspension or revocation of driver's licenses of younger drivers including separate categories for drivers who are under the ages of 21 and 18, respectively.

Source. 1921, 119:16. PL 102:30. RL 118:32. RSA 262:39. 1981, 146:1. 1986, 193:2. 1987, 404:5-7. 1988, 20:2. 1989, 253:4. 1990, 79:6; 262:4. 1992, 21:2, eff. Jan. 1, 1993. 1999, 295:4, eff. Jan. 1, 2000.

262:40-c Abandoning a Vehicle; Penalty.

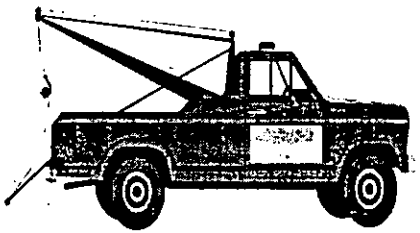
No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director may suspend the driver's license of any person who has not paid such costs.

Source. 1989, 253:3, eff. July 25, 1989.

New Hampshire Towing Association

February 8, 2000

State of New Hampshire Department of Safety Division of Motor Vehicles





What is Hearings?

The Bureau of Hearings is responsible for administrative hearings conducted by the Department of Safety under the authority of Richard M. Flynn, Commissioner of Safety and Virginia C. Beecher, Director of Motor Vehicles.

The quasi-judicial hearings include all driver license reviews for example habitual offenders, demerit points system, transporting alcohol by a minor, Children in need of Supervision, (C.H.I.N.S.), Administrative License Suspension [*involving persons having taken a chemical test after an arrest or refusing to complete the test*], Uninsured Accident Involvement and Serious Injury/Fatal Crashes. Other hearings held include topics such as Watercraft, Fireworks Licensing, Security Guard Licensing, Vehicle Dealership, Inspection Station, and the Titling of Vehicles. Also, Common Carrier Authorization, Abandoned Vehicles and Dynamite Permits to name a sampling of topics covered. More recently the Bureau of Hearings has conducted the public hearings involving watercraft in relationship to governing use on certain waterways, Vehicle Emissions and The N.H. Motor Vehicle Industry Board.

Presently hearings are accomplished in Concord, Dover, Gorham, Keene, Lebanon, Manchester, Merrimack, Salem, Tamworth and Twin Mountain.

The Bureau of Hearings staff consists of the Administrator,; Chief Hearings Examiner; Thirteen hearing examiners and seven support staff. A Litigation Post consisting of an Attorney and legal secretary rounds out the staff.

Hearings are conducted under the general authority of promulgated administrative rules (Saf-C 200) and New Hampshire law Title XXI of the Revised Statutes Annotated. Hearings are also administrated through the specific rules and statutes that are applicable to the subject matter and scope of review listed.

262:33 Procedure for Removal and Impoundment.

I. Upon satisfying the requirements of RSA 262:32, such vehicle may be removed and stored in a suitable place, and all reasonable charges incurred as a result of such removal and storage shall be a lien against the vehicle which shall be paid by th owner, custodian, or person claiming such vehicle, except as otherwise provided in this section.

II. Whenever a vehicle is towed pursuant to RSA 262:32 the owner or other person lawfully entitled to the possession of the vehicle shall be entitled to recover sai vehicle and release of the above lien by payment of all reasonable towing and storag charges. If the owner or other person lawfully entitled to possession of the vehicl wishes to challenge whether there was sufficient grounds for towing and impoundment, he may pay over to the custodian of the vehicle an amount equal to th towing and storage charges to secure the release of such vehicle, and, within 15 days of the towing and impoundment, request in writing a hearing.

III. The hearing shall be held before the head of the law enforcement agency which employs the authorized official who caused the vehicle to be removed and stored, or his designee. In the event such agency head or his designee determines sufficient grounds did not exist for the removal and storage of the vehicle, the law enforcement agency shall reimburse the owner or other person lawfully claiming possession for any amount paid to the custodian to secure release of the vehicle.

IV. Nothing in this section shall prevent a review of the reasonableness of th towing or other action as may be permitted by laws of this state by a court of competent jurisdiction.

262:34 Notice of Removal.

Whenever an authorized official or the owner or person in lawful possession of private property directs the removal and storage of a vehicle as permitted in this subdivision, he shall, if he knows or is able to ascertain from the registration records of the division the name and address of record of the registered owner of the vehicle, attempt to give or have given by the most practicable means, notice of the fact of suc removal and the place to which said vehicle has been removed. If the authorized official does not know and is not able to ascertain the name of the owner, or for an other reason is unable to give notice to the owner as provided in this section, such notice shall be filed with the director, which notice shall be placed on file by said director and open to public inspection.

261:179 Suspension or Denial of Registration for Abandoning Vehicle.

The director may suspend any registrations issued to a person who ha been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

"Shedding Light On The Illinois Towing Industry"

PRESS RELEASE

GOVERNOR SIGNS SB2161
PUBLIC ACT 92-0654

The Governor's office phoned the PTROI office to inform us that SB2161 had been signed into law July 11, 2002. It takes effect January 1, 2003. This bill gives your community or municipality the assistance needed to impose the cost of removal of abandoned vehicles on the vehicle owner.

This law provides that the Secretary of State shall prohibit the renewal, reissue, or reinstatement of the driving privileges of a person who fails to pay a fine, charge, or cost imposed for abandonment of a vehicle, and provides for procedures to be followed in imposing the sanction and to be followed when the fine, charge, or cost has been paid.

The Professional Towing and Recovery Operators of Illinois ARE ASKING ILLINOIS LAW ENFORCEMENT to work in conjunction with them to help reduce the thousands of abandoned vehicles left on Illinois roadways every year. To make this law work for the citizens of Illinois, law enforcement officers need to do no more than issue a citation for abandoning a vehicle. The ticket issued will set in motion a system which will make the responsible party for the abandonment take an affirmative step instead of passing the cost on to others.

39:4-56.1. Willfully Disabling and Abandoning Vehicles

(a) No person shall operate a vehicle upon the public highways, bridges or tunnels of this State or upon any highways, bridges or tunnels in this State operated by any authority of this State or by any authority created jointly by this State and any other State in such a manner as to willfully cause such vehicle to become disabled, by reason of lack of fuel or otherwise, for the purpose of interfering with or obstructing the passage of other vehicles.

(b) No person shall willfully abandon a vehicle upon the public highways, bridges or tunnels of this State, or upon any highways, bridges or tunnels in this State operated by any authority of this State or by any authority created jointly by this State and any other State for the purpose of interfering with or obstructing the passage of other vehicles.

39:4-56.2. Violation

Any person who has been convicted of a violation of this act shall be subject, for a first offense, to a fine of not less than $200.00 nor more than $500.00 and shall have his license to operate a motor vehicle suspended for a period of not less than 1 year nor more than 5 years. For a subsequent violation, he shall be fined not less than $500.00 nor more than $1,000.00 and shall have his license to operate a motor vehicle suspended for 5 years from the date of his conviction. In fixing the penalty to be imposed, the magistrate shall give consideration to the hazard to the public safety and the public inconvenience created by the conduct of such person.

39:4-56.3. Registration Suspended

The registration of any motor vehicle which is used by any person in violation of section 1 of this act [R.S. 39:4-56.1] shall be suspended for not less than 90 days nor more than 1 year unless the owner thereof can demonstrate to the satisfaction of the Director of Motor Vehicles that said vehicle was used in such a manner without his knowledge and consent. In fixing the period of suspension, the director shall give consideration to the threat to public safety and the public inconvenience caused by the use of said vehicle.

39:4-56.4. Serious Threat to Health, Safety and Welfare

The Legislature finds and declares that a serious threat to the health, safety and welfare of the people of this State may be presented by any concerted effort, plan or demonstration involving the use and operation of vehicles in such a way as to impede, hamper, stall and interfere with the ordinary progress of vehicular traffic on, in and through the roads, highways and bridges of the State. Because of the special road hazards, with consequent danger to the lives and property of the people of this State, and economic loss which would inevitably flow from any such course of conduct, the Legislature determines that the penalties and sanctions provided by this act shall be applicable under such circumstances.

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Full Text Bill Status

House Sponsors:
POE-REITZ.

Senate Sponsors:
PARKER-WALSH,L

Short description:
VEH CD-ABANDONED VEHICLES

Synopsis of Bill as introduced:

Amends the Illinois Vehicle Code. Provides that a person who abandons a vehicle or aids and abets in the abandonment of a vehicle is not eligible to obtain registration for another vehicle until the fine and costs have been paid. Provides that, if the person already has transferred his or her registration to another vehicle or has newly obtained registration for another vehicle without having paid the fine or costs, the Secretary of State shall revoke the registration and shall notify the person that his or her registration for that vehicle is void. Provides that the person may not obtain a new vehicle registration until the fine and costs have been paid.

andersonlegislativeconsul

Anderson Legislative Consulting

[redacted]2912 Newport Drive • Springfield, IL 62702 • T: 217/793-9086 • 217/525-7433 • F: 217/793-4354

Support House Bill 39 Poc-Reitz

House Bill 39 deals with the ever-increasing problem of vehicles being abandoned on public roadways. In recent years the number of vehicles abandoned on Illinois highways has drastically increased. Compounding the problem is the inability of tow truck companies (who generally pick up these vehicles at the request of law enforcement) to legally dispose of these vehicles once they are in their possession. In fact much of the necessary paperwork to obtain the name and address of the owner of record and then the application process for a junk or salvage title can take many months or even years.

Current law provides for fines and costs to be paid by a person who abandons a vehicle. In the experience of the towing industry these fines and fee are rarely enforced. In fact once law enforcement or a property owner requests that an abandoned vehicle be relocated, it is no longer considered abandoned, it is unclaimed. Thus leaving the Tow Company with little choice other than to store the vehicle until the proper junk or salvage title can be secured from the State.

House Bill 39 prevents a person who abandons a vehicle from obtaining a registration for a new vehicle until the fines and costs are paid. In addition under HB39 a provision allows those in possession of abandoned unclaimed vehicles (generally tow companies) to notify the registered owner of the vehicle, that costs are owed which may prevent them from registering another vehicle; and that if they no longer wish to retain the vehicle, the title can be surrendered to the tow company. Tow truck companies have found that the vast majority of these vehicles are not wanted by the owners, there are merely "unloading them" by abandonment. HB 39 would give them an incentive to give the title to the Tow Company.

Under this scenario, the Secretary of State's office would no longer need to process thousands of junk or salvage title requests from Tow Companies, reducing the ever increasing paperwork backlog and the Tow Companies would be able to dispose of unwanted vehicles in a legal and expedited manner.

The Professional Towing and Recovery Operators of Illinois support this legislation. If you have any questions please contact Bill Anderson at 793-9086.

T.R.A.M.
TOWING & RECOVERY NEWS

ABANDONED VEHICLE LEGISLATION

Tom Greeley and Mark Champagne attended the Joint Standing Committee on Transportation's legislative meeting and a legislative workshop on abandoned vehicles.

The committee listened to the testimony given by Mark who made the following points:

- This bill is necessary to give towing companies some financial relief from their obligation to tow and store abandoned vehicles.
- Towing companies must invest time, money and wear and tear on their vehicles in order to fulfill this obligation.
- The towing company needs to secure the vehicle title in order to dispose of it.
- Proponents support an amendment that would allow the exemption if requested by a law enforcement official, not just the State Police.

Due to TRAM'S representation at these meeting changes will be made to the existing legislation.

The following is a recap of changes to be made to existing legislation:

20-A MRSA section 603, subsection 5-A to be added.

5-A. Abandoned vehicles declared a total loss. A towing company is exempt from a title fee under the following conditions:

1. The vehicle is towed by a towing company at the request of a law enforcement officer and: The towing company declares the vehicle is a total loss while claiming the vehicle pursuant to chapter 15, subchapter III and;
2. The vehicle owner is notified that the vehicle is claimed under the abandoned vehicle law as required in section 1854 and

The title fee under section 603 subsection E is requested from the vehicle owner by the Secretary.

We owe special thanks to Catherine Curtis, Director, Division of Motor Vehicles for her valuable support in writing this bill for the association.

Amend 29-A MRSA, Section 1854, subsection 3.

3. Response. On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603 subsection 5-A, the letter must inform the vehicle owner they owe $23 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

29-A MRSA Section 668, subsection 3 is amended to add:

§668. Suspension or revocation of certificate of title or certificate of salvage

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or a certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State. If a person fails to deliver documents and registration plates

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PUBLIC LAWS OF MAINE
Second Regular Session of the 120th

CHAPTER 563
S.P. 740 - L.D. 2064

An Act to Waive the Title Fee for Towed Abandoned Vehicles

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §603, sub-§6 is enacted to read:

6. Abandoned vehicles declared total loss. A towing company is exempt from a title fee if:

A. The towing company tows a vehicle at the request of a law enforcement officer;
B. The towing company declares a vehicle a total loss while claiming the vehicle pursuant to chapter 15, subchapter III;
C. The Secretary of State notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law as required in section 1854; and
D. The Secretary of State requests the title fee under subsection 1, paragraph E from the vehicle owner.

Sec. 2. 29-A MRSA §668, sub-§3, as amended by PL 1995, c. 482, Pt. A, §15, is further amended to read:

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State. If the owner or person in possession of that document fails to deliver the document and registration plates to the Secretary of State, the Secretary of State may suspend the person's privilege to title or register a vehicle.

Sec. 3. 29-A MRSA §1854, sub-§3, as amended by PL 1999, c. 137, §1, is further amended to read:

3. Response. On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay $23 to the Secretary of State to transfer the title. A copy of this letter must be provided to the person claiming ownership.

Effective July 25, 2002, unless otherwise indicated.

HOWARD DEAN, M.D.
Governor

State of Vermont
OFFICE OF THE GOVERNOR
Montpelier 05609

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June 14, 2002

David Gibson
Secretary of the Senate
State House
Montpelier, Vermont 05602

Dear David,

I am returning S.151, an act relating to abandoned motor vehicles, because of my objections described below.

Senate bill 151, as passed by the Senate and as originally reported on the House floor, was a very good and much needed bill. I appreciate all the work that went into crafting this bill to address the issues identified by law enforcement and DMV to improve the current abandoned vehicle statute. I want to thank the House and Senate Transportation and Appropriations committees, the Senate Finance committee and the many people that worked on this bill. I am sure that the intended result of all was a better process to deal with abandoned motor vehicles. Unfortunately, the bill as passed does not achieve that result.

Under existing law, an abandoned motor vehicle is a "a motor vehicle without claimed ownership for thirty days." This statute provides a means to dispose of abandoned vehicles. Absent the statute, communities and landowners are stuck in the frustrating position of not having any way of moving or disposing of abandoned cars and trucks.

On the basis of recent experience, the number of abandoned vehicles processed by DMVwill continue to increase. The average number of vehicles abandoned had been around 175 but, over the last two years, roughly 300 vehicles a year must be dealt with. Testimony before the various Legislative Committees suggested that there is a very high level of underreporting and that the actual number of abandoned vehicles towed would approach 1000. Finally, it is important to note that approximately ninety percent of abandoned cars and trucks are removed from private property.

In S.151 as passed, the definition of "abandoned motor vehicle" was narrowed. It now would only include those vehicles remaining "on public or private property or on or

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along a highway without the consent of the owner or person in control of the property for any period of time *if the vehicle does not have a valid registration plate or ascertainable vehicle identification number."* (Emphasis added).

Since virtually all motor vehicles have an ascertainable vehicle identification number, there will be few, if any, vehicles that will fit this definition. As a result people could do nothing about most abandoned vehicles left on their property.

This bill specifically provides that its provisions do not preempt any municipal ordinances on the subject. The municipalities could continue to remove such vehicles; however, disposal of them would be complicated if not impossible.

Unfortunately, the bill as passed also repeals DMV's current authority to investigate ownership of the vehicle, notify the owner, and dispose of the vehicle. This would prevent removal and subsequent disposal of such vehicles. Rather than improving the present procedure, S. 151 now leaves the state with no process or authority to deal with this growing problem.

Although I do not believe it was the intent of the General Assembly to cause the bill to create these problems, given the problems created by S. 151, I am returning the bill unsigned and with objections in writing to the Senate pursuant to Chapter II, § 11 of the Vermont Constitution.

Sincerely,



Howard Dean, M.D.
Governor

HD/rr

Garden State Towman's Association, Inc.

P.O. Box 8665
Red Bank, New Jersey 07701-8665
(732) 530-4782
1-800-273-5981 (In New Jersey)
FAX: 732-530-3828
WEBSITE: www.gsta.org

The Garden State Towman's Association (GSTA) is the largest towing association in the state of New Jersey and is recognized as an affiliate of the national Towing and Recovery Association of America (TRAA) who represent towing associations across the country.

The State of New Jersey along with many other states across the country is struggling with an increasing problem of abandoned vehicles. Municipalities, law enforcement, property owners and towing companies all are burdened with the task of removing these vehicles from roadways, parking lots, and private property. Once the car is removed and unclaimed by their owners, the municipalities and law enforcement agencies are responsible to notify the owner of the vehicle, apply for titles, and dispose of these vehicles in a timely fashion. Abandoned vehicles are generated by drivers and owners who no longer want the vehicle due to its condition, value, or loss of proper credentials to operate the vehicle.

Today's older vehicles, eight (8) years old or older have no value and can become costly for the owner to dispose of. Automobile manufacturers are building disposable vehicles which cause many owners to have a tendency to leave cars on the side of the roadway, in parking lots, on private property and in commercial towing and storage yards when they no longer want the vehicle.

Towing companies across the state of New Jersey generate abandoned and unclaimed vehicles from law enforcement agencies and municipalities. Vehicles that are abandoned and towed out of harms way, and/or out of sight for the municipalities are there because they have become disabled, involved in accidents, drivers are arrested, or for improper paperwork to operate these vehicles legally in the state of New Jersey. They can also become abandoned when owners do not come back to claim them.

New Jersey has several abandoned vehicle laws in Title 39 that address abandoned vehicles. There are procedures in Title 39 which municipalities and law enforcement can take to obtain a title from DMV to legally dispose of these vehicles. In these statutes summons can be issued against the owner of a vehicle. Unfortunately, many municipalities and law enforcement agencies do not process these vehicles in a timely fashion. When municipalities do not properly handle abandoned vehicles, these vehicles end up taking a tremendous amount of storage space at towing companies. They become a liability risk and an extremely costly burden to the tower without ways of legally disposing of them. Abandoned vehicles, no matter where they are, become an eyesore, an environmental and health problem to the public and municipalities. The individual who does not claim the

abandoned vehicle puts quite a burden on the municipalities and towers.

GSTA would like to propose legislation or amend the present legislation to require the last titled owner responsible for paying reasonable towing and storage charges. Charges due would have to be paid before the owner of the vehicle could re-register, re-title another car, and/or renew his license. We feel that the owner of the vehicle should be held responsible and accountable for his actions. Municipalities, law enforcement, the public and the towing companies should not be burdened with this increasing problem and costly issue. Similar legislation has been introduced and passed in several states, including Florida, Washington, and Illinois.

We would also like to address the need for municipalities to deal with abandoned vehicles in an expeditious manner. Many municipalities do not take responsibility for disposition of these vehicles. Title 39 appears to be very clear. Law enforcement, and municipalities are responsible and obligated to apply and process vehicles for titles.

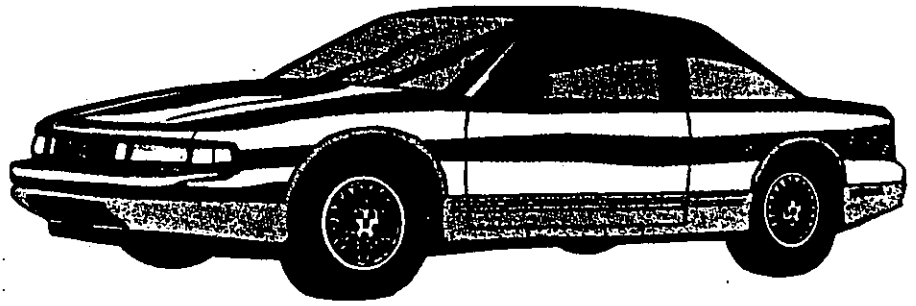
GSTA looks forward to working with all parties involved to help resolve the abandoned vehicle issue in New Jersey. Abandoned, unclaimed vehicles continue to become more difficult each year. We need to correct this issue for the safety, health, and well being of the public, municipalities, law enforcement and towing companies.

DEFINITION OF ABANDONED VEHICLES:

Any vehicle partially dismantled or not readily capable of operation under its own power or not currently used for transportation or not currently licensed, or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for storage with the owner, occupant or person in control of the premises on which it is located.

Auto Recycler and Dismantler Facilities:

Environmental Analysis of the Industry with a Focus on Storm Water Pollution



Xavier Swamikannu

Doctoral Dissertation
Environmental Science and Engineering

University of California, Los Angeles (UCLA)

1994

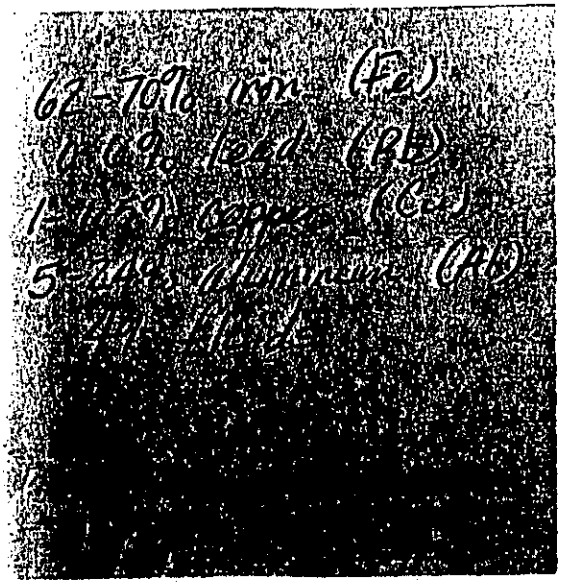
UNIVERSITY OF CALIFORNIA

Los Angeles

Auto Recycler and Dismantler Facilities: Environmental Analysis of the Industry with a Focus on Storm Water Pollution

A dissertation submitted in partial satisfaction of the requirements for the degree

Doctor of Environmental Science and Engineering



by

Xavier Swamikannu

1994

713.78 Liens for recovering, towing, or storing vehicles and vessels.--

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle, vessel, or mobile home upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

Monetary penalties.

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (4) of this section has been paid.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys

RCW 46.55.105
Responsibility of registered owner.

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of the traffic infraction of "littering -- abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(6), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3,35, or35A RCW, or with a violations bureau subject to the court's jurisdiction.

[2002 c 279 § 10; 1999 c 86 § 5; 1998 c 203 § 2; 1995 c 219 § 4; 1993 c 314 § 1.]

NOTES:

Finding -- 1998 c 203: "The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents in

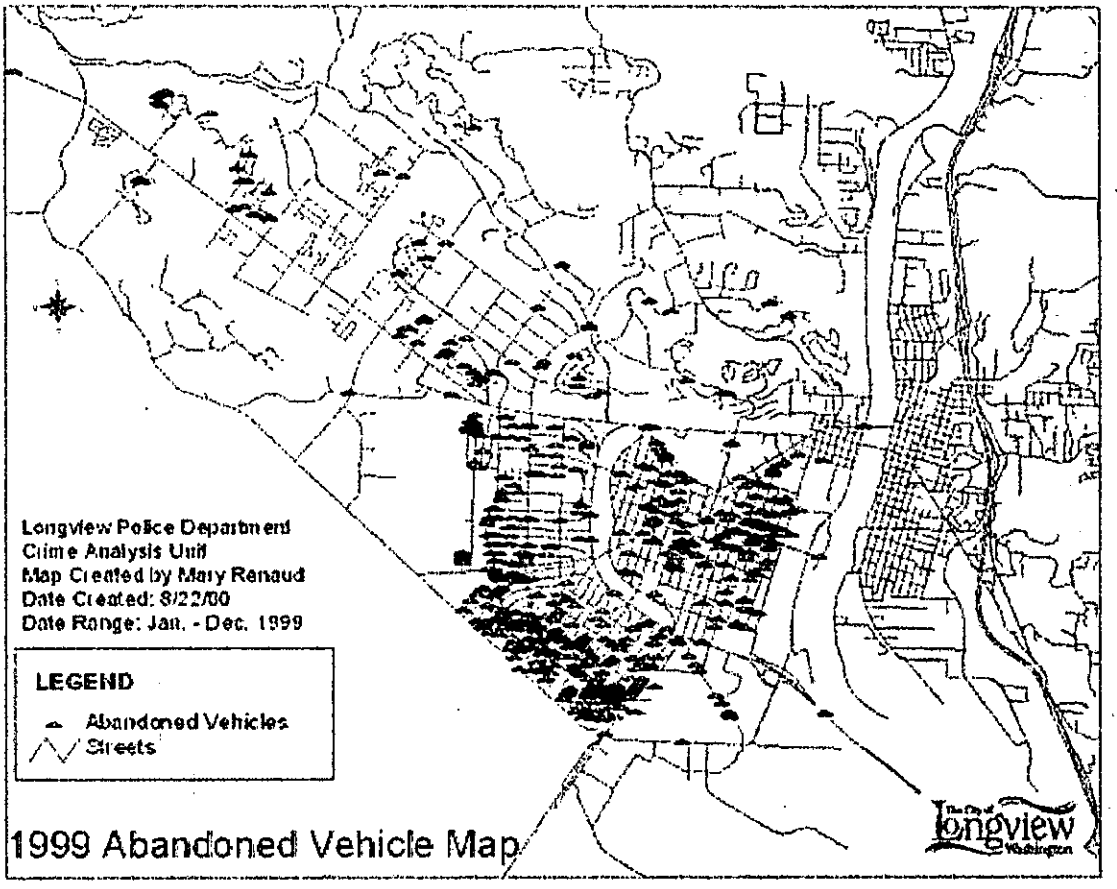
Washington annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty to not allow their vehicles to be driven by a suspended driver.

Despite the existence of criminal penalties for driving with a suspended or revoked license, an estimated seventy-five percent of these drivers continue to drive anyway. Existing sanctions are not sufficient to deter or prevent persons with a suspended or revoked license from driving. It is common for suspended drivers to resume driving immediately after being stopped, cited, and released by a police officer and to continue to drive while a criminal prosecution for suspended driving is pending. More than half of all suspended drivers charged with the crime of driving while suspended or revoked fail to appear for court hearings. Vehicle impoundment will provide an immediate consequence which will increase deterrence and reduce unlawful driving by preventing a suspended driver access to that vehicle. Vehicle impoundment will also provide an appropriate measure of accountability for registered owners who permit suspended drivers to drive their vehicles. Impoundment of vehicles driven by suspended drivers has been shown to reduce future driving while suspended or revoked offenses for up to two years afterwards, and the recidivism rate for drivers whose cars were not impounded was one hundred percent higher than for drivers whose cars were impounded. In order to adequately protect public safety and to enforce the state's driver licensing laws, it is necessary to authorize the impoundment of any vehicle when it is found to be operated by a driver with a suspended or revoked license in violation of RCW 46.20.342 and *46.20.420. The impoundment of a vehicle operated in violation of RCW 46.20.342 or *46.20.420 is intended to be a civil in rem action against the vehicle in order to remove it from the public highways and reduce the risk posed to traffic safety by a vehicle accessible to a driver who is reasonably believed to have violated these laws." [1998 c 203 § 1.]

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Abandoned Vehicles Map

Below is a map showing the Abandoned Vehicle calls for service in 1999.





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Question or Comment? Contact Us

HB 509 – AS AMENDED BY THE SENATE

25mar03... 0777h
06/05/03 1859s

2003 SESSION

03-0965
03/09

HOUSE BILL ***509***

AN ACT relative to access to motor vehicle records.

SPONSORS: Rep. Fraser, Merr 37

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill gives personal excess liability insurance companies the same access to motor vehicle records that is given to automobile insurance companies. This bill also modifies other provisions relating to the release of motor vehicle records.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 509 – AS AMENDED BY THE SENATE

25mar03... 0777h
06/05/03 1859s

03-0965
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to access to motor vehicle records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Motor Vehicle Records; Access by Insurance Companies. Amend RSA 260:14, IV(a)(2) to read as follows:

(2) Insurance companies authorized to write automobile ***and personal excess liability*** insurance policies [~~in this state~~], or by self-insured entities, or their authorized agents, for use in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

2 Motor Vehicle Records; Access by Life Insurance Companies. Amend RSA 260:14, V(a)(10) to read as follows:

(10) For use by life insurance companies authorized to write life insurance policies [~~in this state~~], or their authorized agents, on a case-by-case basis, [~~and upon representation by the company or authorized agent, on a form satisfactory to the department, that the named person's written consent to the release of the record has been obtained and that the record will be used solely~~] in connection with claims investigation, rating, and underwriting.

3 Effective Date. This act shall take effect upon its passage.

Voting Sheets

Senate Transportaion Committee

EXECUTIVE SESSION

Bill 699 FN

Hearing date: 4/23 **Room:** LOB 104

Motion of: OTPA 5-0

Made by Senator:			***Seconded by Senator:***		
	Kenney	☐		Kenney	☐
	Morse	☐		Morse	☐
	Below	☐		Below	☐
	Flanders	☑		Flanders	☐
	Martel	☐		Martel	☑

Committee Member	***Present***	***Vote***	***Reported out by***
Senator Kenney, Chairman	☑		Sen. Kenney
Senator Morse, Vice Chair	☑		
Senator Below	☑		
Senator Flanders	☑		
Senator Martel	☑		

***Amendments:**

NOTES:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Transportation

to which was referred House Bill 699-FN

AN ACT relative to abandoned vehicles.

VOTE: 5-0

2003-1475s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Joseph D. Kenney
For the Committee

HB699 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: relative to abandoned vehicles.

Date	Body	Description
1/9/2003	**H**	Introduced and ref. to Transportation; HJ 12, p205
2/5/2003	**H**	Hearing Feb 12 1:30 RM203,LOB
2/19/2003	**H**	Subcom Work Session Mar 4 10:00 RM203, LOB
3/12/2003	**H**	(Subcom: Reps Packard, Bergeron, Ferland, Artz & P Cote)
3/18/2003	**H**	Maj Report OTP/AM for Mar 25 (Vote 15-0;CC)
3/18/2003	**H**	Prop Comm Am{0557}; HC26, p740-741
3/25/2003	**H**	Passed with Am; HJ 29-pt 1, p891-892 + pt 2, p967
4/3/2003	**S**	Introduced and Ref. to Transportation; SJ 11, Pg.269
4/17/2003	**S**	Hearing; April 23, 2003, Room 104, LOB, 4:15 p.m.; SC19
5/2/2003	**S**	Committee Report; Ought to Pass with Amendment{1475}, [05/08/03]; SC21, Pg.17
5/8/2003	**S**	Committee Amendment{1475}, AA, VV; SJ 15, Pg.366
5/8/2003	**S**	Ought to Pass with Amendment{1475}, MA, VV; OT3rdg; SJ 15, Pg.366
5/8/2003	**S**	Passed by 3rd Reading Resolution; SJ 15, Pg.370
5/15/2003	**H**	House Conc with Sen Am, Rep Packard MA VV; HJ 42, p1309
5/29/2003	**S**	Enrolled;
5/29/2003	**H**	Enrolled; HJ 45, p1447
6/9/2003	**H**	Became Law Without Signature on 6/9/2003 Eff: 8/8/2003 Chap: 0119

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Docket Abbreviations