

HB 1111 -- Motor Vehicles

Sponsor: Crawford

This bill requires that after January 1, 2005, any transferor of an interest in a motor vehicle must notify the Department of Revenue within 10 days of the date of transfer. The department must notify the transferee to apply for title if the department does not receive an application for title within 60 days of the notice form. Knowingly submitting false information about the transfer of a vehicle will be a class A misdemeanor. The bill spells out the requirements of the notice.

Wreckers, tow trucks, rollbacks, and vehicles containing emergency cleanup equipment will be considered emergency vehicles after they arrive at the scene of an accident or cleanup location.

Beginning January 1, 2005, minimum standards will be established for all towing companies including:

- (1) Maintaining a verifiable commercial address;
- (2) Maintaining a secure vehicle storage location or facility;
- (3) Being available 24 hours a day, seven days a week and maintaining an answering service by a person able to respond to a tow request;
- (4) Maintaining a valid insurance policy of at least \$1 million per incident;
- (5) Providing workers' compensation insurance for all employees; and
- (6) Maintaining current motor vehicle registrations on all of the towing fleet.

Municipalities and counties may adopt by ordinance standards more stringent than state requirements.

The bill allows the removal of abandoned vehicles on the right-of-way of any interstate highway or freeway within two hours if a law enforcement officer determines the abandoned property is a serious hazard to motorists.

The bill also modifies the current criminal statute on abandoning a motor vehicle. The last owner of record of a motor vehicle will be deemed prima facie to have been the owner of the motor vehicle at the time of abandonment. The last owner of record

will not be deemed to have been the owner of the motor vehicle or to have been the person who abandoned the vehicle if the person has filed notice with the Department of Revenue that the person's interest in the motor vehicle has been transferred. The registered owner will not be subject to penalties if the motor vehicle was in the care, custody, or control of another person at the time of the violation. The owner can submit an affidavit naming the person who was in control of the car. The affidavit will raise a rebuttable presumption that the named person was in control of the vehicle, and the court can then terminate the prosecution. If the vehicle is alleged to have been stolen, the owner must submit a police report. Any person convicted of abandoning a motor vehicle will be liable for all towing and storage charges, and the liability will remain even if the motor vehicle is sold pursuant to a towing lien.