

HB 2407 -- Failure to Pay Towing Charges

Sponsor: Ervin

This bill allows a towing company to recover reasonable towing and storage fees associated with towing an abandoned vehicle from public property. The towing company may submit an affidavit along with a \$5 filing fee within 30 days, but no more than 45 days, of the tow to the Department of Revenue. The towing company must also submit an application which must include specified required information regarding the towing and storage fees and a copy of the crime and inquiry inspection report. The applicant must attest that the towing company has complied with all the statutory procedural requirements.

Within five days of receiving the application, the department director must send notice to the registered owner of the abandoned motor vehicle that a claim for reasonable towing and storage charges has been filed and his or her driver's license or driving privileges and any motor vehicle registrations registered in the owner's name will be suspended if he or she does not provide satisfactory proof that the charges have been satisfied within 30 days of receiving the notice. The notice must be mailed to the registered owner at the last known address shown on the department's records and will be deemed received three days after mailing. The notice must clearly specify the reason and statutory grounds for the suspension, the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued.

The suspension will become effective 30 days after the registered owner of the abandoned motor vehicle is deemed to have received the notice and will continue until the owner submits proof that he or she has satisfied all reasonable towing and storage charges associated with the abandoned property.

Reasonable storage charges cannot exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. For any application submitted under the provisions of the bill, reasonable storage charges will not exceed 90 days.