

HB 3447 -- RELATING TO TOWING

SPONSOR: Verneti

This bill requires any motor vehicle liability policy for a commercial motor vehicle with a gross vehicle rating of more than 26,000 pounds to provide coverage for towing, winching, vehicle recovery, and emergency roadside labor in an amount of at least \$100,000. Proof of such insurance must be maintained in the vehicle and submitted to the Department of Transportation.

Currently, when abandoned property is authorized to be towed by law enforcement or an officer of a government agency where that agency's real property is concerned, the owner of the abandoned property or any person, other than the towing company, claiming a lien can file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. Upon the owner's posting of a bond equal to the amount of the charges for towing and storage to ensure payment of such charges if the owner or lienholder does not prevail, the court must issue an order to the towing company to release the property.

This bill restricts the above process for release of abandoned property upon posting a bond to abandoned property with costs charged by the towing company that do not exceed \$15,000. For vehicles with a gross vehicle rating of more than 26,000 pounds and with costs charged by the towing company exceeding \$15,000, the owner of such property can file a petition with a court of competent jurisdiction in the county where the abandoned property is stored if there is a dispute arising over costs charged by the towing company. Upon filing the petition, the property owner must pay the towing company 50% of all costs charged by the towing company, and the remaining 50% must be deposited with the court. If the court finds in favor of the towing company, the property owner must pay the remainder of the costs to the towing company along with interest as specified in the bill. Failure to remove such property will result in the property owner forfeiting the moneys deposited with the court to the towing company.