

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB275

Hearing Date: Monday February 06, 2017
Committee On: Transportation and Telecommunications
Introducer: Hughes
One Liner: Provide duties for law enforcement officers and rights and duties for private property owners regarding abandoned vehicles

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator Dan Hughes
Gene Eckel

Representing:

District 44
Nebraska Association of Commercial Property Owners/Apartment Association of Nebraska

Opponents:

David Vollmer

Representing:

Omaha Early Ford V-8 Club

Neutral:

Representing:

Summary of purpose and/or changes:

LB 275 proposes the enactment of a new section of law related to abandoned motor vehicles (sections 60-1901 to 60-1911).

The section states that a law enforcement officer is authorized to remove an abandoned vehicle from private property at the request of the owner of such property upon information indicating the vehicle is an abandoned motor vehicle. When towed the law enforcement officer shall designate- to a private towing service where the vehicle is to be stored

The owner of private property may remove an abandoned vehicle and shall notify the appropriate law enforcement agency of such removal within 24 hours of taking action. The notification to law enforcement shall include the license plate number, the vehicle identification number, the make, model, and color of the vehicle, and the name of the private towing service storing the vehicle.

Amends section 60-1906- liability for removal of abandoned motor vehicles.

Currently this section provides, in part, that no owner, lessee, or occupant of any private property from which an abandoned vehicle is removed shall be liable for any loss or damage that may occur due to removal or while the vehicle is in storage. The section is amended to include a property owner's agent or employee as individuals included under this section.

Explanation of amendments:

The committee considered and adopted an amendment which substitutes for the bill:

The amendment authorizes a law enforcement agency to remove an abandoned or trespassing vehicle from private property upon the request of the owner of the property. The section defines a trespassing vehicle as a vehicle parked, with out permission, on private property that is not typically made available for public parking.

Law enforcement agencies are authorized to contact a private towing service and remove an abandoned or trespassing vehicle following a request from the owner of such property.

The owner of private property is authorized contact a private towing service to remove or cause the removal of an abandoned or trespassing vehicle. Within 24 hours of towing the vehicle the private towing service must notify law enforcement the license plate number, the vehicle identification number, make, model, the vehicle color, and the name of the towing company and the location of where the vehicle is stored.

Any vehicle towed pursuant to this section is subject to section 52-601.01 (liens- services performed upon personal property), section 52-605 (liens upon personal property- redemption) and section 60-2410 (towing and storage fees- lien)

Amends section 60-2410; towing and storage fees- lien.

This section currently provides that a person who tows and stores a vehicle shall be entitled to receive reasonable towing and storage fees and shall have a lien upon the vehicle which is prior to any other claim. The section additionally provides that the person towing the vehicle shall, within fifteen business days, provide notice to any lien holder named on the vehicle and the to the owner of the vehicle. Failure to provide such notice results in the lien being subordinate to any lien holder appearing on the certificate of title and renders void any disposition of the vehicle by the person towing the vehicle.

The committee amendment provides that in the event that the entity towing a vehicle fails to provide notice to any lien holder and the vehicle owner within fifteen days, the lien as to storage charges shall be void and the lien for towing charges shall be subordinate to any lien holder appearing on the certificate of title.

Curt Friesen, Chairperson