

**SB 117 A STAFF MEASURE SUMMARY**

Carrier: Sen. Riley

**Senate Committee On Judiciary**


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**Action Date:** 04/18/17  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 3-2-0-0  
**Yeas:** 3 - Dembrow, Manning Jr, Prozanski  
**Nays:** 2 - Linthicum, Thatcher  
**Fiscal:** Has minimal fiscal impact  
**Revenue:** Has minimal revenue impact  
**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

Prohibits tow of motor vehicle from parking facility unless sign in plain view prohibits or restricts public parking. Adds requirement that tower receive written signed authorization from parking facility's owner or owner's agent before towing a motor vehicle. Prohibits tower from serving as owner's agent for purpose of signed authorization to tow motor vehicle. Prohibits tower from monitoring parking facility within 1,000 feet for towing business. Removes exception allowing tow of motor vehicle without signed authorization when parking is in violation of a sign that warns parking is prohibited 24 hours a day. Adds requirement that photograph taken of towed vehicle be provided, upon request, to owner or operator of motor vehicle. Adds certain towing requirements to basis for county or city to suspend or revoke towing license. Adds certain towing provisions to acts enforceable as unlawful trade practice. Makes technical, stylistic, and conforming changes.

**ISSUES DISCUSSED:**

- Retention of property within vehicle by tower
- Montana model for hearings
- Concerns with requiring signature of property owner

**EFFECT OF AMENDMENT:**

Allows tow of motor vehicle from parking facility regardless of facility's signage if tow is with prior consent of vehicle owner or operator. Requires tower to maintain authorization for two years and provide it to owner or operator of motor vehicle upon request at no additional charge. Adds requirement that tower with multiple storage facilities tow motor vehicle to closest location in same county that has available space to where the vehicle was towed from. Defines when hookup of motor vehicle is complete. Removes civil process for owner or operator of motor vehicle to challenge validity of tow.

**BACKGROUND:**

Senate Bill 117-A places additional requirements and prohibitions on towers. It prohibits a tower from towing a motor vehicle from a parking facility unless there is a sign displayed in plain view prohibiting or restricting public parking at the facility. There is an exception if the tow is with prior consent of the vehicle owner or operator. It requires a tower to receive signed written authorization from a parking facility's owner or owner's agent before towing a motor vehicle from the facility. The tower must maintain this authorization and provide it to the owner or operator upon request. SB 117-A prohibits a tower from acting as a parking facility owner's agent for purpose of this signed authorization. It removes an exception that allows towing without signed authorization for motor vehicles

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parked in violation of a sign warning that parking is prohibited 24 hours a day.

SB 117-A modifies the existing requirement that a tower photograph a towed vehicle as it was unlawfully left or parked by directing the tower to provide a copy of the photograph upon request of the motor vehicle owner or operator. SB 117-A also defines when a hookup of a motor vehicle is complete, for purposes of determining associated fees. The measure adds a requirement that a tower with multiple storage facilities tow the motor vehicle to the facility closest to the tow with space available and within the same county as the tow. It also removes the exception allowing towers to monitor parking facilities within 1,000 feet for business when the tower provides notice of the hours when this monitoring occurs.

SB 117-A adds several of these provisions to the basis for a city or county to suspend or revoke a towing license. It makes violation of several of these towing provisions an unlawful trade practice.

Finally, SB 117-A makes several stylistic and technical changes to towing provisions that apply to unlawfully parked and abandoned vehicles. SB 117-A also places additional requirements and prohibitions on towers.