

1 HB316  
2 203834-3  
3 By Representative Treadaway (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 25-FEB-20

SYNOPSIS: Under existing law, a law enforcement officer may cause a motor vehicle to be towed when the vehicle is left unattended on public property for a period of least 48 hours, when the vehicle is left unattended because the driver has been arrested or impaired by an accident, or when the vehicle is subject to an impoundment order for outstanding traffic ticket or parking violations.

This bill would provide that in addition to law enforcement officers, in only Class 1 municipalities, parking enforcement officers and traffic enforcement officers who are not required to be certified by the Alabama Peace Officers' Standards and Training Commission may cause a motor vehicle to towed under the conditions provided by law.

A BILL  
TO BE ENTITLED  
AN ACT

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Relating to abandoned motor vehicles in Class 1 municipalities; to amend Section 32-13-2, Code of Alabama 1975, to provide further for the towing of motor vehicles under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-13-2, Code of Alabama 1975, is amended to read as follows:

"§32-13-2.

"(a) A law enforcement officer or, in a Class 1 municipality, a parking enforcement officer or traffic enforcement officer who is not required to be certified by the Alabama Peace Officers' Standards and Training Commission, may cause a motor vehicle to be removed to the nearest garage or other place of safety under any of the following circumstances:

"(1) The motor vehicle is left unattended on a public street, road, or highway or other property for a period of at least 48 hours.

"(2) The motor vehicle is left unattended because the driver of the vehicle has been arrested or is impaired by an accident or for any other reason which causes the need for the vehicle to be immediately removed as determined necessary by the law enforcement officer.

"(3) The motor vehicle is subject to an impoundment order for outstanding traffic or parking violations.

1           "(b) (1) A law enforcement officer, parking  
2 enforcement officer, or traffic enforcement officer who,  
3 pursuant to this section, causes any motor vehicle to be  
4 removed to a garage or other place of safety shall be liable  
5 for gross negligence only.

6           "(2) A person removing a motor vehicle or other  
7 property at the direction of an owner or owner's authorized  
8 agent, a lessee of real property or the lessee's authorized  
9 agent, or a law enforcement officer, parking enforcement  
10 officer, or traffic enforcement officer in accordance with  
11 this section shall have a lien on the motor vehicle for a  
12 reasonable fee for the removal and for the storage of the  
13 motor vehicle.

14           "(c) A law enforcement officer, parking enforcement  
15 officer, or traffic enforcement officer who causes the removal  
16 of any motor vehicle to a garage or other place of safety  
17 pursuant to this section, within five calendar days, shall  
18 give written notice of the removal. The notice shall include a  
19 complete description of the motor vehicle identification  
20 number and license number thereof, provided the information is  
21 available, to the Secretary of the Alabama State Law  
22 Enforcement Agency.

23           "(d) An owner or owner's authorized agent, or a  
24 lessee of real property or the lessee's authorized agent, upon  
25 which a motor vehicle has become unclaimed, as provided for in  
26 Section 32-8-84, may cause the motor vehicle to be removed to  
27 a secure place. Any person or entity removing the vehicle at

1 the direction of the owner or lessee of real property or his  
2 or her agent pursuant to this section shall have a lien on the  
3 motor vehicle for a reasonable fee for the removal and for  
4 storage of the motor vehicle.

5 "(e) An owner or lessee or agent of the real  
6 property owner and the towing agent or wrecker service  
7 employed shall be liable to the owner or lienholder of record  
8 for action taken under this section only for gross  
9 negligence."

10 Section 2. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.