

AMENDMENTS TO LB275

Introduced by Transportation and Telecommunications.

1           1. Strike original section 3 and insert the following new sections:

2           Sec. 3. (1) A law enforcement agency is authorized to remove an  
3 abandoned or trespassing vehicle from private property upon the request  
4 of the private property owner on whose property the vehicle is located  
5 and upon information indicating that the vehicle is an abandoned or  
6 trespassing vehicle. After removal, the law enforcement agency with  
7 custody of the vehicle shall follow the procedures in sections 60-1902  
8 and 60-1903.

9           (2) A law enforcement agency is authorized to contact a private  
10 towing service in order to remove an abandoned or trespassing vehicle  
11 from private property upon the request of the private property owner on  
12 whose property the vehicle is located and upon information indicating  
13 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed  
14 away under this subsection is subject to sections 52-601.01 to 52-605 and  
15 60-2410 by the private towing service which towed the vehicle.

16           (3) A private property owner is authorized to remove or cause the  
17 removal of an abandoned or trespassing vehicle from such property or to  
18 any other place on any private property of the owner and may contact a  
19 private towing service for such removal. A private towing service that  
20 tows the vehicle shall notify, within twenty-four hours, the designated  
21 law enforcement agency in the jurisdiction from which the vehicle is  
22 removed and provide the registration plate number, the vehicle  
23 identification number, if available, the make, model, and color of the  
24 vehicle, and the name of the private towing service and the location, if  
25 applicable, where the private towing service is storing the vehicle. A  
26 vehicle towed away under this subsection is subject to sections 52-601.01  
27 to 52-605 and 60-2410 by the private towing service that towed the

1 vehicle.

2 (4) For purposes of this section, a trespassing vehicle is a vehicle  
3 that is parked without permission on private property that is not  
4 typically made available for public parking.

5 Sec. 7. Section 60-2410, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 60-2410 (1) The owner or other person lawfully entitled to the  
8 possession of any vehicle towed or stored shall be charged with the  
9 reasonable cost of towing and storage fees. Any such towing or storage  
10 fee shall be a lien upon the vehicle under Chapter 52, article 6, and,  
11 except as provided in subsection (3) of this section, shall be prior to  
12 all other claims. Any person towing or storing a vehicle may retain  
13 possession of such vehicle until such charges are paid or, after ninety  
14 days, may dispose of such vehicle to satisfy the lien. Upon payment of  
15 such charges, the person towing or storing the vehicle shall return  
16 possession of the vehicle to the (a) owner, (b) lienholder, or (c) any  
17 other person lawfully entitled to the possession of such vehicle making  
18 payment of such charges. The lien provided for in this section shall not  
19 apply to the contents of any vehicle.

20 (2) The person towing the vehicle shall, within fifteen business  
21 days after towing, notify any lienholder appearing on the certificate of  
22 title of the vehicle and the owner of the vehicle of the towing of the  
23 vehicle. The notice shall be sent by certified mail, return receipt  
24 requested, to the last-known address of the lienholder and owner of the  
25 vehicle. The notice shall contain:

26 (a) The make, model, color, year, and vehicle identification number  
27 of the vehicle;

28 (b) The name, address, and telephone number of the person who towed  
29 the vehicle;

30 (c) The date of towing;

31 (d) The daily storage fee and the storage fee accrued as of the date

1 of the notification; and

2 (e) A statement that the vehicle is subject to lien and disposition  
3 by sale or other manner ninety days after the date of towing under  
4 Chapter 52, article 6.

5 (3) Failure to provide notice as prescribed in subsection (2) of  
6 this section shall (a) result in the lien of the person who towed the  
7 vehicle being void as to the storage fee, (b) result in the lien of the  
8 person who towed the vehicle being subordinate to the lien of the  
9 lienholder appearing on the certificate of title as to the reasonable  
10 towing fee, and (c) render void any disposition of the vehicle by the  
11 person who towed the vehicle.

12 2. Renumber the remaining section and correct the repealer  
13 accordingly.