

April 17, 1979

LB 348

SENATOR DUIS: Well let's go ahead and pass these amendments then and then let's have an amendment so there is a penalty section here in some manner. Thank you.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, a question or two of Senator Fowler if he would respond, please.

SENATOR FOWLER: Certainly.

SENATOR STONEY: Senator Fowler, in Section 6 I am just wondering whether or not there might be some problem created in establishing whether or not the damage that was done to the vehicle was the responsibility of the individual that actually towed the car, if we are talking about a front end alignment, a tow in, cast or camber, that type of thing, how would we establish whether or not that car was in good sound mechanical shape prior to the time it was towed?

SENATOR FOWLER: Well I guess this would be a question to be decided in litigation and I am not sure right now what the status is and I think one reason we want to define this is if your car is damaged when it is towed, I don't know that it is clear now whether or not you can recover damages, and we wanted to set that out, how courts establish some of these things I am not totally sure but it would be through litigation.

SENATOR STONEY: Well I agree with that concept, of course, that anyone who has their automobile towed if it is damaged, the responsible party should compensate them accordingly. In Section 8 where the owner or driver of any motor vehicle towed away pursuant to the act, after repossessing that particular item must be provided with the statement of the name and the address of the person that requested the vehicle towed and also the statutory authority for towing of the vehicle in his or her rights under this act, what would that entail on the part of the tower as far as his or her rights under this act?

SENATOR FOWLER: I suppose the simplest thing would be to reprint a copy of the act or to cite the act.

SENATOR STONEY: Wouldn't that be rather comprehensive?

SENATOR FOWLER: It is two pages.