

2016 -- S 3002

LC005970

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE TOWING STORAGE ACT

Introduced By: Senators McCaffrey, Walaska, and Felag

Date Introduced: May 17, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 39-12.1-2 of the General Laws in Chapter 39-12.1 entitled "The Towing Storage Act" is hereby amended to read as follows:

39-12.1-2. Definitions. -- As used in this chapter, the following words shall have the meaning as set forth in this section.

(1) "Abandoned vehicle" means (i) a vehicle that is inoperable and over eight (8) years old and is left unattended on public property for more than forty-eight (48) hours, or (ii) a vehicle that has remained illegally on public property for a period of more than three (3) days, or (iii) a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three (3) days.

(2) "Abandoned vehicle of no value" means (i) a motor vehicle that is inoperable and over ten (10) years old and is left unattended on public property for more than forty-eight (48) hours, or (ii) a vehicle that has remained illegally on public property for a period of more than three (3) days, or (iii) a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three (3) days, and meets the following criteria:

(A) The vehicle has no evidence of current registration in or upon the vehicle; and

(B) The vehicle has a fair market value of five hundred dollars (\$500) or less; and

(C) The vehicle does not have a valid inspection sticker.

(3) "Certificated tower" means a carrier possessing a certificate of public convenience

1 and necessity issued by the public utilities administrator for the purpose of transporting vehicles
2 by tow-away method.

3 (4) "Legal owner" means the person who has obtained ownership of a vehicle by any
4 legal means but has not caused the vehicle to be registered with the division of motor vehicles.

5 (5) "Police department" means the police department of a city or town or the Rhode
6 Island state department.

7 (6) "Possessory lien" means the right to retain possession of a vehicle and motor vehicle
8 registration plates against all claims of the owner and/or security lien or until all charges are paid
9 for recovery, towing, storage in accordance with the certificated tower's tariff.

10 (7) "Private trespass" means the unattended presence of a vehicle on private property
11 without the consent of the owner or person in control thereof.

12 (8) "Registered owner" means the person recorded in the division of motor vehicles as
13 being the one to whom the registration of the vehicle was issued.

14 (9) "Seizure" means any vehicle removed from a public roadway pursuant to a lawful
15 police order to a police department impound lot for investigation.

16 ~~(9)~~(10) "Tow truck" means any motor vehicle designed and/or ordinarily used for the
17 purpose of towing or removing vehicles or assisting disabled motor vehicles.

18 ~~(10)~~(11) "Unattended vehicle" means any vehicle other than an "abandoned vehicle" or
19 "abandoned vehicle of no value" as which meets the following criteria:

20 (i) Left unoccupied in a place or for a time period prohibited by law or municipal
21 ordinance or so as to cause traffic congestion or hazard; or

22 (ii) From which the operator or owner thereof has been removed by any member of a
23 police department in the performance of his or her official duties; or

24 (iii) Left on public or private property without the consent of the owner or person in
25 control thereof, or one having the exclusive right to the use thereof.

26 ~~(11)~~(12) "Vehicle" means any motor vehicle as defined in § 39-12-2(m).

27 ~~(12)~~(13) "Vehicle survey report" means a report printed in the form provided in § 31-42-
28 1(f).

29 SECTION 2. Chapter 39-12.1 of the General Laws entitled "The Towing Storage Act" is
30 hereby amended by adding thereto the following section:

31 **39-12.1-12.1. Seizure of vehicle by police.** – (a) Any vehicle removed from a public
32 roadway pursuant to a lawful order issued by a police officer for investigation and transported to
33 the police station for processing shall not be released to the registered owner, lessor and/or a
34 rental car company by the police until the cost of the removal has been paid either to the police

1 department or the tow truck operator.

2 (b)(1) Any unregistered motor vehicle removed from a public roadway pursuant to a

3 lawful order issued by a police officer and transported to the tow truck operator's storage facility

4 shall not be released to the legal owner, lessor and/or a rental car company by the tow truck

5 operator until the cost of the removal and storage have been paid and proof of a valid registration

6 is presented.

7 (2) In the event the legal owner, lessor and/or a rental car company fails to present a valid

8 certificate of registration, the vehicle may be towed out of the storage facility to wherever the

9 legal owner wishes upon payment of the original towing cost, storage fees and the additional

10 towing costs for removal.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE TOWING STORAGE ACT

- 1 This act would require that motor vehicles lawfully seized by police officers for
2 investigation or for lack of registration not be released to their owners until the towing charges
3 are paid or valid registration certificates are produced.
4 This act would take effect upon passage.

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