
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy R. Wells

DIGEST

Present law authorizes municipalities to adopt ordinances imposing fines, imprisonment, or other penalties on any person for parking, stationing, or abandoning any automobile or other vehicle on the municipal streets in violation of any municipal ordinance or other regulatory law. Further authorizes municipalities to charge for the impounding and detention of vehicles illegally parked in loading, reserved or otherwise restricted zones, no parking areas, or public carrier stands, towing and storage fees not to exceed \$30.

Proposed law retains present law, but removes the \$30 maximum fee that can be charged for towing and storage.

Present law provides for definitions relative to the LA Towing and Storage Act.

Proposed law defines "abandonment of a vehicle" as the leaving behind, desertion, or nonattendance of a vehicle by the owner or operator of a vehicle which exceeds the maximum time as defined by law.

Proposed law authorizes DPS&C, office of state police, to call for the removal of an abandoned or unattended vehicle on any highway. Further, requires DPS&C subject to oversight by the Senate and House Transportation, Highways and Public Works Committees, to promulgate rules and regulations in accordance with the APA as are necessary to implement the provisions of proposed law. Such rules and regulation must include, but not be limited to the authority to conduct administrative hearings and investigations, to make reports, issue subpoenas, conduct hearings, and require the production of relevant documents, records, and other articles determined to be necessary for such hearings.

Proposed law prohibits the abandonment of any vehicle or any part of a vehicle on any highway. Proposed law subjects the owner of an abandoned vehicle to administrative penalties, including revocation of vehicle registration and suspension of the owner's driver's license, and payment of costs associated with the towing and storage of the vehicle.

Proposed law requires the law enforcement officer requesting the tow to remove the license plate of each abandoned vehicle registered in LA and to deliver such plate to his agency. If the abandoned vehicle is not registered in LA, the plate is prohibited from being removed.

Proposed law requires a notice to be sent, pursuant to law, to the vehicle's owner of record informing him that he is subject to administrative penalties such as revocation of vehicle registration and suspension of the owner's driver's license, and payment of costs associated with the towing and storage of the vehicle.

Proposed law authorizes the owner of the abandoned vehicle to have an administrative hearing to determine if towing and storage of such vehicle was proper. Proposed law authorizes the owner of the abandoned motor vehicle to provide written evidence to the public agency, which authorized the tow, disputing the impoundment of the abandoned vehicle. Proposed law requires in such cases where the agency finds the vehicle to have been improperly towed or impounded, to return any valid license plate 48 hours, exclusive of legal holidays and weekends, to the last registered owner of the vehicle at no cost to the owner and no cost for towing service and vehicle storage are allowed. However, if the owner fails to provide sufficient proof to dispute that the vehicle was improperly towed and stored, the public agency's action is final. The records of the public agency documenting the abandonment and removal of the vehicle will be prima facie proof of the violation. Proposed law requires the owner or operator of the vehicle to have the burden of proving that the vehicle was not abandoned at the time such vehicle was towed. Proposed law provides that any action for judicial review of the public agency's review of the evidence submitted by the owner or operator be in the same manner and under the same conditions in accordance with law.

Proposed law requires the public agency to request the office of motor vehicle to revoke the vehicle's registration and suspend the abandoned vehicle owner's driver's license if the last registered owner of the abandoned vehicle does not file for an administration hearing or paid penalties and costs as outlined in the notice within 30 days of the mailing of such notice.

Proposed law authorizes the office of motor vehicles to authorize the disposal of the vehicle by the towing and storage operator in accordance with law.

Proposed law requires the abandoned vehicle to remain impounded until a written release is issued by the public agency and the registration remains revoked until the abandoned vehicle's owner pays all fines, fees, and penalties associated with the removal and storage of the abandoned vehicle. Proposed law requires that upon receipt of the fines, fees, penalties, and costs of towing and storage of the abandoned vehicle, the vehicle's registration and license plate be reinstated by the office of motor vehicles.

Proposed law provides that all fines and fees, excluding reinstatement fees, be deposited into the Louisiana Towing and Storage Fund.

Proposed law prohibits the abandoned vehicle from being released from impoundment until such time as written proof has been presented to the public agency and to the storage facility indicating all penalties, fees, and fines have been paid and that the vehicle is properly insured and registered in accordance with the law.

Proposed law authorizes an abandoned or unattended vehicle that is wrecked, damaged, burned, partially dismantled, or when such vehicle, in the interest of public safety, constitutes an imminent hazard or is impeding the flow of traffic, to be immediately removed from the highway or private property adjacent to the highway.

Proposed law subjects any person who does not pay all costs assessed for the towing and storage

of an abandoned vehicle to civil penalties and fees to be assessed by DPS&C, office of motor vehicles, a fine of not more than \$500 or six months in jail, and the costs of towing and storing the abandoned vehicle. Proposed law authorizes the office of motor vehicles to impose an additional reinstatement fee of \$100 to be paid to the office of motor vehicles for the administration and implementation of proposed law.

Proposed law requires that any civil penalty that is assessed be deposited into the LA Towing and Storage Fund.

Proposed law provides that the vehicle's owner is solely liable to the DPS&C for fines, fees, penalties, and towing and storage charges associated with the towing and storage of the abandoned vehicle, unless the owner can provide proof that the vehicle was operated and abandoned without his consent, express or implied, or knowledge. An owner who pays any fines, fees, penalties, and towing and storage charges pursuant to proposed law has the right to recover the same from the operator.

Proposed law provides that law enforcement agencies, officers, or employees, are not be liable for damages resulting from any action brought upon by a vehicle owner, vehicle operator, former registered owner or his legal representative, lien holder, or any other person legally entitled to the possession of a vehicle when the vehicle was removed pursuant to proposed law.

Proposed law authorizes the funds that are deposited into the LA Towing and Storage Fund to be used by the public agency to pay the cost of removal of any vehicle when the owner fails or does not seek the return of the vehicle. These payments are limited to towing charges for the removal of the vehicle from the public roadways. The towing recovery charge is only available after the storage facility has successfully disposed of the vehicle in accordance with law and insufficient funds were secured to cover the total cost of towing and storage costs authorized by law.

Effective August 15, 2009.

(Amends R.S. 32:473(A), 1713, and 1714(4); adds R.S. 32:1714(8) and (9), 1737, and 1738)