

1 SB298
2 135667-4
3 By Senator Holley
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 14-FEB-12

1 SB298

2
3
4 ENROLLED, An Act,

5 To amend Sections 32-13-1 and 32-13-2 of the Code of
6 Alabama 1975, relating to abandoned motor vehicles, to further
7 define an abandoned motor vehicle and to specify when a law
8 enforcement officer may have a motor vehicle towed if the
9 driver has been arrested or is injured or the motor vehicle
10 otherwise needs to be removed from a public street or highway.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 32-13-1 and 32-13-2 of the Code
13 of Alabama 1975, are amended to read as follows:

14 "§32-13-1.

15 "For the purposes of this chapter, an abandoned
16 motor vehicle shall mean a motor vehicle as defined in Section
17 32-8-2:

18 "(1) Which has been left by the owner, or some
19 person acting for the owner, with an automobile dealer,
20 repairman, or wrecker service for repair or for some other
21 reason and has not been called for by the owner or other
22 person within a period of 60 days after the time agreed upon
23 and within 60 days after the vehicle is turned over to a
24 dealer, repairman, or wrecker service when no time is agreed

1 upon, or within 60 days after the completion of necessary repairs.

2 "(2) Which is left unattended on a public street,
3 road, or highway or other public property for a period of at
4 least seven days; or which is unattended because the driver of
5 the vehicle has been arrested or is impaired by an accident
6 which causes the need for the vehicle to be immediately
7 removed as determined necessary by the law enforcement
8 officer, or which is subject to an impoundment order for
9 outstanding traffic or parking violations; or left unattended
10 continuously for at least seven days in a business district or
11 a residence district; or if left unattended in a business
12 district that has at least one posted notice in an open and
13 conspicuous place indicating that there is a time limitation
14 on the length of time a motor vehicle may remain parked in the
15 district and the motor vehicle remains unattended for a period
16 of time in excess of that posted on the notice; or left
17 unattended in a business district or residence district that
18 has at least one posted notice indicating that only authorized
19 motor vehicles may park in that district and the owner of the
20 motor vehicle or his or her agent has not received the
21 required authority prior to leaving the motor vehicle
22 unattended; or left unattended on a private road or driveway
23 without the express or implied permission of the owner or
24 lessee of the driveway or their agent. A posted notice when

1 required by this chapter shall meet the following
2 specifications:

3 "a. The notice shall be prominently placed at each
4 driveway access or curb cut allowing vehicular access to the
5 property, within five feet from the public right-of-way line.
6 If there are no curbs or access barriers, the signs must be
7 posted not less than one sign each 25 feet of lot frontage.

8 "b. The notice shall clearly indicate, in not less
9 than two-inch high light-reflective letters on a contrasting
10 background, that unauthorized vehicles will be towed away at
11 the owner's expense. The words "tow away zone" shall be
12 included on the sign in not less than four-inch high letters.

13 "c. The notice shall also provide the name and
14 current telephone number of the person or firm towing or
15 removing the vehicles, if the property owner, lessor, or
16 person in control of the property has a written contract with
17 a wrecker service.

18 "d. The sign structure containing the required
19 notices shall be permanently installed with the bottom of the
20 sign not less than four feet above ground level, and be
21 continuously maintained on the property for not less than 24
22 hours prior to the towing or removal of any vehicles.

23 "(3) Which has been lawfully towed onto the property
24 of another at the written request of a law enforcement officer

1 and left there for a period of not less than 60 days without
2 anyone having made claim thereto.

3 "(4) Which has been abandoned, has an expired
4 license plate, or is inoperable in a parking area on private
5 property maintained by the property owner or his or her agent
6 for use by his or her tenants, residents, or their guests. A
7 vehicle shall be defined as abandoned or inoperable under this
8 subdivision if it has an expired license plate or has remained
9 in the same parking lot for a period of 30 days or more. To
10 bring a vehicle within the provisions of this subdivision, the
11 property owner or his or her agent shall post a dated notice
12 in a conspicuous place on the vehicle in question stating:

13 "a. That the vehicle has been determined to be
14 abandoned or inoperable and will be removed at the direction
15 of the property owner or his or her agent upon the expiration
16 of seven days from the date of the notice.

17 "b. The name and address of the last registered
18 owner of the vehicle in question and the name and address of
19 the property owner or his or her agent and a daytime phone
20 number for the person giving the notice.

21 "A copy of the notice shall be mailed by regular
22 mail to the last known address of the registered owner, if
23 ascertainable, on the date of posting or not later than the
24 next business day. Calculation of the seven-day notice period

1 shall commence on the date of posting of the notice on the
2 vehicle.

3 "§32-13-2.

4 "(a) Any law enforcement officer who finds a motor
5 vehicle which has been left unattended on a public street,
6 road, or highway or other property for a period of at least
7 seven days, or which is unattended because the driver of the
8 vehicle has been arrested or is impaired by an accident or for
9 any other reason which causes the need for the vehicle to be
10 immediately removed as determined necessary by the law
11 enforcement officer, or which is subject to an impoundment
12 order for outstanding traffic or parking violations, may cause
13 the motor vehicle to be removed to the nearest garage or other
14 place of safety.

15 "(b) Any law enforcement officer who pursuant to
16 this section causes any motor vehicle to be removed to a
17 garage or other place of safety shall be liable for gross
18 negligence only and any person removing the vehicle or other
19 property at the direction of a law enforcement officer in
20 accordance with this section shall have a lien on the motor
21 vehicle for a reasonable fee for the removal and for the
22 storage of the motor vehicle.

23 "(c) Any law enforcement officer who under this
24 section causes the removal of any motor vehicle to a garage or
25 other place of safety shall within five days give written

1 notice of the removal, which notice shall include a complete
2 description of the motor vehicle serial number and license
3 number thereof, provided the information is available, to both
4 the Secretary of State and the Department of Public Safety.

5 "(d) The owner or lessee of real property or their
6 agent upon which an abandoned motor vehicle as defined in
7 Section 32-13-1 has become abandoned may cause the abandoned
8 motor vehicle to be removed to a secure place. Any owner or
9 lessee of the real property or their agent who shall cause the
10 abandoned motor vehicle to be removed from their real property
11 shall, within 24 hours of the removal, give written notice to
12 the county or municipal law enforcement agency in whose
13 jurisdiction the abandoned motor vehicle was situated. Any
14 person or corporation removing the vehicle or other property
15 at the direction of the owner or lessee of real property or
16 their agent in accordance with this section have a lien on the
17 motor vehicle for a reasonable fee for the removal and for
18 storage of the motor vehicle.

19 "(e) The owner or lessee or agent of the real
20 property owner, lien holder, and the towing agent or wrecker
21 service employed shall be liable to the owner or party in
22 possession of the vehicle only for gross negligence under this
23 section."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB298

Senate 28-FEB-12

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 17-APR-12

By: Senator Holley