

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 18

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1  
2 RELATING TO ABANDONED MOTOR VEHICLES; AMENDING SECTION 49-1805, IDAHO CODE,  
3 TO REVISE PROVISIONS RELATING TO A POST-STORAGE HEARING AND NOTICE OF  
4 STORAGE.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 49-1805, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 49-1805. POST-STORAGE HEARING. (1) Whenever an authorized officer di-  
9 rects the towing or storage of a vehicle, ~~except vehicles impounded for in-~~  
10 ~~vestigation~~ towed and stored pursuant to section 49-1803 or 49-1803A, Idaho  
11 Code, the agency directing or authorizing towing or storage shall provide  
12 the vehicle's registered ~~and or~~ or legal owners of record, or their agents, with  
13 the opportunity for a post-storage hearing to determine the validity of the  
14 storage.

15 (2) A notice of the storage shall be provided to the legal or registered  
16 owner at the scene or shall be sent by certified first-class mail to the reg-  
17 istered and or legal owners within ~~forty-eight~~ ninety-six (48~~96~~) hours, ex-  
18 cluding the weekends and holidays, and shall include the following informa-  
19 tion:

20 (a) The name, address, and telephone number of the agency providing the  
21 notice;

22 (b) The location of the place of storage and description of the vehi-  
23 cle which shall include, if available, the name or make, identification  
24 number, the license plate number, and the mileage;

25 (c) The authority and purpose for the removal of the vehicle; and

26 (d) In order to receive a post-storage hearing, the owners, or their  
27 agents, must request the hearing in writing within ten (10) days of the  
28 date of the notice. Any such hearing shall be conducted within forty-  
29 eight (48) hours of the request, excluding weekends and holidays. The  
30 public agency may authorize its own officer or employee to conduct the  
31 hearing, so long as the hearing officer is not the same person who di-  
32 rected the storage of the vehicle.

33 (3) Failure of either the registered or legal owner, or his agent, to  
34 request or to attend a scheduled hearing shall satisfy the post-storage  
35 hearing requirement as to that person.

36 (4) The provisions of this section shall not apply to vehicles removed  
37 from private property pursuant to section 49-1806(1), Idaho Code.

38 (5) The agency employing the person who directed the storage shall be  
39 responsible for the costs incurred for towing and storage if it is determined  
40 in the hearing that probable cause for the storage cannot be established.