

LEGISLATIVE BILL 348

Approved by the Governor May 22, 1979

Introduced by Miscellaneous Subjects Committee, Newell, 13, Chmn.; Sieck, 24; Simon, 31; Brennan, 9; Fitzgerald, 14

AN ACT relating to parking lots; to provide for the towing of certain vehicles; to provide for posting of signs; to provide for notice to a law enforcement agency; to provide for a lien; and to regulate the relationship of the parties.

Be it enacted by the people of the State of Nebraska,

Section 1. Motor vehicles parked in a restricted parking lot without the consent of the owner or tenant shall be subject to being towed away, if the lot is properly posted.

Sec. 2. Signs designating a restricted parking lot shall be readily visible, state the name of the owner or tenant, state the purpose or purposes for parking on the restricted parking lot, and state the hours for permitted parking. Each sign shall read: See owner for cost of towing and location where the vehicle may be found.

Sec. 3. Anyone towing a motor vehicle away pursuant to this act shall notify the local law enforcement agency within twenty-four hours of the license number of the motor vehicle. Anyone towing a motor vehicle away pursuant to this act and holding the motor vehicle for more than twenty-nine days shall, on the thirtieth day, renotify the local law enforcement agency of the motor vehicle's license number for the purpose of ascertaining whether the motor vehicle has been reported stolen or missing. Such renotification shall be repeated each thirty days while the motor vehicle is held by the tower or until such time as the tower has placed a lien on the motor vehicle as provided by section 5 of this act.

Sec. 4. A motor vehicle towed away under this act, which is not claimed by the owner within one hundred eighty days after towing, is subject to liens by the person who towed the vehicle under Chapter 52, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 5. Any owner or tenant causing the towing away of a motor vehicle that is not improperly parked on

a restricted lot shall cause the return of the motor vehicle to its owner or driver at no charge to such owner or driver. The person causing the motor vehicle to be towed shall be liable for any reasonably foreseeable damage incurred by the owner or driver of the motor vehicles due to loss of transportation.

Sec. 6. Anyone towing away a motor vehicle pursuant to this act shall be liable for any reasonably foreseeable damages to the motor vehicle that occur during the hookup, towing, or disengagement of the motor vehicle to or from the towing vehicle and anyone storing such a towed motor vehicle shall be liable for any reasonably foreseeable damage to the motor vehicle and the personal contents therein during the storage period.

Sec. 7. Anyone attempting to tow away a motor vehicle pursuant to this act shall not be in full possession of the motor vehicle to be towed until the motor vehicle has been fully and completely attached to his or her towing vehicle. The tower shall, upon request of the owner or driver of the motor vehicle to be towed, disengage the towing apparatus at any time prior to taking full possession, as defined in this section, of the motor vehicle.

Sec. 8. The owner or driver of any motor vehicle towed away pursuant to this act shall, upon regaining possession of the motor vehicle from the tower, be given a written statement by the tower fully detailing: (1) The name and address of the person or persons who caused the vehicle to be towed; (2) under what statutory authority the vehicle was towed; and (3) his or her rights under this act.

Sec. 9. Anyone towing a motor vehicle pursuant to this act shall take reasonable steps to ascertain that the person causing the motor vehicle to be towed is the owner or tenant of the lot from which the motor vehicle is to be towed.

Sec. 10. The owner of any motor vehicle towed or stored pursuant to this act shall be liable for any towing and storage fees incurred but neither the motor vehicle nor the contents therein shall be subject to any storage or towing lien except as provided in section 5 of this act.

Sec. 11. Any owner or tenant causing the towing away of a motor vehicle shall not solicit or accept therefor a commission, gift, gratuity, or any form of compensation or wealth from the person or business towing away the motor vehicle.