

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3026

03/20/2023 Authored by Hudson, Moller, Engen, Novotny, Nash and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; prohibiting charging the victim of a crime for towing or
1.3 impounding a motor vehicle; prohibiting the sale of a motor vehicle that is a crime
1.4 victim's vehicle for 180 days; providing for reimbursement of a crime victim's
1.5 vehicle that is sold by a unit of government; prohibiting charging the victim of a
1.6 crime any fine or fee; requiring law enforcement agencies to investigate reports
1.7 of stolen vehicles and provide an update on that investigation; amending Minnesota
1.8 Statutes 2022, sections 168B.011, by adding a subdivision; 168B.051, by adding
1.9 a subdivision; 168B.06, subdivision 1, by adding a subdivision; 168B.07,
1.10 subdivision 1, by adding a subdivision; 168B.08, by adding a subdivision; 169.042,
1.11 by adding a subdivision; 611A.675, subdivision 1; proposing coding for new law
1.12 in Minnesota Statutes, chapters 611A; 626.

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 Section 1. Minnesota Statutes 2022, section 168B.011, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 3a. Crime victim's vehicle. "Crime victim's vehicle" means a motor vehicle that:

1.17 (1) has been reported as stolen by the owner of the vehicle;

1.18 (2) a law enforcement official has probable cause to believe constitutes or contains
1.19 evidence of a crime and the law enforcement official knows or reasonably should know that
1.20 the vehicle had been taken from the owner's possession or was being used without the
1.21 owner's permission; or

1.22 (3) has been involved in a collision or accident caused by another driver operating a
1.23 vehicle in violation of section 169.13, 169A.20, 609.2112, 609.2113, 609.2114, or 609.487,
1.24 subdivision 3 or 4.

1.25 EFFECTIVE DATE. This section is effective August 1, 2023.

2.1 Sec. 2. Minnesota Statutes 2022, section 168B.051, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3. **Crime victim's vehicle; sale after 180 days or title transfer.** (a) A crime
2.4 victim's vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

2.5 (1) 180 days after notice to the owner; or

2.6 (2) the date of a voluntary written title transfer by the registered owner to the impound
2.7 lot operator.

2.8 (b) A voluntary written title transfer constitutes a waiver by the registered owner of any
2.9 right, title, and interest in the vehicle.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
2.11 impounded on or after that date.

2.12 Sec. 3. Minnesota Statutes 2022, section 168B.06, subdivision 1, is amended to read:

2.13 Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is taken
2.14 into custody, the unit of government or impound lot operator taking it into custody shall
2.15 give written notice of the taking within five days, excluding Saturdays, Sundays, and legal
2.16 holidays, to the registered vehicle owner and any lienholders.

2.17 (b) The notice must:

2.18 (1) set forth the date and place of the taking;

2.19 (2) provide the year, make, model, and serial number of the impounded motor vehicle,
2.20 if such information can be reasonably obtained, and the place where the vehicle is being
2.21 held;

2.22 (3) inform the owner and any lienholders of their right to reclaim the vehicle under
2.23 section 168B.07;

2.24 (4) state that, unless the vehicle is a crime victim's vehicle, failure of the owner or
2.25 lienholders to:

2.26 (i) exercise their right to reclaim the vehicle within the appropriate time allowed under
2.27 section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section
2.28 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the
2.29 vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant
2.30 to section 168B.08; or

3.1 (ii) exercise their right to reclaim the contents of the vehicle within the appropriate time
 3.2 allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a
 3.3 waiver by them of all right, title, and interest in the contents and consent to sell or dispose
 3.4 of the contents under section 168B.08; ~~and~~

3.5 (5) state that, if the vehicle is a crime victim's vehicle, the owner may reclaim the vehicle
 3.6 within 180 days without payment of any fee; and

3.7 ~~(5)~~ (6) state that a vehicle owner who provides to the impound lot operator documentation
 3.8 from a government or nonprofit agency or legal aid office that the owner is homeless,
 3.9 receives relief based on need, or is eligible for legal aid services, has the unencumbered
 3.10 right to retrieve any and all contents without charge.

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
 3.12 impounded on or after that date.

3.13 Sec. 4. Minnesota Statutes 2022, section 168B.06, is amended by adding a subdivision to
 3.14 read:

3.15 Subd. 4. **Crime victim's vehicle; third notice.** If an unauthorized vehicle that is a crime
 3.16 victim's vehicle remains unclaimed after 60 days from the date the notice was sent under
 3.17 subdivision 3, a third notice must be sent by certified mail, return receipt requested, to the
 3.18 registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders
 3.19 of record.

3.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
 3.21 impounded on or after that date.

3.22 Sec. 5. Minnesota Statutes 2022, section 168B.07, subdivision 1, is amended to read:

3.23 Subdivision 1. **Payment of charges.** Except as provided in subdivision 2, the owner or
 3.24 any lienholder of an impounded vehicle shall have a right to reclaim such vehicle from the
 3.25 unit of government or impound lot operator taking it into custody upon payment of all
 3.26 towing and storage charges resulting from taking the vehicle into custody within 15 or 45
 3.27 days, as applicable under section 168B.051, subdivision 1, 1a, or 2, after the date of the
 3.28 notice required by section 168B.06.

3.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
 3.30 impounded on or after that date.

4.1 Sec. 6. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 1a. **Crime victim's vehicle; charges prohibited for 180 days.** Notwithstanding
4.4 any law to the contrary, the registered owner of an impounded crime victim's vehicle shall
4.5 have a right to reclaim such vehicle from the unit of government or impound lot operator
4.6 taking it into custody within 180 days without payment of towing or storage charges. If the
4.7 registered owner reclaims an impounded vehicle after 180 days, the unit of government or
4.8 impound lot operator may require payment of reasonable towing and storage charges before
4.9 releasing the vehicle.

4.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
4.11 impounded on or after that date.

4.12 Sec. 7. Minnesota Statutes 2022, section 168B.08, is amended by adding a subdivision to
4.13 read:

4.14 Subd. 5. **Unauthorized sale of crime victim's vehicle; reimbursement.** If a crime
4.15 victim's vehicle is disposed of or sold at auction or sale before the vehicle is eligible for
4.16 disposal or sale, the unit of government responsible for taking the vehicle into custody must
4.17 reimburse the owner of the vehicle in an amount equal to the greater of the fair market value
4.18 of the vehicle or 110 percent of the proceeds derived from a sale conducted under this
4.19 section. The owner must claim reimbursement within two years of the disposal or sale.

4.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicles
4.21 impounded on or after that date.

4.22 Sec. 8. Minnesota Statutes 2022, section 169.042, is amended by adding a subdivision to
4.23 read:

4.24 Subd. 3. **Fees and fines prohibited.** The victim of a vehicle theft or the owner of a
4.25 vehicle that was stolen shall not be required to pay any fine as a result of the vehicle theft
4.26 and shall not be required to pay any fees for the towing, impoundment, or other storage of
4.27 the stolen motor vehicle. Any fees for the towing, impoundment, or other storage of the
4.28 stolen motor vehicle shall be assessed against any person convicted of the theft of the vehicle.

4.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to vehicle
4.30 thefts committed on or after that date.

5.1 **Sec. 9. [611A.025] FINES OR FEES PROHIBITED.**

5.2 A victim shall not be required to pay any fine or fee for any services performed by a
 5.3 unit of government or law enforcement agency as a result of a crime, including but not
 5.4 limited to towing, impoundment, or storage fees related to the recovery of a stolen vehicle,
 5.5 unless the victim is convicted of a related offense.

5.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 5.7 committed on or after that date.

5.8 Sec. 10. Minnesota Statutes 2022, section 611A.675, subdivision 1, is amended to read:

5.9 Subdivision 1. **Grants authorized.** The commissioner of public safety shall make grants
 5.10 to prosecutors and victim assistance programs for the purpose of providing emergency
 5.11 assistance to victims. As used in this section, "emergency assistance" includes but is not
 5.12 limited to:

5.13 (1) replacement of necessary property that was lost, damaged, or stolen as a result of
 5.14 the crime;

5.15 (2) purchase and installation of necessary home security devices;

5.16 (3) transportation to locations related to the victim's needs as a victim, such as medical
 5.17 facilities and facilities of the criminal justice system;

5.18 (4) cleanup of the crime scene; and

5.19 (5) reimbursement for reasonable travel and living expenses the victim incurred to attend
 5.20 court proceedings that were held at a location other than the place where the crime occurred
 5.21 due to a change of venue; and.

5.22 ~~(6) reimbursement of towing and storage fees incurred due to impoundment of a recovered~~
 5.23 ~~stolen vehicle.~~

5.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 5.25 committed on or after that date.

5.26 **Sec. 11. [626.745] MOTOR VEHICLE THEFT; INVESTIGATION AND NOTICE.**

5.27 A law enforcement agency that receives a report that a motor vehicle has been taken
 5.28 from the owner's possession or is being used without the owner's permission must investigate
 5.29 the report. The law enforcement agency must provide the motor vehicle's owner with an
 5.30 update on the status of the investigation within 60 days of the report and must provide the
 5.31 notice required under section 169.042.

- 6.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to thefts
- 6.2 reported on or after that date.