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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3134

02/03/2022 Authored by Moller, Petersburg, Hornstein, Masin and Becker-Finn
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy
02/28/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
03/14/2022 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to transportation; amending certain requirements governing retrieval of
1.3 towed vehicle contents; providing a cause of action for aggrieved vehicle owners;
1.4 amending Minnesota Statutes 2020, section 168B.07, subdivision 3, by adding
1.5 subdivisions.

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

1.7 Section 1. Minnesota Statutes 2020, section 168B.07, subdivision 3, is amended to read:

1.8 Subd. 3. Retrieval of contents; right to reclaim. (a) For purposes of this subdivision:

1.9 (1) "contents" does not include any permanently affixed mechanical or nonmechanical
1.10 automobile parts; automobile body parts; or automobile accessories, including audio or
1.11 video players; and

1.12 (2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary
1.13 Work Program, medical assistance, general assistance, emergency general assistance,
1.14 Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental
1.15 Security Income, energy assistance, emergency assistance, Supplemental Nutrition Assistance
1.16 Program (SNAP) benefits, earned income tax credit, or Minnesota working family tax credit.

1.17 (b) A unit of government or impound lot operator shall must establish reasonable
1.18 procedures for retrieval of vehicle contents, and may establish reasonable procedures to
1.19 protect the safety and security of the impound lot and its personnel.

1.20 (c) At any time before the expiration of the waiting periods provided in section 168B.051,
1.21 a registered owner of a vehicle who provides proof of identity and documentation from a
1.22 government or nonprofit agency or legal aid office that the registered owner is homeless,
1.23 receives relief based on need, or is eligible for legal aid services, has the unencumbered

2.1 right to retrieve any and all contents without charge and regardless of whether the registered
2.2 owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

2.3 (d) A refusal to allow the registered owner to retrieve the vehicle contents after the owner
2.4 provides valid documentation as specified under paragraph (c) is a violation of this
2.5 subdivision.

2.6 Sec. 2. Minnesota Statutes 2020, section 168B.07, is amended by adding a subdivision to
2.7 read:

2.8 Subd. 3a. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an
2.9 impound lot operator who operates a nonpublic impound lot or who exclusively contracts
2.10 with a unit of government under section 168B.09 to operate a public impound lot solely for
2.11 public use.

2.12 (b) An impound lot operator who denies a request of a registered vehicle owner to retrieve
2.13 vehicle contents after the registered owner presents the information required under
2.14 subdivision 3, paragraph (c), must, at the time of denial, provide the registered owner with
2.15 a written statement that identifies the specific reasons for the denial.

2.16 Sec. 3. Minnesota Statutes 2020, section 168B.07, is amended by adding a subdivision to
2.17 read:

2.18 Subd. 3b. **Retrieval of contents; public notice.** (a) This subdivision applies to an
2.19 impound lot operator who operates a nonpublic impound lot or who exclusively contracts
2.20 with a unit of government under section 168B.09 to operate a public impound lot solely for
2.21 public use.

2.22 (b) An impound lot operator must post a conspicuous notice at its place of operation in
2.23 substantially the following form: "If you receive government benefits, are currently homeless,
2.24 or are eligible for legal aid services, you have the right to get the contents out of your car
2.25 free of charge IF you give us:

2.26 (1) government-issued proof of identity (such as a driver's license); AND

2.27 (2) documentation from a government or nonprofit agency or from a legal aid office that
2.28 you:

2.29 (i) get benefits from a government program based on your income;

2.30 (ii) are homeless; or

2.31 (iii) are eligible for legal aid services.

3.1 If the documentation is in the form of a letter, the letter must be on the letterhead of the
3.2 agency or legal aid office."

3.3 Sec. 4. Minnesota Statutes 2020, section 168B.07, is amended by adding a subdivision to
3.4 read:

3.5 Subd. 3c. **Retrieval of contents; remedy.** (a) An aggrieved registered vehicle owner
3.6 has a cause of action as provided in this subdivision against an impound lot operator who
3.7 operates a nonpublic impound lot or who exclusively contracts with a unit of government
3.8 under section 168B.09 to operate a public impound lot solely for public use if the impound
3.9 lot operator denies the registered owner the right to retrieve the vehicle contents in violation
3.10 of subdivision 3, paragraph (c).

3.11 (b) If the vehicle and its contents remain in the possession of the impound lot operator
3.12 and retrieval of the vehicle contents was denied in violation of subdivision 3, paragraph (c),
3.13 an aggrieved registered vehicle owner is entitled to injunctive relief to retrieve the vehicle
3.14 contents as well as reasonable attorney fees and costs.

3.15 (c) If an impound lot operator sells or disposes of the vehicle contents after the registered
3.16 owner has provided the documentation required under subdivision 3, paragraph (c), an
3.17 aggrieved registered vehicle owner is entitled to statutory damages in an amount of \$1,000
3.18 and reasonable attorney fees and costs.