

callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. The patient has the right to continue the practice of religion.

Presented to the governor May 5, 1995

Signed by the governor May 8, 1995, 3:46 p.m.

CHAPTER 137—H.F.No. 586

An act relating to motor vehicles; authorizing sale and disposal of unauthorized, abandoned, and junk vehicles by impound lots; amending Minnesota Statutes 1994, sections 168B.04; 168B.06; 168B.07, subdivision 1; 168B.08; 168B.09, subdivision 1; 168B.101; and 169.041, subdivisions 3, 4, and 6; proposing coding for new law in Minnesota Statutes, chapter 168B; repealing Minnesota Statutes 1994, sections 168B.02; and 168B.05.

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

Section 1. [168B.011] DEFINITIONS.

Subdivision 1. SCOPE. The terms used in this chapter have the meanings given them in this section.

Subd. 2. ABANDONED VEHICLE. (a) "Abandoned vehicle" means a motor vehicle, as defined in section 169.01, that:

(1) has remained illegally:

(i) for a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or

(ii) on private property for a period of time, as determined under section 168B.04, subdivision 2, without the consent of the person in control of the property; and

(2) lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

(b) A classic car or pioneer car, as defined in section 168.10, is not considered an abandoned vehicle.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

(d) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.

Subd. 3. JUNK VEHICLE. "Junk vehicle" means a vehicle that:

(1) is three years old or older;

(2) is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;

(3) is apparently inoperable;

(4) does not have a valid, current registration plate; and

(5) has an approximate fair market value equal only to the approximate value of the scrap in it.

Subd. 4. UNAUTHORIZED VEHICLE. "Unauthorized vehicle" means a vehicle that is subject to removal and impoundment pursuant to section 168B.04, subdivision 2, or 169.041, but is not a junk vehicle or an abandoned vehicle.

Subd. 5. AGENCY. "Agency" means the Minnesota pollution control agency.

Subd. 6. DEPARTMENT. "Department" means the Minnesota department of public safety.

Subd. 7. IMPOUND. "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds, public and nonpublic.

Subd. 8. IMPOUND LOT OPERATOR OR OPERATOR. "Impound lot operator" or "operator" means a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. "Operator" includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

Subd. 9. MOTOR VEHICLE OR VEHICLE. "Motor vehicle" or "vehicle" has the meaning given motor vehicle in section 169.01.

Subd. 10. MOTOR VEHICLE WASTE. "Motor vehicle waste" means solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 11. NONPUBLIC IMPOUND LOT. "Nonpublic impound lot" means an impound lot that is not a public impound lot.

Subd. 12. PUBLIC IMPOUND LOT. "Public impound lot" means an impound lot owned by or contracting with a unit of government under section 168B.09.

Subd. 13. UNIT OF GOVERNMENT. "Unit of government" includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

Subd. 14. VITAL COMPONENT PARTS. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train, and wheels.

Sec. 2. Minnesota Statutes 1994, section 168B.04, is amended to read:

168B.04 ~~CUSTODY OF ABANDONED~~ AUTHORITY TO IMPOUND VEHICLES.

Subdivision 1. ABANDONED OR JUNK VEHICLES. Units of government and peace officers may take into custody and impound any abandoned motor or junk vehicle.

Subd. 2. UNAUTHORIZED VEHICLES. (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(iii) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours; or

(iv) that is any residential property, properly posted, immediately.

Sec. 3. **[168B.051] SALE; WAITING PERIODS.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. SALE AFTER 15 DAYS. An impounded vehicle is eligible for disposal or sale under section 168B.08, 15 days after notice to the owner, if the vehicle is determined to be:

(1) a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or

(2) an abandoned vehicle.

Subd. 2. SALE AFTER 45 DAYS. An impounded vehicle is eligible for disposal or sale under section 168B.08, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

Sec. 4. Minnesota Statutes 1994, section 168B.06, is amended to read:

168B.06 NOTICE OF TAKING AND SALE.

Subdivision 1. CONTENTS; NOTICE GIVEN WITHIN TEN DAYS. When an ~~abandoned motor~~ impounded vehicle ~~does not fall within the provisions of section 168B.05 is taken into custody,~~ the unit of government or impound lot operator taking it into custody shall give notice of the taking within ten days. The notice shall (a) set forth the date and place of the taking, the year, make, model and serial number of the ~~abandoned impounded~~ motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (b) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07, and (c) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1 or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents at a public auction pursuant to section 168B.08.

Subd. 2. ~~DELIVERY OF NOTICE BY MAIL OR PUBLICATION.~~ The notice shall be sent by mail to the registered owner, if any, of ~~the abandoned motor~~ an impounded vehicle and to all readily identifiable lienholders of record. The department shall make this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

Subd. 3. UNAUTHORIZED VEHICLES; NOTICE. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 5. Minnesota Statutes 1994, section 168B.07, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **PAYMENT OF CHARGES.** The owner or any lienholder of an ~~abandoned motor~~ impounded vehicle shall have a right to reclaim such vehicle from the unit of government or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under section 168B.051, subdivision 1 or 2, after the date of the notice required by section 168B.06.

Sec. 6. Minnesota Statutes 1994, section 168B.08, is amended to read:

168B.08 PUBLIC SALE DISPOSITION BY IMPOUND LOT.

Subdivision 1. **AUCTION OR SALE.** (a) If an abandoned ~~motor~~ or unauthorized vehicle and contents taken into custody ~~and by a unit of government or any impound lot~~ is not reclaimed under section 168B.07 ~~is, it may be disposed of or~~ sold at public auction or sale; ~~it shall be sold to the highest bidder following reasonable published notice of such auction or sale~~ when eligible pursuant to sections 168B.06 and 168B.07.

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

Subd. 2. **DISPOSING OF UNSOLD VEHICLES.** Abandoned ~~motor or junk~~ vehicles not sold by units of government or public impound lots pursuant to subdivision 1 shall be disposed of in accordance with section 168B.09.

Subd. 3. **DISPOSITION OF SALE PROCEEDS; PUBLIC ENTITIES.** From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 168B.01 to 168B.101. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

Subd. 4. **SALE PROCEEDS; NONPUBLIC IMPOUND LOTS.** The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of subdivision 1. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

Sec. 7. **[168B.087] OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. DEFICIENCY CLAIM. (a) The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(b) The claim for storage costs may not exceed the costs of:

(1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; and

(2) 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

Subd. 2. IMPLIED CONSENT TO SALE. A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under section 168B.051 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

Sec. 8. Minnesota Statutes 1994, section 168B.09, subdivision 1, is amended to read:

Subdivision 1. UNITS OF GOVERNMENT. A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of ~~abandoned~~ impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of ~~abandoned motor~~ these vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned ~~motor~~ or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

Sec. 9. Minnesota Statutes 1994, section 168B.101, is amended to read:

168B.101 AGENCY RESPONSIBILITY.

The agency may contract with others or use its own personnel to study programs for the control of motor vehicle waste, junk and abandoned motor vehicles, or other scrap metal, or any combination of these; or to develop public informational material and programs relating to the proper disposal of motor vehicle waste, junk and abandoned motor ~~vehicle~~ vehicles, or other scrap metal.

Sec. 10. Minnesota Statutes 1994, section 169.041, subdivision 3, is amended to read:

Subd. 3. FOUR-HOUR WAITING PERIOD. In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 11. Minnesota Statutes 1994, section 169.041, subdivision 4, is amended to read:

Subd. 4. **TOWING ALLOWED.** A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle; ~~or~~

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(16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

Sec. 12. Minnesota Statutes 1994, section 169.041, subdivision 6, is amended to read:

Subd. 6. **PRIVATE PROPERTY.** This section does not restrict the authority of the owner of private property to authorize under chapter 168B the towing at any time of a motor vehicle unlawfully parked on the private property.

Sec. 13. **REPEALER.**

Minnesota Statutes 1994, sections 168B.02; and 168B.05, are repealed.

Presented to the governor May 5, 1995

Signed by the governor May 8, 1995, 3:50 p.m.

CHAPTER 138—H.F.No. 624

VETOED

CHAPTER 139—H.F.No. 694

An act relating to human services; modifying child care programs and county contribution; amending Minnesota Statutes 1994, section 256H.12, subdivision 3.

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

Section 1. Minnesota Statutes 1994, section 256H.12, subdivision 3, is amended to read:

Subd. 3. **MAINTENANCE OF FUNDING EFFORT.** To receive money through this program, each county shall certify, in its annual plan to the commissioner, that the county has not reduced allocations from other federal; and state; and county sources, which, in the absence of the child care fund, would have been available for child care assistance. However, the county must continue contributions, as necessary, to maintain on the basic sliding fee program for families who are receiving assistance on July 1, 1995, until the family loses eligibility for the program or until a family voluntarily withdraws from the program. This subdivision does not affect the local match required for this program under other sections of the law.

New language is indicated by underline, deletions by ~~strikeout~~.