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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 975

- 01/30/2023 Authored by Moller, Hornstein, Petersburg, Daudt, Tabke and others
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy
- 02/15/2023 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
- 02/27/2023 Adoption of Report: Placed on the General Register
Read for the Second Time
- 03/16/2023 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

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 2022, 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 2022, 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 that includes photographic

1.22 identification and documentation from a government or nonprofit agency or legal aid office

1.23 that the registered owner is homeless, receives relief based on need, or is eligible for legal

2.1 aid services, has the unencumbered right to retrieve any and all contents without charge and
2.2 regardless of whether the registered owner pays incurred charges or fees, transfers title, or
2.3 reclaims the vehicle. A refusal by the impound lot operator to allow the registered owner
2.4 to retrieve the vehicle contents after the owner provides valid documentation is a violation
2.5 of this paragraph.

2.6 (d) An impound lot operator may make copies of the documents presented by the
2.7 registered owner under paragraph (c), and the impound lot operator must return all of the
2.8 original documents to the registered owner immediately after copying them.

2.9 Sec. 2. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
2.10 read:

2.11 Subd. 3a. **Retrieval of contents; identification, medicine, and medical equipment.** An
2.12 impound lot operator must allow any registered vehicle owner to retrieve, or must retrieve
2.13 for the vehicle owner, the following from the impounded vehicle: proof of identification;
2.14 prescription medicine; and durable medical equipment, including but not limited to
2.15 wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

2.16 Sec. 3. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
2.17 read:

2.18 Subd. 3b. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an
2.19 impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit
2.20 of government exclusively contracts to operate an impound lot solely for public use under
2.21 section 168B.09.

2.22 (b) An impound lot operator who denies a request of a registered vehicle owner to retrieve
2.23 vehicle contents after the registered owner presents documentation pursuant to subdivision
2.24 3, paragraph (c), must, at the time of denial, provide the registered owner with a written
2.25 statement that identifies the specific reasons for the denial.

2.26 Sec. 4. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
2.27 read:

2.28 Subd. 3c. **Retrieval of contents; public notice.** (a) This subdivision applies to an
2.29 impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit
2.30 of government exclusively contracts to operate an impound lot solely for public use under
2.31 section 168B.09.

3.1 (b) An impound lot operator must post a conspicuous notice at its place of operation in
 3.2 the following form:

3.3 "If you receive government benefits, are currently homeless, or are eligible for legal aid
 3.4 services, you have the right to get the contents out of your car free of charge IF you provide:

3.5 (1) a photo ID (such as a driver's license, passport, or employer ID); AND

3.6 (2) documentation from a government or nonprofit agency or from a legal aid office that
 3.7 shows you get benefits from a government program based on your income, you are homeless,
 3.8 or you are eligible for legal aid services. Examples of this documentation include BUT ARE
 3.9 NOT LIMITED TO:

3.10 - an EBT card;

3.11 - a Medical Assistance or MinnesotaCare card;

3.12 - a Supplemental Nutrition Assistance Program (SNAP) card; and

3.13 - a letter, email, or other document from a government agency, nonprofit organization,
 3.14 or legal aid organization showing that you get benefits from a government program based
 3.15 on your income, you are homeless, or you are eligible for legal aid services."

3.16 Sec. 5. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
 3.17 read:

3.18 Subd. 3d. **Retrieval of contents; remedy.** (a) This subdivision applies to an impound
 3.19 lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government
 3.20 exclusively contracts to operate an impound lot solely for public use under section 168B.09.

3.21 (b) If an impound lot operator denies the registered owner the right to retrieve the vehicle
 3.22 contents in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner
 3.23 has a cause of action against the impound lot operator as provided in this subdivision.

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

3.28 (d) If an impound lot operator sells or disposes of the vehicle contents after the registered
 3.29 owner has provided the documentation required under subdivision 3, paragraph (c), an
 3.30 aggrieved registered vehicle owner is entitled to statutory damages in an amount of \$1,000
 3.31 and reasonable attorney fees and costs. An action brought pursuant to this paragraph must
 3.32 be brought within 12 months of when the vehicle was impounded.