

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3958

(SENATE AUTHORS: LATZ and Newman)

DATE
03/14/2022

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to transportation; amending certain requirements governing retrieval of
 1.3 towed vehicles and towed vehicle contents; amending Minnesota Statutes 2020,
 1.4 sections 168B.011, by adding a subdivision; 168B.051, by adding a subdivision;
 1.5 168B.07, subdivisions 1, 3, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 168B.011, is amended by adding a subdivision
 1.8 to read:

1.9 Subd. 11a. **Nonpublic operator.** "Nonpublic operator" means an impound lot operator
 1.10 who operates a nonpublic impound lot or who contracts with a unit of government under
 1.11 section 168B.09 to exclusively operate a public impound lot.

1.12 Sec. 2. Minnesota Statutes 2020, section 168B.051, is amended by adding a subdivision
 1.13 to read:

1.14 Subd. 3. **Waiting period extension.** If a nonpublic operator denies a request to retrieve
 1.15 vehicle contents under section 168B.07, subdivision 3, within 15 days of the end of the
 1.16 waiting period provided under subdivision 2, paragraph (a), clause (1), the nonpublic operator
 1.17 may not sell or dispose of the vehicle or its contents until 15 days after the end of that waiting
 1.18 period.

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

1.20 Subdivision 1. **Payment of charges.** The owner or any lienholder of an impounded
 1.21 vehicle ~~shall have~~ has a right to reclaim ~~such the~~ the vehicle from the unit of government or
 1.22 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~~ the number of days; as applicable under section 168B.051, ~~subdivision 1, 1a, or 2, after the date of the notice required by section 168B.06.~~

Sec. 4. Minnesota Statutes 2020, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

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

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

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

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides proof of identity and documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

(d) A nonpublic operator who denies a request of a registered owner to retrieve vehicle contents after the owner presents the information required under paragraph (c) must, at the time of denial, provide the owner with a written statement with the specific reasons for the denial.

Sec. 5. Minnesota Statutes 2020, section 168B.07, is amended by adding a subdivision to read:

Subd. 5. **Remedy.** (a) If a nonpublic operator refuses to return the contents of a vehicle to a registered owner who has complied with subdivision 3, the owner has a cause of action against the operator for injunctive relief plus reasonable attorney fees and costs.

- 3.1 (b) If a nonpublic operator sells or disposes of the contents of a vehicle after the registered
3.2 owner has presented the information required under subdivision 3, in violation of subdivision
3.3 3 or section 168B.051, subdivision 3, the operator is liable to the registered owner for
3.4 additional statutory damages of \$1,000 plus reasonable attorney fees and costs.