

1.1 moves to amend H.F. No. 3134 as follows:

1.2 Delete everything after the enacting clause and insert:

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

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

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

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

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

1.16 (c) At any time before the expiration of the waiting periods provided in section 168B.051,
1.17 a registered owner of a vehicle who provides proof of identity and documentation from a
1.18 government or nonprofit agency or legal aid office that the registered owner is homeless,
1.19 receives relief based on need, or is eligible for legal aid services, has the unencumbered
1.20 right to retrieve any and all contents without charge and regardless of whether the registered
1.21 owner pays incurred charges or fees, transfers title, or reclaims the vehicle. An impound
1.22 lot operator may make copies of the documents presented by the owner, provided the operator
1.23 returns the original documents to the registered owner immediately after copying them.

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

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

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

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

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

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

2.15 (ii) are homeless; or

2.16 (iii) are eligible for legal aid services.

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

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

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

2.24 (b) An impound lot operator who denies a request of a registered owner of a vehicle to
2.25 retrieve the vehicle contents based on refusal to accept the sufficiency of the documentation
2.26 identified under subdivision 3, paragraph (c), must, at the time of denial, provide the
2.27 registered owner with a form. The form must include:

2.28 (1) the impound lot operator's name and address at the top of the document;

2.29 (2) the date of the denial;

2.30 (3) each specific reason for the denial;

3.1 (4) a statement in substantially the following form: "We are sorry but at this time we
3.2 cannot meet your request to get the contents out of your car because we believe that you
3.3 did not give us the correct documentation that Minnesota law requires. (See Minnesota
3.4 Statutes, section 168B.07, subdivision 3.) Please write below why you believe we have
3.5 made a mistake in not allowing you to get the contents out of your car.

3.6 You may give this form back right now or at any time before the waiting period runs out,
3.7 which is stated in the notice we had sent you that we impounded your car.";

3.8 (5) sufficient space for the vehicle owner to provide information; and

3.9 (6) spaces for the vehicle owner to provide the owner's printed name and signature, and
3.10 the corresponding date.

3.11 (c) A form specified under paragraph (b) that is completed and returned by a registered
3.12 owner serves as notice to the impound lot operator of failure to allow retrieval of the vehicle
3.13 contents.

3.14 (d) When a registered owner completes and returns the form specified under paragraph
3.15 (b) to the impound lot operator immediately or before the expiration of the applicable waiting
3.16 period under section 168B.051:

3.17 (1) if the impound lot operator determines that the documentation provided by the
3.18 registered owner is sufficient, the operator must immediately allow the registered owner to
3.19 retrieve the vehicle contents; or

3.20 (2) if the impound lot operator continues to question the sufficiency of the documentation
3.21 provided by the registered owner, the operator must:

3.22 (i) make a determination as to whether the documentation complies with the requirements
3.23 under subdivision 3, paragraph (c), no later than two calendar days, or three calendar days
3.24 if one of the days is a weekend or holiday, following return of the form; and

3.25 (ii) allow the registered owner to retrieve the vehicle contents upon verification of the
3.26 sufficiency of the documentation.

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

3.29 Subd. 3c. **Retrieval of contents; remedy.** (a) An aggrieved registered owner of a vehicle
3.30 has a cause of action against an impound lot operator who operates a nonpublic impound
3.31 lot or who exclusively contracts with a unit of government under section 168B.09 to operate
3.32 a public impound lot solely for public use, if:

4.1 (1) the registered owner has provided valid documentation as specified under subdivision
4.2 3, paragraph (c); or

4.3 (2) the impound lot operator denied a request of a registered owner to retrieve the vehicle
4.4 contents, the registered owner has complied with the requirements of subdivision 3b, and
4.5 the operator has failed to allow the registered owner to retrieve the vehicle contents.

4.6 (b) A registered owner is aggrieved and entitled to injunctive relief, plus reasonable
4.7 attorneys' fees and costs, if the vehicle contents remain in the possession of the impound
4.8 lot operator and:

4.9 (1) the impound lot operator denied the registered owner the right to retrieve the vehicle
4.10 contents within the time period provided under subdivision 3b, paragraph (d), after the
4.11 registered owner (i) completed and returned the form specified under subdivision 3b, and
4.12 (ii) provided valid documentation as specified under subdivision 3, paragraph (c); or

4.13 (2) the impound lot operator denied the registered owner the right to retrieve the vehicle
4.14 contents after the registered owner presented valid documentation as specified under
4.15 subdivision 3, paragraph (c), and the operator failed to provide the form as required under
4.16 subdivision 3b, paragraph (b), to the registered owner.

4.17 (c) A registered owner is aggrieved and entitled to statutory damages of \$1,000, plus
4.18 reasonable attorneys' fees and costs, if the impound lot operator has disposed of the vehicle
4.19 contents and:

4.20 (1) the impound lot operator denied the registered owner the right to retrieve the vehicle
4.21 contents within the time period provided under subdivision 3b, paragraph (d), after the
4.22 registered owner (i) completed and returned the form specified under subdivision 3b, and
4.23 (ii) provided valid documentation as specified under subdivision 3, paragraph (c);

4.24 (2) the impound lot operator denied the registered owner the right to retrieve the vehicle
4.25 contents after the registered owner presented valid documentation as specified under
4.26 subdivision 3, paragraph (c), and the operator failed to provide the form as required under
4.27 subdivision 3b, paragraph (b), to the registered owner; or

4.28 (3) the impound lot operator disposed of the vehicle contents before the expiration of
4.29 the period identified under subdivision 3b, paragraph (d), clause (2).

4.30 (d) An action under paragraph (c) must be brought within 12 months of disposal of the
4.31 vehicle contents."

4.32 Amend the title accordingly