

#### 28-4834. Vehicle removal

A. An officer who has reasonable grounds to believe that a vehicle has been lost, stolen, abandoned or otherwise unclaimed may remove or cause the removal of the vehicle from any street or highway or on any other public, federal, state trust, national forest, state park or bureau of land management land or private property. For the purposes of this subsection, an officer may remove or cause the removal of a vehicle if the driver of the vehicle engages in unlawful flight from a pursuing law enforcement vehicle pursuant to section 28-622.01, leaves the vehicle and continues to engage in unlawful flight from a pursuing law enforcement vehicle pursuant to section 28-622.01 or by other means, including on foot or in another vehicle.

B. In counties with a population of less than one million five hundred thousand persons, before an officer removes or causes the removal of a vehicle that is abandoned as provided in section 28-4839 from the person in possession of the vehicle, the owner or lienholder of the vehicle or any other person who has an interest in the vehicle shall pay the person on whose property the vehicle was discovered an amount that does not exceed five dollars for each day of storage up to a maximum of five hundred dollars for the storage of the vehicle and the fee for processing an abandoned vehicle report as prescribed by section 28-4802 if the person on whose property the vehicle was discovered does both of the following:

1. Notifies a law enforcement agency by telephone in the jurisdiction where the vehicle was discovered of the presence of the vehicle on the person's property within forty-eight hours after the property owner discovered the vehicle.

2. Gives notice of abandonment of the vehicle in the manner prescribed by law.

C. This section does not require a law enforcement agency to pay any charges related to a vehicle that a law enforcement agency is required or otherwise authorized by law to impound or remove.

D. If a person removes or causes the removal of any vehicle, including an abandoned vehicle, from private property, the person shall both:

1. Obtain written authorization from the owner or lessee of the property on a form prescribed by the director.

2. Submit the form and the vehicle identification form to the department.

E. An officer who is employed by a public agency or political subdivision and who has removed an abandoned vehicle pursuant to this section or who has removed or caused to be removed a vehicle pursuant to section 28-872 shall inspect the vehicle and shall complete the vehicle identification form prescribed or approved by the director. The agency or political subdivision shall make an inquiry to determine whether the abandoned vehicle is a stolen abandoned vehicle.

F. A person who has removed or caused to be removed an abandoned vehicle from public land pursuant to section 28-4802 or private property shall have the vehicle inspected by an officer or agent of the department who shall complete the vehicle identification form prescribed by the director. The officer or agent designated by the director shall make an inquiry to determine whether the abandoned vehicle is a stolen abandoned vehicle.

28-872. Removal of vehicles; notice; liability for costs; hearing

A. If a police officer finds a vehicle standing on a highway in violation of section 28-871 the officer may move the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or main traveled part of the highway.

B. A police officer may remove or cause to be removed to a place of safety an unattended vehicle that is illegally left standing on a highway, bridge or causeway or in a tunnel in a position or under circumstances that obstruct the normal movement of traffic.

C. A police officer may remove or cause the removal of a vehicle to the nearest garage or other place of safety as follows:

1. If a report has been made that the vehicle has been stolen or taken without the consent of its owner.

2. If the person or persons in charge of the vehicle are unable to provide for its custody or removal.

3. If the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

4. If the vehicle is left unattended for more than four hours on the right-of-way of a freeway that has full control of access and no crossings at grade.

5. Within the boundaries of a city, if the vehicle is left unattended for more than two hours on the right-of-way of a freeway that has full control of access and no crossings at grade.

D. If a police officer removes or causes the removal of a vehicle pursuant to this section, the police officer shall do both of the following when the vehicle is removed:

1. Provide to the tow truck operator a form that the police officer signs and that includes the following information:

(a) The vehicle identification number.

(b) A number identifying the law enforcement agency and the officer ordering the tow.

(c) The year, make and model of the vehicle.

(d) The license plate number if available.

(e) The date and time the vehicle was towed.

(f) The address from which the vehicle was towed.

(g) The name, address and telephone number, if the telephone number is known, of the registered owner and the primary lien holder of the vehicle to permit the towing company to notify the registered owner or the primary lien holder.

2. Electronically communicate to the officer's law enforcement agency the following if the officer has the equipment to electronically communicate the information:

(a) The name and telephone number of the person towing the vehicle.

(b) The information prescribed by paragraph 1 of this subsection.

E. If a police officer provides the tow truck operator with the form described in subsection D, paragraph 1 of this section, the tow truck operator must provide the form to the person responsible for filing the abandoned vehicle report pursuant to section 28-4838. The person responsible for filing the abandoned vehicle report shall submit the form to the department of transportation at the time the person files the abandoned vehicle report.

F. The law enforcement agency receiving electronic information pursuant to subsection D of this section shall record the information as prescribed by the department of public safety. The department of public safety shall make the information available to the department of transportation.

G. When the department of transportation receives the information from either the department of public safety or the person responsible for filing the abandoned vehicle report pursuant to section 28-4838, the department of transportation shall send notice by first class mail to all persons listed on the department of transportation's records as having an ownership interest in the vehicle. The notice shall include the vehicle identification number and the name and telephone number of the person that towed the vehicle. The director of the department of transportation may include additional information on the notice as the director deems necessary.

H. Except as provided in subsection I of this section:

1. The public agency employing an officer who removes or causes the removal of a vehicle under this section is not liable for the cost of towing or storing the vehicle if the officer acts under color of the officer's lawful authority.

2. Before release of the vehicle by the towing service, the owner or the owner's agent of a vehicle that is removed or caused to be removed under this article shall pay or make satisfactory arrangements to pay for any reasonable towing and storage costs incurred in towing or storing the vehicle.

I. If a tow truck operator is required in writing by a public agency to tow or store a vehicle that is required as evidence in a criminal action or for future criminal investigation by the public agency, the public agency is liable for the towing and storage costs of the vehicle.

J. If a police officer removes or causes the removal of a vehicle as permitted by this section, the public agency employing the officer shall provide the registered owner of the vehicle or the registered owner's agent with the opportunity for a poststorage hearing to determine the validity of the removal. This hearing shall be conducted within forty-eight hours after a request, excluding weekends and holidays. The public agency employing the officer may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who removed or caused the removal of the vehicle. The public agency employing the officer who removes or causes the removal of the vehicle is responsible for the costs incurred for towing and storage if it is determined at the hearing that probable cause for the removal cannot be established.

G. If a renter or lessee of private property parks a vehicle on the private property in an area that the owner authorizes for the vehicle, a person may not remove or cause the removal of the vehicle from the private property unless there is evidence of abandonment. Expired registration of a vehicle may be considered in determining if a vehicle is abandoned but may not conclusively determine abandonment unless there is additional evidence of abandonment.

28-4801. Definitions

In this chapter, unless the context otherwise requires:

1. "Abandoned vehicle" means a vehicle, trailer or semitrailer that is of a type subject to registration under this title whether lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere in this state, including private property. Evidence that a vehicle was left unattended for a period of forty-eight hours within the right-of-way of any highway, road, street or other public thoroughfare or for a period of seventy-two hours on public or private property or elsewhere in this state is prima facie evidence of abandonment.
2. "Officer" means any police officer or other law enforcement officer.
3. "Vehicle registration agency" means the agency or department of any state that has charge of the records of motor vehicle registration in that state.

28-4831. Abandonment prohibited

A person shall not abandon a vehicle on any street or highway or on any other public, federal, state trust, national forest, state park or bureau of land management land or private property.