

Date: 2-25-21

**Senate Judiciary, Law Enforcement, and Criminal Justice**

**Bill: 1st Sub. SB 116 Possessory Lien Amendments**

Sponsor: Sen. Riebe

Floor Sponsor:

**UASD Position: Tracking**

This Bill: amends provisions related to a possessory lien on personal items in a vehicle that has been towed.

Discussion: Sen. Riebe explained that the bill is intended to provide security for those who are living in their cars. She spoke with people in the towing industry and has put together a substitute. The first substitute was adopted. Line 222 discusses the items that can be retrieved from a car. Line 239 provides protections and support for people experiencing housing insecurity. Once a year, someone experiencing homelessness whose car is towed can retrieve their car with fees waived, provided they show certain types of ID. Sen. Weiler asked if the towing industry supports the bill. Sen. Riebe said she developed the substitute after speaking with them. Sen. Weiler said he understands allowing someone to access certain items if their car is towed. However, if someone lies and says they had those items in their car, they may be able to sue the towing company. Sen. Riebe said she is happy to work on that issue. Sen. Weiler said homeless people know the laws. He is concerned about them taking advantage of this legislation. Sen. Riebe said that is why they will only be able to do it once a year. She's willing to have that conversation. Sen. Kennedy asked if a towing company has any right to search a car, or if they typically do so. The right for an individual to have one inspection on their car potentially eliminates that. If the search was recorded and you only have one opportunity, that eliminates the need for the itemized list. Sen. Riebe said she's willing to make changes. Sen. Kennedy said it seems that the tow truck operator has a right to the car, but not everything in it. Sen. Weiler said there are four people online who plan to speak against the bill. Sen. Thatcher moved that they continue on to the next item on the agenda since it seems the bill isn't ready. These issues should be addressed before coming to committee. Sen. Riebe said as soon as the bill is taken off the agenda, the conversation stops. Sen. Thatcher suggested that the bill be recommended for interim study. The committee moved to the next item on the agenda. Sen. Weiler noted that if Sen. Riebe is able to work with the towing companies, he is willing to put it on the final committee agenda.

Yeas: 3

Nays: 1

N/V: 3

**Outcome: 1st Sub. SB 116 was held in committee.**