

## AMENDMENTS TO SENATE BILL NO. 998

Sponsor: REPRESENTATIVE NEILSON

Printer's No. 1561

1 Amend Bill, page 1, line 3, by inserting after "highways;"  
2 in enforcement, further providing for disposition of impounded  
3 vehicles, combinations and loads; in penalties and  
4 disposition of fines, further providing for subsequent  
5 convictions of certain offenses;

6 Amend Bill, page 1, line 8, by inserting after "3367"  
7 , 6310(b)

8 Amend Bill, page 4, line 19, by striking out "\$2,000" and  
9 inserting

10 not more than \$2,000 or imprisonment for not more than  
11 six months, or both,

12 Amend Bill, page 5, by inserting between lines 4 and 5

13 (iii) Upon issuance of an impoundment order, a  
14 police officer, constable or impoundment official as  
15 directed by the judicial authority shall give immediate  
16 notice by the most expeditious means and by certified  
17 mail, return receipt requested, of the impoundment and  
18 location of the vehicle or combination to the owners and  
19 any lienholders of the vehicle or combination if the  
20 names and addresses of the owners and any lienholder are  
21 known or can be ascertained after a reasonable  
22 investigation.

23 Amend Bill, page 5, line 5, by striking out "(iii)" and  
24 inserting

25 (iv)

26 Amend Bill, page 5, line 9, by striking out "(iv) The owner"  
27 and inserting

28 (v) The owners

29 Amend Bill, page 5, line 11, by striking out "by:" and

1 inserting

2 upon the expiration or termination of the  
3 impoundment order as provided under this section by:

4 Amend Bill, page 5, line 17, by striking out "payments" and  
5 inserting

6 payment

7 Amend Bill, page 5, line 20, by striking out "(v)" and  
8 inserting

9 (vi)

10 Amend Bill, page 5, line 21, by inserting after "recovered"  
11 within 30 days of the expiration or termination of  
12 the impoundment order

13 Amend Bill, page 5, by inserting between lines 24 and 25

14 (vii) A vehicle shall not be subject to an  
15 impoundment order under this subsection if:

16 (A) The vehicle was reported to a police  
17 department as stolen and was not recovered prior to  
18 the time the violation under this section occurred.

19 (B) The vehicle is a rental vehicle which shall  
20 be immediately returned to the entity which issued  
21 the rental agreement.

22 (viii) An impoundment order issued under this  
23 subsection shall be immediately terminated by a court of  
24 competent jurisdiction if the owners of the vehicle  
25 submit evidence proving that the owners of the vehicle  
26 were not driving at the time of the violation. This  
27 subparagraph shall not apply if it is determined that:

28 (A) the owners were present when the violation  
29 occurred; or

30 (B) the owners knowingly gave actual physical  
31 control of the movement of the vehicle to another  
32 person and had knowledge that the vehicle would be  
33 used to commit a violation under subsection (b).

34 (ix) An impoundment order issued under this  
35 subsection shall be immediately terminated by a court of  
36 competent jurisdiction if the conviction under subsection  
37 (b) is vacated, overturned, dismissed or withdrawn, or  
38 for which an individual has been pardoned.

39 (x) For the purposes of this subsection, the lessee  
40 or lessor of a leased vehicle or a lienholder shall be  
41 considered the owner of a vehicle.

42 Amend Bill, page 5, line 28, by striking out "organizes,

1 controls, promotes" and inserting

2 knowingly organizes, controls

3 Amend Bill, page 6, line 4, by striking out "organizes,

4 controls, promotes" and inserting

5 knowingly organizes, controls

6 Amend Bill, page 6, line 6, by inserting after "the"

7 serious bodily

8 Amend Bill, page 6, by inserting between lines 8 and 9

9 § 6310. Disposition of impounded vehicles, combinations and  
10 loads.

11 \* \* \*

12 (b) Sale of unclaimed vehicle or load.--In case any  
13 impounded vehicle or combination is unredeemed, or the load is  
14 unclaimed, for a period of 60 days after notice of impoundment  
15 is given, or for a period of 30 days after the expiration of the  
16 impoundment order under section 3367 (relating to racing on  
17 highways), it shall be sold at a public sale by the sheriff upon  
18 order of the issuing authority and after ten days' notice of  
19 sale to the owners, lienholders or secured parties of the  
20 vehicle or load except that, if the sheriff determines it to be  
21 necessary to preserve their value, goods which may spoil may be  
22 sold in any commercially reasonable manner prior to expiration  
23 of the 60-day period or prior to the 30-day period after the  
24 expiration of the impoundment order under section 3367 and, if  
25 impractical to do so, without giving notice to the owners,  
26 lienholders or secured parties.

27 \* \* \*

28 Amend Bill, page 6, line 17, by inserting a bracket before

29 "Section"

30 Amend Bill, page 6, lines 17 and 18, by striking out "and

31 trafficways"

32 Amend Bill, page 6, line 18, by inserting a bracket after

33 "trafficways)."