

By Senator Perry

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1 A bill to be entitled
2 An act relating to towing and storage; amending s.
3 321.051, F.S.; prohibiting the Division of the Florida
4 Highway Patrol from excluding wrecker operators from
5 the wrecker operator system or from being designated
6 as an authorized wrecker operator based solely on a
7 prior felony conviction; providing exceptions;
8 amending s. 713.78, F.S.; defining the terms "good
9 faith effort" and "towing-storage operator";
10 authorizing a towing-storage operator to charge
11 certain fees; providing that a lien can only be placed
12 on specified fees; revising requirements for law
13 enforcement agencies and the Department of Highway
14 Safety and Motor Vehicles relating to the removal of
15 vehicles or vessels; revising requirements for notices
16 of lien; revising requirements for towing-storage
17 operators providing notice to public agencies of
18 jurisdiction; revising the timeframe in which certain
19 unclaimed vehicles or vessels may be sold; revising
20 requirements for notices of sale; revising provisions
21 for permission to inspect a vehicle or vessel;
22 providing when a vehicle must be made available for
23 inspection; revising criminal penalties; requiring a
24 towing-storage operator to maintain certain records
25 for at least a specified period of time; providing the
26 exclusive remedy for certain liens; requiring towing-
27 storage operators to accept certain types of payment;
28 prohibiting certain persons from being required to
29 furnish more than one form of current government photo

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30 identification for purposes of verifying their
31 identity; making technical changes; amending ss. 83.19
32 and 83.805, F.S.; conforming provisions to changes
33 made by the act; amending s. 83.806, F.S.; revising
34 requirements for the sale or disposition of property
35 at self-service storage facilities; providing
36 inspection requirements for vehicles or vessels being
37 sold by a facility or unit owner; requiring vehicles
38 or vessels to be released under certain circumstances;
39 providing a criminal penalty; providing requirements
40 for filing lawsuits relating to such vehicles or
41 vessels; specifying that failure to make good faith
42 efforts to comply with certain notice requirements
43 precludes the imposition of certain storage charges;
44 specifying that copies of specified documents
45 constitute satisfactory proof for transfer of title;
46 conforming provisions to changes made by the act;
47 amending s. 83.808, F.S.; requiring that rental
48 agreements for self-service storage facilities
49 authorize tenants to designate an optional alternate
50 contact person; specifying that such person may be
51 contacted only for certain purposes; specifying that
52 such person does not have an interest in the contents
53 stored at the self-service storage facility or in the
54 self-contained storage unit; amending s. 677.210,
55 F.S.; conforming provisions to changes made by the
56 act; amending s. 715.07, F.S.; conforming a cross-
57 reference; providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. Subsection (5) is added to section 321.051,
62 Florida Statutes, to read:

63 321.051 Florida Highway Patrol wrecker operator system;
64 penalties for operation outside of system.—

65 (5) The Division of the Florida Highway Patrol may not
66 exclude a wrecker operator from the wrecker operator system or
67 fail to designate him or her as an authorized wrecker operator
68 based solely on a prior felony conviction unless such conviction
69 is for a forcible felony as defined in s. 776.08 or a felony
70 listed under s. 812.014(2)(c)6. or s. 812.16(2).

71 Section 2. Subsections (1), (2), and (4), paragraph (a) of
72 subsection (5), subsections (6), (8), (9), and (10), paragraph
73 (a) of subsection (11), paragraphs (a) and (d) of subsection
74 (12), and paragraphs (a), (b), and (d) of subsection (13) of
75 section 713.78, Florida Statutes, are amended, and subsections
76 (18), (19), and (20) are added to that section, to read:

77 713.78 Liens for recovering, towing, or storing vehicles
78 and vessels.—

79 (1) For the purposes of this section, the term:

80 (e)~~(a)~~ "Vehicle" means any mobile item, whether motorized
81 or not, which is mounted on wheels.

82 (f)~~(b)~~ "Vessel" means every description of watercraft,
83 barge, and airboat used or capable of being used as a means of
84 transportation on water, other than a seaplane or a "documented
85 vessel" as defined in s. 327.02.

86 (b) "Good faith effort" means that all of the following
87 checks have been performed by a towing-storage company to

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88 establish the prior state of registration and title of a vehicle
89 or vessel that has been towed or stored by the company:

90 1. A check of the department's database for the owner and
91 any lienholder.

92 2. A check of the electronic National Motor Vehicle Title
93 Information System or an equivalent commercially available
94 system to determine the state of registration when there is not
95 a current registration record for the vehicle or vessel on file
96 with the department.

97 3. A check of the vehicle or vessel for any type of tag,
98 tag record, temporary tag, or regular tag.

99 4. A check of the law enforcement report for a tag number
100 or other information identifying the vehicle or vessel, if the
101 vehicle or vessel was towed at the request of a law enforcement
102 officer.

103 5. A check of the trip sheet or tow ticket of the tow truck
104 operator to determine whether a tag was on the vehicle or vessel
105 at the beginning of the tow, if a private tow.

106 6. If there is no address of the owner on the impound
107 report, a check of the law enforcement report to determine
108 whether an out-of-state address is indicated from driver license
109 information.

110 7. A check of the vehicle or vessel for an inspection
111 sticker or other stickers and decals that may indicate a state
112 of possible registration.

113 8. A check of the interior of the vehicle or vessel for any
114 papers that may be in the glove box, trunk, or other areas for a
115 state of registration.

116 9. A check of the vehicle for a vehicle identification

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117 number.

118 10. A check of the vessel for a vessel registration number.

119 11. A check of the vessel hull for a hull identification
120 number which should be carved, burned, stamped, embossed, or
121 otherwise permanently affixed to the outboard side of the
122 transom or, if there is no transom, to the outmost seaboard side
123 at the end of the hull that bears the rudder or other steering
124 mechanism.

125 (g)~~(e)~~ "Wrecker" means any truck or other vehicle that
126 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~
127 vehicles or vessels upon the streets and highways of this state
128 and ~~which~~ is equipped for that purpose with a boom, winch, car
129 carrier, or other similar equipment.

130 (c)~~(d)~~ "National Motor Vehicle Title Information System"
131 means the federally authorized electronic National Motor Vehicle
132 Title Information System.

133 (d) "Towing-storage operator" means a person who regularly
134 engages in the business of transporting vehicles or vessels by
135 wrecker, tow truck, or car carrier.

136 (a)~~(e)~~ "Equivalent commercially available system" means a
137 service that charges a fee to provide vehicle information and
138 that at a minimum maintains records from those states
139 participating in data sharing with the National Motor Vehicle
140 Title Information System.

141 (2) (a) ~~Whenever~~ A towing-storage operator may charge only
142 the following fees for, or incidental to, the recovery, removal,
143 or storage of a vehicle or vessel:

144 1. Any reasonable fee for service specifically authorized
145 by ordinance, resolution, regulation, or rule of the county or

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146 municipality in which the service is performed.

147 2. Any reasonable fee for service specifically authorized
148 by contract or agreement between a towing-storage operator and a
149 county, municipality, or other governmental agency.

150 3. Any reasonable fee for service specifically authorized
151 by rule of the Department of Highway Safety and Motor Vehicles.

152 4. Any reasonable fee for service as agreed upon in writing
153 between a towing-storage operator and the owner of a vehicle or
154 vessel.

155 5. Any lien release administrative fee as set forth in
156 paragraph (15) (a).

157 6. Any reasonable administrative fee or charge imposed by a
158 county or municipality pursuant to s. 125.01047, s. 166.04465,
159 or s. 323.002 upon the registered owner or other legally
160 authorized person in control of a vehicle or vessel.

161 (b) If a towing-storage operator ~~person regularly engaged~~
162 ~~in the business of transporting vehicles or vessels by wrecker,~~
163 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
164 or vessel upon instructions from:

165 1. ~~(a)~~ The owner thereof;

166 2. ~~(b)~~ The owner or lessor, or a person authorized by the
167 owner or lessor, of property on which such vehicle or vessel is
168 wrongfully parked, and the removal is done in compliance with s.
169 715.07;

170 3. ~~(c)~~ The landlord or a person authorized by the landlord,
171 when such ~~motor~~ vehicle or vessel remained on the premises after
172 the tenancy terminated and the removal is done in compliance
173 with s. 83.806 or s. 715.104; or

174 4. ~~(d)~~ Any law enforcement agency, county, or municipality,

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176 she or he has ~~shall have~~ a lien on the vehicle or vessel for a
177 reasonable towing fee, for a reasonable administrative fee or
178 charge imposed by a county or municipality, and for a reasonable
179 storage fee; except that a storage fee may not be charged if the
180 vehicle or vessel is stored for less ~~fewer~~ than 6 hours.

181 (4) (a) A towing-storage operator ~~person regularly engaged~~
182 ~~in the business of recovering, towing, or storing vehicles or~~
183 ~~vessels~~ who comes into possession of a vehicle or vessel
184 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a
185 lien for recovery, towing, or storage services, must ~~shall~~ give
186 notice, by certified mail, pursuant to subsection (16), to the
187 registered owner, the insurance company insuring the vehicle
188 notwithstanding s. 627.736, and all persons claiming a lien
189 thereon, as disclosed by the records in the Department of
190 Highway Safety and Motor Vehicles or as disclosed by the records
191 of any corresponding agency in any other state in which the
192 vehicle is identified through a records check of the National
193 Motor Vehicle Title Information System or an equivalent
194 commercially available system as being titled or registered.

195 (b) When ~~Whenever~~ a law enforcement agency authorizes the
196 removal of a vehicle or vessel or ~~whenever~~ a towing service,
197 garage, repair shop, or automotive service, storage, or parking
198 place notifies the law enforcement agency of possession of a
199 vehicle or vessel pursuant to s. 715.07(2) (a)2., if an approved
200 third-party service cannot obtain the vehicle's or vessel's
201 owner, lienholder, and insurer information or last state of
202 record pursuant to subsection (16), the law enforcement agency
203 of the jurisdiction where the vehicle or vessel is stored must

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204 ~~shall~~ contact the Department of Highway Safety and Motor
205 Vehicles, or the appropriate agency of the state of
206 registration, if known, within 24 hours through the medium of
207 electronic communications, giving the full description of the
208 vehicle or vessel. Upon receipt of the full description of the
209 vehicle or vessel, the department shall search its files to
210 determine the owner's name, the insurance company insuring the
211 vehicle or vessel, and whether any person has filed a lien upon
212 the vehicle or vessel as provided in s. 319.27(2) and (3) and
213 notify the applicable law enforcement agency within 72 hours.
214 The person in charge of the towing service, garage, repair shop,
215 or automotive service, storage, or parking place must request
216 ~~shall obtain~~ such information from the applicable law
217 enforcement agency within 5 days after the date of storage and
218 ~~shall~~ give notice pursuant to paragraph (a). The department may
219 release the insurance company information to the requestor
220 notwithstanding s. 627.736.

221 (c) The notice of lien must be sent by certified mail to
222 the registered owner, the insurance company insuring the vehicle
223 notwithstanding s. 627.736, and all other persons claiming a
224 lien thereon within 4 7 business days, excluding a Saturday, ~~and~~
225 Sunday, or federal legal holiday, after the date of storage of
226 the vehicle or vessel. ~~However, in no event shall the notice of~~
227 ~~lien be sent less than 30 days before the sale of the vehicle or~~
228 ~~vessel.~~ The notice must state all of the following:

229 1. If the claim of lien is for a vehicle, the last 8 digits
230 of the vehicle identification number of the vehicle subject to
231 the lien, or, if the claim of lien is for a vessel, the hull
232 identification number of the vessel subject to the lien, clearly

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233 printed in the delivery address box and on the outside of the
234 envelope sent to the registered owner and all other persons
235 claiming an interest in therein or lien on the vehicle or vessel
236 ~~thereon~~.

237 2. The name, physical address, and telephone number of the
238 lienor, and the entity name, as registered with the Division of
239 Corporations, of the business where the towing and storage
240 occurred, which must also appear on the outside of the envelope
241 sent to the registered owner and all other persons claiming an
242 interest in or lien on the vehicle or vessel.

243 3. The fact of possession of the vehicle or vessel.

244 4. The name of the person or entity that authorized the
245 lienor to take possession of the vehicle or vessel.

246 5. That a lien as provided in paragraph (2)(b) subsection
247 ~~(2)~~ is claimed.

248 6. That charges have accrued and include an itemized
249 statement of the amount thereof.

250 7. That the lien is subject to enforcement under law and
251 that the owner or lienholder, if any, has the right to a hearing
252 as set forth in subsection (5).

253 8. That any vehicle or vessel that remains unclaimed, or
254 for which the charges for recovery, towing, or storage services
255 remain unpaid, may be sold free of all prior liens 35 days after
256 the vehicle or vessel is stored by the lienor if the vehicle or
257 vessel is more than 3 years of age or 65 ~~50~~ days after the
258 vehicle or vessel is stored by the lienor if the vehicle or
259 vessel is 3 years of age or less.

260 9. The address at which the vehicle or vessel is physically
261 located.

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262 (d) The notice of lien may not be sent to the registered
263 owner, the insurance company insuring the vehicle or vessel, and
264 all other persons claiming a lien thereon less than 30 days
265 before the sale of a the vehicle or vessel that is more than 3
266 years of age or less than 60 days before the sale of a vehicle
267 or vessel that is 3 years of age or less.

268 (e) If attempts to locate the name and address of the owner
269 or lienholder are prove unsuccessful, 4 the towing-storage
270 operator shall, after 7 business days, excluding a Saturday, and
271 Sunday, or federal legal holiday, after the initial tow or
272 storage, the towing-storage operator must notify the public
273 agency of jurisdiction where the vehicle or vessel is stored in
274 writing by certified mail or electronic delivery acknowledged
275 hand delivery that the towing-storage company has been unable to
276 locate the name and address of the owner or lienholder and a
277 physical search of the vehicle or vessel has disclosed no
278 ownership information and a good faith effort has been made,
279 including records checks of the Department of Highway Safety and
280 Motor Vehicles database and the National Motor Vehicle Title
281 Information System or an equivalent commercially available
282 system. ~~For purposes of this paragraph and subsection (9), the~~
283 ~~term "good faith effort" means that the following checks have~~
284 ~~been performed by the company to establish the prior state of~~
285 ~~registration and for title:~~

286 1. ~~A check of the department's database for the owner and~~
287 ~~any lienholder.~~

288 2. ~~A check of the electronic National Motor Vehicle Title~~
289 ~~Information System or an equivalent commercially available~~
290 ~~system to determine the state of registration when there is not~~

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291 ~~a current registration record for the vehicle or vessel on file~~
292 ~~with the department.~~

293 ~~3. A check of the vehicle or vessel for any type of tag,~~
294 ~~tag record, temporary tag, or regular tag.~~

295 ~~4. A check of the law enforcement report for a tag number~~
296 ~~or other information identifying the vehicle or vessel, if the~~
297 ~~vehicle or vessel was towed at the request of a law enforcement~~
298 ~~officer.~~

299 ~~5. A check of the trip sheet or tow ticket of the tow truck~~
300 ~~operator to determine whether a tag was on the vehicle or vessel~~
301 ~~at the beginning of the tow, if a private tow.~~

302 ~~6. If there is no address of the owner on the impound~~
303 ~~report, a check of the law enforcement report to determine~~
304 ~~whether an out-of-state address is indicated from driver license~~
305 ~~information.~~

306 ~~7. A check of the vehicle or vessel for an inspection~~
307 ~~sticker or other stickers and decals that may indicate a state~~
308 ~~of possible registration.~~

309 ~~8. A check of the interior of the vehicle or vessel for any~~
310 ~~papers that may be in the glove box, trunk, or other areas for a~~
311 ~~state of registration.~~

312 ~~9. A check of the vehicle for a vehicle identification~~
313 ~~number.~~

314 ~~10. A check of the vessel for a vessel registration number.~~

315 ~~11. A check of the vessel hull for a hull identification~~
316 ~~number which should be carved, burned, stamped, embossed, or~~
317 ~~otherwise permanently affixed to the outboard side of the~~
318 ~~transom or, if there is no transom, to the outmost seaboard side~~
319 ~~at the end of the hull that bears the rudder or other steering~~

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320 ~~mechanism.~~

321 (5) (a) The owner of a vehicle or vessel removed pursuant to
322 paragraph (2) (b) ~~subsection (2)~~, or any person claiming a lien,
323 other than the towing-storage operator, within 10 days after the
324 time she or he has knowledge of the location of the vehicle or
325 vessel, may file a complaint in the county court of the county
326 in which the vehicle or vessel is stored to determine whether
327 her or his property was wrongfully taken or withheld.

328 (6) A vehicle or vessel that is stored pursuant to
329 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
330 which reasonable charges for recovery, towing, or storing remain
331 unpaid, and any contents not released pursuant to subsection
332 (10), may be sold by the owner or operator of the storage space
333 for such towing or storage charge 35 days after the vehicle or
334 vessel is stored by the lienor if the vehicle or vessel is more
335 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
336 stored by the lienor if the vehicle or vessel is 3 years of age
337 or less. The sale must ~~shall~~ be at public sale for cash. If the
338 date of the sale was not included in the notice required in
339 subsection (4), notice of the sale must ~~shall~~ be given to the
340 person in whose name the vehicle or vessel is registered and to
341 all persons claiming a lien on the vehicle or vessel as shown on
342 the records of the Department of Highway Safety and Motor
343 Vehicles or of any corresponding agency in any other state in
344 which the vehicle is identified through a records check of the
345 National Motor Vehicle Title Information System or an equivalent
346 commercially available system as being titled. Notice of the
347 sale must be sent by certified mail to the registered owner of
348 the vehicle or vessel, the insurance company insuring the

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349 vehicle or vessel, and the person having the recorded lien on
350 the vehicle or vessel at the address shown on the records of the
351 registering agency at least 30 days before the sale of the
352 vehicle or vessel. ~~The notice must have clearly identified and~~
353 ~~printed, if the claim of lien is for a motor vehicle,~~ The last 8
354 digits of the vehicle identification number of the ~~motor~~ vehicle
355 subject to the lien, or, if the claim of lien is for a vessel,
356 the hull identification number of the vessel subject to the
357 lien, must be clearly identified and printed in the delivery
358 address box and on the outside of the envelope sent to the
359 registered owner and all other persons claiming an interest in
360 ~~therein~~ or lien on the vehicle or vessel ~~thereon.~~ ~~The notice~~
361 ~~must be sent to the owner of the vehicle or vessel and the~~
362 ~~person having the recorded lien on the vehicle or vessel at the~~
363 ~~address shown on the records of the registering agency at least~~
364 ~~30 days before the sale of the vehicle or vessel.~~ The notice
365 must state the name, physical address, and telephone number of
366 the lienor, and the vehicle identification number if the claim
367 of lien is for a vehicle or the hull identification number if
368 the claim of lien is for a vessel, all of which must also appear
369 in the return address section on the outside of the envelope
370 containing the notice of sale. After diligent search and
371 inquiry, if the name and address of the registered owner or the
372 owner of the recorded lien cannot be ascertained, the
373 requirements of notice by mail may be dispensed with. In
374 addition to the notice by mail, public notice of the time and
375 place of sale must ~~shall~~ be made by publishing a notice thereof
376 one time, at least 20 ~~10~~ days before the date of the sale, in a
377 newspaper of general circulation in the county in which the sale

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378 is to be held. The proceeds of the sale, after payment of
379 reasonable towing and storage charges, and costs of the sale, in
380 that order of priority, must ~~shall~~ be deposited with the clerk
381 of the circuit court for the county if the owner or lienholder
382 is absent, and the clerk shall hold such proceeds subject to the
383 claim of the owner or lienholder legally entitled thereto. The
384 clerk is ~~shall be~~ entitled to receive 5 percent of such proceeds
385 for the care and disbursement thereof. The certificate of title
386 issued under this section must ~~this law shall~~ be discharged of
387 all liens unless otherwise provided by court order. The owner or
388 lienholder may file a complaint after the vehicle or vessel has
389 been sold in the county court of the county in which it is
390 stored. Upon determining the respective rights of the parties,
391 the court may award damages, attorney fees, and costs in favor
392 of the prevailing party.

393 (8) A towing-storage operator ~~person regularly engaged in~~
394 ~~the business of recovering, towing, or storing vehicles or~~
395 ~~vessels~~, except a person licensed under chapter 493 while
396 engaged in "repossession" activities as defined in s. 493.6101,
397 may not operate a wrecker, tow truck, or car carrier unless the
398 name, address, and telephone number of the company performing
399 the service is clearly printed in contrasting colors on the
400 driver and passenger sides of its vehicle. The name must be in
401 at least 3-inch permanently affixed letters, and the address and
402 telephone number must be in at least 1-inch permanently affixed
403 letters.

404 (9) Failure to make good faith efforts to substantially
405 comply with the notice requirements of this section or ~~precludes~~
406 ~~the imposition of any storage charges against the vehicle or~~

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407 ~~vessel. If a lienor fails to provide notice to a person claiming~~
408 ~~a lien on a vehicle or vessel in accordance with subsection (4)~~
409 ~~precludes the imposition of storage charges against the vehicle~~
410 ~~or vessel, the lienor may not charge the person for more than 4~~
411 ~~7 days of storage, but such failure does not affect charges made~~
412 ~~for towing the vehicle or vessel or the priority of liens on the~~
413 ~~vehicle or vessel.~~

414 (10) A towing-storage operator must ~~Persons who provide~~
415 ~~services pursuant to this section shall permit vehicle or vessel~~
416 ~~owners, including rental vehicle or vessel owners, lienholders,~~
417 ~~insurance company representatives, or their agents, which agency~~
418 ~~is evidenced by an original writing acknowledged by the owner~~
419 ~~before a notary public or other person empowered by law to~~
420 ~~administer oaths, to inspect the towed vehicle or vessel and~~
421 ~~shall release to the owner, lienholder, or agent the vehicle,~~
422 ~~vessel, or all personal property not affixed to the vehicle or~~
423 ~~vessel which was in the vehicle or vessel at the time the~~
424 ~~vehicle or vessel came into the custody of the towing-storage~~
425 ~~operator. A towing-storage operator must allow vehicle or vessel~~
426 ~~owners, rental vehicle or vessel owners, lienholders, insurance~~
427 ~~company representatives, or their agents to inspect the towed~~
428 ~~vehicle or vessel during normal business hours within 30 minutes~~
429 ~~after their arrival at the storage site where the vehicle or~~
430 ~~vessel is stored. A photocopy of an agency agreement is~~
431 ~~sufficient evidence of agency. A rental vehicle or vessel~~
432 ~~agreement is not evidence that the person who rented a vehicle~~
433 ~~or vessel is an agent of the rental vehicle or vessel owner.~~
434 ~~Towing-storage operators must accept a photocopy of a contract,~~
435 ~~an electronic title, or a paper title as evidence of a person's~~

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436 interest in a vehicle or vessel ~~person providing such services.~~

437 (11) (a) A towing-storage operator ~~Any person regularly~~
 438 ~~engaged in the business of recovering, towing, or storing~~
 439 ~~vehicles or vessels~~ who comes into possession of a vehicle or
 440 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
 441 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
 442 when such vehicle or vessel is to be sold for purposes of being
 443 dismantled, destroyed, or changed in such manner that it is not
 444 the ~~motor~~ vehicle or vessel described in the certificate of
 445 title, must ~~shall~~ report the vehicle to the National Motor
 446 Vehicle Title Information System and apply to the Department of
 447 Highway Safety and Motor Vehicles for a certificate of
 448 destruction. A certificate of destruction, which authorizes the
 449 dismantling or destruction of the vehicle or vessel described
 450 therein, is ~~shall be~~ reassignable a maximum of two times before
 451 dismantling or destruction of the vehicle is ~~shall be~~ required,
 452 and must ~~shall~~ accompany the vehicle or vessel for which it is
 453 issued, when such vehicle or vessel is sold for such purposes,
 454 in lieu of a certificate of title. The application for a
 455 certificate of destruction must include proof of reporting to
 456 the National Motor Vehicle Title Information System and an
 457 affidavit from the applicant that she or he ~~it~~ has complied with
 458 all applicable requirements of this section and, if the vehicle
 459 or vessel is not registered in this state or any other state, by
 460 a statement from a law enforcement officer that the vehicle or
 461 vessel is not reported stolen, and must ~~shall~~ be accompanied by
 462 such documentation as may be required by the department.

463 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
 464 ~~provision of subsection (1), subsection (2),~~ subsection (4),

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465 subsection (5), subsection (6), or subsection (7) is guilty of a
466 misdemeanor of the first degree, punishable as provided in s.
467 775.082 or s. 775.083.

468 (d) Employees of the Department of Highway Safety and Motor
469 Vehicles and law enforcement officers are authorized to inspect
470 the records of a towing-storage operator ~~any person regularly~~
471 ~~engaged in the business of recovering, towing, or storing~~
472 ~~vehicles or vessels or transporting vehicles or vessels by~~
473 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with
474 the requirements of this section. A towing-storage operator ~~Any~~
475 ~~person~~ who fails to maintain records, or fails to produce
476 records when required in a reasonable manner and at a reasonable
477 time, commits a misdemeanor of the first degree, punishable as
478 provided in s. 775.082 or s. 775.083.

479 (13) (a) Upon receipt by the Department of Highway Safety
480 and Motor Vehicles of written notice from a wrecker operator who
481 claims a wrecker operator's lien under subparagraph (2) (b) 4.
482 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
483 abandoned vehicle or vessel upon instructions from any law
484 enforcement agency, for which a certificate of destruction has
485 been issued under subsection (11) and the vehicle has been
486 reported to the National Motor Vehicle Title Information System,
487 the department shall place the name of the registered owner of
488 that vehicle or vessel on the list of those persons who may not
489 be issued a license plate or revalidation sticker for any motor
490 vehicle under s. 320.03(8). If the vehicle or vessel is owned
491 jointly by more than one person, the name of each registered
492 owner must ~~shall~~ be placed on the list. The notice of wrecker
493 operator's lien must ~~shall~~ be submitted on forms provided by the

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494 department and, ~~which must~~ include all of the following:

495 1. The name, address, and telephone number of the wrecker
496 operator.

497 2. The name of the registered owner of the vehicle or
498 vessel and the address to which the wrecker operator provided
499 notice of the lien to the registered owner under subsection (4).

500 3. A general description of the vehicle or vessel,
501 including its color, make, model, body style, and year.

502 4. The vehicle identification number (VIN); registration
503 license plate number, state, and year; validation decal number,
504 state, and year; vessel registration number; hull identification
505 number; or other identification number, as applicable.

506 5. The name of the person or the corresponding law
507 enforcement agency that requested that the vehicle or vessel be
508 recovered, towed, or stored.

509 6. The amount of the wrecker operator's lien, not to exceed
510 the amount allowed by paragraph (b).

511 (b) For purposes of this subsection only, the amount of the
512 wrecker operator's lien for which the department will prevent
513 issuance of a license plate or revalidation sticker may not
514 exceed the amount of the charges for recovery, towing, and
515 storage of the vehicle or vessel for 7 days. These charges may
516 not exceed the maximum rates imposed by the ordinances of the
517 respective county or municipality under ss. 125.0103(1)(c) and
518 166.043(1)(c). This paragraph does not limit the amount of a
519 wrecker operator's lien claimed under paragraph (2)(b)
520 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
521 remedies for enforcement of the entire amount of the lien, but
522 limits only that portion of the lien for which the department

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523 will prevent issuance of a license plate or revalidation
524 sticker.

525 (d) Upon discharge of the amount of the wrecker operator's
526 lien allowed by paragraph (b), the wrecker operator must issue a
527 certificate of discharged wrecker operator's lien on forms
528 provided by the department to each registered owner of the
529 vehicle or vessel attesting that the amount of the wrecker
530 operator's lien allowed by paragraph (b) has been discharged.
531 Upon presentation of the certificate of discharged wrecker
532 operator's lien by the registered owner, the department must
533 ~~shall~~ immediately remove the registered owner's name from the
534 list of those persons who may not be issued a license plate or
535 revalidation sticker for any motor vehicle under s. 320.03(8),
536 thereby allowing issuance of a license plate or revalidation
537 sticker. Issuance of a certificate of discharged wrecker
538 operator's lien under this paragraph does not discharge the
539 entire amount of the wrecker operator's lien claimed under
540 paragraph (2)(b) subsection (2), but only certifies to the
541 department that the amount of the wrecker operator's lien
542 allowed by paragraph (b), for which the department will prevent
543 issuance of a license plate or revalidation sticker, has been
544 discharged.

545 (18) A towing-storage operator must retain for 3 years
546 records produced for all vehicles or vessels recovered, towed,
547 stored, or released. Such records must include at least all of
548 the following:

549 (a) All notice publications and certified mailings.

550 (b) The purchase price of any unclaimed vehicle or vessel
551 sold.

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552 (c) The names and addresses of persons to which vehicles or
553 vessels were released.

554 (d) The names and addresses of vehicle or vessel
555 purchasers.

556 (e) All fees imposed under this section.

557 (19) This section is the exclusive remedy for the placement
558 or foreclosure of a storage lien placed on a vehicle or vessel
559 pursuant to ss. 83.19 and 677.210.

560 (20) (a) A towing-storage operator must accept payment for
561 accrued charges from an authorized person listed in subsection
562 (10) in any form from at least two of the following
563 subparagraphs:

564 1. Cash, cashier's check, money order, or traveler's check.

565 2. Bank, debit, or credit card.

566 3. Mobile payment service, digital wallet, or other
567 electronic payment system.

568 (b) Any of the authorized persons listed in subsection (10)
569 are not required to furnish more than one form of current
570 government photo identification when payment is made in any of
571 the forms listed in paragraph (a). Presenting one form of
572 current government photo identification constitutes sufficient
573 identity verification for the purposes of this subsection.

574 Section 3. Subsection (5) is added to section 83.19,
575 Florida Statutes, to read:

576 83.19 Sale of property distrained.—

577 (5) A lien on a vehicle or vessel, as those terms are
578 defined in s. 713.78(1), of a tenant or lessee must be
579 foreclosed pursuant to s. 713.78 and may not be foreclosed under
580 this chapter.

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581 Section 4. Section 83.805, Florida Statutes, is amended to
582 read:

583 83.805 Lien.—

584 (1) The owner of a self-service storage facility or self-
585 contained storage unit and the owner's heirs, executors,
586 administrators, successors, and assigns have a lien upon all
587 personal property, whether or not owned by the tenant, located
588 at a self-service storage facility or in a self-contained
589 storage unit for rent, labor charges, or other charges, present
590 or future, in relation to the personal property and for expenses
591 necessary for its preservation or expenses reasonably incurred
592 in its sale or other disposition pursuant to ss. 83.801-83.809.
593 The lien provided for in this section attaches as of the date
594 that the personal property is brought to the self-service
595 storage facility or as of the date the tenant takes possession
596 of the self-contained storage unit, and the priority of this
597 lien shall be the same as provided in s. 83.08; however, in the
598 event of default, the owner must give notice to persons who hold
599 perfected security interests under the Uniform Commercial Code
600 in which the tenant is named as the debtor.

601 (2) A lien on a vehicle or vessel, as those terms are
602 defined in s. 713.78(1), of a tenant or lessee must be
603 foreclosed pursuant to s. 713.78 and may not be foreclosed under
604 this chapter.

605 Section 5. Subsection (1), paragraphs (a) and (b) of
606 subsection (4), and subsections (8) and (10) of section 83.806,
607 Florida Statutes, are amended to read:

608 83.806 Enforcement of lien.—An owner's lien as provided in
609 s. 83.805 may be satisfied as follows:

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610 (1) The tenant shall be notified by written notice
611 delivered in person, by e-mail, or by first-class mail with a
612 certificate of mailing to the tenant's last known address and
613 the last known address of the alternate contact person
614 designated by the tenant under the rental agreement, if any, and
615 conspicuously posted at the self-service storage facility or on
616 the self-contained storage unit. If the owner sends notice of a
617 pending sale of property to the tenant's and alternate contact
618 person's last known e-mail address and does not receive a
619 response, return receipt, or delivery confirmation from the same
620 e-mail address, the owner must send notice of the sale to the
621 tenant and alternate contact person by first-class mail with a
622 certificate of mailing to the tenant's and alternate contact
623 person's last known address before proceeding with the sale.

624 (4) After the expiration of the time given in the notice,
625 an advertisement of the sale or other disposition shall be
626 published once a week for 2 consecutive weeks in a newspaper of
627 general circulation in the area where the self-service storage
628 facility or self-contained storage unit is located.

629 (a) A lien sale may be conducted on a public website that
630 customarily conducts personal property auctions. The facility or
631 unit owner is not required to hold a license to post property
632 for online sale. ~~Inasmuch~~ As any sale may involve property of
633 more than one tenant, a single advertisement may be used to
634 dispose of property at any one sale.

635 (b) The advertisement shall include:

636 1. A brief and general description of what is believed to
637 constitute the personal property contained in the storage unit,
638 as provided in paragraph (2) (b).

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639 2. The address of the self-service storage facility or the
640 address where the self-contained storage unit is located and the
641 name of the tenant.

642 3. The time, place, and manner of the sale or other
643 disposition. The sale or other disposition shall take place at
644 least 10 ~~15~~ days after ~~the first~~ publication.

645 (8) In the event of a sale under this section, the owner
646 may satisfy his or her lien from the proceeds of the sale,
647 provided the owner's lien has priority over all other liens in
648 the personal property. The lien rights of secured lienholders
649 are automatically transferred to the remaining proceeds of the
650 sale. The balance, if any, must ~~shall~~ be held by the owner for
651 delivery on demand to the tenant. A notice of any balance must
652 ~~shall~~ be delivered by the owner to the tenant and the alternate
653 contact person designated by the tenant under the rental
654 agreement, if any, in person or by first-class mail with a
655 certificate of mailing to the last known address of the tenant
656 and alternate contact person. If the tenant does not claim the
657 balance of the proceeds within 2 years after the date of sale,
658 the proceeds are ~~shall be~~ deemed abandoned, and the owner has
659 ~~shall have~~ no further obligation with regard to the payment of
660 the balance. In the event that the owner's lien does not have
661 priority over all other liens, the sale proceeds must ~~shall~~ be
662 held for the benefit of the holders of those liens having
663 priority. A notice of the amount of the sale proceeds must ~~shall~~
664 be delivered by the owner to the tenant; alternate contact
665 person, if any; and ~~or~~ secured lienholders in person or by
666 first-class mail with a certificate of mailing to their last
667 known addresses. If the tenant or ~~the~~ secured lienholders do not

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668 claim the sale proceeds within 2 years after the date of sale,
669 the proceeds are ~~shall be~~ deemed abandoned, and the owner has
670 ~~shall have~~ no further obligation with regard to the payment of
671 the proceeds.

672 (10) (a) If a lien is claimed on property that is a ~~motor~~
673 vehicle or vessel ~~a watercraft~~ and rent and other charges
674 related to the property remain unpaid or unsatisfied for 60 days
675 after the maturity of the obligation to pay the rent and other
676 charges, the facility or unit owner may sell the property
677 pursuant to this section or have the property towed.

678 (b) If a facility or unit owner intends to sell the vehicle
679 or vessel, the facility or unit owner must conduct a check of
680 records with the Department of Highway Safety and Motor
681 Vehicles. In the event that no current registration is found in
682 the search, the facility or unit owner must conduct a search
683 through the National Motor Vehicle Title Information System or
684 an equivalent commercially available system. If a person
685 claiming a lien is not identified in either search, the property
686 may be sold by the facility or unit owner pursuant to this
687 section. The facility or unit owner must send a notice of lien
688 by certified mail to all persons claiming a lien at least 30
689 days before the date of the sale. The notice must state all of
690 the following:

691 1. The make, model, and last 8 digits of the vehicle
692 identification number of the vehicle subject to the lien, or, if
693 the claim of lien is for a vessel, the hull identification
694 number of the vessel subject to the lien. Such information must
695 be clearly printed in the delivery address box and on the
696 outside of the envelope sent to the registered owner and all

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697 other persons claiming an interest in or a lien on the vehicle
698 or vessel.

699 2. The name, physical address, and telephone number of the
700 facility or unit owner, and the entity name, as registered with
701 the Division of Corporations, of the business where the vehicle
702 or vessel is stored, which must also appear on the outside of
703 the envelope sent to all persons claiming a lien on the vehicle
704 or vessel.

705 3. The fact of possession of the vehicle or vessel.

706 4. The name of the person or entity listed as tenant in the
707 rental agreement.

708 5. That a lien is claimed.

709 6. That charges have accrued and include an itemized
710 statement of the amount thereof.

711 7. That any vehicle or vessel that remains unclaimed may be
712 sold free of all prior liens 30 days after notification is sent.

713 8. The address at which the vehicle or vessel is physically
714 located.

715 (c) At any time before the proposed or scheduled date of
716 sale of a vehicle or vessel, a person claiming an interest in or
717 a lien on the vehicle or vessel may request to inspect the
718 vehicle or vessel. The facility or unit owner must make the
719 vehicle or vessel available for inspection during regular
720 business hours within 3 business days after receiving a written
721 request to inspect the vehicle or vessel.

722 (d) At any time before the sale of the vehicle or vessel, a
723 person of record claiming a lien against the vehicle or vessel
724 may have her or his vehicle or vessel released upon posting with
725 the clerk of the court in the county in which the vehicle or

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726 vessel is held a cash or surety bond or other adequate security
727 equal to the amount of the storage charges and administrative
728 fees required to ensure the payment of such charges in the event
729 she or he does not prevail. A particular form for posting the
730 bond is not required unless the clerk provides such form to the
731 customer or person for filing. Upon the posting of the bond and
732 the payment of the applicable fee set forth in s. 28.24, the
733 clerk of the court shall automatically issue a certificate
734 notifying the facility or unit owner of the posting of the bond
735 and directing the owner to release the vehicle or vessel to the
736 person of record claiming a lien against the vehicle or vessel.
737 The certificate must be presented during regular business hours.
738 The facility or unit owner, or an employee or agent thereof who
739 is authorized to release the vehicle or vessel and who, upon
740 receiving a copy of a certificate giving notice of the posting
741 of the bond in the required amount and directing release of the
742 vehicle or vessel, fails to release or return the property to
743 the person of record claiming a lien pursuant to this section,
744 commits a misdemeanor of the second degree, punishable as
745 provided in s. 775.082 or s. 775.083.

746 (e) The person of record claiming a lien against a vehicle
747 or vessel has 30 days after the issuance of the certificate by
748 the clerk to file a lawsuit to determine the validity of the
749 storage charges. Upon determining the respective rights of the
750 parties under this section, the court may award damages,
751 attorney fees, and costs in favor of the prevailing party. Upon
752 failure of the party posting the bond to timely file suit and a
753 request by the facility or unit owner, the clerk must release
754 the cash or surety bond to the facility or unit owner.

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755 (f) Failure to make good faith efforts, as defined in s.
756 713.78(1), to comply with the notice requirements of this
757 section precludes the imposition of any storage charges against
758 the vehicle or vessel.

759 (g) A copy of the notice of sale, proof of notice mailed to
760 any person claiming a lien as required herein, and proof of the
761 required check of the records of the Department of Highway
762 Safety and Motor Vehicles and the National Motor Vehicle Title
763 Information System or an equivalent commercially available
764 system, if applicable, shall constitute satisfactory proof for
765 application to the Department of Highway Safety and Motor
766 Vehicles for transfer of title, together with any other proof
767 required by any rules and regulations of the department.

768 (h) If a ~~motor~~ vehicle or vessel ~~watercraft~~ is towed, the
769 facility or unit owner is not liable for the ~~motor~~ vehicle or
770 ~~vessel~~ ~~watercraft~~ or any damages to the ~~motor~~ vehicle or vessel
771 ~~watercraft~~ once a wrecker takes possession of the property. The
772 wrecker taking possession of the property must comply with all
773 notification and sale requirements provided in s. 713.78.

774 Section 6. Subsection (4) is added to section 83.808,
775 Florida Statutes, to read:

776 83.808 Contracts.—

777 (4) A rental agreement must contain a provision that
778 authorizes the tenant to designate an optional alternate contact
779 person. The alternate contact person may be contacted only for
780 purposes of providing notice under s. 83.806 or as otherwise
781 authorized by the rental agreement. Designating an alternate
782 contact person does not give such person an interest in the
783 contents stored at the self-service storage facility or in the

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784 self-contained storage unit.

785 Section 7. Subsection (10) is added to section 677.210,
786 Florida Statutes, to read:

787 677.210 Enforcement of warehouse's lien.—

788 (10) A lien on a vehicle or vessel, as those terms are
789 defined in s. 713.78(1), must be foreclosed pursuant to s.
790 713.78 and may not be foreclosed under this chapter.

791 Section 8. Paragraph (a) of subsection (2) of section
792 715.07, Florida Statutes, is amended to read:

793 715.07 Vehicles or vessels parked on private property;
794 towing.—

795 (2) The owner or lessee of real property, or any person
796 authorized by the owner or lessee, which person may be the
797 designated representative of the condominium association if the
798 real property is a condominium, may cause any vehicle or vessel
799 parked on such property without her or his permission to be
800 removed by a person regularly engaged in the business of towing
801 vehicles or vessels, without liability for the costs of removal,
802 transportation, or storage or damages caused by such removal,
803 transportation, or storage, under any of the following
804 circumstances:

805 (a) The towing or removal of any vehicle or vessel from
806 private property without the consent of the registered owner or
807 other legally authorized person in control of that vehicle or
808 vessel is subject to substantial compliance with the following
809 conditions and restrictions:

810 1.a. Any towed or removed vehicle or vessel must be stored
811 at a site within a 10-mile radius of the point of removal in any
812 county of 500,000 population or more, and within a 15-mile

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813 radius of the point of removal in any county of fewer than
814 500,000 population. That site must be open for the purpose of
815 redemption of vehicles on any day that the person or firm towing
816 such vehicle or vessel is open for towing purposes, from 8:00
817 a.m. to 6:00 p.m., and, when closed, shall have prominently
818 posted a sign indicating a telephone number where the operator
819 of the site can be reached at all times. Upon receipt of a
820 telephoned request to open the site to redeem a vehicle or
821 vessel, the operator shall return to the site within 1 hour or
822 she or he will be in violation of this section.

823 b. If no towing business providing such service is located
824 within the area of towing limitations set forth in sub-
825 subparagraph a., the following limitations apply: any towed or
826 removed vehicle or vessel must be stored at a site within a 20-
827 mile radius of the point of removal in any county of 500,000
828 population or more, and within a 30-mile radius of the point of
829 removal in any county of fewer than 500,000 population.

830 2. The person or firm towing or removing the vehicle or
831 vessel shall, within 30 minutes after completion of such towing
832 or removal, notify the municipal police department or, in an
833 unincorporated area, the sheriff, of such towing or removal, the
834 storage site, the time the vehicle or vessel was towed or
835 removed, and the make, model, color, and license plate number of
836 the vehicle or description and registration number of the vessel
837 and shall obtain the name of the person at that department to
838 whom such information was reported and note that name on the
839 trip record.

840 3. A person in the process of towing or removing a vehicle
841 or vessel from the premises or parking lot in which the vehicle

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842 or vessel is not lawfully parked must stop when a person seeks
843 the return of the vehicle or vessel. The vehicle or vessel must
844 be returned upon the payment of a reasonable service fee of not
845 more than one-half of the posted rate for the towing or removal
846 service as provided in subparagraph 6. The vehicle or vessel may
847 be towed or removed if, after a reasonable opportunity, the
848 owner or legally authorized person in control of the vehicle or
849 vessel is unable to pay the service fee. If the vehicle or
850 vessel is redeemed, a detailed signed receipt must be given to
851 the person redeeming the vehicle or vessel.

852 4. A person may not pay or accept money or other valuable
853 consideration for the privilege of towing or removing vehicles
854 or vessels from a particular location.

855 5. Except for property appurtenant to and obviously a part
856 of a single-family residence, and except for instances when
857 notice is personally given to the owner or other legally
858 authorized person in control of the vehicle or vessel that the
859 area in which that vehicle or vessel is parked is reserved or
860 otherwise unavailable for unauthorized vehicles or vessels and
861 that the vehicle or vessel is subject to being removed at the
862 owner's or operator's expense, any property owner or lessee, or
863 person authorized by the property owner or lessee, before towing
864 or removing any vehicle or vessel from private property without
865 the consent of the owner or other legally authorized person in
866 control of that vehicle or vessel, must post a notice meeting
867 the following requirements:

868 a. The notice must be prominently placed at each driveway
869 access or curb cut allowing vehicular access to the property
870 within 10 feet from the road, as defined in s. 334.03(22). If

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871 there are no curbs or access barriers, the signs must be posted
872 not fewer than one sign for each 25 feet of lot frontage.

873 b. The notice must clearly indicate, in not fewer than 2-
874 inch high, light-reflective letters on a contrasting background,
875 that unauthorized vehicles will be towed away at the owner's
876 expense. The words "tow-away zone" must be included on the sign
877 in not fewer than 4-inch high letters.

878 c. The notice must also provide the name and current
879 telephone number of the person or firm towing or removing the
880 vehicles or vessels.

881 d. The sign structure containing the required notices must
882 be permanently installed with the words "tow-away zone" not
883 fewer than 3 feet and not more than 6 feet above ground level
884 and must be continuously maintained on the property for not
885 fewer than 24 hours before the towing or removal of any vehicles
886 or vessels.

887 e. The local government may require permitting and
888 inspection of these signs before any towing or removal of
889 vehicles or vessels being authorized.

890 f. A business with 20 or fewer parking spaces satisfies the
891 notice requirements of this subparagraph by prominently
892 displaying a sign stating "Reserved Parking for Customers Only
893 Unauthorized Vehicles or Vessels Will be Towed Away At the
894 Owner's Expense" in not fewer than 4-inch high, light-reflective
895 letters on a contrasting background.

896 g. A property owner towing or removing vessels from real
897 property must post notice, consistent with the requirements in
898 sub-subparagraphs a.-f., which apply to vehicles, that
899 unauthorized vehicles or vessels will be towed away at the

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900 owner's expense.

901

902 A business owner or lessee may authorize the removal of a
903 vehicle or vessel by a towing company when the vehicle or vessel
904 is parked in such a manner that restricts the normal operation
905 of business; and if a vehicle or vessel parked on a public
906 right-of-way obstructs access to a private driveway the owner,
907 lessee, or agent may have the vehicle or vessel removed by a
908 towing company upon signing an order that the vehicle or vessel
909 be removed without a posted tow-away zone sign.

910 6. Any person or firm that tows or removes vehicles or
911 vessels and proposes to require an owner, operator, or person in
912 control or custody of a vehicle or vessel to pay the costs of
913 towing and storage before redemption of the vehicle or vessel
914 must file and keep on record with the local law enforcement
915 agency a complete copy of the current rates to be charged for
916 such services and post at the storage site an identical rate
917 schedule and any written contracts with property owners,
918 lessees, or persons in control of property which authorize such
919 person or firm to remove vehicles or vessels as provided in this
920 section.

921 7. Any person or firm towing or removing any vehicles or
922 vessels from private property without the consent of the owner
923 or other legally authorized person in control or custody of the
924 vehicles or vessels shall, on any trucks, wreckers as defined in
925 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
926 towing or removal, have the name, address, and telephone number
927 of the company performing such service clearly printed in
928 contrasting colors on the driver and passenger sides of the

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929 vehicle. The name shall be in at least 3-inch permanently
930 affixed letters, and the address and telephone number shall be
931 in at least 1-inch permanently affixed letters.

932 8. Vehicle entry for the purpose of removing the vehicle or
933 vessel shall be allowed with reasonable care on the part of the
934 person or firm towing the vehicle or vessel. Such person or firm
935 shall be liable for any damage occasioned to the vehicle or
936 vessel if such entry is not in accordance with the standard of
937 reasonable care.

938 9. When a vehicle or vessel has been towed or removed
939 pursuant to this section, it must be released to its owner or
940 person in control or custody within 1 hour after requested. Any
941 vehicle or vessel owner or person in control or custody has the
942 right to inspect the vehicle or vessel before accepting its
943 return, and no release or waiver of any kind which would release
944 the person or firm towing the vehicle or vessel from liability
945 for damages noted by the owner or person in control or custody
946 at the time of the redemption may be required from any vehicle
947 or vessel owner or person in control or custody as a condition
948 of release of the vehicle or vessel to its owner or person in
949 control or custody. A detailed receipt showing the legal name of
950 the company or person towing or removing the vehicle or vessel
951 must be given to the person paying towing or storage charges at
952 the time of payment, whether requested or not.

953 Section 9. This act shall take effect July 1, 2024.