

House Research Act Summary

CHAPTER: 225

SESSION: 1999 Regular Session

TOPIC: Forfeiture

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Overview

This bill clarifies several provisions of the DWI and general forfeiture laws.

Section

- 1** **Limitations on forfeiture of motor vehicle.** Amends the DWI forfeiture law to prohibit the forfeiture of a vehicle used to commit a repeat DWI offense if the owner took reasonable steps to terminate use of the motor vehicle, even though the owner knew or should have known of the vehicle's unlawful use. Provides that when the proceeds of a forfeiture sale do not equal or exceed the outstanding loan balance on the vehicle, the law enforcement agency conducting the sale must remit all of the sale proceeds to the secured party. Also provides that if the law enforcement agency gives the secured party at least three days' advance notice of the forfeiture sale and the sale is conducted in a commercially reasonable manner consistent with the Uniform Commercial Code, the law enforcement agency is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds.
- 2** **Administrative forfeiture procedure; DWI forfeiture law.** Requires law enforcement agencies to give notice of a vehicle's seizure and of the agency's intent to forfeit the vehicle administratively to secured parties whose security interest is registered under Minn. Stat. chapter 168 and is listed on the vehicle title. Also clarifies that a demand for a judicial determination of a motor vehicle forfeiture under the DWI forfeiture law may be filed in conciliation court if the value of the vehicle is within the conciliation court's jurisdictional limit (\$7,500 or less).
- 3** **Administrative forfeiture procedure; general forfeiture law.** Requires law enforcement agencies to give notice of a vehicle's seizure and of the agency's intent to forfeit the vehicle administratively to secured parties whose security interest is registered under Minn. Stat. chapter 168 and is listed on the vehicle title. Also clarifies that a demand for a judicial determination of a forfeiture under the general forfeiture law may be filed in conciliation court

if the value of the vehicle is within the conciliation court's jurisdictional limit (\$7,500 or less).

- 4** **Judicial forfeiture; general forfeiture law.** Makes the same clarification as section 3 concerning cases filed in conciliation court. Also clarifies that defenses otherwise available in judicial forfeiture proceedings also apply to administrative forfeitures that have been converted to judicial proceedings upon the property owner's demand.
- 5** **Effective date.** August 1, 1999, for forfeitures conducted on or after that date.