

# CITIZEN'S GUIDE TO REMOVAL OF MOTOR VEHICLE'S FROM PRIVATE PROPERTY

*This informational pamphlet is provided to you by the Nantucket Police Department.*

Massachusetts General Laws Chapter 266 section 120D regulates the removal of motor vehicles from private ways or property. You should be aware that the Nantucket Police Department is not authorized to tow motor vehicles from private property. On the other hand, a private citizen is allowed in certain circumstances to remove a motor vehicle from their property. In order to avoid violating Chapter 266 section 120D when doing so, the Nantucket Police Department has prepared this pamphlet detailing the policy for removal of motor vehicles from private property.

Before a private citizen can remove a vehicle from their property, they must adhere to the following regulations:

1. Notice: Removal is not allowed without posted or direct notice: "No person shall remove a motor vehicle which is parked or standing on a private way or property...unless the operator of such vehicle has been forbidden to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property."
2. Written consent or police notification: Vehicle owner must consent to the removal or the person with lawful control of the way or property has to notify the police chief or other official prior to removing the vehicle. Such notification "shall be in writing unless otherwise specified by such chief and shall include address from which the vehicle is to be removed, address where it will be towed, the registration number of the vehicle, the name of the person in lawful control of the way or property from which such vehicle is being removed and the name of the company or person removing the vehicle." For purposes of this section, a written letter to the Nantucket Police Department with the above information given to a police officer or dropped off at the police station will be sufficient.
3. Vehicles so removed shall be stored in a convenient location.
4. Any person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.
5. If the vehicle owner appears when the vehicle is in the process of being towed, the tow company can charge the vehicle owner one half of the tow fee.

You should also know that neither the town nor the police shall be liable for any damages incurred during the removal or storage of any such vehicle removed, and any person who removes a vehicle without obtaining the owner's consent or notifying the police in writing shall be punished by a fine of not more than 100 dollars.

If you have an abandoned motor vehicle on your property, please contact the Nantucket Police Department. An officer will be sent to take a report and will take certain steps in an effort to locate the vehicle owner and request that they remove the vehicle. If this fails, the vehicle owner can be charged with Abandoning a Motor Vehicle under Massachusetts General Laws Chapter 90 section 22B. However, it will still be the property owner's responsibility to have the vehicle removed.

**Chapter 266: Section 120D. Removal of motor vehicles from private ways or property; penalties; liability for removal and storage charges; release of vehicle**

Section 120D. No person shall remove a motor vehicle which is parked or standing on a private way or upon improved or enclosed property unless the operator of such vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property. No vehicle shall be removed from such way or property without the consent of the owner of such vehicle unless the person who has lawful control of such way or property shall have notified the chief of police or his designee in a city or town, or, in the city of Boston the police commissioner, or a person from time to time designated by said police commissioner, that such vehicle is to be removed. Such notification shall be made before any such vehicle shall be removed, and shall be in writing unless otherwise specified by such chief of police or police commissioner and shall include the address from which the vehicle is to be removed, the address to which the vehicle is to be removed, the registration number of the vehicle, the name of the person in lawful control of the way or property from which such vehicle is being removed, and the name of the person or company or other business entity removing the vehicle. Vehicles so removed shall be stored in a convenient location. Neither the city or town, nor its chief of police or police commissioner or his designee, shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section. Any person who, without notifying the chief of police or his designee, or the police commissioner or his designee, or without obtaining the consent of the owner, removes a vehicle from a private way or from improved or enclosed property as aforesaid, shall, in addition to any other penalty of law, be punished by a fine of not more than one hundred dollars. The employer of such person if any, shall also be punished by a fine of not more than one hundred dollars.

Any person who purports to authorize the removal of a vehicle from a way or property as aforesaid without having fully complied with the provision of this section shall be punished by a fine of not more than one hundred dollars.

In addition to any other penalty provided by law, the registered owner of a vehicle illegally parked or standing on a private way or upon improved or enclosed property shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed shall not exceed the following, and provided, further, that the vehicle has been removed after compliance with the provisions of this section:

- (1) the maximum amount for towing or transportation of motor vehicles established by the department of telecommunications and energy for motor vehicles towed away when such towing is ordered by the police or other public authority under the provisions of section six B of chapter one hundred and fifty-nine B; and
- (2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be not more than the maximum storage charge allowed under the provisions of said section six B of said chapter one hundred and fifty-nine B.

A person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.

Any person who is called to remove by towing a vehicle illegally parked or standing on a private way or upon improved or enclosed property may, at his discretion, if the owner appears to remove said vehicle before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Any person who removes a vehicle illegally parked or standing on a private way or upon improved or enclosed property, or holds such a vehicle after its removal, and who has not complied in full with the provisions of this section, shall release such vehicle to its owner without assessing any charges for its removal or storage.