

## ***NOTIFICATION & PROCESS***

If the vehicle meets the definition of an abandoned vehicle removed from public property, or if the agency removes an abandoned vehicle from private property (optional), as a police agency, you must exercise one of the following options:

- 1) The police agency can employ a private entity to dispose of abandoned vehicles,
  - a) In this case, the agency must supply the name and address of the registered owner, lien-holders, and any claimant with an interest in the vehicle or personal property found in the vehicle, to the private entity.
    - 1) The private entity must comply with the requirements of the **“Process-Known owner”** or **“Process -Unknown owner.”**
- 2) The police agency can use their own staff to process abandoned vehicles, including equipment and facilities for the purpose of removing, preserving, storing and disposing of abandoned vehicles. In this case, the agency must complete the following;

### **PROCESS – Known owner**

Within 20 days of the tow, you must notify the registered owner, lien-holders, and any claimant with an interest in the vehicle or personal property found in the vehicle by certified mail at the last known address of record. That notice shall:

- 1) Be deemed given when mailed,
- 2) Describe the year, make, model, vin, and all personal property in the vehicle,
- 3) Set forth the location of the vehicle where the vehicle is being held,
- 4) Inform the persons receiving the notice of their right to reclaim the vehicle and all personal property within 10 days after the effective date upon payment of all towing, preservation, and storage charges, and costs of notices.
- 5) State that the failure of the owner, lien-holders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided, shall be deemed a waiver by the owner, lien-holders, and claimants of all right, title, claim, and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction
- 6) State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property or of the assessment of the fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

### **PROCESS – Unknown owner**

If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lien-holders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of the notice.

- 1) The published notice may contain multiple listings of abandoned vehicles and personal property
- 2) The published notice shall be published within the same time requirements and contain the same information as prescribed for a mailed notice described in this paragraph.

### **DISPOSAL –AUCTION OF ABANDONED VEHICLES**

If an abandoned vehicle has not been reclaimed as provided, the police authority or private entity shall determine as to whether or not the vehicle shall be sold for use on the highways.

- 1) If the vehicle is NOT sold for use on the highways, it shall:
  - a) Be sold at public auction as junk
    - I. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity.
  - OR
  - b) Be demolished and sold as scrap. The police authority or private entity may dispose of the vehicle to a licensed demolisher for junk without public auction after complying with the notification procedures. If the vehicle is sold or disposed of to a licensed demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within 30 days of purchase.
- 2) If the vehicle is determined to be sold for use on the highways, it shall;
  - a) Be sold at public auction. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title.

### **PROCEEDS**

From the proceeds of the sale of an abandoned vehicle;

- 1) If the police authority did not hire a private entity, the police authority shall:
  - a) Reimburse itself for the expenses of the auction, costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to notifications, costs of inspection, and any other costs except;
    - i. Bookkeeping, and
    - ii. Other administrative costs.

### **Remainder Funds**

Any remainder from the proceeds of the sale shall;

- 1) Be held for the owner of the vehicle or entitled lien-holder for 90 days,
- 2) Then turned into the DOT to be deposited in the road use tax fund.

### **Shortfall in funds**

If the proceeds of the sale are insufficient to meet the expenses and costs incurred, the expenses shall;

- 1) Be paid from the road use tax fund
- 2) The expenses are the obligation of the last known owner(s) jointly and severally.

### **REQUIRED REPORTS TO THE DEPARTMENT (761) Chapter 480**

If the police authority did not hire a private entity, the following applies:

- 1) The police authority shall report an abandoned vehicle to the department on form 411090 only if:
  - a) It is remitting unclaimed profits (Don't file report until after the 90 day claim period)
  - b) It is requesting reimbursement.  
The only situation when a report is not required is when the fees collected are the exact amount to offset the expenses.
- 2) The police authority shall submit the following documents with form 411090:
  - a) The impound report showing the date the vehicle was taken into custody and showing a complete description of the vehicle. (The date the vehicle was taken into custody is the date of abandonment unless the police authority declares a different date of abandonment.)
  - b) The abandonment date is used to calculate the 20 day notification period to the owner(s) and lien-holder(s).
  - c) A copy of the notice sent of the owner and lien-holder(s) or proof of publication of the notice. (The department will not reimburse any loss unless the notice was sent or published within the required 20 days.)
  - d) Detailed receipts showing payment for each expense incurred. The receipts must;
    - I. Identify the date(s) of occurrence of the expense, (ex: a receipt for storage must identify the beginning and ending dates.)
    - II. A receipt for both towing and storage must show separately, the towing and the storage charge per day.

### **REIMBURSEMENT LIMITS**

- 1) Towing - \$50 per vehicle
- 2) Notice – actual postage or publication cost.
- 3) Storage - \$5 per day, not to exceed 45 days per vehicle.
  - a) If the police authority provides its own storage facility, the Department will NOT reimburse for use of that facility.
  - b) When a vehicle is held for an evidentiary hearing for more than 45 days, the police authority shall submit proof of the hearing to obtain reimbursement.
- 4) Auction – 10 % of the vehicle's sale price or \$10 per vehicle, whichever is less. (A receipt is not required for auction expense reimbursement.)