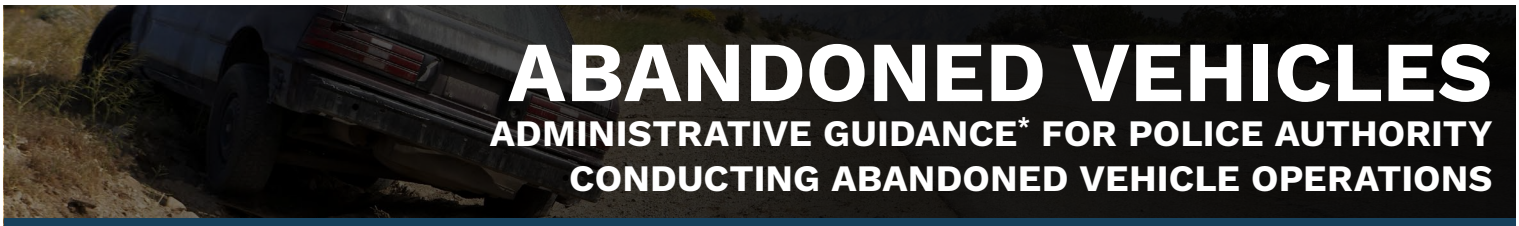
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ABANDONED VEHICLES

ADMINISTRATIVE GUIDANCE* FOR POLICE AUTHORITY CONDUCTING ABANDONED VEHICLE OPERATIONS

POLICE AUTHORITY

Refers to the state patrol, any law enforcement agency of a county or city, or any special security officer employed by the state board of regents (IA Code 321.89).

NOT POLICE AUTHORITY

Police authority for abandoned vehicle operations **does not include**:

- Division of Narcotics Enforcement
- Division of Criminal Investigation
- DOT (Motor Vehicle Enforcement)
- DNR
- State Fire Marshal

If these agencies need to remove an abandoned vehicle from a roadway, they should immediately turn the process over to a local jurisdiction police authority to continue the process, starting with notifications. An agency, which is not considered to be a police authority is not eligible for reimbursement of any expenses incurred during abandoned vehicle processing.

ABANDONED VEHICLE VS. POSSESSORY LIEN

For persons owed money for a service involving a vehicle and have the vehicle in their possession, the abandoned vehicle process does not apply, unless they want to forgo their possessory lien. Possessory liens apply in situations like mechanics services, self-storage units, and rental properties. Police authorities do not have any obligations within possessory lien processes.

POLICE AUTHORITY RESPONSIBILITY FOR ABANDONED VEHICLES

Shall

A police authority **shall** take into custody an abandoned vehicle on public property, based on the following shortened definitions of abandoned vehicle from IA Code, section 321.89.1.a:

a. Vehicle left unattended on public property for more than 24 hours: lacks current registration plates, or is totally inoperable.

b. Vehicle illegally on public property for more than 24 hours.

c. Vehicle legally impounded by order of a police authority, not reclaimed for a period of 10 days. A police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.

d. Vehicle parked on the highway, which is hazardous to other vehicle traffic.

e. Vehicle impounded pursuant to IA Code, section 321J.4B (Operating While Intoxicated) by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

May

A police authority **may** take into custody an abandoned vehicle on private property, based on the following definition of abandoned vehicle from IA Code section 321.89.1.a:

a. Vehicle unlawfully parked on private property or placed on private property without the consent of the person in control of the property for more than 24 hours.

A police authority is not obligated by statute to take custody of an abandoned vehicle on private property**, but it shall process applications for the private property owner's attempt to dispose of the vehicle to a demolisher, as seen in pathway three on the following page.

* *This administrative guidance does not supersede Iowa Code or Iowa Administrative Code, nor should it be used in place of any legal counsel. This guidance does not provide the processes in detail. For details, refer to IA Code 321.89, 321.90 and IA Admin Code 761.480.*

** *For inquiries from private property owners with an abandoned vehicle on their property, refer to* ***iowadot.gov/mvd/vehicleregistration/MM1273.pdf***

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MOST LIKELY PATHWAYS FOR POLICE AUTHORITIES ENGAGING IN THE ABANDONED VEHICLE PROCESS

While there are minor variations within these pathways, at a minimum, police authorities should understand and be prepared to execute the following:

1 Take into custody and sell at public auction or demolish

If claimants do not reclaim the abandoned vehicle after proper notification procedures *(IA Code 321.89.3)*, a police authority has the options to sell the vehicle at a public auction or to have it demolished. A police authority may handle every aspect of the process or hire a towing company only for the transport and/or storage of the vehicle, while the police authority follows the rest of the statutory abandoned vehicle process.

a. **Public auction –** The police authority holds, or participates in, a public auction to sell the abandoned vehicle. The police authority provides the purchaser with page 2 of **DOT Form 411163** Certificate of Disposal of an Abandoned Vehicle When Initiated by a Police Authority with the top half completed (Abandoned Vehicle Sales Receipt) along with odometer documentation, when required.

b. **Sell for junking –** The police authority sells, or transfers, the vehicle to a demolisher for the purpose of junking or scrapping. The police authority provides the purchaser, or demolisher, with page 2 of **DOT Form 411163** with the bottom half completed (Authority to Transfer and/or Demolish a Vehicle).

2 Employ private entity to finish abandoned vehicle process

"Private entity" is synonymous with "garage keeper," which means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles, including, most prevalently, towing companies.

A police authority may employ a private entity for the transport of the vehicle and to complete the statutory abandoned vehicle process. The police authority shall provide the private entity with a completed page 1 of **DOT Form 411163** and the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle.

This information should be provided quickly to enable the private entity to conduct notifications within 10 days from the date of vehicle abandonment. The police authority is only authorized reimbursement for the towing expense in this situation.

3 Process applications to police for authority to demolish *(IA Code 321.90.2)*

Persons with an abandoned vehicle on their private property may complete **DOT Form 411104** Application for Authority to Transfer a Vehicle to a Demolisher to apply to local law enforcement for the authority to sell, give away, or otherwise dispose of the motor vehicle to a demolisher. The police authority will:

a. Review the application form for accuracy

b. Follow appropriate notification procedures from IA Code, section 321.89.3

c. If the vehicle is not reclaimed, give the applicant a certificate of authority allowing the applicant to obtain a junking certificate (**DOT Form 411163**, page 2 with the bottom half completed)

Note: If the motor vehicle is totally inoperable, the police authority may provide the applicant with a certificate of authority without conducting the notification process.

REIMBURSEMENT

A police authority is only authorized reimbursement of expenses:

a. That are over the proceeds of a sale at public auction or to a demolisher.

b. For vehicles that were abandoned on a public highway. If it is not clear that the vehicle was abandoned on a public highway, the reimbursement request will be denied.

c. With completed **DOT Form 411090** Abandoned Vehicle Report and proper documentation as evidence of compliant procedure.

d. In a limited capacity by itemized expenses (IA Admin Code 761.480.7(4)).

Note: Date of abandonment must be accurate and tied to a definition of abandoned vehicle from page 1. Must remit unclaimed profits to DOT after 90 days unclaimed by vehicle owner/lienholders.