Policy and Partnerships Bureau
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DISPOSING OF ABANDONED VEHICLES

INFORMATION* FOR A PRIVATE ENTITY CONDUCTING ABANDONED VEHICLE OPERATIONS FROM PRIVATE PROPERTY

PRIVATE ENTITY

- You are considered a "private entity" under Iowa's abandoned vehicle law if your business is a tow company, parking place, motor vehicle storage facility, or auto service shop.
- A private entity that takes custody of an abandoned vehicle shall display at the entity's place of business the daily storage and impounded fees the entity will charge.
- When a private entity ceases a tow after attaching towing equipment to an abandoned vehicle and releases the vehicle from the location where the vehicle was abandoned, the private entity shall accept payment by credit card, in addition to other forms of payment, for any fee charged to release the vehicle.

ABANDONED VEHICLE PROCESS INITIATED BY A PRIVATE PROPERTY OWNER

- A private property owner can hire your company as a private entity to dispose of an abandoned vehicle, without police involvement, if the vehicle has been placed on private property without consent for more than 24 hours.
- You are not allowed to remove a vehicle without first being hired by the private property owner/manager.
- Police are not required by law to initiate removal of an abandoned vehicle from private property.

NOTIFICATION

If your company is disposing of a vehicle from private property, you may request an online record access account from the Iowa DOT to get the required owner and lienholder information. Details on requesting an account can be found at: iowadot.gov/mvd/vehicleregistration/records.

You must send a notification by certified mail to all owners/claimants within 10 days of towing the vehicle. The notice is considered effective on the date it is mailed. The notification must include the following:

1. The year, make, model, and VIN of the vehicle.
2. Location where the vehicle is being held.
3. A statement of the owner/claimants' right to reclaim the vehicle within 20 days after the effective date of the notice, and after all towing, preservation, storage, and notice costs have been paid.
4. A statement that the failure of the owner/claimants to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner/claimants of all right, title, claim, and interest in the vehicle, and 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 personal property by sale or destruction.
5. A statement that your company may claim a garagekeeper's lien and may proceed to sell or dispose of the vehicle.

If it is impossible to determine, with reasonable certainty, the identity and addresses of the last registered owners and all lienholders, you are required to make notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned. The published notification may contain multiple listings of abandoned vehicles and personal property. The notice needs to be published within 10 days of towing the vehicle and must contain the same information that would be in the mailed notice.

ABANDONED VEHICLES IN CUSTODY

A lien holder of record who received notice may request information regarding the condition of the abandoned vehicle. A private entity with custody of an abandoned vehicle may charge the lien holder of record an inspection fee not to exceed $100. If such request is made and when the fee is paid, the private entity shall satisfy the request by either allowing a representative of the lienholder of record onto the premises to

* *This administrative information 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.*

MM1375 06/24/2026

inspect the vehicle or by sending photos that sufficiently depict the condition of the vehicle so the lienholder can ascertain the condition of the vehicle.

A registered owner may reclaim personal property that is not attached to the vehicle on one occasion during the 20-day vehicle reclamation period. The registered owner shall provide the private entity a written list identifying the personal property to be reclaimed from inside the vehicle. Reclaiming personal property shall occur during normal business hours. Reclaiming personal property from the vehicle does not constitute reclaiming the vehicle.

RECLAIMING THE ABANDONED VEHICLE

When the registered owner arrives to reclaim the vehicle, the private entity shall provide an itemized account of all fees assessed to the registered owners. The registered owner is required to present, as applicable, a valid driver's license and proof of financial liability coverage (insurance, bond, etc.), which may· be in the vehicle.

ABANDONED VEHICLE DISPOSAL OPTIONS

If an abandoned vehicle has not been reclaimed within 20 days of notice, your company may sell the vehicle at public auction or transfer the vehicle directly to a demolisher.

By signing DOT Form 411185 *Certificate of Disposal of Abandoned Vehicle by Private Entity When Employed by a Private Property Owner,* you are certifying that the requirements of the abandoned vehicle process have been completed according to law. You are required to maintain records for three years for all vehicles sold or transferred to a demolisher through the abandoned vehicle process. Reimbursement from the State is not authorized for vehicles processed from a private property.

OPTION 1: Sell the Vehicle at a Public Auction

- Determine if the vehicle will be sold for use on the highways or sold only for junk.
- Advertise a public auction at least seven days in advance of the sale within the county where the auction will take place or where the vehicle is physically located.
    - At a minimum, you must publish an ad in a newspaper in general circulation in the area. The newspaper must have a list of subscribers and devote at least 25 percent of total column space to information other than advertising.
- Provide the purchaser with Form 411185 with **Option A - Abandoned Vehicle Sales Receipt** complete. Keep a copy of the form for your records.
- Provide an odometer disclosure statement if required (model years 2011 and newer). The odometer statement will reflect the odometer reading at the time of sale and will be marked indicating "odometer discrepancy," certifying the odometer mileage reading is not the actual mileage.
- You do not need to provide a damage disclosure statement for vehicles sold through the abandoned vehicle process.
- It is recommended that you inform purchasers of abandoned vehicles of the fees they will pay to title and register the vehicle.
    - For vehicles sold using Form 411185, the purchaser will pay any delinquent fees that have accrued during previous registration periods and any accrued penalties. If the purchaser does not apply to the county for registration within 30 days, registration and title penalties will apply.
- If you are unable to recoup your expenses during a public auction, you should make a second attempt. If you still cannot make a satisfactory sale after two public auctions, you must sell or dispose of the vehicle to a demolisher for junk.

OPTION 2: Transfer the Vehicle Directly to a Demolisher

- You may dispose of the vehicle to a licensed demolisher for junk without public auction.
- Provide the demolisher with Form 411185 with **Option B - Authority to Transfer and/ or Demolish a Vehicle** complete. Keep a copy of the form for your records.
- The demolisher will only be able to obtain a junking certificate by turning the form in to the county treasurer and applying for a junking certificate within 30 days of the form date.

OUT-OF-STATE ABANDONED VEHICLE

If your company tows a vehicle from another state, you should attempt to get the owner's/lienholder's information by contacting the Department of Motor Vehicles in the state where the vehicle is registered. If you are unable to obtain the owner/lienholder information, follow the instructions of the notification process, and post the notification in the area the vehicle was abandoned.