

CHAPTER 1169

ABANDONED VEHICLES

H. F. 324

AN ACT relating to abandoned vehicles.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point eighty-nine (321.89), Code
2 1975, is amended to read as follows:

3 **321.89 Abandoned motor vehicles.**

4 1. Definitions. As used in this section and sections 321.90 and 321.91 unless the
5 context otherwise requires:

6 a. "Police authority" means the Iowa highway safety patrol or any law
7 enforcement agency of a county or city.

8 b. "Abandoned vehicle" means any of the following:

9 (1) A ~~motor~~ vehicle that has been left unattended on public property for more
10 than forty-eight hours and lacks current registration plates or two or more wheels
11 or other ~~structural~~ parts which renders the vehicle totally inoperable, or

12 (2) A ~~motor~~ vehicle that has remained illegally on public property for more
13 than ~~fifteen days~~ *seventy-two hours*, or

14 (3) A ~~motor~~ vehicle that has been unlawfully parked on private property or has
15 been placed on private property without the consent of the owner or person in
16 control of the property for more than twenty-four hours, or

17 (4) A ~~motor~~ vehicle that has been legally impounded by order of a police
18 authority and has not been reclaimed for a period of ~~thirty~~ *ten* days.

19 (5) *Any vehicle parked on the highway determined by a police authority to create a*
20 *hazard to other vehicle traffic.*

21 (6) *However a vehicle shall not be considered abandoned for a period of fifteen days*
22 *if its owner or operator is unable to move the vehicle and notifies the police authority*
23 *responsible for the geographical location of the vehicle and requests assistance in the*
24 *removal of the vehicle.*

25 c. "Demolisher" means any city or public agency organized for the disposal of
26 solid waste, or any person whose business it is to convert a ~~motor~~ vehicle to junk,
27 processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

28 2. Authority to take possession of abandoned ~~motor~~ vehicles. A police
29 authority may, and on the request of any other authority having the duties of
30 control of highways or traffic, shall take into custody any abandoned ~~motor~~
31 vehicle on public property and may take into custody any abandoned ~~motor~~
32 vehicle on private property. *A police authority taking into custody an abandoned*
33 *vehicle determined to create a traffic hazard shall report the reasons constituting the*
34 *hazard in writing to the appropriate authority having duties of control of the highway.*
35 The police authority may employ its own personnel, equipment and facilities or
36 hire other personnel, equipment and facilities for the purpose of removing,
37 preserving, storing, or disposing abandoned ~~motor~~ vehicles.

38 3. Notification of owner and lienholders.

39 a. A police authority which takes into custody an abandoned ~~motor~~ vehicle
40 shall notify, within ten days, by certified mail, the last known registered owner of
41 the ~~motor~~ vehicle and all lienholders of record, addressed to their last known
42 address of record, that the abandoned ~~motor~~ vehicle has been taken into custody.
43 Notice shall be deemed given when mailed. The notice shall describe the year,
44 make, model, and serial number of the ~~motor~~ vehicle, set forth the location of the
45 facility where it is being held, inform the owner and any lienholders of their right
46 to reclaim the ~~motor~~ vehicle within ~~fourteen~~ *twenty-one* days after the effective
47 date of the notice upon payment of all towing, preservation, and storage charges

48 resulting from placing the motor vehicle in custody. The notice shall also state
49 that the failure of the owner or lienholders to exercise their right to reclaim the
50 motor vehicle within the time provided shall be deemed a waiver by the owner
51 and all lienholders of all right, title, claim and interest in the motor vehicle and
52 that such failure to reclaim the motor vehicle is deemed consent to the sale of the
53 motor vehicle at a public auction or disposal of the motor vehicle to a demolisher.
54 If the owner and lienholders do not exercise their right to reclaim such motor
55 vehicle within the ~~fourteen-day~~ *twenty-one day* reclaiming period, such owner and
56 lienholders shall no longer have any right, title, claim, or interest in or to such
57 motor vehicle. No court in any case in law or equity shall recognize any right,
58 title, claim, or interest of any such owner and lienholders after the expiration of
59 the ~~fourteen-day~~ *twenty-one day* reclaiming period.

60 b. If the identity of the last registered owner cannot be determined, or if the
61 registration contains no address for the owner, or if it is impossible to determine
62 with reasonable certainty the identity and addresses of all lienholders, notice by
63 one publication in one newspaper of general circulation in the area where the
64 motor vehicle was abandoned shall be sufficient to meet all requirements of
65 notice under this section. The published notice may contain multiple listings of
66 abandoned motor vehicles but shall be published within the same time
67 requirements and contain the same information as prescribed for mailed notice in
68 subsection 3, paragraph "a" of this section.

69 c. The owner or any lienholders may, by written request delivered to the police
70 authority prior to the expiration of the ~~fourteen-day~~ *twenty-one day* reclaiming
71 period, obtain an additional fourteen days within which the motor vehicle may be
72 reclaimed.

73 4. Auction of abandoned motor vehicles. If an abandoned motor vehicle has
74 not been reclaimed as provided for in subsection 3, the police authority shall
75 make a determination as to whether or not the motor vehicle shall be sold for use
76 upon the highways. If it is to be sold as a motor vehicle for use upon the
77 highways, it shall first be inspected as required by section 321.238 and have a
78 valid certificate of inspection affixed. If the motor vehicle is not sold for use upon
79 the highways, it shall ~~only be sold to a dealer licensed under chapter 322 or to a~~
80 ~~demolisher for junk, or demolished and sold as a scrap or sold as provided in~~
81 ~~section 321.88 with a restricted certificate of title and not for use upon the~~
82 ~~highways. The police authority shall sell the motor vehicle at public auction.~~
83 Notwithstanding any other provision of this section, any police authority, which
84 has taken into possession any abandoned motor vehicle which lacks an engine or
85 two or more wheels or other ~~structural~~ part which renders the vehicle totally
86 inoperable may dispose of such motor vehicle to a demolisher for junk ~~without~~
87 ~~after complying with~~ the notification procedures enumerated in subsection 3 and
88 without public auction. The purchaser of the motor vehicle shall take title free
89 and clear of all liens and claims of ownership, shall receive a sales receipt from
90 the police authority, and shall be entitled to register the motor vehicle and receive
91 a certificate of title if sold for use upon the highways or a restricted certificate of
92 title as the case may be; however, if the motor vehicle is sold or disposed of to a
93 demolisher for junk, the sales receipt by itself shall be sufficient title only for
94 purposes of transferring the motor vehicle to such demolisher for demolition,
95 wrecking, or dismantling and, when so transferred, no further titling of the motor
96 vehicle shall be permitted. From the proceeds of the sale of an abandoned motor
97 vehicle the police authority shall reimburse itself for the expenses of the auction,
98 the costs of towing, preserving, and storing which resulted from placing the
99 abandoned motor vehicle in custody, all notice and publication costs incurred
100 pursuant to subsection 3, the cost of inspection, and any other costs incurred
101 except costs of bookkeeping and other administrative costs. Any remainder from
102 the proceeds of a sale shall be held for the owner of the motor vehicle or entitled
103 lienholder for ninety days, and shall then be deposited in the reimbursement fund
104 received by the department pursuant to section 321.145, subsection 2. The costs to

105 police authorities of auction, towing, preserving, storage, and all notice and
 106 publication costs, inspection costs and all other costs which result from placing
 107 ~~other~~ abandoned vehicles in custody, whenever the proceeds from a sale of such
 108 ~~other~~ abandoned ~~motor~~ vehicles are insufficient to meet these expenses and costs,
 109 shall be paid from the reimbursement fund of the department under section
 110 321.145, subsection 2. In the event the reimbursement fund is temporarily
 111 exhausted, payment shall be deferred until the reimbursement fund contains
 112 sufficient funds to meet the claims.

113 The state comptroller shall establish by rule a claims procedure to be followed
 114 by police authorities in obtaining expenses and costs from the fund.

Approved June 23, 1976

CHAPTER 1170

TRAVEL TRAILER REGISTRATION

H. F. 744

AN ACT relating to registration of travel trailers.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point one hundred twenty-three
 2 (321.123), subsection three (3), unnumbered paragraph two (2), Code 1975, is
 3 amended to read as follows:

4 Travel trailers, ~~regardless of whether or not they are used on the highways,~~
 5 except those in manufacturer's or dealer's stock, an annual fee of twenty cents per
 6 square foot of floor space computed on the exterior overall measurements, but
 7 excluding three feet occupied by any trailer hitch as provided by and certified to
 8 by the owner, to the nearest whole dollar, which amount shall not be prorated or
 9 refunded; except the annual fee for travel trailers, when registered in Iowa for the
 10 first time, shall be prorated on a monthly basis. The registrant of a travel trailer
 11 shall be issued a "travel trailer" plate. It is further provided the annual fee thus
 12 computed shall be limited to seventy-five percent of the full fee after the sixth
 13 registration.

14 *A travel trailer may be stored under the provisions of section three hundred twenty-*
 15 *one point one hundred thirty-four (321.134), of the Code, provided the travel trailer is*
 16 *not used for human habitation for any period during storage and is not moved upon*
 17 *the highways of the state. A travel trailer stored under the provisions of section three*
 18 *hundred twenty-one point one hundred thirty-four (321.134) of the Code shall not be*
 19 *subject to either a personal property tax or a mobile home tax assessed under the*
 20 *provisions of chapter one hundred thirty-five D (135D) of the Code.*

Approved March 19, 1976