

CHAPTER 480
ABANDONED VEHICLES

[Prior to 6/3/87, Transportation Department[820]—(07,D) Ch 2]

761—480.1(321) Definitions. The definitions in Iowa Code section 321.1 and subsection 321.89(1) apply to this chapter. In addition:

“*Public auction,*” when used in Iowa Code section 321.89, means a conventional oral auction setting open to the general public where bidders register and bring the required bid deposit with them to the auction on the day and at the location and time specified for the sale. Bidders bid against each other until bidding stops. The high bidder is awarded the property provided the bid represents the fair market value of the property.

761—480.2(321) Location. Information, forms and instructions are available from: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

761—480.3(321) General requirements.

480.3(1) A police authority shall report an abandoned vehicle to the department only if it is remitting unclaimed profits or requesting reimbursement.

480.3(2) A private entity designated by a police authority to process an abandoned vehicle may request reimbursement of expenses that are in excess of the proceeds of the sale of the abandoned vehicle.

480.3(3) To request reimbursement, the police authority or private entity shall complete and submit to the department an abandoned vehicle report on a form prescribed by the department.

480.3(4) A police authority shall also complete and submit the prescribed abandoned vehicle report form when remitting unclaimed profits.

480.3(5) The department shall reimburse the police authority or private entity only for losses incurred in disposing of a vehicle abandoned on a public highway.

480.3(6) If a police authority has designated a private entity to process an abandoned vehicle, the police authority shall provide to the private entity a certificate of disposal form prescribed by the department. On the form, the police authority shall provide a description of the vehicle and list the name and address of the last registered owner, all known lienholders of record, and any other known claimants to the vehicle.

480.3(7) If a police authority has designated a private entity to process an abandoned vehicle, the police authority is eligible for reimbursement of only the towing expense.

761—480.4(321) Abandoned vehicle report.

480.4(1) Impound report. The police authority or private entity shall submit with the abandoned vehicle report the police authority’s impound report showing the date the vehicle was taken into custody and providing 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. The abandonment date shall be used to calculate the 20-day notification period to the owner and lienholder(s).

480.4(2) Notice. The police authority or private entity shall submit with the abandoned vehicle report a copy of the notice sent to the owner and lienholder(s) or proof of publication of notice. The department shall not reimburse any loss unless the notice was sent or published within the required 20 days.

480.4(3) Certificate of disposal. A private entity shall submit with the abandoned vehicle report a copy of the completed certificate of disposal.

480.4(4) Receipts. The police authority or private entity shall submit with the abandoned vehicle report detailed receipts showing payment for each expense incurred. A receipt must identify the date(s) of occurrence of the expense; for example, a receipt for storage must identify the beginning and ending dates. A receipt for both towing and storage must show separately the towing charge and the storage charge per day. Reimbursement shall be limited as follows:

- a. Towing—\$50 per vehicle.
- b. Notice—actual postage or publication cost.
- c. Storage—\$5 per day, not to exceed 45 days per vehicle.

(1) If a police authority provides its own storage facility for abandoned vehicles, the department shall not reimburse the police authority for use of that facility.

(2) When the vehicle is held for an evidentiary hearing for more than 45 days, the police authority or private entity shall submit proof of the evidentiary hearing to obtain reimbursement.

d. Auction—10 percent of the vehicle's sale price or \$10 per vehicle, whichever is less. A receipt is not required for auction expense reimbursement.

480.4(5) Towing only. To request reimbursement of only the towing expense, the police authority shall report the abandoned vehicle to the department on the prescribed abandoned vehicle report form. The form shall be accompanied by a receipt showing payment for the towing expense incurred. Reimbursement for towing is limited to \$50 per vehicle.

761—480.5(321) Time limits.

480.5(1) Report claiming reimbursement. A claim for reimbursement must be submitted to the department within 90 days after the sale or disposal of the abandoned vehicle.

480.5(2) Report remitting unclaimed profits.

a. If proceeds from the sale or disposal of a vehicle are not claimed by the owner or lienholder(s) during the specified 90 days, the police authority shall send the proceeds to the department within 10 days after the claiming period expires.

b. If personal property is disposed of pursuant to Iowa Code section 321.89, the proceeds are exempt from this rule.

These rules are intended to implement Iowa Code sections 321.89 and 321.90.

[Filed 11/22/77, Notice 10/5/77—published 12/14/77, effective 1/18/78]

[Filed 9/9/81, Notice 7/22/81—published 9/30/81, effective 11/4/81]

[Filed 1/21/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed 1/9/85, Notice 11/21/84—published 1/30/85, effective 3/6/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 12/15/88, Notice 11/2/88—published 1/11/89, effective 2/15/89]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 6/28/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]

[Filed 11/20/96, Notice 10/9/96—published 12/18/96, effective 1/22/97]

[Filed 3/11/98, Notice 1/28/98—published 4/8/98, effective 5/13/98]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Editorial change: IAC Supplement 12/30/09]