

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:

“*Abandoned vehicle*,” when used in Iowa Code section 321.89 and this chapter of rules, means only those vehicles subject to registration as referred to in Iowa Code section 321.18.

“*Bidder registry*” means a record of all persons who have registered to bid at a public auction.

“*Public auction*,” when used in Iowa Code section 321.89, means an auction open to the general public. A public auction may be by electronic means, by sealed bid, or a conventional oral auction. The highest bidder is awarded the property. When the auction is a conventional oral auction, bidders shall register and bring the bid deposit with them to the auction on the day and at the location and time specified for the sale, if a bid deposit is required. Bidders bid against one another until bidding stops.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 5257C, IAB 11/4/20, effective 12/9/20]

761—480.2(321) Location. Information, forms and instructions are available from: Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278 or the department’s website at www.iowadot.gov.

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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 and in the manner prescribed by the department. Other forms may be accepted if they contain all information deemed necessary by the department.

480.3(4) A police authority shall also complete and submit the prescribed abandoned vehicle report form when remitting unclaimed profits pursuant to rule 761—480.7(321).

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.

480.3(8) A police authority or a private entity designated by a police authority holding a public auction may set the initial bid at an amount that equals the actual cost of storage and towing.

480.3(9) A police authority or private entity processing an abandoned vehicle shall maintain records for three years from the sale at a public auction or transfer of a motor vehicle to a demolisher. The records shall be open to inspection by any peace officer or any employee of the department. The required documents to be made available for inspection shall include:

a. The motor vehicle record request results letter issued by the department with lien information or evidence that a motor vehicle record was reviewed for owners and liens through other legal means.

b. The National Motor Vehicle Title Information System (NMVTIS) report when no Iowa owner or lienholders are identified.

c. The impound report with the date of abandonment.

d. One copy of the dated notice sent by the police authority or private entity to each owner and lienholder or proof of publication of notice with the publication date visible.

e. One copy of actual newspaper page advertising each public auction with advertisement and date visible.

f. A copy of the certificate of disposal for the private entity.

g. The bidder registry for the police authority or private entity designated by a police authority holding a public auction.

h. A copy of affidavit of sale on a form prescribed by the department.

480.3(10) A police authority or private entity shall verify that the provisions of this chapter have been executed, prior to the sale of the abandoned vehicle, on a form prescribed by the department.

480.3(11) A police authority or private entity shall be limited to two attempts at selling an abandoned vehicle at a public auction. If the police authority or private entity cannot make a satisfactory sale at two public auctions, or if a sale cannot otherwise be made with enough proceeds to cover the expenses and costs in carrying out the abandoned vehicle process, the police authority or private entity shall sell or dispose of the vehicle to a demolisher for junk.

480.3(12) A purchaser in good faith of a motor vehicle sold as a result of the abandoned vehicle process takes the motor vehicle free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

480.3(13) Upon presentation of a sales receipt, a county official shall process the registration and issuance of title to the purchaser free of all rights of all persons, including holders of preexisting liens, notwithstanding any police authority or private entity's noncompliance with this chapter.

[ARC 5257C, IAB 11/4/20, effective 12/9/20]

761—480.4(321) Advertising.

480.4(1) A public auction shall be advertised at least seven days in advance within the county where the auction will take place or where the vehicle is physically located. At minimum, the manner of the advertising shall be:

a. Published in a newspaper which meets the requirements set forth in Iowa Code section 618.3; and

b. Posted in a conspicuous manner viewable to the public at the location where the public auction will occur. If the public auction is to be conducted by electronic means, the location shall be the specific website to be used for the auction.

480.4(2) If a vehicle is not sold at the scheduled public auction, any subsequent attempt to sell the vehicle by auction must be preceded by advertising pursuant to this rule.

[ARC 5257C, IAB 11/4/20, effective 12/9/20]

761—480.5(321) Bidder registry.

480.5(1) A police authority or private entity designated by a police authority shall maintain for three years the bidder registry for each auctioned vehicle sold or offered for sale at a public auction. The bidder registry shall be open for inspection by any peace officer or department employee. For each auctioned vehicle, the bidder registry shall contain:

a. The full name of the bidder.

b. The bona fide address of the bidder.

c. A telephone number of the bidder.

d. The date of the auction.

e. The auctioned vehicle's make, model, model year, and vehicle identification number.

f. The location of the auction.

480.5(2) Reserved.

[ARC 5257C, IAB 11/4/20, effective 12/9/20]

761—480.6(321) Odometer statement.

480.6(1) When a vehicle is sold at a public auction and the seller cannot attest to the true mileage reading of the vehicle's odometer, the seller shall complete the odometer disclosure statement, when required pursuant to Iowa Code section 321.71, in the following manner:

a. The odometer statement shall reflect the odometer mileage reading at the time of sale; and

b. The odometer statement shall be marked indicating “odometer discrepancy,” certifying the odometer mileage reading is not the actual mileage.

480.6(2) The subsequent title issued for the vehicle shall record the vehicle’s mileage is “not actual.”
[ARC 5257C, IAB 11/4/20, effective 12/9/20]

761—480.7(321) Abandoned vehicle report.

480.7(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).

480.7(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.

480.7(3) Certificate of disposal. A private entity shall submit with the abandoned vehicle report a copy of the completed certificate of disposal.

480.7(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. Advertising—up to \$20 per auction, or advertising receipt totals for two auctions, whichever is less, not to exceed \$40 total.

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

480.7(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.

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761—480.8(321) Time limits.

480.8(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.

480.8(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.

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These rules are intended to implement Iowa Code sections 321.71, 321.89 and 321.90.

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