

661—6.5(17A,321) Abandoned vehicles. If the vehicle is impounded pursuant to rule 661—6.1(17A,321):

6.5(1) The district officer in charge of abandoned vehicles shall notify, within 20 days of impoundment, by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned vehicle has been impounded. Such notice shall state:

- a.* The location of the vehicle.
- b.* That the person or persons notified have the right to reclaim the vehicle within 21 days of notice upon payment of all towing, preservation and storage charges resulting from impoundment.
- c.* That failure to reclaim the vehicle within 21 days will constitute a waiver of all right, title, claim and interest in the vehicle and will also constitute the giving of consent to sale or disposal of the vehicle.
- d.* That a written objection to the impoundment may be filed in accordance with subrule 6.5(3).

6.5(2) When the district officer in charge of abandoned vehicles is unable to determine the identity or address of the last known registered owner or of any lienholders of record, the officer shall cause to be published once in a newspaper of general circulation in the area where the abandoned vehicle was found, a notice containing all the information otherwise required by subrule 6.5(1).

6.5(3) Registered owners or lienholders of record may, within the 21-day reclamation period, submit a written objection to the initial impoundment or to any procedure followed by the patrol officer or towing agent. Such objection shall contain an explanation of why the objector believes the impoundment was not authorized by law. When an objection is received by the district officer in charge of abandoned vehicles, such officer shall:

- a.* Immediately consider the objection and make an initial decision as to the legality of the impoundment,
- b.* Immediately thereafter notify the objector of the decision. Such notice shall state either:
 - (1) That the impoundment was authorized by law, and explain the basis of such decision, or
 - (2) That the impoundment was not authorized by law, that the vehicle will be released to the objector upon presentation of proof of ownership at district headquarters, and that no towing or storage fees will be assessed for 21 days, and
- c.* File a copy of the notice required by subrule 6.5(3), paragraph “*b*,” with other documents kept in connection with the impoundment.

6.5(4) The registered owner and any lienholders of record have 21 days in which to reclaim the vehicle after mailing or date of publication of notice as prescribed in subrules 6.5(1) and 6.5(2), except where written objection to impoundment has been made in accordance with subrule 6.5(3), in which case the 21-day period shall begin when notice of the district officer’s response to the objection is mailed. An additional 14 days will be allowed if the owner or any lienholder submits a written request for an extension of the 21-day reclamation period.

6.5(5) If the reclamation period has expired, and either the registered owner or any lienholder of record has made no written objection to the impoundment, or an objection has been filed and the district officer has determined that the impoundment was authorized by law, then all rights of the owner or of any lienholders of record with regard to the impounded vehicle are forfeited and the vehicle will be either:

- a.* Sold for use upon the highway after an inspection and certification that it is safe for such use in accordance with Iowa Code section 321.238; or
- b.* Sold for junk, demolished, and sold as scrap, or
- c.* Sold as provided in Iowa Code section 321.88 with a restricted certificate of title and not for use on the highways.

6.5(6) When the vehicle is sold:

- a.* The circumstances of the sale shall be entered in appropriate records kept by the district officer in charge of abandoned vehicles.
- b.* The required department of transportation forms shall be completed by the officer, given to the purchaser, and mailed to the abandoned vehicle section of the motor vehicle division of the department of transportation. The motor vehicle division shall then take action regarding the funds collected or expended.

6.5(7) If the registered owner or any lienholders of record have filed written objection to the impoundment in accordance with subrule 6.5(3) and the district officer has determined that the

impoundment was not authorized by law, towing and storage fees will not be assessed unless the objector, after receipt of notice of such determination, fails to reclaim the vehicle within the reclamation period provided in subrule 6.5(4). If the vehicle is not reclaimed during the reclamation period, said fees shall be deemed "abandoned," and subject to forfeiture and sale if not claimed within 60 days of receipt of notice from the district officer pursuant to subrule 5.4(3).