

House File 2617

H-8140

1 Amend House File 2617 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.88, Code 2026, is amended to read
5 as follows:

6 **321.88 Failure of owner to claim.**

7 If the owner does not appear within forty days, the motor
8 vehicle shall be deemed abandoned and the officer having
9 possession of the motor vehicle shall proceed as provided in
10 section 321.89, ~~subsections 3 and 5.~~

11 Sec. 2. Section 321.89, Code 2026, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **321.89 Abandoned vehicles.**

14 1. *Authority to tow and impound.* An abandoned vehicle may
15 be towed and impounded as follows:

16 a. If an abandoned vehicle is located on public property:

17 (1) Except as provided in subparagraph (2), a police
18 authority shall tow and impound the vehicle.

19 (2) Alternatively, a police authority may hire a
20 garagekeeper to tow and impound the vehicle, and the police
21 authority shall provide the garagekeeper with the name and
22 address of the registered owner and, if applicable, any
23 lienholder and known claimants of the vehicle.

24 b. If an abandoned vehicle is located on private property:

25 (1) A police authority may tow and impound the vehicle.

26 (2) A person who owns the private property or is otherwise
27 in control of the private property may hire a garagekeeper
28 to tow and impound the abandoned vehicle without a police
29 authority's initiative.

30 2. *Required notice.*

31 a. Within ten days after towing an abandoned vehicle,
32 the person who impounded the vehicle shall give notice to
33 the registered owner of the vehicle and, if applicable, any
34 lienholder and known claimants of the vehicle.

35 b. Notice must include all of the following:

1 (1) A description of the year, make, model, and vehicle
2 identification number of the vehicle.

3 (2) The location of the vehicle.

4 (3) A statement that the person has twenty days to reclaim
5 the vehicle or personal property from inside the vehicle, and
6 that the twenty-day reclamation period began on the date the
7 notice was given.

8 (4) A statement that the vehicle cannot be reclaimed until
9 the person pays all towing and impound fees and the costs of
10 giving notice.

11 (5) A statement that the registered owner may retrieve
12 personal property from inside the vehicle without reclaiming
13 the vehicle or paying a fee, and that the registered owner will
14 have only one opportunity to retrieve the personal property.

15 (6) A statement that failure to reclaim the vehicle or
16 personal property within twenty days after notice was given
17 constitutes a waiver of any interest in the vehicle or personal
18 property.

19 (7) A statement that failure to reclaim the vehicle
20 or personal property is deemed consent for the person who
21 impounded the vehicle to sell or dispose of the vehicle and
22 personal property inside the vehicle, as applicable.

23 (8) If the abandoned vehicle was taken into custody by
24 a garagekeeper without a police authority's initiative, a
25 statement that the garagekeeper may claim a lien as described
26 in section 321.90, subsection 1.

27 (9) If the abandoned vehicle was taken into custody by
28 a police authority or by a garagekeeper hired by a police
29 authority, a statement that a person who disputes the
30 assessment of fees or the planned disposition of the vehicle or
31 personal property may request an evidentiary hearing before the
32 police authority to contest those matters.

33 c. Notice shall be deemed given when mailed if notice
34 is sent by certified mail, regular mail, or parcel delivery
35 service with a tracking number. Alternatively, a peace officer

1 may give notice by personally delivering a copy of the notice
2 to the proper person who must sign an affidavit of service and
3 such notice shall be deemed given when delivered.

4 *d.* Notwithstanding paragraph "a", if it is impossible to
5 determine with reasonable certainty the identity and address
6 of the last registered owner or any lienholder, notice by one
7 publication in one newspaper of general circulation in the area
8 where the vehicle was abandoned is sufficient. The published
9 notice shall be published within the same time requirements
10 and provide the same information required under paragraph "b".
11 Notice published in a newspaper may contain multiple listings
12 of abandoned vehicles.

13 *e.* A garagekeeper that impounds an abandoned vehicle shall
14 display at the garagekeeper's place of business in a manner
15 that is readily visible to visitors and on the garagekeeper's
16 internet site, if applicable, the garagekeeper's hours of
17 operation, telephone number, and corporate or business name,
18 if applicable.

19 *f.* A garagekeeper that tows an abandoned vehicle shall
20 display on both sides of the towing vehicle, in a manner that
21 is readily visible, the garagekeeper's corporate or business
22 name, if applicable, address, and telephone number.

23 *3. Reclamation.*

24 *a.* The registered owner of an abandoned vehicle may reclaim
25 the vehicle upon payment of all towing, notice, and impoundment
26 fees. For purposes of calculating impoundment fees, a
27 garagekeeper shall not charge a fee based on calendar days, but
28 may charge a fee based on periods of twenty-four hours.

29 *b.* A garagekeeper shall provide an itemized invoice that
30 includes the vehicle identification number and describes all
31 fees assessed when a vehicle is reclaimed. When a garagekeeper
32 ceases a tow and returns the vehicle to the registered owner,
33 the garagekeeper shall accept payment by credit card, subject
34 to a card-use surcharge, if applicable, in addition to other
35 forms of payment. A garagekeeper that has custody of an

1 abandoned vehicle shall not charge a storage fee for a day that
2 the garagekeeper is not open to the public for at least eight
3 hours.

4 *c.* Prior to driving an abandoned vehicle away from the
5 premises, the registered owner shall present to the police
6 authority or garagekeeper, as applicable, a valid driver's
7 license and proof of financial liability coverage as provided
8 in section 321.20B.

9 4. *Personal property retrieval.* The registered owner of
10 an abandoned vehicle may retrieve personal property only once
11 while a garagekeeper has custody of the owner's vehicle and
12 only during the normal business hours of the garagekeeper.
13 The registered owner must provide the garagekeeper a written
14 list of the personal property that is inside the vehicle and
15 the garagekeeper shall gather the listed personal property
16 from inside the vehicle and hand the personal property to
17 the registered owner. Retrieving personal property does not
18 constitute reclaiming the vehicle.

19 5. *Inspection.* A lienholder who receives notice under
20 subsection 2 may inspect the condition of an impounded vehicle.
21 A garagekeeper may charge a lienholder a fee not to exceed one
22 hundred dollars to inspect the vehicle. If such a request is
23 made and when the fee is paid, the garagekeeper shall allow
24 a representative of the lienholder onto the garagekeeper's
25 premises to inspect the vehicle, subject to safety and security
26 procedures established by the garagekeeper for the area where
27 vehicles are stored.

28 6. *Recordkeeping.* A garagekeeper shall keep a record of
29 the relevant details of each abandoned vehicle the garagekeeper
30 towed or impounded for at least three years after the vehicle
31 was reclaimed or sold.

32 7. *Limited liability.* An owner, lienholder, or other
33 claimant of an abandoned vehicle shall not have a cause of
34 action against a garagekeeper for action taken pursuant to this
35 section if the garagekeeper provided notice in accordance with

1 subsection 2.

2 8. *Failure to act.* If a person who received notice did not
3 ask for a hearing, reclaim an abandoned vehicle, or retrieve
4 personal property within the twenty-day reclaiming period, the
5 person forfeits ownership of the vehicle and a court shall not
6 recognize the person's title, right, claim, or interest in the
7 abandoned vehicle, or personal property inside the vehicle.

8 9. *Vehicles sold for highway use.*

9 a. If an abandoned vehicle has not been reclaimed, the
10 person who impounded the vehicle shall make a determination as
11 to whether the vehicle will be sold for use upon the highways.
12 If the vehicle is sold for use upon the highways, the vehicle
13 shall be sold at a public auction.

14 b. The purchaser of an abandoned vehicle sold at a public
15 auction takes title free and clear of all liens and claims of
16 ownership and is entitled to register the vehicle and receive
17 a certificate of title. The person who impounded the vehicle
18 shall provide a sales receipt to the purchaser.

19 10. *Vehicles sold for junk or scrap.*

20 a. If an abandoned vehicle has not been reclaimed and is not
21 sold at public auction for use upon the highways, it shall be
22 sold for junk, or demolished and sold as scrap.

23 b. The purchaser of an abandoned vehicle sold for junk or
24 scrap takes title free and clear of all liens and claims of
25 ownership. The person who impounded the vehicle shall provide
26 a sales receipt to the purchaser.

27 c. If the vehicle is sold to a demolisher for junk, the
28 demolisher shall make application for a junking certificate
29 to the county treasurer within thirty days of purchase and
30 shall surrender the sales receipt in lieu of the certificate of
31 title.

32 11. *Sale proceeds.*

33 a. If a police authority did not hire a garagekeeper, the
34 police authority shall reimburse itself from the proceeds
35 of the sale of an abandoned vehicle. Except for costs of

1 bookkeeping and other administrative costs, the police
2 authority may retain proceeds from the sale for expenses
3 incurred, including but not limited to expenses for any of the
4 following:

- 5 (1) The public auction.
- 6 (2) Towing the vehicle.
- 7 (3) Impounding the vehicle.
- 8 (4) Giving notice pursuant to subsection 2.
- 9 (5) Inspecting the vehicle.

10 *b.* Any remainder from the proceeds of a sale shall be held
11 for the owner of the vehicle or lienholder for ninety days.
12 After ninety days, unclaimed proceeds shall be deposited in the
13 road use tax fund.

14 *c.* If the proceeds from a sale of an abandoned vehicle
15 are insufficient to cover the incurred expenses, the police
16 authority shall be paid from the road use tax fund. The last
17 owner of the vehicle is liable for reimbursing the road use tax
18 fund, including jointly and severally if there was more than
19 one owner.

20 *d.* If a garagekeeper sells an abandoned vehicle at a public
21 auction, the garagekeeper may retain all proceeds from the
22 sale.

23 *e.* The department shall adopt rules pursuant to chapter
24 17A providing a claims process for a police authority to
25 obtain moneys from the road use tax fund to cover expenses
26 incurred, including expenses owed to a garagekeeper hired by
27 a police authority to tow and impound an abandoned vehicle.
28 If a garagekeeper was hired by a police authority, the
29 police authority shall file a claim with the department for
30 reimbursement of towing fees which shall be paid from the road
31 use tax fund.

32 12. *Definitions.* As used in this section, and sections
33 321.90 and 321.91:

34 *a.* "Abandoned vehicle" means any of the following:

- 35 (1) A vehicle that has been left unattended on public

1 property for more than twenty-four hours and lacks current
2 registration plates or two or more wheels or other parts which
3 render the vehicle totally inoperable.

4 (2) A vehicle that has remained illegally on public property
5 for more than twenty-four hours.

6 (3) A vehicle that has been illegally parked on private
7 property or has been placed on private property without the
8 consent of the owner or person in control of the property for
9 more than twenty-four hours.

10 (4) A vehicle that has been legally impounded by order of
11 a police authority and has not been reclaimed for a period
12 of ten days. However, a police authority may declare the
13 vehicle abandoned within the ten-day period by commencing the
14 notification process in subsection 2.

15 (5) A vehicle parked on a highway determined by a police
16 authority to create a hazard to other vehicle traffic.

17 (6) A vehicle that has been impounded pursuant to section
18 321J.4B by order of a court and the vehicle owner has not paid
19 the impoundment fees after notification by the person or agency
20 responsible for impounding the vehicle.

21 *b. "Demolisher"* means a person licensed under chapter 321H
22 whose business it is to convert a vehicle to junk, processed
23 scrap, or scrap metal, or otherwise to wreck or dismantle
24 vehicles.

25 *c. "Garagekeeper"* means any operator of a parking place or
26 establishment, motor vehicle storage facility, or establishment
27 for the servicing, repair, or maintenance of motor vehicles.

28 *d. "Personal property"* means property that is located inside
29 an abandoned vehicle and not attached to the vehicle.

30 *e. "Police authority"* means the state patrol, any law
31 enforcement agency of a county or city, or any special security
32 officer employed by the state board of regents under section
33 262.13.

34 Sec. 3. Section 321.90, subsection 1, Code 2026, is amended
35 to read as follows:

1 1. *Garagekeepers and abandoned motor vehicles.* Any motor
2 vehicle left in a garage operated for commercial purposes
3 after the period for which the vehicle was to remain on the
4 premises shall, after notice by certified mail to the last
5 known registered owner of the vehicle addressed to the owner's
6 last known address of record to reclaim the vehicle within
7 ten days of the date of the notice, be deemed an abandoned
8 motor vehicle unless reclaimed by the owner within such ten-day
9 period or the owner notifies the garagekeeper in writing within
10 such period of time that such vehicle is not an abandoned motor
11 vehicle and shall be reported by the garagekeeper to the police
12 authority. If the identity or address of the last registered
13 owner of the motor vehicle cannot be determined, the vehicle
14 shall be deemed an abandoned motor vehicle on the eleventh
15 day after the period for which the vehicle was to remain on
16 the premises unless reclaimed by the owner within the ten-day
17 period or the owner notifies the garagekeeper in writing within
18 such period of time that such vehicle is not an abandoned motor
19 vehicle and shall be reported by the garagekeeper to the police
20 authority. All abandoned motor vehicles left in garages may
21 be taken into custody by a police authority upon the request
22 of the garagekeeper and sold in accordance with the procedures
23 set forth in section 321.89, ~~subsection 5~~, unless the motor
24 vehicle is reclaimed. The proceeds of the sale shall be first
25 applied to the garagekeeper's charges for towing and storage,
26 and any surplus proceeds shall be distributed in accordance
27 with [section 321.89, ~~subsection 5~~](#). Nothing in [this section](#)
28 shall be construed to impair any lien of a garagekeeper under
29 the laws of this state, or the right of a garagekeeper to
30 foreclose the garagekeeper's lien, provided that a garagekeeper
31 shall be deemed to have abandoned the garagekeeper's artisan
32 lien when such vehicle is taken into custody by the police
33 authority. ~~For the purposes of [this section](#) "garagekeeper"~~
34 ~~means any operator of a parking place or establishment, motor~~
35 ~~vehicle storage facility, or establishment for the servicing,~~

1 ~~repair, or maintenance of motor vehicles.~~

2 Sec. 4. Section 321.90, subsection 2, paragraphs c, d, e,
3 and g, Code 2026, are amended to read as follows:

4 c. If the police authority finds that the application is
5 executed in proper form, and shows that the motor vehicle
6 has been abandoned upon the property of the applicant, or if
7 it shows that the motor vehicle is not abandoned but that
8 the applicant appears to be the rightful owner, the police
9 authority shall follow appropriate notification procedures
10 as set forth in section 321.89, ~~subsection 3,~~ except that in
11 the case of an order for disposal obtained pursuant to section
12 555B.8, subsection 3, no notification is required.

13 d. If the abandoned motor vehicle is not reclaimed in
14 accordance with section 321.89, ~~subsection 3,~~ or no lienholder
15 objects to the disposal in the case of an owner-applicant,
16 the police authority shall give the applicant a certificate
17 of authority allowing the applicant to obtain a junking
18 certificate for the motor vehicle. The applicant shall make
19 application for a junking certificate to the county treasurer
20 within thirty days of receipt of the certificate of authority
21 and surrender the certificate of authority in lieu of the
22 certificate of title. The demolisher shall accept the junking
23 certificate in lieu of the certificate of title to the motor
24 vehicle.

25 e. Notwithstanding any other provisions of [this section](#) and
26 sections 321.89 and [321.91](#), any person, firm, corporation, or
27 unit of government upon whose property or in whose possession
28 is found any abandoned motor vehicle, or any person being
29 the owner of a motor vehicle whose title certificate is
30 faulty, lost, or destroyed, may dispose of such motor vehicle
31 to a demolisher for junk without a title and without the
32 notification procedures of section 321.89, ~~subsection 3,~~ if the
33 motor vehicle lacks an engine or two or more wheels or other
34 structural part which renders the vehicle totally inoperable.
35 The police authority shall give the applicant a certificate

1 of authority. The owner shall apply to the county treasurer
2 for a junking certificate within thirty days of receipt of the
3 certificate of authority and shall surrender the certificate of
4 authority in lieu of the certificate of title.

5 *g.* Any proceeds from the sale of an abandoned motor vehicle
6 to a demolisher under [this section](#), by one other than the
7 owner of the vehicle, except the sale of a vehicle pursuant
8 to an order for disposal obtained pursuant to section 555B.8,
9 subsection 3, shall first be applied to that person's expenses
10 in effecting the sale, including storage, towing, and disposal
11 charges, and any surplus shall be distributed in accordance
12 with section 321.89, ~~subsection 5~~. The proceeds from the sale
13 of a vehicle disposed of pursuant to section 555B.8, subsection
14 3, shall be distributed in accordance with [section 555B.9](#).>

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