

APR 26 1971

HOUSE FILE 671

Place On Calendar

Environmental Pres. 5/19
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1/10/72 *Pass of W. am* *2/18*

By COMMITTEE ON ENVIRONMENTAL PRESERVATION

Passed House, Date 5-18-71 Passed Senate, Date 2-25-72

Note: Ayes 88 Nays 0 Vote: Ayes 43 Nays 0

House Concurred

83-1

3-3-72

Approved _____

A BILL FOR

1 An Act to provide for the disposal of abandoned motor vehicles,
2 and for related purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Amend House File 671 as follows:

1. Page 2, line 11 by striking the period and inserting ", or a motor vehicle that is inoperable and without current registration plates and not stored under the provision of Section 321.126 (4), of the Code, that has remained on public or private property for more than fifteen days, except those motor vehicles upon property of persons actually engaged in the business of motor vehicle salvage, repair, service or sale operated in compliance with any zoning regulations or other local laws."

Offered from the floor
and lost
May 18, 1971

By KNOKE of Pottawattamie
District 79

SCHROEDER of Pottawattamie
District 54

KRUSE of O'Brien
District 4

1 Section 1. DEFINITIONS. As used in this Act, unless the
2 context otherwise requires:

3 1. "Police authority" means the Iowa highway safety patrol
4 or any law-enforcement agency of a county, city, or town.

5 2. "Abandoned motor vehicle" means a motor vehicle that
6 is inoperable and is left unattended on public property for
7 more than forty-eight hours, or a motor vehicle that has
8 remained illegally on public property for a period of more
9 than forty-eight hours, or a motor vehicle that has remained
10 on private property without the consent of the owner or person
11 in control of the property for more than twenty-four hours.

12 3. "Demolisher" means any person whose business is to
13 convert a motor vehicle into processed scrap or scrap metal,
14 or otherwise to wreck, or dismantle motor vehicles.

15 Sec. 2. AUTHORITY TO TAKE POSSESSION OF ABANDONED MOTOR
16 VEHICLES. A police authority may take into custody any aban-
17 doned motor vehicle. The police authority may employ its
18 own personnel, equipment, and facilities or hire persons,
19 equipment, and facilities for the purpose of removing,
20 preserving, and storing abandoned motor vehicles.

21 Sec. 3. NOTIFICATION OF OWNER AND LIEN HOLDERS.

22 1. A police authority which takes into custody an aban-
23 doned motor vehicle shall notify, within ten days, by
24 certified mail, return receipt requested, the last known
25 registered owner of the motor vehicle and all lien holders
26 of record, that it has been taken into custody. The notice
27 shall describe the year, make, model, and serial number of
28 the motor vehicle, set forth the location of the facility
29 where it is being held, inform the owner and any lien holders
30 of their right to reclaim the motor vehicle within twenty-
31 one days after the effective date of the notice, upon payment
32 of all towing, preservation, and storage charges resulting
33 from placing the motor vehicle in custody, and state that
34 the failure of the owner or lien holders to exercise their
35 right to reclaim the motor vehicle within the time provided

1 shall be deemed a waiver by the owner and all lien holders
2 of all right, title, and interest in the motor vehicle and
3 consent to the sale of the motor vehicle at a public auction
4 or disposal of the motor vehicle to a demolisher.

5 2. If the identity of the last registered owner cannot
6 be determined, or if the registration contains no address
7 for the owner, or if it is impossible to determine with
8 reasonable certainty the identity and addresses of all lien
9 holders, notice by one publication in one newspaper of general
10 circulation in the area where the motor vehicle was abandoned
11 shall be sufficient to meet all requirements of notice under
12 this Act. The published notice may contain multiple listings
13 of abandoned motor vehicles but shall be published within
14 the same time requirements and contain the same information
15 as prescribed for mailed notice in subsection one (1) of this
16 section.

17 3. The owner or any lien holders may, by written request
18 delivered to the police authority prior to the expiration
19 of the twenty-one day reclaiming period, obtain an additional
20 twenty-one days within which the motor vehicle may be
21 reclaimed.

22 Sec. 4. AUCTION OF ABANDONED MOTOR VEHICLES. If an aban-
23 doned motor vehicle has not been reclaimed as provided for
24 in section three (3) of this Act, the police authority shall
25 sell the motor vehicle at public auction or dispose of the
26 same to a demolisher as provided in section six (6) of this
27 Act. The purchaser of the motor vehicle shall take title
28 free and clear of all liens and claims of ownership, shall
29 receive a sales receipt from the police authority, and shall
30 be entitled to register the motor vehicle and receive a
31 certificate of title; however, the sales receipt by itself
32 shall be sufficient title only for purposes of transferring
33 the motor vehicle to a demolisher for demolition, wrecking,
34 or dismantling and, when so transferred, no further titling
35 of the motor vehicle shall be necessary. From the proceeds

1 of the sale of an abandoned motor vehicle the police authority
2 shall reimburse itself for the expenses of the auction, the
3 costs of towing, preserving, and storing which resulted from
4 placing the abandoned motor vehicle in custody, and all notice
5 and publication costs incurred pursuant to section three (3)
6 of this Act. Any remainder from the proceeds of a sale shall
7 be held for the owner of the motor vehicle or entitled lien
8 holder for ninety days, and then shall be deposited in a
9 special abandoned vehicle fund within the state treasury which
10 shall remain available for the payment to police authorities
11 of auction, towing, preserving, storage, and all notice and
12 publication costs which result from placing other abandoned
13 vehicles in custody, whenever the proceeds from a sale of
14 such other abandoned motor vehicles are insufficient to meet
15 these expenses and costs to the extent monies are available
16 in the fund. The state comptroller shall establish by rule
17 a claims procedure to be followed by police authorities in
18 obtaining expenses and costs from the fund. Whenever the
19 state comptroller finds that monies in the abandoned vehicle
20 fund are in excess of reserves likely to be needed for the
21 purposes of the fund, he may transfer the excess to the state
22 general fund, but in such event claims against the abandoned
23 vehicle fund, if the fund is temporarily exhausted, shall
24 be met from the state general fund to the limit of any
25 transfers previously made thereto pursuant to this section.

26 Sec. 5. GARAGEKEEPERS AND ABANDONED MOTOR VEHICLES. Any
27 motor vehicle left for more than ten days in a garage operated
28 for commercial purposes after notice by certified mail, return
29 receipt requested, to the owner to pick up the motor vehicle,
30 or for more than ten days after the period when, pursuant
31 to contract, the motor vehicle was to remain on the premises,
32 and any motor vehicle left for more than ten days in such
33 garage by someone other than the registered owner or left
34 by a person authorized to have possession of the motor vehicle
35 under a contract of use, service, storage, or repair, shall

1 be deemed an abandoned motor vehicle, and shall be reported
2 by the garagekeeper to a police authority. Any garagekeeper
3 who fails to report the possession of such a motor vehicle
4 within ten days after it becomes abandoned within the meaning
5 of this section shall no longer have any claim for servicing,
6 storage, or repair of that motor vehicle. All abandoned motor
7 vehicles left in garages may be taken into custody by a police
8 authority and sold in accordance with the procedures set forth
9 in this Act unless the motor vehicle is reclaimed and the
10 garagekeeper is paid. The proceeds of the sale shall be first
11 applied to the garagekeeper's charges for servicing, storage,
12 or repair, and any surplus proceeds shall be distributed in
13 accordance with section four (4) of this Act. Except for
14 the termination of claim for service, storage, or repair by
15 his failure to report an abandoned motor vehicle, nothing
16 in this section shall be construed to impair any lien of a
17 garagekeeper under the laws of this state, or the right of
18 a lien holder to foreclose. For the purposes of this section
19 "garagekeeper" means any operator of a parking place or
20 establishment, motor vehicle storage facility, or establishment
21 for the servicing, repair, or maintenance of motor vehicles.

22 Sec. 6. DISPOSAL TO DEMOLISHERS.

23 1. Any person, firm, corporation, or unit of government
24 upon whose property or in whose possession is found any aban-
25 doned motor vehicle, or any person being the owner of a motor
26 vehicle whose title certificate is faulty, lost, or destroyed
27 and is thereby unable to transfer title to the motor vehicle,
28 may apply to the police authority of the jurisdiction in which
29 the motor vehicle is situated for authority to sell, give away,
30 or otherwise dispose of the motor vehicle to a demolisher.

31 2. The application shall set out the name and address
32 of the applicant, the year, make, model, and serial number
33 of the motor vehicle, if ascertainable, together with any
34 other identifying features, and shall contain a concise
35 statement of the facts surrounding the abandonment, or a

1 statement that the title of the motor vehicle is lost or
2 destroyed, or the reasons for the defect of title in the
3 owner. The applicant shall execute an affidavit stating that
4 the facts alleged are true and that no material fact has been
5 withheld.

6 3. If the police authority finds that the application
7 is executed in proper form, and shows that the motor vehicle
8 has been abandoned upon the property of the applicant or if
9 it shows that the motor vehicle is not abandoned but that
10 the applicant appears to be the rightful owner, the police
11 authority shall follow appropriate notification procedures
12 as set forth in section three (3) of this Act.

13 4. If the abandoned motor vehicle is not reclaimed in
14 accordance with section three (3) of this Act, or no lien
15 holder objects to the disposal in the case of an owner-
16 applicant, the police authority shall give the applicant a
17 certificate of authority to dispose of the motor vehicle to any
18 demolisher for demolition, wrecking, or dismantling. The
19 demolisher shall accept such certificate in lieu of the
20 certificate of title to the motor vehicle.

21 5. Notwithstanding any other provisions of this Act, any
22 person, firm, corporation, or unit of government upon whose
23 property or in whose possession is found any abandoned motor
24 vehicle, or any person being the owner of a motor vehicle
25 whose title certificate is faulty, lost, or destroyed, may
26 dispose of such motor vehicle to a demolisher without that
27 title and without notification procedures of section three
28 (3) of this Act if the motor vehicle is over eight years old
29 and has no engine or is otherwise totally inoperable.

30 Sec. 7. DUTIES OF DEMOLISHERS.

31 1. Any demolisher who purchases or otherwise acquires
32 a motor vehicle for purposes of wrecking, dismantling or
33 demolition shall not be required to obtain a certificate of
34 title for such motor vehicle in his own name. After the motor
35 vehicle has been demolished, processed, or changed so that

1 it physically is no longer a motor vehicle, the demolisher
2 shall surrender for cancellation the certificate of title
3 or auction sales receipt. The department of public safety
4 shall issue such forms, rules, and regulations governing the
5 surrender of auction sales receipts and certificates of title
6 as are appropriate.

7 2. A demolisher shall keep an accurate and complete record
8 of all motor vehicles purchased or received by him in the
9 course of his business. These records shall contain the name
10 and address of the person from whom each such motor vehicle
11 was purchased or received and the date when such purchases
12 or receipts occurred. Such records shall be open for
13 inspection by any police authority at any time during normal
14 business hours. Any record required by this section shall
15 be kept by the demolisher for at least one year after the
16 transaction to which it applies.

17 Sec. 8. Section three hundred twenty-one point eighty-
18 five (321.85), Code 1971, is amended as follows:

19 321.85 ~~STOLEN OR-ABANDONED~~ VEHICLES. Whenever any motor
20 vehicle is seized under section 321.84 or whenever any motor
21 vehicle is stolen or embezzled, and is not claimed by the
22 owner before the date on which the person charged with the
23 stealing or embezzling of the same is convicted, ~~or-if-the~~
24 ~~motor-vehicle-be-abandoned-and-is-not-claimed-by-the-owner~~
25 ~~within-three-days~~, then the officer having same the motor
26 vehicle in his custody must, on such date by certified mail,
27 notify the department that he has such a motor vehicle in
28 his possession, giving a full and complete description of
29 same, including all marks of identification, factory and
30 serial numbers.

31 Sec. 9. Section three hundred twenty-one point eighty-
32 eight (321.88), Code 1971, is amended as follows:

33 321.88 ~~ADVERTISEMENT~~ FAILURE OF OWNER TO RECLAIM. If
34 the owner does not appear within that time, the motor vehicle
35 shall be deemed abandoned and the officer having possession

1 of same shall ~~advertise-said-motor-vehicle-for-sale-in-a~~
2 ~~newspaper-published-within-the-county-at-least-once-each-week~~
3 ~~for-two-consecutive-weeks~~ proceed as provided in sections
4 3 and 4 of this Act.

5 Sec. 10. Sections three hundred twenty-one point eighty-
6 nine (321.89), three hundred twenty-one point ninety (321.90),
7 and three hundred twenty-one point ninety-one (321.91), Code
8 1971, are repealed.

9 EXPLANATION

10 This bill implements the suggestions of the Business and
11 Defense Services Administration of the U. S. Department of
12 Commerce regarding disposition of abandoned motor vehicles.

13 The bill basically provides for the impoundment of aban-
14 doned motor vehicles by police authorities, and for the sale
15 at public auction of such vehicles if not reclaimed by the
16 owner or lien holder within 21 days. The bill also provides
17 for disposition of motor vehicles found abandoned on public
18 or private property and by garagekeepers when not claimed
19 by the owner after storage or repair. The duties of motor
20 vehicle demolishers are also enumerated.

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LSB 743
jw/cc/1

SENATE AMENDMENT TO HOUSE FILE 671

1 Amend House File 671 as follows:

2 1. By striking everything after the enacting clause and insert-
3 ing in lieu thereof the following:

4 Section 1. Chapter three hundred twenty-one (321), Code 1971,
5 is amended by adding sections two (2) through ten (10), of this
6 Act.

7 Sec. 2. DEFINITIONS. As used in sections three (3) through
8 ten (10) of this Act unless the context otherwise requires:

9 1. "Police authority" means the Iowa highway safety
10 patrol or any law enforcement agency of a county, city, or
11 town.

12 2. "Abandoned vehicle" means any of the following:

13 a. A motor vehicle that has been left unattended on
14 public property for more than forty-eight hours and lacks
15 current registration plates or two or more wheels or other
16 structural parts which renders the vehicle totally inoperable,
17 or

18 b. A motor vehicle that has remained illegally on public
19 property for more than fifteen days, or

20 c. A motor vehicle that has been unlawfully parked on
21 private property or has been placed on private property without
22 the consent of the owner or person in control of the property
23 for more than twenty-four hours, or

24 d. A motor vehicle that has been legally impounded by
25 order of a police authority and has not been reclaimed for a
26 period of thirty days.

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

31 Sec. 3. AUTHORITY TO TAKE POSSESSION OF ABANDONED MOTOR
32 VEHICLES. A police authority may, and on the request of any
33 other authority having the duties of control of highways or
34 traffic, shall take in o custody any abandoned motor vehicle
35 on public property and may take into custody any abandoned
36 motor vehicle on private property. The police authority may
37 employ its own personnel, equipment and facilities or hire other
38 personnel, equipment and facilities for the purpose of removing,
39 preserving, storing, or disposing abandoned motor vehicles.

40 Sec. 4. NOTIFICATION OF OWNER AND LIENHOLDERS.

41 1. A police authority which takes into custody an
42 abandoned motor vehicle shall notify, within ten days, by
43 certified mail, the last known registered owner of the
44 motor vehicle and all lienholders of record, addressed to
45 their last known address of record, that the abandoned
46 motor vehicle has been taken into custody. Notice shall
47 be deemed given when mailed. The notice shall describe the
48 year, make, model, and serial number of the motor vehicle,
49 set forth the location of the facility where it is being
50 held, inform the owner and any lienholders of their right

51 to reclaim the motor vehicle within fourteen days after the
52 effective date of the notice upon payment of all towing
53 preservation, and storage charges resulting from placing
54 the motor vehicle in custody. The notice shall also state
55 that the failure of the owner or lienholders to exercise
56 their right to reclaim the motor vehicle within the time
57 provided shall be deemed a waiver by the owner and all
58 lienholders of all right, title, claim and interest in the
59 motor vehicle and that such failure to reclaim the motor
60 vehicle is deemed consent to the sale of the motor vehicle
61 at a public auctions or disposal of the motor vehicle
62 to a demolisher. If the owner and lienholders do not
63 exercise their right to reclaim such motor vehicle within
64 the fourteen-day reclaiming period, such owner and lien-
65 holders shall no longer have any right, title, claim, or
66 interest in or to such motor vehicle. No court in any case
67 in law or equity shall recognize any right, title, claim,
68 or interest of any such owner and lienholders after the
69 expiration of the fourteen-day reclaiming period.

70 2. If the identity of the last registered owner cannot
71 be determined, or if the registration contains no address
72 for the owner, or if it is impossible to determine with
73 reasonable certainty the identity and addresses of all
74 lienholders, notice by one publication in one newspaper
75 of general circulation in the area where the motor vehicle
76 was abandoned shall be sufficient to meet all requirements
77 of notice under this Act. The published notice may contain
78 multiple listings of abandoned motor vehicles but shall be
79 published within the same time requirements and contain the
80 same information as prescribed for mailed notice in subsection
81 one (1) of this section.

82 3. The owner or any lienholders may, by written request
83 delivered to the police authority prior to the expiration of
84 the fourteen-day reclaiming period, obtain an additional
85 fourteen days within which the motor vehicle may be reclaimed.

86 Sec. 5. AUCTION OF ABANDONED MOTOR VEHICLES. If an
87 abandoned motor vehicle has not been reclaimed as provided
88 for in section four (4) of this Act, the police authority
89 shall make a determination as to whether or not the motor
90 vehicle shall be sold for use upon the highways. If it is
91 to be sold as a motor vehicle for use upon the highways, it
92 shall first be inspected as required by chapter one hundred
93 eighty-three (183), Acts of the Sixty-fourth General Assembly,
94 First Session, and have a valid certificate of inspection
95 affixed. If the motor vehicle is not sold for use upon the
96 highways, it shall only be sold to a dealer licensed under
97 chapter three hundred twenty-two (322), of the Code or to
98 a demolisher for junk, or demolished and sold as scrap or
99 sold as provided in section thirteen (13) of this Act with a
100 restricted certificate of title and not for use upon the
101 highways. The police authority shall sell the motor vehicle

102 at public auction. Notwithstanding any other provision of
103 this Act, any police authority, which has taken into
104 possession any abandoned motor vehicle which lacks an engine
105 or two or more wheels or other structural part which renders
106 the vehicle totally inoperable may dispose of such motor
107 vehicle to a demolisher for junk without the notification
108 procedures enumerated in section four (4) of this Act and
109 without public auction. The purchaser of the motor vehicle
110 shall take title free and clear of all liens and claims of
111 ownership, shall receive a sales receipt from the police
112 authority, and shall be entitled to register the motor
113 vehicle and receive a certificate of title if sold for use
114 upon the highways or a restricted certificate of title as
115 the case may be; however, if the motor vehicle is sold or
116 disposed of to a demolisher for junk, the sales receipt by
117 itself shall be sufficient title only for purposes of trans-
118 ferring the motor vehicle to such demolisher for demolition,
119 wrecking, or dismantling and, when so transferred, no
120 further titling of the motor vehicle shall be permitted. From
121 the proceeds of the sale of an abandoned motor vehicle the
122 police authority shall reimburse itself for the expenses
123 of the auction, the costs of towing, preserving, and storing
124 which resulted from placing the abandoned motor vehicle in
125 custody, all notice and publication costs incurred pursuant
126 to section four (4) of this Act, the cost of inspection, and
127 any other costs incurred except costs of bookkeeping and
128 other administrative costs. Any remainder from the proceeds
129 of a sale shall be held for the owner of the motor vehicle
130 or entitled lienholder for ninety days, and shall then be
131 deposited in the reimbursement fund received by the depart-
132 ment of public safety pursuant to section three hundred twenty-
133 one point one hundred forty-five (321.145), subsection two (2),
134 of the Code. The costs to police authorities of auction,
135 towing, preserving, storage, and all notice and publication
136 costs, inspection costs and all other costs which result from
137 placing other abandoned vehicles in custody, whenever the
138 proceeds from a sale of such other abandoned motor vehicles
139 are insufficient to meet these expenses and costs, shall be
140 paid from the reimbursement fund of the department of public
141 safety under section three hundred twenty-one point one
142 hundred forty-five (321.145), subsection two (2), of the
143 Code. In the event the reimbursement fund is temporarily
144 exhausted, payment shall be deferred until the reimbursement
145 fund contains sufficient funds to meet the claims.

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

149 **Sec. 6. GARAGEKEEPERS AND ABANDONED MOTOR VEHICLES.**

150 Any motor vehicle left in a garage operated for commercial
151 purposes after the period for which the vehicle was to

152 remain on the premises shall, after notice by certified
153 mail to the last known registered owner of the vehicle
154 addressed to his last known address of record to reclaim
155 the vehicle within ten days of the date of the notice,
156 be deemed an abandoned motor vehicle unless reclaimed by
157 the owner within such ten-day period or the owner notifies
158 the garagekeeper in writing within such period of time
159 that such vehicle is not an abandoned motor vehicle and
160 shall be reported by the garagekeeper to the police
161 authority. If the identity or address of the last registered
162 owner of the motor vehicle cannot be determined, the vehicle
163 shall be deemed an abandoned motor vehicle on the eleventh day
164 after the period for which the vehicle was to remain on the
165 premises unless reclaimed by the owner within the ten-day
166 period or the owner notifies the garagekeeper in writing
167 within such period of time that such vehicle is not an
168 abandoned motor vehicle and shall be reported by the garage-
169 keeper to the police authority. All abandoned motor vehicles
170 left in garages may be taken into custody by a police authority
171 upon the request of the garagekeeper and sold in accordance
172 with the procedures set forth in this Act unless the motor
173 vehicle is reclaimed. The proceeds of the sale shall be first
174 applied to the garagekeeper's charges for towing and storage,
175 and any surplus proceeds shall be distributed in accordance
176 with section five (5) of this Act. Nothing in this section
177 shall be construed to impair any lien of a garagekeeper under
178 the laws of this state, or the right of a garagekeeper to
179 foreclose his lien, provided that a garagekeeper shall be
180 deemed to have abandoned his artisan lien when such vehicle
181 is taken into custody by the police authority. For the
182 purposes of this section "garagekeeper" means any operator
183 of a parking place or establishment, motor vehicle storage
184 facility, or establishment for the servicing, repair, or
185 maintenance of motor vehicles.

186 Sec. 7. DISPOSAL TO DEMOLISHER.

187 1. Any person, firm, corporation, or unit of government
188 upon whose property or in whose possession is found any
189 abandoned motor vehicle, or any person being the owner of
190 a motor vehicle whose title certificate is faulty, lost, or
191 destroyed and is thereby unable to transfer title to the
192 motor vehicle, may apply to the police authority of the
193 jurisdiction in which the motor vehicle is situated for
194 authority to sell, give away, or otherwise dispose of the
195 motor vehicle to a demolisher.

196 2. The application shall set out the name and address
197 of the applicant, the year, make, model, and serial number
198 of the motor vehicle, if ascertainable, together with any
199 other identifying features, and shall contain a concise

200 statement of the facts surrounding the abandonment, or a
201 statement that the title of the motor vehicle is lost or
202 destroyed, or the reasons for the defect of title in the
203 owner. The applicant shall execute an affidavit stating
204 that the facts alleged are true and that no material fact
205 has been withheld.

206 3. If the police authority finds that the application
207 is executed in proper form, and shows that the motor vehicle
208 has been abandoned upon the property of the applicant, or if
209 it shows that the motor vehicle is not abandoned but that the
210 applicant appears to be the rightful owner, the police authority
211 shall follow appropriate notification procedures as set forth
212 in section four (4) of this Act.

213 4. If the abandoned motor vehicle is not reclaimed in
214 accordance with section four (4) of this Act, or no lienholder
215 objects to the disposal in the case of an owner-applicant, the
216 police authority shall give the applicant a certificate of
217 authority to dispose of the motor vehicle to any demolisher
218 for demolition, wrecking, or dismantling. The demolisher shall
219 accept such certificate in lieu of the certificate of title
220 to the motor vehicle.

221 5. Notwithstanding any other provisions of this Act, any
222 person, firm, corporation, or unit of government upon whose
223 property or in whose possession is found any abandoned motor
224 vehicle, or any person being the owner of a motor vehicle whose
225 title certificate is faulty, lost or destroyed, may dispose
226 of such motor vehicle to a demolisher for junk without his
227 title and without the notification procedures of section four (4)
228 of this Act if the motor vehicle lacks an engine or two or more
229 wheels or other structural part which renders the vehicle
230 totally inoperable.

231 6. The owner of an abandoned motor vehicle and all lien-
232 holders shall no longer have any right, title, claim, or
233 interest in or to such motor vehicle; and no court in any case
234 in law or equity shall recognize any right, title, claim, or
235 interest of any such owner and lienholders after the disposal
236 of such motor vehicle to a demolisher.

237 7. Any proceeds from the sale of an abandoned motor
238 vehicle to a demolisher under this section, by one other
239 than the owner of the vehicle, shall first be applied to
240 that person's expenses in effecting the sale, including
241 storage, towing, and disposal charges, and any surplus
242 shall be distributed in accordance with section five (5)
243 of this Act.

244 Sec. 8 DUTIES OF DEMOLISHERS.

245 1. Any demolisher who purchases or otherwise acquires
246 an abandoned motor vehicle for junk under the provisions of
247 this Act shall junk, scrap, wreck, dismantle, or demolish
248 such motor vehicle. However, if the vehicle is acquired
249 under the provisions of subsection five (5), section seven (7),

250 of this Act, the demolisher shall apply to the police
251 authority of the jurisdiction from which the vehicle was
252 acquired for a certificate of authority to demolish the
253 vehicle. In making the application the demolisher shall
254 describe the motor vehicle as required by subsection two (2),
255 section seven (7), of this Act. The police authority shall
256 issue the certificate of authority upon complying with
257 subsection three (3), section seven (7), of this Act, but
258 shall be excused from following the notification procedures
259 as required therein. No further titling of the motor vehicle
260 shall be permitted. After the motor vehicle has been
261 demolished, processed, or changed so that it physically
262 is no longer a motor vehicle, the demolisher shall surrender
263 the auction sales receipt or certificate of authority to
264 dispose of or demolish a motor vehicle to the department of
265 public safety for cancellation. The department of public
266 safety shall issue such forms, rules and regulations governing
267 the surrender of auction sales receipts, certificates of title,
268 and certificates of authority to dispose of or demolish motor
269 vehicles, and the cancellation and surrender of the registrations
270 and certificates of title for such motor vehicles as are
271 appropriate.

272 2. A demolisher shall keep an accurate and complete
273 record of all motor vehicles purchased or received by him
274 in the course of his business. These records shall contain
275 the name and address of the person from whom each such
276 motor vehicle was purchased or received and the date when
277 such purchases or receipts occurred. Such records shall
278 be open for inspection by any police authority at any time
279 during normal business hours. Any record required by this
280 section shall be kept by the demolisher for at least one
281 year after the transaction to which it applies.

282 Sec. 9. No person, firm, corporation, unit of govern-
283 ment, garagekeeper or police authority upon whose property
284 an abandoned motor vehicle is found or who disposes of such
285 abandoned vehicle in accordance with this Act shall be liable
286 for damages by reason of the removal, sale, or disposal of
287 such motor vehicle.

288 Sec. 10. Any person who abandons a motor vehicle shall
289 be guilty of a misdemeanor.

290 Sec. 11. Chapter three hundred twenty-one (321), Code 1971,
291 is amended by adding the following new section:

292 "Notwithstanding the provisions of chapter three hundred
293 twenty-two (322) of the Code, and any other statute to the
294 contrary, the title to a motor vehicle may be transferred
295 without a certificate of inspection as prescribed by chapter
296 one hundred eighty-three (183), Acts of the Sixty-fourth General
297 Assembly, First Session, where such motor vehicle is materially
298 damaged, inoperable, or unsafe for use upon the highway upon
299 compliance with the following conditions:

300 1. That the registration fee of the vehicle is not
301 delinquent.

302 2. That the vehicle was obtained for the purpose of
303 restoring, rebuilding or repairing and not for use upon
304 the highway and such facts are evidenced by an affidavit
305 signed by both the transferor and the transferee on a form
306 provided by the department.

307 3. The transferor shall surrender the registration
308 plates, registration card and the certificate of title, or
309 if a foreign vehicle from a nontitle state, such evidence
310 of foreign registration and ownership as may be prescribed
311 by the department, unless the vehicle is sold or transferred
312 pursuant to the provisions of sections two (2) through ten (10)
313 of this Act, for the vehicle together with the application
314 of the transferee for a restricted certificate of title,
315 the affidavit as provided in subsection two (2) of this section
316 and the fee for transfer to the county treasurer of the residence
317 of the transferor who shall transmit the application of the
318 transferee for a restricted certificate of title, the
319 affidavit as provided in subsection two (2) of this section,
320 and the fee for transfer to the county treasurer of the
321 county of residence of the transferee. No refund of fees
322 previously paid for the registration of such motor vehicle
323 shall be allowed.

324 4. The county treasurer of the county of residence of
325 the transferee upon receipt of the application for a new
326 certificate of title, fee therefor, and the affidavit as
327 provided in subsection two (2) of this section, and when
328 satisfied as to the genuineness and regularity thereof,
329 shall issue a restricted certificate of title to the
330 applicant but shall not issue registration plates or a
331 registration card. A restricted certificate of title
332 shall be red in color and shall have conspicuously imprinted
333 thereon in bold print, in a manner prescribed by the depart-
334 ment, the words 'RESTRICTED CERTIFICATE OF TITLE-CANNOT BE
335 REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID
336 APPROVED CERTIFICATE OF INSPECTION.' At such time as the
337 transferee surrenders a valid approved certificate of
338 inspection and the restricted certificate of title to the
339 county treasurer of the county of his residence, the county
340 treasurer, upon payment of the appropriate fees, shall issue
341 a certificate of title that is not restricted for the
342 vehicle and shall also issue a registration card and
343 registration plates for the vehicle to the applicant,
344 however if the registration fee for the vehicle has been
345 paid for the current year, the county treasurer shall issue
346 a registration card and registration plates for the vehicle
347 to the applicant upon payment of an additional registration
348 fee of five dollars.

349 5. A motor vehicle which has a restricted certificate

350 of title may be sold or otherwise transferred as provided
351 in this section, except provisions pertaining to the surrender
352 of current registration plates and registration card shall
353 not apply; however, such motor vehicle may be sold or other-
354 wise transferred pursuant to section three hundred twenty-
355 one point forty-eight (321.48) of the Code to a dealer
356 licensed under chapter three hundred twenty-two (322) of
357 the Code without compliance with the provisions of this
358 section.

359 6. No vehicle sold or otherwise transferred pursuant
360 to the provisions of this section shall be driven upon the
361 highway until a valid official certificate of inspection has
362 been affixed thereto and an unrestricted certificate of title,
363 a registration card, and registration plates for the vehicle
364 have been issued to the purchaser or transferee.

365 7. The provisions of this section, except provisions
366 pertaining to the surrender of current registration plates
367 and registration card, shall also be applicable to the
368 insurer of any vehicle who obtains ownership of the vehicle
369 as a result of settlement resulting from the theft of a motor
370 vehicle which has not been recovered, provided the vehicle
371 has been reported stolen as provided in section three
372 hundred twenty-one point eighty-five (321.85) of the Code
373 and written proof of payment to the insured, resulting
374 from such theft, is submitted by the applicant. Proof of
375 payment for loss due to theft shall be submitted on forms
376 prescribed or provided by the department."

377 Sec. 12. Section three hundred twenty-one point
378 eighty-five (321.85), Code 1971, is amended to read as
379 follows:

380 321.85 ~~STOLEN OR-ABANDONED~~ VEHICLES. Whenever any
381 motor vehicle is seized under section 321.84 or whenever
382 any motor vehicle is stolen or embezzled, and is not
383 claimed by the owner before the date on which the person
384 charged with the stealing or embezzling of same if
385 convicted, ~~or-if-the-motor-vehicle-be-abandoned-and-is~~
386 ~~not-claimed-by-the-owner-within-three-days,~~ then the officer
387 having ~~same~~ the motor vehicle in his custody must, on such
388 date by certified mail, notify the department that he has
389 such a motor vehicle in his possession, giving a full and
390 complete description of same, including all marks of
391 identification, factory and serial numbers.

392 Sec. 13. Section three hundred twenty-one point eighty-
393 eight (321.88), Code 1971, as amended by chapter one hundred
394 eighty-three (183), section five (5), Acts of the Sixty-
395 fourth General Assembly, First Session, is amended by striking
396 the section and inserting in lieu thereof the following:

397 321.88 FAILURE OF OWNER TO CLAIM. If the owner does
398 not appear within forty days, the motor vehicle shall be
399 deemed abandoned and the officer having possession of the
400 motor vehicle shall proceed as provided in sections four (4)
401 and five (5) of this Act.

402 Sec. 14. Sections three hundred twenty-one point eighty-
403 nine (321.89), three hundred twenty-one point ninety (321.90),
404 and three hundred twenty-one point ninety-one (321.91),
405 Code 1971, are repealed.

406 2. Page 1, line 1, by striking all after the word "Act" and
407 by striking all of line 2 and inserting in lieu thereof the
408 following: "relating to the disposal or transfer of abandoned,
409 repairable, or stolen motor vehicles, and providing a penalty."

SENATE CLIP SHEET
Friday, February 25, 1972

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation
2 amendment to House File 671, filed February 18, 1972 as
3 follows:
4 1. Page 1, strike lines 14 through 23 inclusive and
5 insert:
6 "that is over eight years old and has no engine, or is
7 otherwise totally inoperable or uncertifiable under chapter
8 one hundred eighty-three (183) Acts of the Sixty-fourth
9 General Assembly, First Session, and is left illegally
10 on public property for more than twenty-four hours, or a
11 motor vehicle that is over ten years old that has remained
12 illegally on public property for a period of more than seventy-
13 two hours, or any motor vehicle that is placed on private
14 property without the initial consent of the owner or person in
15 control of the property, and remains there for more than
16 twenty-four hours."

Filed - *W.D. 2-25*
February 24, 1972

By GAUDINEER

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amend-
2 ment to House File 671 filed February 18, 1972, page 5, line 5
3 by striking all after the word "which" and striking all of lines
4 6 through 8, and in line 9 by striking the words "Assembly, First
5 Session," and inserting in lieu thereof the words "lacks an
6 engine or two or more wheels or other structural part which
7 renders the vehicle totally inoperable".

Filed - *Adopted 2-25*
February 24, 1972

By LAMBORN, GAUDINEER and
DE KOSTER

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amend-
2 ment to House File 671 filed February 18, 1972 page 4, line
3 24, by inserting after the word "junk," the words "or demolished
4 and sold as scrap".

Filed and *Adopted (515)*
February 24, 1972

By KENNEDY

Senate 4
February 25, 1972

HOUSE FILE 671

1 Amend the Environmental Preservation Committee Amendment
2 filed February 18, 1972 to House File 671 as follows:
3 1. Page 1, strike lines 13 through 23 inclusively, and
4 insert:
5 "'Abandoned vehicle' means any of the following:
6 a. A motor vehicle that has been left unattended on
7 public property for more than forty-eight hours and lacks
8 current registration plates or two or more wheels or other
9 structural part which renders the vehicle totally inoperable, or
10 b. A motor vehicle that has remained illegally on public
11 property for more than fifteen days, or
12 c. A motor vehicle that has been unlawfully parked on
13 private property or has been placed on private property without
14 the consent of the owner or person in control of the property for
15 more than twenty-four hours, or
16 d. A motor vehicle that has been legally impounded by
17 order of a police authority and has not been reclaimed for a
18 period of thirty days."

Filed - *adopted by committee of whole 2-25* By DE KOSTER and GAUDINEER
February 24, 1972 *Amendment " 2-25"*

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amendment
2 to House File 671 filed February 18, 1972 by striking on page 1,
3 lines 24 and 25, and page 2, by striking lines 1 and 2 and in-
4 serting in lieu thereof the following:
5 "3. 'Demolisher' means any city or public agency organized
6 for the disposal of solid waste, or any person whose business it
7 is to convert a motor vehicle to junk, processed scrap or scrap
8 metal, or otherwise to wreck, or dismantle vehicles."

Filed and adopted By KENNEDY
February 24, 1972

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amendment
2 filed February 18, 1972 to House File 671 on page 3, line 23
3 by striking the words "one newspaper" and inserting in lieu thereof
4 the words "a publication".

Filed and lost By VAN DRIE
February 24, 1972

Senate 10
February 25, 1972

HOUSE FILE 671

1 Amend the Environmental Preservation Committee amendment
2 filed February 18, 1972 to House File 671, as follows:
3 1. Page 7, line 14, by inserting after the word "period"
4 the following:
5 "or the owner notifies the garagekeeper in writing within
6 such period of time that such vehicle is not an abandoned
7 motor vehicle".
8 2. Page 7, line 21, by inserting after the word "period" the
9 following:
10 "or the owner notifies the garagekeeper in writing within
11 such period of time that such vehicle is not an abandoned motor
12 vehicle".
13 3. Page 8, line 2, by striking the words "and the garage-
14 keeper is paid".
15 4. Page 8, line 4, by striking the word "servicing," and
16 inserting in lieu thereof the words "towing and".
17 5. Page 8, line 4, by striking the words "or repair,".
18 6. Page 8, line 9, by adding after the word "lien" the
19 following:
20 ", provided that a garagekeeper shall be deemed to have
21 abandoned his artisan lien when such vehicle is taken into
22 custody by the police authority".

Filed - *Adopted 2-25(533)*
February 24, 1972

By KEITH, DE KOSTER, LAVERTY,
KENNEDY, and MOWRY

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amendment
2 to House File 671, as follows:
3 1. Page 8, strike lines 2 through 13 inclusive, and
4 insert:
5 "garage keeper is notified, in writing, within such
6 period of time that such vehicle is not an abandoned motor
7 vehicle.
8 The garage keeper shall be deemed to have abandoned
9 his artisan's lien when such vehicle is taken into custody
10 by the police authority."

Filed, offered and deferred By GAUDINEER
February 24, 1972 *W.D. 2-25-72*

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation
2 amendment, filed February 18, 1972, to House File 671,
3 as follows: Page 2, line 4, by striking the word "shall"
4 and inserting in lieu thereof the word "may".

Filed, offered and deferred By GLENN
February 24, 1972 *W.D. 2-25*

Senate 11
February 25, 1972

HOUSE FILE 671

1 Amend the Environmental Preservation Committee Amendment
2 filed February 18, 1972 to House File 671, page 1, by striking
3 lines 13 through 23 and inserting in lieu thereof the following:
4 "Abandoned vehicle" means any of the following:
5 a. A motor vehicle that is inoperable and has been left
6 unattended on public property for more than forty-eight hours, or
7 b. A motor vehicle that has remained illegally on public
8 property for more than fifteen days, or
9 c. A motor vehicle that has been unlawfully parked or has
10 been placed on private property without the consent of the owner
11 or person in control of the property for more than twenty-four
12 hours, or
13 d. A motor vehicle which has remained on private property
14 without consent of the owner or person in control of the property
15 for more than thirty days."

Filed - *W.D. 2-25*
February 24, 1972

By DE KOSTER

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amendment
2 filed February 18, 1972, to House File 671 as follows:
3 1. Page 5, line 3, by striking after the period and
4 all of lines 4 through 11, inclusive, and in line 12 the words
5 "and without public auction."
6 2. Page 10, line 8, by striking the word "and" and by
7 striking all of lines 9 through 11, inclusive, and by inserting
8 in lieu thereof a period.

Filed, offered and deferred By POTGETER and GAUDINEER
February 24, 1972 *Lost 2-25-72*
Reinserted, " "

HOUSE FILE 671

1 Amend the Committee on Environmental Preservation amendment
2 filed February 18, 1972 to House File 671, page 2, line 4, by
3 inserting after the word "authority" the words "may, and on the
4 request of any other authority having the duties of control
5 of highways or traffic,"

Filed, offered and deferred By DE KOSTER
February 24, 1972 *W.D. 2-25*

HOUSE FILE 671

1 Amend House File 671 as follows:

2 1. By striking everything after the enacting clause
3 and inserting in lieu thereof the following:

4 Section 1. Chapter three hundred twenty-one (321),
5 Code 1971, is amended by adding sections two (2) through
6 ten (10) of this Act.

7 Sec. 2. DEFINITIONS. As used in sections three
8 (3) through ten (10) of this Act unless the context
9 otherwise requires:

10 1. "Police authority" means the Iowa highway safety
11 patrol or any law enforcement agency of a county, city,
12 or town.

13 2. "Abandoned motor vehicle" means a motor vehicle
14 that is inoperable and is left unattended on public
15 property for more than forty-eight hours, or a motor
16 vehicle that has remained illegally on public property
17 for a period of more than forty-eight hours, or a motor
18 vehicle that has been unlawfully parked or placed on
19 private property without the consent of the owner or
20 person in control of the property, or which has remained
21 on private property without the consent of the owner
22 or person in control of the property for more than
23 twenty-four hours.

24 3. "Demolisher" means any person whose business
25 is to convert a motor vehicle into junk, processed scrap

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1 or scrap metal, or otherwise to wreck, or dismantle
2 motor vehicles.

3 Sec. 3. AUTHORITY TO TAKE POSSESSION OF ABANDONED
4 MOTOR VEHICLES. A police authority shall take into
5 custody any abandoned motor vehicle on public property and
6 may take into custody any abandoned motor vehicle on pri-
7 vate property. The police authority may employ its own
8 personnel, equipment and facilities or hire other person-
9 nel, equipment and facilities for the purpose of removing,
10 preserving, storing, or disposing abandoned motor vehicles.

11 Sec. 4. NOTIFICATION OF OWNER AND LIENHOLDERS.

12 1. A police authority which takes into custody an
13 abandoned motor vehicle shall notify, within ten days,
14 by certified mail, the last known registered owner of
15 the motor vehicle and all lienholders of record,
16 addressed to their last known address of record, that
17 the abandoned motor vehicle has been taken into custody,
18 Notice shall be deemed given when mailed. The notice
19 shall describe the year, make, model, and serial number
20 of the motor vehicle, set forth the location of the
21 facility where it is being held, inform the owner and
22 any lienholders of their right to reclaim the motor

23 vehicle within fourteen days after the effective date
24 of the notice upon payment of all towing, preservation,
25 and storage charges resulting from placing the motor

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1 vehicle in custody. The notice shall also state that
2 the failure of the owner or lienholders to exercise
3 their right to reclaim the motor vehicle within the
4 time provided shall be deemed a waiver by the owner
5 and all lienholders of all right, title, claim and
6 interest in the motor vehicle and that such failure
7 to reclaim the motor vehicle is deemed consent to the
8 sale of the motor vehicle at a public auction or disposal
9 of the motor vehicle to a demolisher. If the owner
10 and lienholders do not exercise their right to reclaim
11 such motor vehicle within the fourteen-day reclaiming
12 period, such owner and lienholders shall no longer have
13 any right, title, claim, or interest in or to such motor
14 vehicle. No court in any case in law or equity shall
15 recognize any right, title, claim, or interest of any
16 such owner and lienholders after the expiration of the
17 fourteen-day reclaiming period.

18 2. If the identity of the last registered owner
19 cannot be determined, or if the registration contains
20 no address for the owner, or if it is impossible to
21 determine with reasonable certainty the identity and
22 addresses of all lienholders, notice by one publication
23 in one newspaper of general circulation in the area
24 where the motor vehicle was abandoned shall be sufficient
25 to meet all requirements of notice under this Act

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1 The published notice may contain multiple listings of
2 abandoned motor vehicles but shall be published within
3 the same time requirements and contain the same
4 information as prescribed for mailed notice in subsection
5 one (1) of this section.

6 3. The owner or any lienholders may, by written
7 request delivered to the police authority prior to the
8 expiration of the fourteen-day reclaiming period, obtain
9 an additional fourteen days within which the motor
10 vehicle may be reclaimed.

11 Sec. 5. AUCTION OF ABANDONED MOTOR VEHICLES. If
12 an abandoned motor vehicle has not been reclaimed as
13 provided for in section four (4) of this Act, the police
14 authority shall make a determination as to whether or
15 not the motor vehicle shall be sold for use upon the
16 highways. If it is to be sold as a motor vehicle for
17 use upon the highways, it shall first be inspected as
18 required by chapter one hundred eighty-three (183),
19 Acts of the Sixty-fourth General Assembly, First Session,
20 and have a valid certificate of inspection affixed,

21 If the motor vehicle is not sold for use upon the
22 highways, it shall only be sold to a dealer licensed
23 under chapter three hundred twenty-two (322) of the
24 Code or to a demolisher for junk, or sold as provided
25 in section thirteen (13) of this Act with a restricted

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1 certificate of title and not for use upon the highways.
2 The police authority shall sell the motor vehicle at
3 public auction. Notwithstanding any other provision
4 of this Act, any police authority, which has taken into
5 possession any abandoned motor vehicle which is over
6 eight years old and has no engine or is otherwise totally
7 inoperable or uncertifiable under chapter one hundred
8 eighty-three (183), Acts of the Sixty-fourth General
9 Assembly, First Session, may dispose of such motor
10 vehicle to a demolisher for junk without the notification
11 procedures enumerated in section four (4) of this Act
12 and without public auction. The purchaser of the motor
13 vehicle shall take title free and clear of all liens
14 and claims of ownership, shall receive a sales receipt
15 from the police authority, and shall be entitled to
16 register the motor vehicle and receive a certificate
17 of title if sold for use upon the highways or a
18 restricted certificate of title as the case may be;
19 however, if the motor vehicle is sold or disposed of
20 to a demolisher for junk, the sales receipt by itself
21 shall be sufficient title only for purposes of
22 transferring the motor vehicle to such demolisher for
23 demolition, wrecking, or dismantling and, when so
24 transferred, no further titling of the motor vehicle
25 shall be permitted. From the proceeds of the sale of

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1 an abandoned motor vehicle the policy authority shall
2 reimburse itself for the expenses of the auction, the
3 costs of towing, preserving, and storing which resulted
4 from placing the abandoned motor vehicle in custody,
5 all notice and publication costs incurred pursuant to
6 section four (4) of this Act, the cost of inspection,
7 and any other costs incurred except costs of bookkeeping
8 and any other administrative costs. Any remainder from
9 the proceeds of a sale shall be held for the owner of
10 the motor vehicle or entitled lienholder for ninety
11 days, and shall then be deposited in the reimbursement
12 fund received by the department of public safety pursuant
13 to section three hundred twenty-one point one hundred
14 forty-five (321.145), subsection two (2), of the Code.
15 The costs to police authorities of auction, towing,
16 preserving, storage, and all notice and publication

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17 costs, inspection costs and all other costs which result
18 from placing other abandoned vehicles in custody,
19 whenever the proceeds from a sale of such other abandoned
20 motor vehicles are insufficient to meet these expenses
21 and costs, shall be paid from the reimbursement fund
22 of the department of public safety under section three
23 hundred twenty-one point one hundred forty-five
24 (321.145), subsection two (2), of the Code. In the event
25 the reimbursement fund is temporarily exhausted, payment

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1 shall be deferred until the reimbursement fund contains
2 sufficient funds to meet the claims.
3 The state comptroller shall establish by rule a
4 claims procedure to be followed by police authorities
5 in obtaining expenses and costs from the fund.
6 Sec. 6. GARAGEKEEPERS AND ABANDONED MOTOR VEHICLES.
7 Any motor vehicle left in a garage operated for commer-
8 cial purposes after the period for which the vehicle
9 was to remain on the premises shall, after notice by
10 certified mail to the last known registered owner of
11 the vehicle addressed to his last known address of
12 record to reclaim the vehicle within ten days of the
13 date of the notice, be deemed an abandoned motor vehicle
14 unless reclaimed by the owner within such ten-day period
15 and shall be reported by the garagekeeper to the police
16 authority. If the identity or address of the last
17 registered owner of the motor vehicle cannot be
18 determined, the vehicle shall be deemed an abandoned
19 motor vehicle on the eleventh day after the period for
20 which the vehicle was to remain on the premises unless
21 reclaimed by the owner within the ten-day period and
22 shall be reported by the garagekeeper to the police
23 authority. All abandoned motor vehicles left in garages
24 may be taken into custody by a police authority upon
25 the request of the garagekeeper and sold in accordance

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1 with the procedures set forth in this Act unless the
2 motor vehicle is reclaimed and the garagekeeper is paid.
3 The proceeds of the sale shall be first applied to the
4 garagekeeper's charges for servicing, storage, or repair,
5 and any surplus proceeds shall be distributed in
6 accordance with section five (5) of this Act. Nothing
7 in this section shall be construed to impair any lien
8 of a garagekeeper under the laws of this state, or the
9 right of a garagekeeper to foreclose his lien. For
10 the purposes of this section "garagekeeper" means any
11 operator of a parking place or establishment, motor

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12 vehicle storage facility, or establishment for the
13 servicing, repair, or maintenance of motor vehicles.

14 Sec. 7. DISPOSAL TO DEMOLISHER.

15 1. Any person, firm, corporation, or unit of govern-
16 ment upon whose property or in whose possession is found
17 any abandoned motor vehicle, or any person being the
18 owner of a motor vehicle whose title certificate is
19 faulty, lost, or destroyed and is thereby unable to
20 transfer title to the motor vehicle, may apply to the
21 police authority of the jurisdiction in which the motor
22 vehicle is situated for authority to sell, give away,
23 or otherwise dispose of the motor vehicle to a
24 demolisher.

25 2. The application shall set out the name and address

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1 of the applicant, the year, make, model and serial
2 number of the motor vehicle, if ascertainable, together
3 with any other identifying features, and shall contain
4 a concise statement of the facts surrounding the
5 abandonment, or a statement that the title of the motor
6 vehicle is lost or destroyed, or the reasons for the
7 defect of title in the owner. The applicant shall
8 execute an affidavit stating that the facts alleged
9 are true and that no material fact has been withheld.

10 3. If the police authority finds that the application
11 is executed in proper form, and shows that the motor
12 vehicle has been abandoned upon the property of the
13 applicant, or if it shows that the motor vehicle is
14 not abandoned but that the applicant appears to be the
15 rightful owner, the police authority shall follow
16 appropriate notification procedures as set forth in
17 section four (4) of this Act.

18 4. If the abandoned motor vehicle is not reclaimed
19 in accordance with section four (4) of this Act, or
20 no lienholder objects to the disposal in the case of
21 an owner-applicant, the police authority shall give
22 the applicant a certificate of authority to dispose
23 of the motor vehicle to any demolisher for demolition,
24 wrecking, or dismantling. The demolisher shall accept
25 such certificate in lieu of the certificate of title

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1 to the motor vehicle.

2 5. Notwithstanding any other provisions of this
3 Act, any person, firm, corporation, or unit of government
4 upon whose property or in whose possession is found
5 any abandoned motor vehicle, or any person being the

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6 owner of a motor vehicle whose title certificate is
7 faulty, lost, or destroyed, may dispose of such motor
8 vehicle to a demolisher for junk without his title and
9 without the notification procedures of section four
10 (4) of this Act if the motor vehicle is over eight years
11 old and has no engine or is otherwise totally inoperable.

12 6. The owner of an abandoned motor vehicle and all
13 lienholders shall no longer have any right, title,
14 claim, or interest in or to such motor vehicle; and
15 no court in any case in law or equity shall recognize
16 any right, title, claim, or interest of any such owner
17 and lienholders after the disposal of such motor vehicle
18 to a demolisher.

19 7. Any proceeds from the sale of an abandoned motor
20 vehicle to a demolisher under this section, by one other
21 than the owner of the vehicle, shall first be applied
22 to that person's expenses in effecting the sale, includ-
23 ing storage, towing, and disposal charges, and any sur-
24 plus shall be distributed in accordance with section
25 five (5) of this Act.

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1 Sec. 8. DUTIES OF DEMOLISHERS.

2 1. Any demolisher who purchases or otherwise acquires
3 an abandoned motor vehicle for junk under the provisions
4 of this Act shall junk, scrap, wreck, dismantle, or
5 demolish such motor vehicle. However, if the vehicle
6 is acquired under the provisions of subsection five
7 (5), section seven (7), of this Act, the demolisher
8 shall apply to the police authority of the jurisdiction
9 from which the vehicle was acquired for a certificate
10 of authority to demolish the vehicle. In making the
11 application the demolisher shall describe the motor
12 vehicle as required by subsection two (2), section seven
13 (7), of this Act. The police authority shall issue
14 the certificate of authority upon complying with
15 subsection three (3), section seven (7), of this Act,
16 but shall be excused from following the notification
17 procedures as required therein. No further titling
18 of the motor vehicle shall be permitted. After the
19 motor vehicle has been demolished, processed, or changed
20 so that it physically is no longer a motor vehicle,
21 the demolisher shall surrender the auction sales receipt
22 or certificate of authority to dispose of or demolish
23 a motor vehicle to the department of public safety for
24 cancellation. The department of public safety shall
25 issue such forms, rules, and regulations governing the

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1 surrender of auction sales receipts, certificates of
2 title, and certificates of authority to dispose of or
3 demolish motor vehicles, and the cancellation and
4 surrender of the registrations and certificates of title
5 for such motor vehicles as are appropriate.

6 2. A demolisher shall keep an accurate and complete
7 record of all motor vehicles purchased or received by
8 him in the course of his business. These records shall
9 contain the name and address of the person from whom
10 each such motor vehicle was purchased or received and
11 the date when such purchases or receipts occurred.
12 Such records shall be open for inspection by any police
13 authority at any time during normal business hours.
14 Any record required by this section shall be kept by
15 the demolisher for at least one year after the
16 transaction to which it applies.

17 Sec. 9. No person, firm, corporation, unit of govern-
18 ment, garagekeeper or police authority upon whose
19 property an abandoned motor vehicle is found or who
20 disposes of such abandoned vehicle in accordance with
21 this Act shall be liable for damages by reason of the
22 removal, sale, or disposal of such motor vehicle.

23 Sec. 10. Any person who abandons a motor vehicle
24 shall be guilty of a misdemeanor.

25 Sec. 11. Chapter three hundred twenty-one (321),

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1 Code 1971, is amended by adding the following new sec-
2 tion:

3 "Notwithstanding the provisions of chapter three
4 hundred twenty-two (322) of the Code, and any other
5 statute to the contrary, the title to a motor vehicle
6 may be transferred without a certificate of inspection
7 as prescribed by chapter one hundred eighty-three (183),
8 Acts of the Sixty-fourth General Assembly, First Session,
9 where such motor vehicle is materially damaged, inoper-
10 able, or unsafe for use upon the highway upon compliance
11 with the following conditions:

12 1. That the registration fee of the vehicle is not
13 delinquent.

14 2. That the vehicle was obtained for the purpose
15 of restoring, rebuilding or repairing and not for use
16 upon the highway and such facts are evidenced by an
17 affidavit signed by both the transferor and the
18 transferee on a form provided by the department.

19 3. The transferor shall surrender the registration
20 plates, registration card and the certificate of title,
21 or if a foreign vehicle from a nontitle state, such
22 evidence of foreign registration and ownership as may

23 be prescribed by the department, unless the vehicle
24 is sold or transferred pursuant to the provisions of
25 sections two (2) through ten (10) of this Act, for the

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1 vehicle together with the application of the transferee
2 for a restricted certificate of title, the affidavit
3 as provided in subsection two (2) of this section and
4 the fee for transfer to the county treasurer of the
5 residence of the transferor who shall transmit the
6 application of the transferee for a restricted
7 certificate of title, the affidavit as provided in
8 subsection two (2) of this section, and the fee for
9 transfer to the county treasurer of the county of
10 residence of the transferee. No refund of fees
11 previously paid for the registration of such motor
12 vehicle shall be allowed.

13 4. The county treasurer of the county of residence
14 of the transferee upon receipt of the application for
15 a new certificate of title, fee therefor, and the
16 affidavit as provided in subsection two (2) of this
17 section, and when satisfied as to the genuineness and
18 regularity thereof, shall issue a restricted certificate
19 of title to the applicant but shall not issue
20 registration plates or a registration card. A restricted
21 certificate of title shall be red in color and shall
22 have conspicuously imprinted thereon in bold print,
23 in a manner prescribed by the department, the words
24 'RESTRICTED CERTIFICATE OF TITLE-CANNOT BE REGISTERED
25 AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED

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1 CERTIFICATE OF INSPECTION.' At such time as the
2 transferee surrenders a valid approved certificate of
3 inspection and the restricted certificate of title to
4 the county treasurer of the county of his residence,
5 the county treasurer, upon payment of the appropriate
6 fees, shall issue a certificate of title that is not
7 restricted for the vehicle and shall also issue a
8 registration card and registration plates for the vehicle
9 to the applicant, however if the registration fee for
10 the vehicle has been paid for the current year, the
11 county treasurer shall issue a registration card and
12 registration plates for the vehicle to the applicant
13 upon payment of an additional registration fee of five
14 dollars.

15 5. A motor vehicle which has a restricted certificate
16 of title may be sold or otherwise transferred as pro-
17 vided in this section, except provisions pertaining
18 to the surrender of current registration plates and

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19 registration card shall not apply, however, such motor
20 vehicle may be sold or otherwise transferred pursuant
21 to section three hundred twenty-one point forty-eight
22 (321.48) of the Code to a dealer licensed under chapter
23 three hundred twenty-two (322) of the Code without
24 compliance with the provisions of this section.
25 6. No vehicle sold or otherwise transferred pursuant

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1 to the provisions of this section shall be driven upon
2 the highway until a valid official certificate of inspec-
3 tion has been affixed thereto and an unrestricted certif-
4 icate of title, a registration card, and registration
5 plates for the vehicle have been issued to the purchase
6 or transferee.
7 7. The provisions of this section, except provisions
8 pertaining to the surrender of current registration
9 plates and registration card, shall also be applicable
10 to the insurer of any vehicle who obtains ownership
11 of the vehicle as a result of settlement resulting from
12 the theft of a motor vehicle which has not been
13 recovered, provided the vehicle has been reported stolen
14 as provided in section three hundred twenty-one point
15 eighty-five (321.85) of the Code and written proof of
16 payment to the insured, resulting from such theft, is
17 submitted by the applicant. Proof of payment for loss
18 due to theft shall be submitted on forms prescribed
19 or provided by the department."
20 Sec. 12. Section three hundred twenty-one point
21 eighty-five (321.85), Code 1971, is amended to read
22 as follows:
23 321.85 STOLEN OR-ABANDONED VEHICLES. Whenever any
24 motor vehicle is seized under section 321.84 or whenever
25 any motor vehicle is stolen or embezzled, and is not

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1 claimed by the owner before the date on which the person
2 charged with the stealing or embezzling of same is
3 convicted, ~~or-if-the-motor-vehicle-be-abandoned-and~~
4 ~~is-not-claimed-by-the-owner-within-three-days,~~ then
5 the officer having same the motor vehicle in his custody
6 must, on such date by certified mail, notify the
7 department that he has such a motor vehicle in his pos-
8 session, giving full and complete description of same,
9 including all marks of identification, factory and
10 serial numbers.
11 Sec. 13. Section three hundred twenty-one point

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12 eighty-eight (321.88), Code 1971, as amended by chapter
13 one hundred eighty-three (183), section five (5), Acts
14 of the Sixty-fourth General Assembly, First Session,
15 is amended by striking the section and inserting in
16 lieu thereof the following:

17 321.88 FAILURE OF OWNER TO CLAIM. If the owner
18 does not appear within forty days, the motor vehicle
19 shall be deemed abandoned and the officer having
20 possession of the motor vehicle shall proceed as provided
21 in sections four (4) and five (5) of this Act.

22 Sec. 14. Sections three hundred twenty-one point
23 eighty-nine (321.89), three hundred twenty-one point
24 ninety (321.90), and three hundred twenty-one point
25 ninety-one (321.91), Code 1971, are repealed.

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1 2. Page 1, by striking lines 1 and 2 and inserting
2 in lieu thereof the following:
3 "An Act relating to the disposal or transfer of aban-
4 doned, repairable, or stolen motor vehicles, and provid-
5 ing a penalty."

Filed - *Adopted as amended 2-25-72* By COMMITTEE ON ENVIRONMENTAL
February 18, 1972 PRESERVATION

HOUSE FILE 671

1 Amend House File 671 as follows:

2 1. Page 2, line 9, by striking the word "remained"
3 and inserting in lieu thereof the words "been unlawfully
4 parked or placed".

5 2. Page 2, line 11, by striking the words "for more
6 than twenty-four hours".

7 3. Page 3, line 2, by inserting after the word
8 "title," the word "claim,".

9 4. Page 3, line 4, by inserting after the period
10 the following:

11 "If the owner and lien holders do not exercise their
12 right to reclaim such motor vehicle within the twenty-
13 one day reclaiming period, such owner and lien holders
14 shall no longer have any right, title, claim, or interest
15 in or to such motor vehicle. No court in any case in
16 law or equity shall recognize any right, title, claim,
17 or interest of any such owner and lien holders after
18 the expiration of the twenty-one day reclaiming period."

19 5. Page 3, by striking from lines 25, 26, and 27 the
20 words "sell the motor vehicle at public auction or dispose
21 of the same to a demolisher as provided in section six (6)
22 of this Act." and inserting in lieu thereof the following:

23 "make a determination as to whether or not the motor
24 vehicle shall be sold for use upon the highways. If
25 it is to be sold as a motor vehicle for use upon the

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1 highways it shall first be inspected as required by
2 Senate File 297, Acts of the Sixty-fourth General
3 Assembly, First Session, and have a valid certificate
4 of inspection affixed. If the motor vehicle is not
5 sold for use upon the highways it shall only be sold
6 to a dealer licensed under chapter three hundred twenty-
7 two (322) of the Code or to a demolisher. The police
8 authority shall sell the motor vehicle at public auction.
9 Notwithstanding any other provision of this Act, any
10 police authority which has taken into possession any
11 abandoned motor vehicle which is over eight years old
12 and has no engine or is otherwise totally inoperable
13 may dispose of such motor vehicle to a demolisher without
14 the notification procedures enumerated in section three
15 (3) of this Act and without public auction."

16 6. Page 3, line 31, by inserting after the comma
17 the words "if the motor vehicle is sold or disposed
18 of to a demolisher,".

19 7. Page 3, line 33, by striking the word "a" and
20 inserting in lieu thereof the word "such".

21 8. Page 3, line 35, by striking the word "necessary"

22 and inserting in lieu thereof the word "permitted".
23 9. Page 6, by adding after line 29 the following
24 two new subsections:
25 "The owner of an abandoned motor vehicle and all

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1 lien holders shall no longer have any right, title,
2 claim, or interest in or to such motor vehicle; and
3 no court in any case in law or equity shall recognize
4 any right, title, claim, or interest of any such owner
5 and lien holders after the disposal of such motor vehicle
6 to a demolisher."

7 "Any proceeds from the sale of an abandoned motor
8 vehicle to a demolisher under this section, by one other
9 than the owner of the vehicle, shall first be applied
10 to that person's expenses in effecting the sale,
11 including storage, towing, and disposal charges, and
12 any surplus shall be distributed in accordance with
13 section four (4) of this Act."

14 10. Page 6, by striking lines 31 through 35, inclu-
15 sive, and page 7, by striking lines 1 through 6, inclu-
16 sive, and inserting in lieu thereof the following:

17 "1. Any demolisher who purchases or otherwise
18 acquires an abandoned motor vehicle under the provisions
19 of this Act shall scrap, wreck, dismantle, or demolish
20 such motor vehicle, however, if the vehicle is acquired
21 under the provisions of section six (6), subsection
22 five (5), of this Act, the demolisher shall apply to
23 the police authority of the jurisdiction from which
24 the vehicle was acquired for a certificate of authority
25 to demolish the vehicle. In making the application

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1 the demolisher shall describe the motor vehicle as
2 required by section six (6), subsection two (2), of
3 this Act. The police authority shall issue the
4 certificate of authority upon complying with section
5 six (6), subsection three (3), of this Act, but shall
6 be excused from following the notification procedures
7 as required by that subsection. The demolisher shall
8 not be required to obtain a certificate of title for
9 the motor vehicle in his own name. After the motor
10 vehicle has been demolished, processed, or changed so
11 that it physically is no longer a motor vehicle, the
12 demolisher shall surrender the auction sales receipt
13 or certificate of authority to dispose of or demolish
14 a motor vehicle to the department of public safety for
15 cancellation. The department of public safety shall
16 issue such forms, rules, and regulations governing the
17 surrender of auction sales receipts, certificates of

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18 title, and certificates of authority to dispose of or
19 demolish motor vehicles, and the cancellation and
20 surrender of the registrations and certificates of title
21 for such motor vehicles as are appropriate."
22 11. Page 7, by striking lines 31 through 35, inclu-
23 sive, and page 8, by striking lines 1 through 4, inclu-
24 sive, and inserting in lieu thereof the following new
25 sections and renumbering the remaining section accord-

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1 ingly:

2 "Section three hundred twenty-one point eighty-eight
3 (321.88), Code 1971, as amended by Senate File two
4 hundred ninety-seven (297), Acts of the Sixty-fourth
5 General Assembly, First Session, is amended by striking
6 the section and inserting in lieu thereof the following:
7 FAILURE OF OWNER TO CLAIM. If the owner does not
8 appear within that time, the motor vehicle shall be
9 deemed abandoned and the officer having possession of
10 same shall proceed as provided in sections three (3)
11 and four (4) of this Act."

12 "No person, firm, corporation, unit of government,
13 garagekeeper or police authority upon whose property
14 an abandoned motor vehicle is found or who disposes
15 of such abandoned vehicle in accordance with this Act
16 shall be liable for damages by reason of the removal,
17 sale, or disposal of such motor vehicle."

Filed - *W.D. 2-25-72*
June 17, 1971

By RILEY

1 Amend the Committee on Environmental Preservation amendment
2 filed February 18, 1972 to House File 671, page 18, by striking
3 lines 1 through 5, inclusive, and insert in lieu thereof the
4 following:

5 "2. Page 1, line 1, by striking all after the word 'Act'
6 and by striking all on line 2 and insert in lieu thereof
7 the following: 'relating to the disposal or transfer of
8 abandoned, repairable, or stolen motor vehicles, and pro-
9 viding a penalty.'"

Filed - *Adopted 2-24-72 (515)*
February 23, 1972

By LAVERTY

1 Amend the Committee on Environmental Preservation amend-
2 ment to House File 671 filed February 18, 1972, page 10,
3 line 10 by striking all after the word "vehicle" and
4 striking all of line 11 and inserting in lieu thereof
5 "lacks an engine or two or more wheels or other structural
6 part which renders the vehicle totally inoperable".

Filed and adopted
February 25, 1972

By KEITH