

Reprinted 3/26/85

MAR 19 1985

Place On Calendar

HOUSE FILE 664

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House Study Bill 169)

Passed House, Date 3-25-85 (P. 1031) Passed Senate, Date 4-16-85 (P. 1421)

Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0

Approved April 30, 1985

### A BILL FOR

- 1 An Act relating to procedures for determining ownership and
- 2 disposition of certain seized or abandoned vehicles,
- 3 component parts and personal property in the custody of
- 4 a peace officer or police authority.

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

HOUSE FILE 664

H-3401

1 Amend House File 664 as follows:

- 2 1. Page 2, line 14, by inserting after the word
- 3 "police" the word "authority".

H-3401 FILED MARCH 21, 1985 BY WOODS of Polk

*Adopted 3/25 (P. 1031)*

HF 664

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1 Section 1. Section 321.85, Code 1985, is amended to read  
2 as follows:

3 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

4 ~~Whenever any~~ When a vehicle or component part is seized  
5 under section 321.84 or ~~whenever any vehicle or component part~~  
6 is stolen or embezzled, and is not claimed by the owner before  
7 the date on which the person charged with its stealing or  
8 embezzling is convicted, ~~then~~ the officer having the vehicle  
9 or component part in the officer's custody ~~must~~ shall, on that  
10 date by certified mail, notify the department that the officer  
11 has ~~such a~~ the vehicle or component part in the officer's  
12 possession, giving a full and complete description of it,  
13 including all vehicle identification numbers and component  
14 part numbers. If there is a dispute regarding a claim for the  
15 vehicle or component part, the agency holding the vehicle or  
16 component part shall conduct an evidentiary hearing to  
17 adjudicate the claim.

18 Sec. 2. Section 321.89, subsection 3, paragraph a, Code  
19 1985, is amended to read as follows:

20 a. A police authority which takes into custody an  
21 abandoned vehicle shall notify, within twenty days, by  
22 certified mail, the last known registered owner of the  
23 vehicle, and all lienholders of record, and any other known  
24 claimant to the vehicle or to personal property found in the  
25 vehicle, addressed to their last known address addresses of  
26 record, that the abandoned vehicle has been taken into  
27 custody. Notice shall be deemed given when mailed. The notice  
28 shall describe the year, make, model, and serial number of the  
29 vehicle, describe the personal property found in the vehicle,  
30 set forth the location of the facility where it the vehicle is  
31 being held, and inform the owner-and-any-lienholders persons  
32 receiving the notice of their right to reclaim the vehicle and  
33 personal property within twenty-one days after the effective  
34 date of the notice upon payment of all towing, preservation,  
35 and storage charges resulting from placing the vehicle in

1 custody and upon payment of the costs of notice required  
2 pursuant to this subsection. The notice shall also state that  
3 the failure of the owner or lienholders to exercise their  
4 right to reclaim the vehicle within the time provided shall be  
5 deemed a waiver by the owner and all lienholders of all right,  
6 title, claim and interest in the vehicle and that ~~such~~ failure  
7 to reclaim the vehicle is deemed consent to the sale of the  
8 vehicle at a public auction or disposal of the vehicle to a  
9 demolisher. The notice shall state that any person claiming  
10 rightful possession of the vehicle or personal property who  
11 disputes the planned disposition of the vehicle or property by  
12 the police authority or of the assessment of fees and charges  
13 provided by this section may ask for an evidentiary hearing  
3401 14 before the police to contest those matters. If the owner-and  
15 ~~lienholders~~ persons receiving the notice do not ask for a  
16 hearing or exercise their right to reclaim ~~such~~ the vehicle  
17 within the twenty-one-day reclaiming period, ~~such~~ the owner  
18 and lienholders shall no longer have any right, title, claim,  
19 or interest in or to ~~such~~ the vehicle. No court in any case  
20 in law or equity shall recognize any right, title, claim, or  
21 interest of ~~any-such~~ the owner and lienholders after the  
22 expiration of the twenty-one-day reclaiming period.

## 23 EXPLANATION

24 Section 1 of this bill provides for an evidentiary hearing  
25 to determine ownership of a vehicle or component part seized  
26 by a peace officer under section 321.84.

27 Section 2 provides that notice of an abandoned vehicle must  
28 be given to other known claimants as well as to the last  
29 registered owner and lienholders of record. Persons claiming  
30 rightful possession of the vehicle or personal property found  
31 in the vehicle may request an evidentiary hearing.

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HOUSE FILE 664

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House March 25, 1985)

Passed House, Date 3-25-85 (p. 1031) Passed Senate, Date 4-16-85 (p. 1421)

Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0

Approved April 30, 1985 (p. 2087)

## A BILL FOR

3639 1 An Act relating to procedures for determining ownership and  
2 disposition of certain seized or abandoned vehicles,  
3 component parts and personal property in the custody of  
4 a peace officer or police authority.

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

S-3639

HOUSE FILE 664

1 Amend House File 664 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, line 16, by striking the word  
4 "evidentiary" and inserting the word "informal".

5 2. Page 1, by striking line 24 and inserting the  
6 following: "claimant to the vehicle,".

7 3. Page 1, line 25, by striking the word  
8 "vehicle,".

9 4. Page 1, by striking line 29 and inserting the  
10 word "vehicle,".

11 5. Page 1, lines 32 and 33, by striking the words  
12 "and personal property".

13 6. Page 2, line 10, by striking the words "or  
14 personal property".

15 7. Page 2, line 11, by striking the words "or  
16 property".

17 8. Page 2, line 13, by striking the word  
18 "evidentiary" and inserting the following:  
19 "informal".

20 9. Title page, by striking lines 2 and 3 and  
21 inserting the following: "disposition of certain  
22 seized or abandoned vehicles and component parts in  
23 the custody of".

S-3639 Filed April 3, 1985

By DRAKE

W/d 4/16/85 (p. 1421)

1 Section 1. Section 321.85, Code 1985, is amended to read  
2 as follows:

3 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

4 ~~Whenever-any~~ When a vehicle or component part is seized  
5 under section 321.84 or ~~whenever-any-vehicle-or-component-part~~  
6 is stolen or embezzled, and is not claimed by the owner before  
7 the date on which the person charged with its stealing or  
8 embezzling is convicted, then the officer having the vehicle  
9 or component part in the officer's custody ~~must~~ shall, on that  
10 date by certified mail, notify the department that the officer  
11 has ~~such-a~~ the vehicle or component part in the officer's  
12 possession, giving a full and complete description of it,  
13 including all vehicle identification numbers and component  
14 part numbers. If there is a dispute regarding a claim for the  
15 vehicle or component part, the agency holding the vehicle or  
16 component part shall conduct an evidentiary hearing to  
17 adjudicate the claim.

18 Sec. 2. Section 321.89, subsection 3, paragraph a, Code  
19 1985, is amended to read as follows:

3639 20 a. A police authority which takes into custody an  
21 abandoned vehicle shall notify, within twenty days, by  
22 certified mail, the last known registered owner of the  
23 vehicle, and all lienholders of record, and any other known  
24 claimant to the vehicle or to personal property found in the  
25 vehicle, addressed to their last known address addresses of  
26 record, that the abandoned vehicle has been taken into  
27 custody. Notice shall be deemed given when mailed. The notice  
28 shall describe the year, make, model, and serial number of the  
29 vehicle, describe the personal property found in the vehicle,  
30 set forth the location of the facility where it the vehicle is  
31 being held, and inform the ~~owner-and-any-lienholders~~ persons  
32 receiving the notice of their right to reclaim the vehicle and  
33 personal property within twenty-one days after the effective  
34 date of the notice upon payment of all towing, preservation,  
35 and storage charges resulting from placing the vehicle in

1 custody and upon payment of the costs of notice required  
2 pursuant to this subsection. The notice shall also state that  
3 the failure of the owner or lienholders to exercise their  
4 right to reclaim the vehicle within the time provided shall be  
5 deemed a waiver by the owner and all lienholders of all right,  
6 title, claim and interest in the vehicle and that such failure  
7 to reclaim the vehicle is deemed consent to the sale of the  
8 vehicle at a public auction or disposal of the vehicle to a  
9 demolisher. The notice shall state that any person claiming  
10 rightful possession of the vehicle or personal property who  
11 disputes the planned disposition of the vehicle or property by  
12 the police authority or of the assessment of fees and charges  
13 provided by this section may ask for an evidentiary hearing  
14 before the police authority to contest those matters. If the  
15 owner-and-lienholders persons receiving the notice do not ask  
16 for a hearing or exercise their right to reclaim such the  
17 vehicle within the twenty-one-day reclaiming period, such the  
18 owner and lienholders shall no longer have any right, title,  
19 claim, or interest in or to such the vehicle. No court in any  
20 case in law or equity shall recognize any right, title, claim,  
21 or interest of any-such the owner and lienholders after the  
22 expiration of the twenty-one-day reclaiming period.

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HOUSE FILE 664

AN ACT

RELATING TO PROCEDURES FOR DETERMINING OWNERSHIP AND DISPOSITION OF CERTAIN SEIZED OR ABANDONED VEHICLES, COMPONENT PARTS AND PERSONAL PROPERTY IN THE CUSTODY OF A PEACE OFFICER OR POLICE AUTHORITY.

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

Section 1. Section 321.85, Code 1985, is amended to read as follows:

321.85 STOLEN VEHICLES OR COMPONENT PARTS.

Whenever-any When a vehicle or component part is seized under section 321.84 or ~~whenever-any-vehicle-or-component-part~~ is stolen or embezzled, and is not claimed by the owner before the date on which the person charged with its stealing or embezzling is convicted, then the officer having the vehicle or component part in the officer's custody must shall, on that date by certified mail, notify the department that the officer has ~~such-a~~ the vehicle or component part in the officer's possession, giving a full and complete description of it, including all vehicle identification numbers and component part numbers. If there is a dispute regarding a claim for the vehicle or component part, the agency holding the vehicle or component part shall conduct an evidentiary hearing to adjudicate the claim.

Sec. 2. Section 321.89, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. A police authority which takes into custody an abandoned vehicle shall notify, within twenty days, by certified mail, the last known registered owner of the vehicle, and all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known ~~address~~ addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where it the vehicle is being held, and inform the ~~owner-and-any lienholders~~ persons receiving the notice of their right to reclaim the vehicle and personal property within twenty-one days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle and that ~~such~~ failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the ~~owner-and lienholders~~ persons receiving the notice do not ask for a hearing or exercise their right to reclaim such the vehicle within the twenty-one-day reclaiming period, such the owner and lienholders shall no longer have any right, title, claim,

or interest in or to ~~such~~ the vehicle. No court in any case in law or equity shall recognize any right, title, claim, or interest of ~~any-such~~ the owner and lienholders after the expiration of the twenty-one-day reclaiming period.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 664, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 30, 1985

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TERRY E. BRANSTAD  
Governor