

JAN 15 2004  
TRANSPORTATION

HOUSE FILE 2033  
BY CONNORS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to ownership of vehicles abandoned in repair  
2 shops.

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

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HF 2033

1 Section 1. Section 321.90, subsection 1, Code 2003, is  
2 amended to read as follows:

3 1. GARAGEKEEPERS AND ABANDONED MOTOR VEHICLES.

4 a. Any motor vehicle left in a garage operated for  
5 commercial purposes after the period for which the vehicle was  
6 to remain on the premises shall, after notice by certified  
7 mail to the last known registered owner of the vehicle  
8 addressed to the owner's last known address of record to  
9 reclaim the vehicle within ten days of the date of the notice,  
10 be deemed an abandoned motor vehicle and reported by the  
11 garagekeeper to the police authority unless reclaimed by the  
12 owner within ~~such~~ the ten-day period or the owner notifies the  
13 garagekeeper in writing within ~~such~~ the period of time that  
14 ~~such~~ the vehicle is not an abandoned motor vehicle ~~and-shall~~  
15 ~~be-reported-by-the-garagekeeper-to-the-police-authority.~~ If  
16 the identity or address of the last registered owner of the  
17 motor vehicle cannot be determined, the vehicle shall be  
18 deemed an abandoned motor vehicle on the eleventh day after  
19 the period for which the vehicle was to remain on the premises  
20 and shall be reported by the garagekeeper to the police  
21 authority unless reclaimed by the owner within the ten-day  
22 period or the owner notifies the garagekeeper in writing  
23 within ~~such~~ the period of time that ~~such~~ the vehicle is not an  
24 abandoned motor vehicle ~~and-shall-be-reported-by-the~~  
25 ~~garagekeeper-to-the-police-authority.~~

26 b. All abandoned motor vehicles left in garages may be  
27 taken into custody by a police authority upon the request of  
28 the garagekeeper and sold in accordance with the procedures  
29 set forth in section 321.89, subsection 4, unless the motor  
30 vehicle is reclaimed. The proceeds of the sale shall be first  
31 applied to the garagekeeper's charges for towing, ~~and~~ storage,  
32 and repairs, and any surplus proceeds shall be distributed in  
33 accordance with section 321.89, subsection 4. Nothing in this  
34 section shall be construed to impair any lien of a  
35 garagekeeper under the laws of this state, or the right of a

1 garagekeeper to foreclose the garagekeeper's lien, provided  
2 that a garagekeeper shall be deemed to have abandoned the  
3 garagekeeper's artisan lien when such vehicle is taken into  
4 custody by the police authority.

5 c. If the garagekeeper is a repair shop that has performed  
6 repairs or services on an abandoned vehicle and considers the  
7 vehicle eligible for resale rather than demolition, the  
8 garagekeeper may seek to obtain ownership of the vehicle  
9 pursuant to this paragraph in lieu of seeking compensation  
10 from the proceeds of a sale as described in paragraph "b".  
11 After satisfying the notice requirements in paragraph "a", the  
12 garagekeeper shall report to the police authority the identity  
13 of the abandoned vehicle in the garagekeeper's custody and the  
14 amount owed for towing and storage and for repairs and  
15 services performed on the vehicle. The police authority or a  
16 private entity designated by the police authority shall  
17 proceed under section 321.89, subsection 3, to notify all  
18 owners, lienholders, or claimants of their right to reclaim  
19 the vehicle as prescribed in section 321.89, subsection 3, and  
20 this paragraph. If a party claims possession of the vehicle,  
21 the garagekeeper shall be entitled to reimbursement for the  
22 amount claimed for towing, storage, repairs, and services as a  
23 condition of releasing custody of the vehicle. If the vehicle  
24 is not reclaimed, upon payment of the police authority's costs  
25 for providing notice, the garagekeeper shall take title free  
26 and clear of all liens and claims of ownership as if the  
27 vehicle had been sold at auction under section 321.89,  
28 subsection 4, and shall be entitled to register the vehicle  
29 and obtain a certificate of title.

30 d. For the purposes of this section, "garagekeeper" means  
31 any operator of a parking place or establishment, motor  
32 vehicle storage facility, or establishment for the servicing,  
33 repair, or maintenance of motor vehicles.

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EXPLANATION

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This bill establishes a mechanism for a motor vehicle

1 repair shop to obtain title to a vehicle abandoned by the  
2 owner. Under the bill, if a garagekeeper is unable to contact  
3 the owner of a vehicle which has been left at the garage for  
4 service or repair, the garagekeeper may notify the police  
5 authority of the abandonment of the vehicle and of the amount  
6 owed for towing, storage, services, and repairs, and seek to  
7 claim title to the vehicle. The police authority or a  
8 designated private entity shall provide notice to any owners,  
9 lienholders, or claimants of their right to reclaim the  
10 vehicle upon payment of costs incurred by the police authority  
11 and the amount owed to the garagekeeper. If a claimant comes  
12 forward, the garagekeeper shall be compensated before  
13 releasing custody of the vehicle. If no claimant comes  
14 forward, the garagekeeper shall be issued the certificate of  
15 title to the vehicle.

16 Currently, a garagekeeper who has performed repairs on a  
17 wrecked vehicle that is abandoned at the repair shop must  
18 release custody of the vehicle for sale at auction or  
19 demolition and accept the resulting proceeds, regardless of  
20 the amount owed or the roadworthiness of the vehicle.

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