

House Study Bill 103 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BEST)

A BILL FOR

1 An Act relating to notice requirements for abandoned vehicles
2 taken into custody by a police authority or private entity.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.89, subsection 3, Code 2021, is
2 amended to read as follows:

3 3. *Notification of owner, lienholders, and other claimants.*

4 a. A police authority or private entity that takes into
5 custody an abandoned vehicle shall ~~notify, within~~ send notice
6 by certified mail that the vehicle has been taken into custody
7 no more than twenty days, by certified mail, after taking
8 custody of the vehicle. Notice shall be sent to the last
9 known address of record of the last known registered owner of
10 the vehicle, all lienholders of record, and any other known
11 claimant to the vehicle or to personal property found in the
12 vehicle, addressed to the parties' last known addresses of
13 record, that the abandoned vehicle has been taken into custody.

14 b. Notice shall be deemed given when mailed. The notice
15 shall ~~describe~~ include all of the following:

16 (1) A description of the year, make, model, and vehicle
17 identification number of the vehicle, describe the personal
18 property found in the vehicle, set forth the.

19 (2) The location of the facility where the vehicle is being
20 held, and inform.

21 (3) Information for the persons receiving the notice of
22 their right to reclaim the vehicle and personal property
23 contained therein within ten days after the effective date
24 of the notice. Persons may reclaim the vehicle or personal
25 property upon payment of all towing, preservation, and storage
26 charges resulting from placing the vehicle in custody and
27 upon payment of the costs of notice required pursuant to this
28 subsection. The notice shall also state

29 (4) A statement that the failure of the owner, lienholders,
30 or claimants to exercise their right to reclaim the vehicle or
31 personal property within the time provided shall be deemed a
32 waiver by the owner, lienholders, and claimants of all right,
33 title, claim, and interest in the vehicle or personal property
34 and.

35 (5) A statement that failure to reclaim the vehicle or

1 personal property is deemed consent for the police authority
2 or private entity to ~~the sale of~~ sell the vehicle at a public
3 auction or ~~disposal~~ dispose of the vehicle to a demolisher
4 and to ~~disposal~~ dispose of the personal property by sale or
5 destruction.

6 c. If the abandoned vehicle was taken into custody by
7 a private entity without a police authority's initiative,
8 the notice shall state that the private entity may claim a
9 garagekeeper's lien as described in section 321.90, subsection
10 1, and may proceed to sell or dispose of the vehicle.

11 d. If the abandoned vehicle was taken into custody by a
12 police authority or by a private entity hired by a police
13 authority, the notice shall state that any person claiming
14 rightful possession of the vehicle or personal property who
15 disputes the planned disposition of the vehicle or personal
16 property by the police authority or private entity or of the
17 assessment of fees and charges provided by this section may
18 ask for an evidentiary hearing before the police authority to
19 contest those matters.

20 e. If the persons receiving notice do not ask for a hearing
21 or exercise their right to reclaim the vehicle or personal
22 property within the ten-day reclaiming period, the owner,
23 lienholders, or claimants shall no longer have any right,
24 title, claim, or interest in or to the vehicle or the personal
25 property.

26 f. A court in any case in law or equity shall not recognize
27 any right, title, claim, or interest of the owner, lienholders,
28 or claimants after the expiration of the ten-day reclaiming
29 period.

30 ~~b.~~ g. If it is impossible to determine with reasonable
31 certainty the ~~identity~~ identities and addresses of the last
32 registered owner and all lienholders, notice by one publication
33 in one newspaper of general circulation in the area where
34 the vehicle was abandoned shall be sufficient to meet all
35 requirements of notice under this section. The published

1 notice may contain multiple listings of abandoned vehicles and
2 ~~personal property~~ but shall be published within the same time
3 requirements and contain the same information as prescribed for
4 mailed notice in ~~paragraph "a"~~ this subsection.

5

EXPLANATION

6

The inclusion of this explanation does not constitute agreement with

7

the explanation's substance by the members of the general assembly.

8 Current law requires a police authority or private entity
9 that takes into custody an abandoned vehicle to notify, within
10 20 days, by certified mail, the last known registered owner of
11 the vehicle, all lienholders of record, and any other known
12 claimant to the vehicle or to personal property found in the
13 vehicle, addressed to the parties' last known addresses of
14 record, that the abandoned vehicle has been taken into custody,
15 along with other specific details concerning the abandoned
16 vehicle.

17 This bill eliminates the requirement to provide notice to
18 the claimants of any personal property found in the vehicle.
19 The bill eliminates the requirement to describe the personal
20 property found in the vehicle in the notice that is otherwise
21 required by law. A person may still reclaim any personal
22 property located inside the vehicle.

23 The bill makes organizational and conforming changes to Code
24 section 321.89(3).