

**Senate File 232 - Introduced**

SENATE FILE 232

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1025)

**A BILL FOR**

1 An Act relating to notice and reclamation requirements for  
2 abandoned vehicles taken into custody by a police authority  
3 or private entity.

4 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 Sec. 2. Section 321.89, Code 2021, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 3A. *Reclamation of abandoned vehicles.*

8 Prior to reclaiming an abandoned vehicle, a person who received  
9 or who is reclaiming the vehicle of behalf of a person who  
10 received notice under subsection 3 shall present to the police  
11 authority or private entity, as applicable, the person's valid  
12 driver's license and proof of financial liability coverage as  
13 provided in section 321.20B.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 Current law requires a police authority or private entity  
18 that takes into custody an abandoned vehicle to notify, within  
19 20 days, by certified mail, the last known registered owner of  
20 the vehicle, all lienholders of record, and any other known  
21 claimant to the vehicle or to personal property found in the  
22 vehicle, addressed to the parties' last known addresses of  
23 record, that the abandoned vehicle has been taken into custody,  
24 along with other specific details concerning the abandoned  
25 vehicle.

26 This bill eliminates the requirement to provide notice to  
27 the claimants of any personal property found in the vehicle.  
28 The bill eliminates the requirement to describe the personal  
29 property found in the vehicle in the notice that is otherwise  
30 required by law. A person may still reclaim any personal  
31 property located inside the vehicle.

32 The bill requires a person who is reclaiming an abandoned  
33 vehicle to present the person's valid driver's license and  
34 proof of financial liability coverage prior to reclaiming the  
35 vehicle.

S.F. 232

1 The bill makes organizational and conforming changes to Code  
2 section 321.89(3).