

**House File 2219 - Introduced**

HOUSE FILE 2219

BY MATSON, YOUNG, JUDGE, and  
LOHSE

**A BILL FOR**

1 An Act relating to abandoned vehicles, and making penalties  
2 applicable.

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

1 Section 1. Section 321.89, subsection 1, paragraph a,  
2 subparagraph (4), Code 2024, is amended to read as follows:

3 (4) A vehicle that has been legally impounded by order of  
4 a police authority and has not been reclaimed for a period  
5 of ~~ten~~ thirty days. However, a police authority may declare  
6 the vehicle abandoned within the ~~ten-day~~ thirty-day period by  
7 commencing the notification process in [subsection 3](#).

8 Sec. 2. Section 321.89, subsection 2, Code 2024, is amended  
9 to read as follows:

10 2. *Authority to take possession of abandoned vehicles.*

11 a. A police authority, upon the authority's own initiative  
12 or upon the request of any other authority having the duties  
13 of control of highways or traffic, shall take into custody an  
14 abandoned vehicle on public property and may take into custody  
15 an abandoned vehicle on private property. The police authority  
16 may employ its own personnel, equipment, and facilities or  
17 hire a private entity, equipment, and facilities for the  
18 purpose of removing, preserving, storing, or disposing of  
19 abandoned vehicles. A property owner or other person in  
20 control of private property may employ a private entity who is  
21 a garagekeeper, as defined in [section 321.90](#), to dispose of an  
22 abandoned vehicle, and the private entity may take into custody  
23 the abandoned vehicle without a police authority's initiative.  
24 If a police authority employs a private entity to dispose of  
25 abandoned vehicles, the police authority shall provide the  
26 private entity with the names and addresses of the registered  
27 owners, all lienholders of record, and any other known claimant  
28 to the vehicle or the personal property found in the vehicle.  
29 The owners, lienholders, or other claimants of the abandoned  
30 vehicle shall ~~not~~ have a cause of action against a private  
31 entity for action taken under [this section](#) if the private  
32 entity ~~provides~~ does not act reasonably or in good faith and  
33 damages the vehicle, or fails to provide notice as required by  
34 subsection 3, paragraphs "a" through "f".

35 b. A police authority or private entity shall not take into

1 custody an abandoned vehicle and shall release the vehicle to  
2 the owner at no cost if the owner is present before the vehicle  
3 is removed from the area where it was parked. This paragraph  
4 does not apply to a vehicle abandoned in a location that may  
5 constitute a risk to the welfare of another, including but  
6 not limited to an area blocking access to a fire hydrant or  
7 interfering with the entrance to an emergency room or hospital.

8 Sec. 3. Section 321.89, subsection 3, paragraphs a, e, and  
9 f, Code 2024, are amended to read as follows:

10 a. A police authority or private entity that takes into  
11 custody an abandoned vehicle shall send notice by certified  
12 mail that the vehicle has been taken into custody no more than  
13 ~~twenty ten~~ days after taking custody of the vehicle. Notice  
14 shall be sent to the last known address of record of the last  
15 known registered owner of the vehicle, all lienholders of  
16 record, and any other known claimant to the vehicle.

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

23 f. A court in any case in law or equity shall not recognize  
24 any right, title, claim, or interest of the owner, lienholders,  
25 or claimants after the expiration of the ~~ten-day~~ thirty-day  
26 reclaiming period.

27 Sec. 4. Section 321.89, subsection 3, paragraph b, Code  
28 2024, is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (03) The reason the vehicle was taken  
30 into custody, a photograph showing the vehicle where the  
31 vehicle was taken into custody, and, if the vehicle was parked  
32 illegally, evidence of that fact.

33 Sec. 5. Section 321.89, subsection 3, paragraph b,  
34 subparagraph (3), Code 2024, is amended to read as follows:

35 (3) Information for the persons receiving the notice of

1 their right to reclaim the vehicle and personal property  
2 contained therein within ~~ten~~ thirty days after the effective  
3 date of the notice. Persons may reclaim the vehicle ~~or~~  
4 ~~personal property~~ upon payment of all towing, preservation, and  
5 storage charges resulting from placing the vehicle in custody  
6 and upon payment of the costs of notice required pursuant to  
7 this subsection. During the normal business hours of the  
8 entity with custody of the vehicle, persons may retrieve any  
9 personal property left in the vehicle at no cost and without  
10 reclaiming the vehicle.

11 Sec. 6. Section 321.89, subsection 4, Code 2024, is amended  
12 to read as follows:

13 4. Reclamation Fees — reclamation of abandoned vehicles.

14 a. A private entity shall do all of the following:

15 (1) Provide a person reclaiming an abandoned vehicle with an  
16 itemized account of all fees.

17 (2) Post the rates for all fees on the entity's internet  
18 site, if applicable, and in clear view at the location where  
19 vehicles are reclaimed.

20 (3) Accept payment by credit card, in addition to any other  
21 payment method accepted by the entity.

22 (4) Provide information about the entity, including a copy  
23 of any business license, upon request.

24 b. A private entity shall not charge a storage fee during  
25 the first twenty-four hours after the entity takes custody of  
26 an abandoned vehicle.

27 c. Prior to driving an abandoned vehicle away from the  
28 premises, a person who received or who is reclaiming the  
29 vehicle on behalf of a person who received notice under  
30 subsection 3 shall present to the police authority or private  
31 entity, as applicable, the person's valid driver's license and  
32 proof of financial liability coverage as provided in section  
33 321.20B.

34 d. A person reclaiming an abandoned vehicle is entitled to  
35 record by video or photograph any action a private entity takes

1 related to taking custody of an abandoned vehicle or returning  
2 a reclaimed vehicle.

3 e. The department shall adopt rules pursuant to chapter 17A  
4 providing the maximum amounts a private entity can charge for  
5 abandoned vehicle towing and storage fees.

6 Sec. 7. Section 321.90, subsection 1, Code 2024, is amended  
7 to read as follows:

8 1. *Garagekeepers and abandoned motor vehicles.* Any motor  
9 vehicle left in a garage operated for commercial purposes  
10 after the period for which the vehicle was to remain on the  
11 premises shall, after notice by certified mail to the last  
12 known registered owner of the vehicle addressed to the owner's  
13 last known address of record to reclaim the vehicle within ~~ten~~  
14 thirty days of the date of the notice, be deemed an abandoned  
15 motor vehicle unless reclaimed by the owner within such ~~ten-day~~  
16 thirty-day period or the owner notifies the garagekeeper  
17 in writing within such period of time that such vehicle is  
18 not an abandoned motor vehicle and shall be reported by the  
19 garagekeeper to the police authority. If the identity or  
20 address of the last registered owner of the motor vehicle  
21 cannot be determined, the vehicle shall be deemed an abandoned  
22 motor vehicle on the ~~eleventh~~ thirty-first day after the period  
23 for which the vehicle was to remain on the premises unless  
24 reclaimed by the owner within the ~~ten-day~~ thirty-day period  
25 or the owner notifies the garagekeeper in writing within such  
26 period of time that such vehicle is not an abandoned motor  
27 vehicle and shall be reported by the garagekeeper to the police  
28 authority. All abandoned motor vehicles left in garages may  
29 be taken into custody by a police authority upon the request  
30 of the garagekeeper and sold in accordance with the procedures  
31 set forth in [section 321.89, subsection 5](#), unless the motor  
32 vehicle is reclaimed. The proceeds of the sale shall be first  
33 applied to the garagekeeper's charges for towing and storage,  
34 and any surplus proceeds shall be distributed in accordance  
35 with [section 321.89, subsection 5](#). Nothing in [this section](#)

1 shall be construed to impair any lien of a garagekeeper under  
2 the laws of this state, or the right of a garagekeeper to  
3 foreclose the garagekeeper's lien, provided that a garagekeeper  
4 shall be deemed to have abandoned the garagekeeper's artisan  
5 lien when such vehicle is taken into custody by the police  
6 authority. For the purposes of **this section** "garagekeeper"  
7 means any operator of a parking place or establishment, motor  
8 vehicle storage facility, or establishment for the servicing,  
9 repair, or maintenance of motor vehicles.

10 Sec. 8. Section 321.91, subsection 1, Code 2024, is amended  
11 to read as follows:

12 1. ~~No~~ Except as otherwise provided in section 321.89, a  
13 person, firm, corporation, unit of government, garagekeeper, or  
14 police authority upon whose property an abandoned vehicle is  
15 found or who disposes of such abandoned vehicle in accordance  
16 with sections 321.89 and 321.90 shall not be liable for damages  
17 by reason of the removal, sale, or disposal of such vehicle,  
18 provided the actions were reasonable and taken in good faith.

19

EXPLANATION

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

22 This bill relates to abandoned vehicles.

23 Under current law, a person whose vehicle was abandoned has  
24 10 days to reclaim the vehicle after receiving notice from the  
25 police authority or private entity that took custody of the  
26 vehicle. The bill increases this to 30 days.

27 The bill provides a cause of action for owners, lienholders,  
28 and other claimants of an abandoned vehicle against a private  
29 entity for action taken related to taking custody of and  
30 holding the vehicle if the private entity does not act  
31 reasonably or in good faith and damages the vehicle, or fails  
32 to provide required notice. Current law also provides a  
33 general limitation on liability regarding abandoned vehicles  
34 (Code section 321.91). The bill specifies that the provision  
35 applies provided the associated actions were reasonable and

1 taken in good faith.

2 The bill prohibits a police authority or private entity from  
3 taking into custody a vehicle if the owner is present before  
4 the vehicle is removed from the area where it was parked and  
5 requires the authority or entity to release the vehicle to the  
6 owner at no cost. However, this does not apply to a vehicle  
7 abandoned in a location that may constitute a risk to the  
8 welfare of another, including an area blocking a fire hydrant  
9 or entrance to an emergency room or hospital.

10 Current law requires a police authority or private entity  
11 that takes into custody an abandoned vehicle to send notice  
12 to the last known owner and other persons with an interest in  
13 the vehicle by certified mail that the vehicle has been taken  
14 into custody no more than 20 days after taking custody of the  
15 vehicle. The bill instead requires notice to be sent within 10  
16 days after taking custody of the vehicle.

17 In addition to the notice requirements under Code section  
18 321.89(3), the bill requires such notice to include the reason  
19 the vehicle was taken into custody, a photograph showing the  
20 vehicle where the vehicle was taken into custody, and, if the  
21 vehicle was parked illegally, evidence of that fact.

22 Current law requires a person to pay all towing,  
23 preservation, storage charges, and costs of required notice  
24 prior to reclaiming the vehicle or personal property within the  
25 vehicle. The bill provides that a person may reclaim personal  
26 property from a vehicle during normal business hours at no cost  
27 and without reclaiming the vehicle.

28 The bill requires a private entity to provide an itemized  
29 account of all fees charged, publicly post the rates for all  
30 fees, accept payment of fees by credit card, and provide  
31 information about the entity upon request. The bill prohibits  
32 a private entity from charging a storage fee during the  
33 first 24 hours after the entity takes custody of a vehicle.  
34 The bill requires the department of transportation to adopt  
35 administrative rules providing the maximum amounts a private

1 entity can charge for abandoned vehicle towing and storage  
2 fees.

3 The bill authorizes a person reclaiming an abandoned vehicle  
4 to record by video or photograph any action a private entity  
5 takes related to taking custody of an abandoned vehicle or  
6 returning a reclaimed vehicle.

7 By operation of law, it is a simple misdemeanor for a person  
8 to do an act forbidden or to fail to perform an act required  
9 by Code chapter 321, including the provisions of the bill. A  
10 simple misdemeanor is punishable by confinement for no more  
11 than 30 days and a fine of at least \$105 but not more than \$855.