SENATE FILE 232
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1025)

(As Amended and Passed by the Senate February 3, 2021)

_____ = New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

(3) Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within ten days after the effective date of the notice. Persons may reclaim the vehicle or personal property 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~~

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

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

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

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

d. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, 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 personal property by the police authority or private entity 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.

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

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

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

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

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

NEW SUBSECTION. 3A. *Reclamation of abandoned vehicles.* Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle of behalf of a person who received notice under subsection 3 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in section 321.20B.