

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE NO. [BILL NUMBER]

Abandoned vehicles-2.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to abandoned vehicles; providing for a junk  
2 vehicle certificate of title to dispose of abandoned vehicles as  
3 specified; creating definitions; increasing the low value  
4 vehicle threshold related to abandoned vehicles; amending  
5 provisions for the disposition of an abandoned vehicle as  
6 specified; correcting a statutory reference to vehicle  
7 registration; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 31-13-117 is created to read:

12

1           **31-13-117. Towing and recovery carrier junk vehicle**  
2 **certificate of title.**

3  
4           (a) The county clerk of any one (1) of the counties of  
5 Wyoming may issue a certificate of title for a junk vehicle, as  
6 defined in W.S. 31-13-101(a)(xi) containing the following  
7 notation prominently displayed in capital letters on the face of  
8 the certificate: "JUNK, NOT ROADWORTHY" if the applicant for the  
9 certificate of title is a person owning or acting on behalf of  
10 an establishment for towing and recovery services and the  
11 applicant submits an affidavit describing the vehicle for which  
12 the applicant is applying for the certificate of title. The  
13 affidavit shall be signed and sworn before a notarial officer  
14 and shall contain:

15  
16           (i) A copy of the itemized tow bill or order  
17 containing a complete description of the vehicle, including  
18 year, make and vehicle identification number, the location from  
19 which the vehicle was towed, the location to which the vehicle  
20 was towed and the date on which the vehicle was towed;

21  
22           (ii) A current statement by a Wyoming law enforcement  
23 officer made after the date the vehicle was towed that certifies

1 the vehicle identification number on the vehicle has been  
2 inspected, the inspection occurred in Wyoming and the correct  
3 vehicle identification number is displayed on the vehicle;

4

5 (iii) A title search report completed by the  
6 department that discloses the name of the owner and any  
7 lienholders of record, if discovered through reasonable efforts,  
8 and a statement disclosing any security interest, lien or  
9 encumbrance outstanding against the vehicle which is known to  
10 the applicant;

11

12 (iv) A copy of the certified letter sent by the  
13 establishment for towing and recovery services to the latest  
14 known address of the vehicle owner and any lienholder of record,  
15 if discovered through reasonable efforts, which shall be  
16 postmarked thirty (30) days prior to the date of the application  
17 for a junk vehicle certificate of title and which shall notify  
18 the owner or lienholder that the vehicle has been towed and is  
19 being stored at the establishment for towing and recovery  
20 services and may be disposed of pursuant to this act;

21

22 (v) A photograph of the vehicle; and

23

1           (v) A statement of the fair market value of the  
2 vehicle completed by an independent and disinterested licensed  
3 Wyoming vehicle dealer.

4  
5           (b) The owner, lienholder or the owner's or lienholder's  
6 insurance provider of the vehicle may reclaim the junk vehicle  
7 from the establishment for towing and recovery services by  
8 paying the charges of towing, storage and notice incurred by the  
9 establishment for towing and recovery services within thirty  
10 (30) days of the postmarked date on the notice provided by a  
11 certified letter sent to the latest known address of any  
12 lienholder or owner, if discovered through reasonable efforts.

13  
14           (c) Any certificate of title issued under subsection (a) of  
15 this section shall be used by the recipient only to transfer  
16 ownership of a vehicle to a storage and disposal facility  
17 licensed under W.S. 31-13-114. After vehicle ownership is  
18 transferred to a storage and disposal facility, the former  
19 owner, any lienholder or person entitled to possession of the  
20 vehicle has no further right, title, claim or interest in or to  
21 the vehicle or its contents, and all liens, encumbrances and  
22 security interests are extinguished.

1 \*\*\*\*\*

2 \*\*\*\*\*

3 STAFF COMMENT

4 This section allows a towing and recovery company to apply for a  
5 junk vehicle title to transfer ownership of a "junk" vehicle to  
6 a storage and disposal facility.

7 \*\*\*\*\*

8 \*\*\*\*\*

9

10 Section 2. W.S. 31-2-102 by creating a new subsection (b),  
11 31-13-101(a) by creating new paragraphs (x), (xi), (xii) and  
12 (xiv) and by renumbering (x) as (xv), 31-13-104(a), (c) and (d),  
13 31-13-108(a) and (b), 31-13-109(a), (b)(iii) and (iv), (c),  
14 (d)(ii), (e) and (g), 31-13-110 and 31-13-112(d).

15

16 31-2-102. Exemptions.

17

18 (b) A towing and recovery carrier junk vehicle certificate  
19 of title issued pursuant to W.S. 31-13-117 is exempt from all  
20 provisions of this article.

21

22 31-13-101. Definitions.

23

1 (a) As used in this act:

2

3 (x) "Abandoned vehicle" means:

4

5 (A) Any vehicle left unattended on a highway for  
6 more than twenty-four (24) hours after a notice of intent to  
7 impound has been placed on the vehicle by a police officer  
8 pursuant to this act;

9

10 (B) Any vehicle left unattended on public or  
11 private property without the oral or written consent of the  
12 owner or person in lawful possession or control of the property  
13 for more than five (5) days after a notice of intent to impound  
14 has been placed on the vehicle by a police officer pursuant to  
15 this act;

16

17 (C) Any vehicle left unattended or unclaimed on  
18 private property for more than thirty (30) days without the oral  
19 or written consent of the owner or the person in lawful  
20 possession or control of the property or for more than thirty  
21 (30) days after the expiration of the oral or written consent;

22

1           (D) Any vehicle removed or stored at the request  
2 of a police officer and left unattended or unclaimed for more  
3 than ten (10) days after the owner of the vehicle or his agent  
4 removes personal property from the vehicle, provided the person  
5 who has custody of the vehicle informs the owner or agent in  
6 writing, before the personal property is released, that the  
7 vehicle may be deemed abandoned and disposed of pursuant to this  
8 act if the owner or agent does not enter into a written  
9 agreement to pay the full charges for towing and storage.

10  
11           (xi) "Junk vehicle" means a wrecked, damaged, disabled  
12 or apparently inoperable vehicle defined as abandoned under  
13 paragraph (x) of this subsection which has a fair market value  
14 of less than one thousand five hundred dollars (\$1,500.00);

15  
16           (xii) "Personal property" means all property within  
17 the vehicle which is not mounted, attached or affixed to the  
18 vehicle. The cargo carried on commercial vehicles is not  
19 considered personal property;

20  
21           (xiii) "Proper identification" means identification  
22 which would be sufficient to establish authorization to release  
23 the vehicle;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

(xiv) "Towing and recovery service" means any person engaged in business and operating a wrecker, tow truck or other vehicle equipped with a mechanical apparatus designed to hoist, pull or move a vehicle that is wrecked, damaged, disabled, abandoned or otherwise creating a safety hazard and which meets all requirements of the local authorities in their respective jurisdiction and the requirements of the department;

~~(x)~~ (xv) "This act" means W.S. 31-13-101 through ~~31-13-116~~ 31-13-117.

\*\*\*\*\*

\*\*\*\*\*

STAFF COMMENT

This subsection recreates definitions from within Chapter 13 with modifications. "Unclaimed" is added to clarify the circumstances under which a vehicle may be defined as abandoned. The subsection also creates a new definition of "junk vehicle" and "towing and recovery services".

\*\*\*\*\*

\*\*\*\*\*



1           **31-13-104. Abandonment on highway or property; removal;**  
2 **transportable homes; title to vehicle; notice of intent to**  
3 **impound.**

4

5           (a) No person shall abandon a vehicle upon any highway  
6 unless due to an accident or other circumstance in which the  
7 owner or operator of the vehicle is not reasonably able to  
8 actively assist in the removal of the vehicle.

9

10           (c) Any police officer who has reasonable grounds to  
11 believe that a vehicle has been abandoned may remove the  
12 vehicle, or cause it to be removed, at the expense of the owner  
13 to a place of impoundment designated by the county commissioners  
14 of the county in which the vehicle is impounded. Removal of an  
15 abandoned vehicle from private property by a police officer  
16 shall be upon the written request, upon a form prescribed by the  
17 department, of the owner or person in lawful possession or  
18 control of the property. The police department having  
19 jurisdiction shall immediately send a written report of the  
20 removal by a police officer to the sheriff of the county in  
21 which the vehicle is impounded, which report shall include a  
22 description of the vehicle, the date, time and place of removal,  
23 the grounds for removal, and place of impoundment of the

1 vehicle. The sheriff of the county in which the vehicle is  
2 impounded shall submit the report provided by the police  
3 department to the department with a determination of the retail  
4 value of the vehicle as required in this subsection. Upon  
5 receipt of a report as provided, the department shall provide  
6 written notification to the vehicle owner of record and to  
7 lienholders of record, stating the grounds for removal by a  
8 police officer and the name of the place of impoundment of the  
9 vehicle. Notice shall not be required if the retail value of an  
10 abandoned vehicle removed by a police officer is ~~six hundred~~  
11 ~~dollars (\$600.00) or less~~ than one thousand five hundred dollars  
12 (\$1,500.00) as determined by the sheriff of the county in which  
13 the vehicle is impounded. As to vehicles not registered in this  
14 state, the department shall make a reasonable effort to notify  
15 the owner or any lienholder of removal by a police officer and  
16 the place of impoundment of the vehicle. The department shall  
17 forward a copy of the notice to the owner or person in charge of  
18 the place of impoundment of a vehicle removed by a police  
19 officer.

20

21 (d) ~~For purposes of this section a vehicle is presumed to~~  
22 ~~be abandoned if it is left unattended on a highway for more than~~  
23 ~~twenty-four (24) hours after a notice of intent to impound has~~

1 ~~been placed on it pursuant to subsection (f) of this section, or~~  
2 ~~on any public or private property without express consent of the~~  
3 ~~owner or person in lawful possession or control of the property~~  
4 ~~for more than five (5) days after a notice of intent to impound~~  
5 ~~has been placed on it pursuant to subsection (f) of this~~  
6 ~~section. Notwithstanding any other provisions of law to the~~  
7 ~~contrary, any vehicle left unattended on private property for~~  
8 ~~thirty (30) days after the expiration of the consent, oral or~~  
9 ~~written, of the owner or the person in lawful possession or~~  
10 ~~control of the property is presumed abandoned five (5) days~~  
11 ~~after a notice of intent to impound has been placed on it~~  
12 ~~pursuant to subsection (f) of this section.~~ A transportable  
13 home impounded pursuant to this section shall be disposed of in  
14 accordance with W.S. 31-13-109.

15

16 **31-13-108. Disposition of abandoned vehicles impounded by**  
17 **a police officer; payment of expenses; extinguishment of liens.**

18

19 (a) As to vehicles impounded by a police officer having a  
20 retail value of ~~six hundred dollars (\$600.00)~~ one thousand five  
21 hundred dollars (\$1,500.00) or more after thirty (30) days have  
22 elapsed from the date notice was given as provided in W.S.  
23 31-13-106, the sheriff shall sell the vehicle and its contents,

1 if any, at public auction to the highest bidder or cause an  
2 action to be filed pursuant to W.S. 31-13-112(e). Notice of the  
3 sale shall be published once in a newspaper of general  
4 circulation in the county where the vehicle is impounded not  
5 less than ten (10) days preceding the date of the sale, giving a  
6 full description of the vehicle together with engine or serial  
7 numbers or marks, if any, and the amount of money claimed to be  
8 due thereon and the time and place of sale. All expenses  
9 incident to the removal, preservation, custody, sale and storage  
10 of the vehicle shall be paid and any proceeds shall be  
11 distributed pursuant to W.S. 31-13-111. After any vehicle has  
12 been sold under this section, the former owner, any lienholder  
13 or person entitled to possession of the vehicle has no further  
14 right, title, claim or interest in or to the vehicle or its  
15 contents, and all liens, encumbrances and security interests are  
16 extinguished.

17  
18 (b) As to vehicles having a retail value of less than ~~six~~  
19 ~~hundred dollars (\$600.00)~~ one thousand five hundred dollars  
20 (\$1,500.00) and impounded by a police officer, they shall be  
21 disposed of by contract to persons licensed under this act or by  
22 auction.

23

1           31-13-109. Disposition of vehicles left unattended or  
2 unclaimed on private property and sold by the property owner or  
3 through a court action.

4  
5           (a) ~~Any A~~ vehicle ~~left unattended on private property~~  
6 ~~without the express consent of the owner or person in lawful~~  
7 ~~control of the property for at least thirty (30) consecutive~~  
8 ~~days~~ defined as abandoned under W.S. 31-13-101(a)(x)(C) may be  
9 sold by the owner or person in lawful control of the property on  
10 which the vehicle is left unattended or unclaimed at public  
11 auction to the highest bidder or may be sold following an action  
12 filed pursuant to W.S. 31-13-112(e). The thirty (30) day period  
13 begins on the first day the owner or person in lawful control of  
14 the property has knowledge the vehicle is left unattended or  
15 unclaimed without consent or after consent has expired. For  
16 purposes of a vehicle left unattended without express consent or  
17 after consent has expired at an establishment for the service,  
18 repair, towing and recovery or maintenance of the vehicle, the  
19 thirty (30) day period begins on the day following the period  
20 when pursuant to an agreement the vehicle was to remain at the  
21 establishment.

22

1 (b) After the time period provided in subsection (a) of  
2 this section has expired the owner or person in lawful control  
3 of the property shall give a written report to the department on  
4 a form prescribed by the department containing the following  
5 information:

6  
7 (iii) The name and address of the owner of the  
8 property where the vehicle was left unattended or unclaimed;

9  
10 (iv) The date the vehicle was left unattended or  
11 unclaimed without the express consent or after the expiration of  
12 consent of the owner or person in lawful control of the  
13 property;

14  
15 (d) The owner or person in lawful control of the property  
16 shall give a written notice of sale after the thirty (30) day  
17 time period provided in subsection (a) of this section expires  
18 but not less than ten (10) days preceding the date of sale to  
19 the sheriff of the county in which the vehicle is sold and by  
20 certified mail to the owner and any lienholder of record, if  
21 they are identified through reasonable efforts. The owner or  
22 person in lawful control of the property shall publish notice of  
23 the sale once per week for two (2) consecutive weeks in a

1 newspaper of general circulation in the county where the vehicle  
2 is abandoned. The notice shall contain the following:

3  
4 (ii) The amount of money claimed for expenses  
5 incident to the removal, preservation, custody, storage and sale  
6 and if the vehicle is left unattended or unclaimed at an  
7 establishment for service, repair, towing and recovery or  
8 maintenance, the cost of the services; and

9  
10 (e) All proceeds from the sale pursuant to this section  
11 may be retained by the person selling the vehicle. The owner or  
12 lienholder is entitled to recover from the person selling the  
13 vehicle any proceeds of the sale in excess of the costs of the  
14 sale and monies owed for expenses related to removal,  
15 preservation, custody, storage and sale and if left unattended  
16 or unclaimed at an establishment for service, repair, towing and  
17 recovery or maintenance, the cost of the services provided an  
18 action is filed in the proper court for recovery within one  
19 hundred twenty (120) days of the sale.

20  
21 (g) At any time prior to a sale under this section, the  
22 owner or lienholder of record may reclaim the vehicle upon  
23 payment of expenses incident to removal, preservation, custody,

1 storage and sale, and if a vehicle was left unattended or  
2 unclaimed at an establishment for service, repair, towing and  
3 recovery or maintenance, the cost of the services. Storage  
4 expenses shall be computed at the rate of ten dollars (\$10.00)  
5 per day.

6 \*\*\*\*\*

7 \*\*\*\*\*

8 **STAFF COMMENT**

9 **The amendments to this section allow vehicles of any value**  
10 **abandoned on private property for 30 days to be sold by the**  
11 **property owner at public auction. It includes instances in**  
12 **which consent to store a vehicle has expired. It also specifies**  
13 **applicability to a vehicle left unattended or unclaimed at a**  
14 **towing and recovery establishment.**

15 \*\*\*\*\*

16 \*\*\*\*\*

17  
18 **31-13-110. Certificate of sale; certificate of title.**

19  
20 When any vehicle is sold, the sheriff, at the time of  
21 payment of the purchase price, shall execute a certificate of  
22 sale in duplicate. The original certificate of sale shall be  
23 delivered to the purchaser and the copy shall be retained by the



1 sheriff. The certificate of sale shall contain the name and  
2 address of the purchaser, the date of sale, the consideration  
3 paid, a description of the vehicle and a stipulation that no  
4 warranty is made as to the condition or title of the vehicle.  
5 The purchaser upon presentation of the certificate of sale to  
6 the county clerk of any one (1) of the counties of Wyoming, and  
7 payment of the fees required by law shall be issued a  
8 certificate of title ~~and a registration card~~ for the vehicle.

9  
10 **31-13-112. Release of liability for removal and storage**  
11 **of, and for lost or damaged items in, abandoned vehicles;**  
12 **disposition of personal property within a vehicle; optional**  
13 **court action.**

14  
15 (d) ~~If the owner of a vehicle or his agent removes the~~  
16 ~~personal property from a vehicle which is stored at the request~~  
17 ~~of a police officer, the vehicle shall be deemed abandoned~~  
18 ~~unless within ten (10) days from the date of removal the owner~~  
19 ~~or agent enters into a written agreement to pay the full charges~~  
20 ~~for towing and storage. The owner or agent shall be informed in~~  
21 ~~writing of this provision by the person who has custody of the~~  
22 ~~vehicle before the personal property is released.~~ A vehicle  
23 ~~deemed abandoned under this section~~ defined as abandoned under

1 W.S. 31-13-101(a)(x)(D), including vehicles left unattended or  
2 unclaimed at an establishment for towing and recovery services,  
3 may be disposed of as are other abandoned vehicles.

4

5 **Section 3.** W.S. 31-13-112 (g) is repealed.

6

7 \*\*\*\*\*

8

\*\*\*\*\*

9

**STAFF COMMENT**

10 **W.S. 31-13-112 (g) is recreated within the definitions section.**

11 \*\*\*\*\*

12

\*\*\*\*\*

13

14 **Section 4.** This act is effective July 1, 2016.

15

16

(END)