

ENROLLED ACT NO. 51, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

AN ACT relating to abandoned vehicles; providing for a junk vehicle certificate of title to dispose of abandoned vehicles as specified; creating definitions; amending provisions for the disposition of an abandoned vehicle as specified; increasing the low value vehicle threshold related to abandoned vehicles; increasing allowable towing and storage expenses; amending a statutory reference to vehicle registration; and providing for an effective date.

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

Section 1. W.S. 31-2-111 is created to read:

31-2-111. Towing and recovery carrier junk vehicle certificate of title.

(a) The county clerk of any one (1) of the counties of Wyoming may issue a junk vehicle certificate of title for a junk vehicle, as defined in W.S. 31-13-101(a)(xi) containing the following notation conspicuously displayed on the face of the certificate: "junk" if the applicant for the junk vehicle certificate of title is a person owning or acting on behalf of an establishment for towing and recovery services and the applicant submits an affidavit on a form prescribed by the department. The affidavit shall be signed and sworn before a notarial officer and shall contain:

(i) A copy of the itemized tow bill or order containing a complete description of the vehicle, including license plate number and state indication, make, year, model, vehicle identification number, and the date, time and place of towing and the current location of the vehicle;

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(ii) A current statement by a Wyoming law enforcement officer made after the date the vehicle was towed that certifies the vehicle identification number on the vehicle has been inspected, the inspection occurred in Wyoming and the correct vehicle identification number is displayed on the vehicle;

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

(iv) A copy of the written notice issued pursuant to W.S. 31-13-104(g)(iii), including a copy of the receipt evidencing the notice was sent by certified mail or a copy of the written notice issued pursuant to W.S. 31-13-101(a)(x)(D);

(v) A photograph of the vehicle; and

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

(b) The owner, lienholder or the owner's or lienholder's insurance provider of the vehicle may reclaim the junk vehicle from the establishment for towing and recovery services by paying the charges of towing, storage and notice within thirty (30) days of the postmarked date on the notice issued pursuant to W.S. 31-13-104(g)(iii) or within ten (10) days of receipt of the notice issued pursuant to W.S. 31-13-101(a)(x)(D).

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(c) Any junk vehicle certificate of title issued under subsection (a) of this section shall be:

(i) Branded "junk" by the county clerk; and

(ii) Used by the recipient only to transfer ownership of a vehicle to a storage and disposal facility licensed under W.S. 31-13-114.

(d) After a junk vehicle certificate of title is issued to a person owning or acting on behalf of an establishment for towing and recovery services under subsection (a) of this section, the former owner and any lienholder or person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle or its contents, and all liens, encumbrances and security interests are extinguished.

Section 2. W.S. 31-2-106(a)(intro) and by creating a new paragraph (vi), 31-13-101(a) by creating new paragraphs (x) through (xiv) and by renumbering (x) as (xv), 31-13-104(c), (d) and by creating a new subsection (g), 31-13-108(a) and (b), 31-13-109(a), (b)(iii), (iv), (d)(ii), (e) and (g), 31-13-110, 31-13-111(g)(ii)(A) through (D) and 31-13-112(d) are amended to read:

31-2-106. Definitions.

(a) As used in W.S. 31-2-106 through ~~31-2-110~~
31-2-111:

(vi) "Junk vehicle certificate of title" means the certificate of title issued in this state pursuant to W.S. 31-2-111 conspicuously branded "junk" across the front of the certificate of title.

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31-13-101. Definitions.

(a) As used in this act:

(x) "Abandoned vehicle" means:

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

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

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

(D) Any vehicle removed or stored at the request of a police officer and left unattended or unclaimed for more than ten (10) days after the owner of the vehicle or his agent removes personal property from the vehicle, provided the person who has custody of the vehicle informs the owner or agent in writing, before the personal property is released, that the vehicle may be deemed abandoned and disposed of pursuant to this act if the owner

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or agent does not enter into a written agreement to pay the charges for towing and storage.

(xi) "Junk vehicle" means a wrecked, damaged, disabled or apparently inoperable vehicle defined as abandoned under subparagraph (x)(C) or (D) of this subsection which has a fair market value of less than two thousand dollars (\$2,000.00);

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

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

(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 the respective jurisdiction and the requirements of the department;

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

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

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(c) Any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner to a place of impoundment designated by the county commissioners of the county in which the vehicle is impounded. Removal of an abandoned vehicle from private property by a police officer shall be upon the written request, upon a form prescribed by the department, of the owner or person in lawful possession or control of the property. The police department having jurisdiction shall immediately send a written report of the removal by a police officer to the sheriff of the county in which the vehicle is impounded, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal, and place of impoundment of the vehicle. The sheriff of the county in which the vehicle is impounded shall submit the report provided by the police department to the department with a determination of the retail value of the vehicle as required in this subsection. Upon receipt of a report as provided, the department shall provide written notification to the vehicle owner of record and to lienholders of record, stating the grounds for removal by a police officer and the name of the place of impoundment of the vehicle. Notice shall not be required if the retail value of an abandoned vehicle removed by a police officer is ~~six hundred dollars (\$600.00) or less~~ than two thousand dollars (\$2,000.00) as determined by the sheriff of the county in which the vehicle is impounded. As to vehicles not registered in this state, the department shall make a reasonable effort to notify the owner or any lienholder of removal by a police officer and the place of impoundment of the vehicle. The department shall forward a copy of the notice to the owner or person in charge of the place of impoundment of a vehicle removed by a police officer. As

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used in this subsection, "abandoned vehicle" means as defined in W.S. 31-13-101(a)(x)(A) and (B).

~~(d) For purposes of this section a vehicle is presumed to be abandoned if it is left unattended on a highway for more than twenty-four (24) hours after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section, or on any public or private property without express consent of the owner or person in lawful possession or control of the property for more than five (5) days after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section. Notwithstanding any other provisions of law to the contrary, any vehicle left unattended on private property for thirty (30) days after the expiration of the consent, oral or written, of the owner or the person in lawful possession or control of the property is presumed abandoned five (5) days after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section. A transportable home impounded pursuant to this section shall be disposed of in accordance with W.S. 31-13-109.~~

(g) Any towing and recovery service that tows a vehicle which is not otherwise under the control of a city, town or county and is defined as abandoned under W.S. 31-13-101(a)(x) shall:

(i) Notify the sheriff of the county in which the vehicle is located within thirty (30) minutes upon completion of tow and report a complete description of the vehicle, including license plate number and state indication, make, year, model, vehicle identification number, and the date, time and place of towing and the current location of the vehicle; and

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(ii) Request a title search report upon a form prescribed by the department within three (3) business days after towing the vehicle. Upon receipt of the request, the department shall make reasonable efforts to identify the owner and any lienholders of record. The department shall forward the information obtained to the towing and recovery service within five (5) business days of receipt of the request for any vehicle registered in Wyoming or within seven (7) business days of receipt of the request for any vehicle registered in another jurisdiction; and

(iii) Send, by certified mail, notice to the latest known address of the vehicle owner and all lienholders of record, if identified by the department under paragraph (ii) of this subsection or by other means, which shall notify the owner and all lienholders that the vehicle has been towed and may be disposed of pursuant to this act. The notice shall be sent within three (3) business days of identifying of the latest known address of the vehicle owner and all lienholders of record.

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

(a) As to vehicles impounded by a police officer having a retail value of ~~six hundred dollars (\$600.00)~~ two thousand dollars (\$2,000.00) or more after thirty (30) days have elapsed from the date notice was given as provided in W.S. 31-13-106, the sheriff shall sell the vehicle and its contents, if any, at public auction to the highest bidder or cause an action to be filed pursuant to W.S. 31-13-112(e). Notice of the sale shall be published once in a newspaper of general circulation in the county where the vehicle is impounded not less than ten (10) days preceding

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the date of the sale, giving a full description of the vehicle together with engine or serial numbers or marks, if any, and the amount of money claimed to be due thereon and the time and place of sale. All expenses incident to the removal, preservation, custody, sale and storage of the vehicle shall be paid and any proceeds shall be distributed pursuant to W.S. 31-13-111. After any vehicle has been sold under this section, the former owner, any lienholder or person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle or its contents, and all liens, encumbrances and security interests are extinguished.

(b) As to vehicles having a retail value of less than ~~six hundred dollars (\$600.00)~~ two thousand dollars (\$2,000.00) and impounded by a police officer, they shall be disposed of by contract to persons licensed under ~~this act~~ W.S. 31-13-114 or by public auction.

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

(a) ~~Any A vehicle left unattended on private property without the express consent of the owner or person in lawful control of the property for at least thirty (30) consecutive days defined as abandoned under W.S. 31-13-101(a)(x)(C)~~ Any A vehicle left unattended or unclaimed on private property without the express consent of the owner or person in lawful control of the property for at least thirty (30) consecutive days defined as abandoned under W.S. 31-13-101(a)(x)(C) may be sold by the owner or person in lawful control of the property on which the vehicle is left unattended or unclaimed at public auction to the highest bidder or may be sold following an action filed pursuant to W.S. 31-13-112(e). The thirty (30) day period begins on the first day the owner or person in lawful control of the property has knowledge the vehicle is left unattended or unclaimed without consent or after consent has expired.

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For purposes of a vehicle left unattended without express consent or after consent has expired at an establishment for the service, repair, towing and recovery or maintenance of the vehicle, the thirty (30) day period begins on the day following the period when pursuant to an agreement the vehicle was to remain at the establishment.

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

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

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

(d) The owner or person in lawful control of the property shall give a written notice of sale after the thirty (30) day time period provided in subsection (a) of this section expires but not less than ten (10) days preceding the date of sale to the sheriff of the county in which the vehicle is sold and by certified mail to the owner and any lienholder of record, if they are identified through reasonable efforts. The owner or person in lawful control of the property shall publish notice of the sale once per week for two (2) consecutive weeks in a newspaper of general circulation in the county where the vehicle is abandoned. The notice shall contain the following:

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

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

(g) At any time prior to a sale under this section, the owner or lienholder of record may reclaim the vehicle upon payment of expenses incident to removal, preservation, custody, storage and sale, and if a vehicle was left unattended or unclaimed at an establishment for service, repair, towing and recovery or maintenance, the cost of the services. Storage expenses shall be computed at the rate of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per day and the total allowable expenses for removal, towing, storage and sale shall not exceed seven hundred sixty dollars (\$760.00).

31-13-110. Certificate of sale; certificate of title.

When any vehicle is sold, the sheriff, at the time of payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale

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

31-13-111. Transmission of return of sale and sale proceeds to county treasurer; payment of expenses and taxes; county abandoned vehicle account; duplicate receipts for proceeds; action for recovery of proceeds.

(g) If the vehicle was abandoned on a highway or other public property, the allowable expenses shall be paid from the county abandoned vehicle account provided for by W.S. 31-13-111(b) and administered as follows:

(ii) The allowable expenses are:

(A) Removal or towing costs of ~~four dollars (\$4.00)~~ six dollars (\$6.00) for every mile the vehicle is towed or ~~sixty dollars (\$60.00)~~ one hundred dollars (\$100.00) whichever is greater;

(B) Storage charges with a maximum amount allowed of ~~thirty dollars (\$30.00)~~ twenty dollars (\$20.00) per day for no more than thirty (30) days;

(C) Sale and title costs not to exceed ~~thirty dollars (\$30.00)~~ sixty dollars (\$60.00); and

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(D) A ~~two hundred dollar (\$200.00)~~ seven hundred sixty dollar (\$760.00) limit for the total expenses associated with each abandoned vehicle.

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

(d) ~~If the owner of a vehicle or his agent removes the personal property from a vehicle which is stored at the request of a police officer, the vehicle shall be deemed abandoned unless within ten (10) days from the date of removal the owner or agent enters into a written agreement to pay the full charges for towing and storage. The owner or agent shall be informed in writing of this provision by the person who has custody of the vehicle before the personal property is released.~~ A vehicle ~~deemed abandoned under this section~~ defined as abandoned under W.S. 31-13-101(a)(x)(D), including vehicles left unattended or unclaimed at an establishment for towing and recovery services, may be disposed of as are other abandoned vehicles.

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

ORIGINAL HOUSE
BILL NO. HB0049

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk