

HOUSE BILL NO. HB0049

Abandoned vehicles-2.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

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

9

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

11

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

13

14 **31-2-111. Towing and recovery carrier junk vehicle**
15 **certificate of title.**

1

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

13

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

20

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

1 the vehicle has been inspected, the inspection occurred in
2 Wyoming and the correct vehicle identification number is
3 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
8 efforts, and a statement disclosing any security interest,
9 lien or encumbrance outstanding against the vehicle which
10 is known to the applicant;

11
12 (iv) A copy of the written notice issued
13 pursuant to W.S. 31-13-104(g)(iii), including a copy of the
14 receipt evidencing the notice was sent by certified mail or
15 a copy of the written notice issued pursuant to W.S.
16 31-13-101(a)(x)(D);

17
18 (v) A photograph of the vehicle; and

19
20 (vi) A statement of the fair market value of the
21 vehicle completed by an independent and disinterested
22 licensed Wyoming vehicle dealer.

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

9
10 (c) Any certificate of title issued under subsection
11 (a) of this section shall be used by the recipient only to
12 transfer ownership of a vehicle to a storage and disposal
13 facility licensed under W.S. 31-13-114.

14
15 (d) After a certificate of title is issued to a
16 person owning or acting on behalf of an establishment for
17 towing and recovery services under subsection (a) of this
18 section, the former owner and any lienholder or person
19 entitled to possession of the vehicle has no further right,
20 title, claim or interest in or to the vehicle or its
21 contents, and all liens, encumbrances and security
22 interests are extinguished.

23

1 **Section 2.** W.S. 31-13-101(a) by creating new
2 paragraphs (x) through (xiv) and by renumbering (x) as
3 (xv), 31-13-104(a), (c), (d) and by creating a new
4 subsection (g), 31-13-108(a) and (b), 31-13-109(a),
5 (b)(iii), (iv), (d)(ii), (e) and (g), 31-13-110,
6 31-13-111(g)(ii)(A) through (D) and 31-13-112(d) are
7 amended to read:

8
9 **31-13-101. Definitions.**

10
11 (a) As used in this act:

12
13 (x) "Abandoned vehicle" means:

14
15 (A) Any vehicle left unattended on a
16 highway for more than twenty-four (24) hours after a notice
17 of intent to impound has been placed on the vehicle by a
18 police officer pursuant to this act;

19
20 (B) Any vehicle left unattended on public
21 or private property without the oral or written consent of
22 the owner or person in lawful possession or control of the
23 property for more than five (5) days after a notice of

1 intent to impound has been placed on the vehicle by a
2 police officer pursuant to this act;

3
4 (C) Any vehicle left unattended or
5 unclaimed on private property for more than thirty (30)
6 days without the oral or written consent of the owner or
7 the person in lawful possession or control of the property
8 or for more than thirty (30) days after the expiration of
9 the oral or written consent;

10
11 (D) Any vehicle removed or stored at the
12 request of a police officer and left unattended or
13 unclaimed for more than ten (10) days after the owner of
14 the vehicle or his agent removes personal property from the
15 vehicle, provided the person who has custody of the vehicle
16 informs the owner or agent in writing, before the personal
17 property is released, that the vehicle may be deemed
18 abandoned and disposed of pursuant to this act if the owner
19 or agent does not enter into a written agreement to pay the
20 charges for towing and storage.

21
22 (xi) "Junk vehicle" means a wrecked, damaged,
23 disabled or apparently inoperable vehicle defined as

1 abandoned under subparagraph (x)(C) or (D) of this
2 subsection which has a fair market value of less than two
3 thousand five hundred dollars (\$2,500.00);
4

5 (xii) "Personal property" means all property
6 within the vehicle which is not mounted, attached or
7 affixed to the vehicle. The cargo carried on commercial
8 vehicles is not considered personal property;
9

10 (xiii) "Proper identification" means
11 identification which would be sufficient to establish
12 authorization to release the vehicle;
13

14 (xiv) "Towing and recovery service" means any
15 person engaged in business and operating a wrecker, tow
16 truck or other vehicle equipped with a mechanical apparatus
17 designed to hoist, pull or move a vehicle that is wrecked,
18 damaged, disabled, abandoned or otherwise creating a safety
19 hazard, and which meets all requirements of the local
20 authorities in the respective jurisdiction and the
21 requirements of the department;
22

1 ~~(*)~~ (xv) "This act" means W.S. 31-13-101 through
2 31-13-116.

3
4 **31-13-104. Abandonment on highway or property;**
5 **removal; transportable homes; title to vehicle; notice of**
6 **intent to impound; notice of towing.**

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

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

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

1 copy of the notice to the owner or person in charge of the
2 place of impoundment of a vehicle removed by a police
3 officer. As used in this subsection, "abandoned vehicle"
4 means as defined in W.S. 31-13-101(a)(x)(A) and (B).

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

1

2 (g) Any towing and recovery service that tows a
3 vehicle which is not otherwise under the control of a city,
4 town or county and is defined as abandoned under W.S.
5 31-13-101(a)(x) shall:

6

7 (i) Notify the sheriff of the county in which
8 the vehicle is located within thirty (30) minutes after
9 towing the vehicle and report a complete description of the
10 vehicle, including license plate number and state
11 indication, make, year, model, vehicle identification
12 number, and the date, time and place of towing and the
13 current location of the vehicle; and

14

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

1 seven (7) business days of receipt of the request for any
2 vehicle registered in another jurisdiction; and

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

13
14 **31-13-108. Disposition of abandoned vehicles**
15 **impounded by a police officer; payment of expenses;**
16 **extinguishment of liens.**

17
18 (a) As to vehicles impounded by a police officer
19 having a retail value of ~~six hundred dollars (\$600.00)~~ two
20 thousand five hundred dollars (\$2,500.00) or more after
21 thirty (30) days have elapsed from the date notice was
22 given as provided in W.S. 31-13-106, the sheriff shall sell
23 the vehicle and its contents, if any, at public auction to

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

17

18 (b) As to vehicles having a retail value of less than
19 ~~six hundred dollars (\$600.00)~~ two thousand five hundred
20 dollars (\$2,500.00) and impounded by a police officer, they
21 shall be disposed of by contract to persons licensed under
22 ~~this act~~ W.S. 31-13-114 or by auction.

23

1 **31-13-109. Disposition of vehicles left unattended or**
2 **unclaimed on private property and sold by the property**
3 **owner or 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~~
7 ~~lawful control of the property for at least thirty (30)~~
8 ~~consecutive days~~ defined as abandoned under W.S.
9 31-13-101(a)(x)(C) may be sold by the owner or person in
10 lawful control of the property on which the vehicle is left
11 unattended or unclaimed at public auction to the highest
12 bidder or may be sold following an action filed pursuant to
13 W.S. 31-13-112(e). The thirty (30) day period begins on the
14 first day the owner or person in lawful control of the
15 property has knowledge the vehicle is left unattended or
16 unclaimed without consent or after consent has expired.
17 For purposes of a vehicle left unattended without express
18 consent or after consent has expired at an establishment
19 for the service, repair, towing and recovery or maintenance
20 of the vehicle, the thirty (30) day period begins on the
21 day following the period when pursuant to an agreement the
22 vehicle was to remain at the establishment.

23

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

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

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

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

1 control of the property shall publish notice of the sale
2 once per week for two (2) consecutive weeks in a newspaper
3 of general circulation in the county where the vehicle is
4 abandoned. The notice shall contain the following:

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

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

23

1 (g) At any time prior to a sale under this section,
2 the owner or lienholder of record may reclaim the vehicle
3 upon payment of expenses incident to removal, preservation,
4 custody, storage and sale, and if a vehicle was left
5 unattended or unclaimed at an establishment for service,
6 repair, towing and recovery or maintenance, the cost of the
7 services. Storage expenses shall be computed at the rate
8 of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per day.

9
10 **31-13-110. Certificate of sale; certificate of title.**

11
12 When any vehicle is sold, the sheriff, at the time of
13 payment of the purchase price, shall execute a certificate
14 of sale in duplicate. The original certificate of sale
15 shall be delivered to the purchaser and the copy shall be
16 retained by the sheriff. The certificate of sale shall
17 contain the name and address of the purchaser, the date of
18 sale, the consideration paid, a description of the vehicle
19 and a stipulation that no warranty is made as to the
20 condition or title of the vehicle. The purchaser upon
21 presentation of the certificate of sale to the county clerk
22 of any one (1) of the counties of Wyoming, and payment of

1 the fees required by law shall be issued a certificate of
2 title ~~and a registration card~~ for the vehicle.

3

4 **31-13-111. Transmission of return of sale and sale**
5 **proceeds to county treasurer; payment of expenses and**
6 **taxes; county abandoned vehicle account; duplicate receipts**
7 **for proceeds; action for recovery of proceeds.**

8

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

13

14 (ii) The allowable expenses are:

15

16 (A) Removal or towing costs of ~~four dollars~~
17 ~~(\$4.00)~~ six dollars (\$6.00) for every mile the vehicle is
18 towed or ~~sixty dollars (\$60.00)~~ one hundred dollars
19 (\$100.00) whichever is greater;

20

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

1

2

(C) Sale and title costs not to exceed

3

~~thirty dollars (\$30.00)~~ sixty dollars (\$60.00); and

4

5

(D) A ~~two hundred dollar (\$200.00)~~ seven

6

hundred sixty dollar (\$760.00) limit for the total expenses

7

associated with each abandoned vehicle.

8

9

31-13-112. Release of liability for removal and

10

storage of, and for lost or damaged items in, abandoned

11

vehicles; disposition of personal property within a

12

vehicle; optional court action.

13

14

(d) ~~If the owner of a vehicle or his agent removes~~

15

~~the personal property from a vehicle which is stored at the~~

16

~~request of a police officer, the vehicle shall be deemed~~

17

~~abandoned unless within ten (10) days from the date of~~

18

~~removal the owner or agent enters into a written agreement~~

19

~~to pay the full charges for towing and storage. The owner~~

20

~~or agent shall be informed in writing of this provision by~~

21

~~the person who has custody of the vehicle before the~~

22

~~personal property is released. A vehicle deemed abandoned~~

23

~~under this section~~ defined as abandoned under W.S.

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

5

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

7

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

9

10 (END)