

ENROLLED ACT NO. 39, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to motor vehicle liens; amending procedures for abandoned vehicle liens; amending procedures for junk vehicle titles; clarifying use of fair market value for abandoned vehicles; establishing limits on fees; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 29-7-101(b), 29-7-102 by creating a new subsection (e), 31-2-111 by creating a new subsection (e), 31-13-104(c) and (g)(iii), 31-13-108(a) and (b) and 31-13-109(a), (b)(intro), (i), (d)(intro), (i) and (g) are amended to read:

29-7-101. Persons entitled to lien; exception.

(b) W.S. 29-7-101 through 29-7-106 shall not apply where a lien is provided by W.S. 34.1-7-209 and 29-7-301. A person engaging in self-storage operations whereby members of the public rent space from the person to store goods and chattels and retain control over access to the goods and chattels is not a warehouseman under W.S. 34.1-7-102(a)(viii) and is entitled to a lien under this section. A towing and recovery service as defined in W.S. 31-13-101(a)(xiv) is not a warehouse under W.S. 34.1-7-102(a)(xiii) and is entitled to a lien under this section.

29-7-102. Right of possession by lien claimant; termination thereof; removal of property without lienholder's consent; penalty therefor; filing of lien statement in lieu of possession.

(e) For a vehicle subject to a lien under this title:

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(i) Within thirty (30) days from the date payment is due, the lien claimant shall send by certified mail, return receipt requested, to their last known address a notice of the intent to file, enforce and foreclose a lien to all persons known to claim an interest in the vehicle. The notice shall include:

(A) The information required under W.S. 29-7-105(b);

(B) The information required under W.S. 29-1-312(b); and

(C) The make, year, model, license plate number and state indicator if available, and vehicle identification number.

(ii) The duration of collectable storage fees shall not exceed one hundred eighty (180) days from the date service was completed unless notice of intent to file a lien was sent pursuant to this subsection and action to enforce and foreclose the lien has commenced;

(iii) "Vehicle" means as defined in W.S. 31-13-101(a)(ix).

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

(e) An owner or agent of an establishment for towing and recovery services may apply for a junk certificate of title in accordance with this section for a vehicle that is wrecked, damaged, disabled or apparently inoperable, has a fair market value of less than two thousand dollars

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(\$2,000.00) and is subject to a storage lien under W.S. 29-7-101 through W.S. 29-7-106, provided:

(i) The towing and recovery services owner or agent provides a copy of the written notice pursuant to W.S. 29-7-105(b), including evidence the notice was sent by certified mail, in lieu of a copy of the notice required in paragraph (a)(iv) of this section; and

(ii) Within thirty (30) days of the postmarked date on the notice issued pursuant to W.S. 29-7-105(b), the vehicle's owner, a lienholder or the owner's or lienholder's insurance provider fails to reclaim the junk vehicle subject to a storage lien from the establishment for towing and recovery services by paying the charges of towing, storage and notice.

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

(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

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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~~fair market 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~~fair market value of an abandoned vehicle removed by a police officer is 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 used in this subsection, "abandoned vehicle" means as defined in W.S. 31-13-101(a)(x)(A) and (B).

(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:

(iii) Send, by certified mail, return receipt requested, 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

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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~~fair market value of 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 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~~fair market value of less than two thousand dollars (\$2,000.00) and impounded by a police officer, they shall be disposed of by contract

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to persons licensed under 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) A vehicle 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. ~~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, or within the time requirements provided in W.S. 31-13-104(g) for a towing and recovery service, 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:

(i) A description of the make, year, model, license plate number and state indicator if available, and vehicle identification number of the vehicle;

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(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, return receipt requested, 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:

(i) A complete description of the make, year, model, license plate number and state indicator if available, and vehicle identification number of the vehicle;

(g) At any time ~~prior to~~ before 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 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)~~ one thousand dollars (\$1,000.00).

ORIGINAL SENATE
FILE NO. SF0013

ENGROSSED

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Section 2. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk