

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Abandoned vehicles-towing service liens and titles.

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

A BILL

for

1 AN ACT relating to motor vehicle liens; amending procedures
2 for abandoned vehicle liens; amending procedures for junk
3 vehicle titles; extending lien enforcement authority to
4 counties and municipalities; establishing limits on fees;
5 conforming provisions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 29-7-101(b), 29-7-102 by creating a
10 new subsection (e), 31-2-111(a)(vi) and by creating a new
11 subsection (e), 31-13-101(a)(x)(D) and (xi), 31-13-104(c),
12 (e) and (g)(iii), 31-13-105(d), 31-13-108(a) and (b),

1 31-13-109(a), (b)(intro), (i), (d)(intro), (i) and (g) and
2 31-13-112(a) and (c) are amended to read:

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4 **29-7-101. Persons entitled to lien; exception.**

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

17

18 **29-7-102. Right of possession by lien claimant;**
19 **termination thereof; removal of property without**
20 **lienholder's consent; penalty therefor; filing of lien**
21 **statement in lieu of possession.**

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23 (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;

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(iii) "Vehicle" means as defined in

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W.S. 31-13-101(a)(ix).

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31-2-111. Towing and recovery carrier junk vehicle

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certificate of title.

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(a) The county clerk of any one (1) of the counties

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of Wyoming may issue a junk vehicle certificate of title

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for a junk vehicle, as defined in W.S. 31-13-101(a)(xi)

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containing the following notation conspicuously displayed

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on the face of the certificate: "junk" if the applicant for

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the junk vehicle certificate of title is a person owning or

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acting on behalf of an establishment for towing and

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recovery services and the applicant submits an affidavit on

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a form prescribed by the department. The affidavit shall be

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signed and sworn before a notarial officer and shall

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contain:

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(vi) A statement of the ~~fair market~~ retail value

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of the vehicle completed by an independent and

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disinterested licensed Wyoming vehicle dealer.

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1 (e) An owner or agent of an establishment for towing
2 and recovery services may apply for a junk certificate of
3 title in accordance with this section for a vehicle that is
4 wrecked, damaged, disabled or apparently inoperable, has a
5 retail value of less than two thousand dollars (\$2,000.00)
6 and is subject to a storage lien under W.S. 29-7-101
7 through W.S. 29-7-106, provided:

8
9 (i) The towing and recovery services owner or
10 agent provides a copy of the written notice pursuant to
11 W.S. 29-7-105(b), including evidence the notice was sent by
12 certified mail, in lieu of a copy of the notice required in
13 paragraph (a)(iv) of this section; and

14
15 (ii) Within thirty (30) days of the postmarked
16 date on the notice issued pursuant to W.S. 29-7-105(b), the
17 vehicle's owner, a lienholder or the owner's or
18 lienholder's insurance provider fails to reclaim the junk
19 vehicle subject to a storage lien from the establishment
20 for towing and recovery services by paying the charges of
21 towing, storage and notice.

22
23 **31-13-101. Definitions.**

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2 (a) As used in this act:

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4 (x) "Abandoned vehicle" means:

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

17

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

23

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

4
5 (c) Any police officer, county or municipality who
6 has reasonable grounds to believe that a vehicle has been
7 abandoned may remove the vehicle, or cause it to be
8 removed, at the expense of the owner to a place of
9 impoundment designated by the county commissioners of the
10 county in which the vehicle is impounded. Removal of an
11 abandoned vehicle from private property by a police officer
12 shall be upon the written request, upon a form prescribed
13 by the department, of the owner or person in lawful
14 possession or control of the property. The police
15 department having jurisdiction shall immediately send a
16 written report of the removal by a police officer to the
17 sheriff of the county in which the vehicle is impounded,
18 which report shall include a description of the vehicle,
19 the date, time and place of removal, the grounds for
20 removal, and place of impoundment of the vehicle. The
21 sheriff of the county in which the vehicle is impounded
22 shall submit the report provided by the police department
23 to the department with a determination of the retail value

1 of the vehicle as required in this subsection. Upon receipt
2 of a report as provided, the department shall provide
3 written notification to the vehicle owner of record and to
4 lienholders of record, stating the grounds for removal by a
5 police officer and the name of the place of impoundment of
6 the vehicle. Notice shall not be required if the retail
7 value of an abandoned vehicle removed by a police officer
8 is less than two thousand dollars (\$2,000.00) as determined
9 by the sheriff of the county in which the vehicle is
10 impounded. As to vehicles not registered in this state, the
11 department shall make a reasonable effort to notify the
12 owner or any lienholder of removal by a police officer and
13 the place of impoundment of the vehicle. The department
14 shall forward a copy of the notice to the owner or person
15 in charge of the place of impoundment of a vehicle removed
16 by a police officer. As used in this subsection, "abandoned
17 vehicle" means as defined in W.S. 31-13-101(a)(x)(A) and
18 (B).

19

20 (e) Except as otherwise provided by law, title to any
21 vehicle impounded by a police officer, county or
22 municipality not reclaimed by the registered owner or any
23 lienholder within thirty (30) days of the notice provided

1 by subsection (c) of this section shall vest with the
2 county government where the vehicle is impounded.

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

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

19

20 **31-13-105. Limitations on possession; presumption of**
21 **abandonment; exceptions; expense of removal.**

22

1 (d) A police officer, county or municipality may
2 remove, or cause to be removed, any vehicle which has been
3 abandoned under this section, at the expense of the person
4 possessing the vehicle, to a place of impoundment
5 designated by the county commissioners of the county in
6 which the vehicle is impounded. Vehicles impounded under
7 this section shall be disposed of in the manner provided by
8 this act.

9

10 **31-13-108. Disposition of abandoned vehicles**
11 **impounded by a police officer, county or municipality;**
12 **payment of expenses; extinguishment of liens.**

13

14 (a) As to vehicles impounded by a police officer,
15 county or municipality having a retail value of two
16 thousand dollars (\$2,000.00) or more after thirty (30) days
17 have elapsed from the date notice was given as provided in
18 W.S. 31-13-106, the sheriff shall sell the vehicle and its
19 contents, if any, at public auction to the highest bidder
20 or cause an action to be filed pursuant to W.S. 31-13-
21 112(e). Notice of the sale shall be published once in a
22 newspaper of general circulation in the county where the
23 vehicle is impounded not less than ten (10) days preceding

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

13

14 (b) As to vehicles having a retail value of less than
15 two thousand dollars (\$2,000.00) and impounded by a police
16 officer, county or municipality, they shall be disposed of
17 by contract to persons licensed under W.S. 31-13-114 or by
18 public auction.

19

20 **31-13-109. Disposition of vehicles left unattended or**
21 **unclaimed on private property and sold by the property**
22 **owner or through a court action.**

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

16

17 (b) After the time period provided in subsection (a)
18 of this section has expired, or within the time
19 requirements provided in W.S. 31-13-104(g) for a towing and
20 recovery service, the owner or person in lawful control of
21 the property shall give a written report to the department
22 on a form prescribed by the department containing the
23 following information:

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

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

19

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

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2 (g) At any time ~~prior to~~ before a sale under this
3 section, the owner or lienholder of record may reclaim the
4 vehicle upon payment of expenses incident to removal,
5 preservation, custody, storage and sale. ~~, and if a vehicle~~
6 ~~was left unattended or unclaimed at an establishment for~~
7 ~~service, repair, towing and recovery or maintenance, the~~
8 ~~cost of the services. Storage expenses shall be computed at~~
9 ~~the rate of twenty dollars (\$20.00) per day and the total~~
10 ~~allowable expenses for removal, towing, storage and sale~~
11 ~~shall not exceed seven hundred sixty dollars (\$760.00). The~~
12 duration of collectable storage fees for an abandoned
13 vehicle left unattended or unclaimed on private property
14 shall not exceed one hundred eighty (180) days from the
15 date the vehicle became abandoned as defined in
16 W.S. 31-13-101(a)(x)(C) and (D).

17

18 **31-13-112. Release of liability for removal and**
19 **storage of, and for lost or damaged items in, abandoned**
20 **vehicles; disposition of personal property within a**
21 **vehicle; optional court action.**

22

1 (a) A person who removes or stores a vehicle under
2 this act or otherwise at the request of a police officer,
3 county or municipality shall not incur any civil liability
4 for the removal or storage except for failure to exercise
5 reasonable care in the performance of the removal or
6 storage.

7
8 (c) A person who has custody of a vehicle removed or
9 stored or otherwise at the request of a police officer,
10 county or municipality shall release the personal property
11 within the vehicle to the owner of the vehicle or a person
12 acting as agent for the owner during regular office hours
13 upon presentation of proper identification. No charge may
14 be assessed against the owner or agent for the removal or
15 release of the personal property.

16

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

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(END)