

SF13 Lien Sale/Abandoned Vehicle Process Outline - Effective July 1, 2021

29-7-101: Vehicles that fall under the lien sale process:

Vehicles altered, repaired, maintained, towed and/or stored by a repair shop, mechanic, towing and recovery business, or storage and disposal facility, where the owner/operator is known and the vehicle towed under agreement from the owner/operator or law enforcement.

A towing and recovery service shall go through the lien sale process under WS 29-7-101 through 29-7-106, not under the warehouseman's lien section in WS 34.1-7-210.

29-7-102/29-7-105: Lien Sale Process for Vehicles

1. Within 30 days from the date payment is due, the lien claimant shall send notice to the owner of record/lienholder (certified mail/return receipt requested) of the intent to file, enforce and foreclose a lien through the lien sale process.
2. Notice shall include:
 - Name & Address of lien claimant,
 - Vehicle Make-Year-Model-License Plate #/State-VIN,
 - Statement of Amount Due,
 - Itemized list setting forth and describing work or services performed,
 - name of person lien claimant alleges is contractually responsible to pay the debt,
 - date the work or services were performed,
 - nature of proposed sale, and
 - time and place of sale.
3. The duration of collectable storage fees shall not exceed 180 days from the date of service unless notice of intent to file a lien was sent within 30 days and action to enforce and foreclose through a lien sale has commenced.
4. Before any lien sale, any person claiming a right to the property may pay the amount necessary to satisfy the lien and reasonable expenses incurred under this section, and reclaim the vehicle.
5. The lien claimant may buy the vehicle at any public lien sale.
6. The purchaser of a vehicle at a lien sale in good faith takes the property free of any rights of persons claiming an interest in the vehicle.
7. The lien claimant may satisfy the lien and expenses from proceeds of the lien sale, but shall hold the balance, if any, for delivery on demand to the owner/lienholder upon proof the owner/lienholder has a right to take delivery.

31-2-111: Junk Title Process for Abandoned Vehicles/Lien Sale Vehicles worth less than \$2000

1. A towing and recovery service may apply for a junk title for an abandoned vehicle under 31-13-101 or a vehicle subject to a storage lien under 29-7-101 that is wrecked, damaged, disabled, or apparently inoperable with a fair market value of less than \$2000.

2. The towing and recovery service shall send notice to the owner of record and lienholder of the vehicle as required by WS 29-7-102/31-13-104(g)(iii). 30 days after the date of the notice, if the owner/lienholder/insurance company has not paid the amount due and reclaimed the vehicle, the towing company may submit an application to the County Clerk for a Junk Certificate of Title for the vehicle.
3. Junk Title Application shall include:
 - Copy of the itemized tow bill or order,
 - VIN Inspection,
 - Copy of the Title Search Results from WYDOT;
 - Copy of the written notice to the owner/lienholder/insurance company,
 - a photo of the vehicle, and
 - a statement of the fair market value of the vehicle completed by an independent and disinterested licensed Wyoming vehicle dealer.
4. An owner/lienholder/insurance company may pay the amount due and reclaim the vehicle at any time prior to issuance of a Junk Certificate of Title. After the Junk Title is issued, these interested parties have no further right to the vehicle.
5. A vehicle with a Junk Certificate of Title may only be transferred to a licensed storage and disposal facility for dismantling for resale of used parts or permanent disposal of the vehicle. The vehicle may no longer be titled or registered for road use.

31-13-101 Vehicles that fall under the abandoned vehicle process

Vehicles left unattended on private property without the oral or written consent of the owner or person in lawful control of the property, for more than 30 days

Any vehicle removed or stored at the request of a police officer and left unattended or unclaimed for more than 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 sends written notice to the owner/agent prior to releasing personal property, that the vehicle may be disposed of as abandoned if the owner/agent does not enter into a written agreement to pay towing and storage charges.

31-13-104 (g) Notification of Abandoned Vehicles by Towing and Recovery Services

1. A towing and recovery service that tows an abandoned vehicle not under the control of a city, town, or county shall notify the sheriff in the county where the vehicle is located within 30 minutes of completing the tow - providing a complete description of the vehicle.
2. Request a title search report from WYDOT within 3 business days after towing the vehicle. The department shall provide the title search report within 5-7 business days upon receipt of the request.
3. Send notice, certified mail/return receipt requested, within 3 days of receiving the title search report to the owner of record and lienholder that the vehicle has been towed, the location of the vehicle and amount due for towing/storage, and that the vehicle may be disposed of as abandoned if the vehicle is not reclaimed and charges paid.

31-13-109 Private Party Abandoned Vehicle Process Outline

1. Complete Abandoned Vehicle Identification Request (Form MVAV 220) and submit to WYDOT Motor Vehicle Services.
2. WYDOT will send written information to the owner/controller regarding the last known registered owner and/or lien holder of record.
3. The owner/controller of the property shall give written notice of sale to the following:
 - Owner and any lien holder of record, if identified, by certified mail not less than 10 days preceding the date of sale.
 - Sheriff of the county in which vehicle is abandoned, not less than 10 days preceding the date of sale.
 - Publication once per week for two consecutive weeks in a newspaper of general circulation in the county where the vehicle was abandoned.
4. Notification shall include:
 - A complete description of the make, year, model, license plate number and state indicator, and vehicle identification number of the vehicle.
 - Amount of money claimed for expenses incident to the removal, preservation, custody, storage (\$20 per day) and sale; and if the vehicle was left unattended at an establishment for service, repair or maintenance, the cost of the services. The total allowable expenses shall not exceed \$1,000.
 - Date, time and place of sale.
5. The vehicle may be sold by the owner or person in lawful control of the property at public auction to the highest bidder, or may be sold following an action filed pursuant to W.S. 31-13-112(e).
6. Upon receipt of satisfactory evidence from the seller of compliance and that the vehicle has been sold, the sheriff shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the sheriff. Satisfactory evidence of compliance requires the following:
 - A completed copy of this request.
 - Copies of the notice of sale.
 - Proof of mailing and publication required.
7. No person shall sell a vehicle if a written court order prohibiting the sale is served on the proposed seller. The court order shall be served on the person selling the vehicle prior to the sale and shall not be issued except for good cause.