

HIGHWAY/PUBLIC PROPERTY ABANDONED VEHICLE PROCESS

- I. Vehicle abandoned on a highway or public property is tagged by law enforcement as abandoned (Form MVAV202)
- II. Within 24 hours of abandonment on a highway or within 5 days of abandonment on public property, law enforcement removes the vehicle or has it towed to the designated place of impoundment, at the expense of the owner.
- III. The law enforcement agency that impounded the vehicle shall immediately send a written report of the removal to the County Sheriff.
 - A. The report shall include a description of the vehicle, date-time-place of removal, grounds for removal, and place of impoundment (FORM MVAV203)
- IV. The County Sheriff shall submit that report to WYDOT with a determination of the fair market value of the vehicle (Form MVAV203).
- V. Upon receipt of the report, WYDOT shall provide written notice to the vehicle owner of record and to lienholders of record, stating the grounds for removal by a police officer and the name and place of impoundment of the vehicle (Form MVAV205).
 - A. A Copy of the notice is sent to the place of impoundment.
 - B. Notice not required if the fair market value is less than \$2000, then the vehicle can be disposed of by contract to licensed storage facility per WS 31-13-108(b),
 - C. Title to any vehicle impounded by law enforcement not reclaimed within 30 days of notice shall vest with the county government where the vehicle was impounded.
 - D. The place of impoundment shall release personal property within the vehicle without charge to the owner of the vehicle during regular office hours per WS 31-13-112(c).
- VI. After 30 days have passed from the date of notice, the Sheriff sells the vehicle and its contents at public auction to the highest bidder.
- VII. Notice of the sale shall be published once in a newspaper of general circulation in the County where the vehicle is impounded at least 10 days prior to the sale.
 - A. Notice of the sale shall include a description of the vehicle, money due for total expenses, and date-time-place of sale.
 - B. All expenses for removal, storage, preservation, custody, and sale shall be paid from the County Abandoned Vehicle Fund per WS 31-13-111(g).
 - C. All proceeds from the sale after expenses shall be deposited with the County Treasurer in the County Abandoned Vehicle Fund per WS 31-13-111(b).
 - D. The County Treasurer shall forward a duplicate receipt for the deposit to the Sheriff, who then files a copy with the County Clerk and keeps a copy for his records.
- VIII. Upon sale of the vehicle, the County Sheriff at the time of payment of the purchase price, shall execute a certificate of sale in duplicate - original to purchaser and a copy for the Sheriff.
 - A. The purchaser then takes the certificate of sale to the County Clerk for Title.
- IX. Once the vehicle has been sold, the former owner or lienholder has no further right, title, claim or interest in the vehicle or its contents, and all liens, encumbrances and security interests are extinguished per WS 31-13-108 (a).

PUBLIC PROPERTY ABANDONED VEHICLE PROCESS STATUTES

WS 31-13-101 (a)(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 or agent does not enter into a written agreement to pay the charges for towing and storage.

WS 31-13-102. Powers and duties of department; responsibility of the county.

(a) The department shall administer the provisions of this act.

(b) The department may adopt rules and regulations as necessary to carry out the provisions of this act.

(c) The removal, preservation, custody, storage and sale of abandoned vehicles impounded by a police officer are the responsibility of the county in which the vehicle is impounded.

WS 31-13-103. Uniformity of provisions.

The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions therein but any city or town may enact or enforce any ordinance on a matter covered by this act which shall supersede this act to the extent that any conflict exists.

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

(a) No person shall abandon a vehicle upon any highway.

(b) No person shall abandon a vehicle upon any public or private property without the express consent of the owner or person in lawful possession or control of the property.

(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 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 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).

(d) A transportable home impounded pursuant to this section shall be disposed of in accordance with W.S. 31-13-109.

(e) Except as otherwise provided by law, title to any vehicle impounded by a police officer not reclaimed by the registered owner or any lienholder within thirty (30) days of the notice provided by subsection (c) of this section shall vest with the county government where the vehicle is impounded.

(f) A notice of intent to impound an abandoned vehicle by a police officer shall be placed in a prominent position on a vehicle when a police officer reasonably believes it is abandoned. The notice of intent shall remain on the vehicle at least twenty-four (24) hours prior to removal if abandoned on a highway and five (5) days if abandoned on public or private property and impounded by a police officer.

WS 31-13-105. Limitations on possession; presumption of abandonment; exceptions; expense of removal.

(a) No person shall possess four (4) or more abandoned vehicles on his property or on property which is in his lawful possession or control, if any four (4) or more of the vehicles are visible from a highway for more than thirty (30) consecutive days.

(b) For purposes of this section a vehicle shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered.

(c) This section shall not apply to:

- (i) Antique or historic motor vehicles as defined by W.S. 31-1-101(a)(xv)(A);
- (ii) Vehicles kept in an enclosed garage or storage building;
- (iii) Vehicles used for riprap on rivers, streams or reservoirs, or for erosion control;
- (iv) Persons licensed in accordance with W.S. 31-13-114; or

(v) Vehicles used for educational or instructional purposes.

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

WS 31-13-106. Mailing of notice of impoundment by a police officer; notice by publication.

(a) The notice required by W.S. 31-13-104 shall be provided by the department by personal delivery thereof to the person to be notified or by deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at his address as shown by the records of the department. Notice by mail is complete upon the expiration of four (4) days following deposit of the notice. Proof of the providing of notice shall be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen (18) years of age, naming the person to whom notice was provided and specifying the time, place and manner thereof.

(b) The notice required by W.S. 31-13-104, if the identity of the vehicle owner of record or lienholders of record, if any, cannot be determined or if the registration contains no address for the owner, shall be by one (1) publication in a newspaper of general circulation in the county where the vehicle was abandoned. Notice by publication may contain multiple listings of abandoned vehicles. Any notice shall be in compliance with the provisions of subsection (a) of this section.

WS 31-13-107. Redemption.

Any person upon satisfactory proof of ownership or right to possession may redeem an impounded vehicle by paying the charges of towing, storage, notice, all other costs of impoundment, and any penalties imposed by the law of this state.

WS 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 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 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 to persons licensed under W.S. 31-13-114 or by public auction.

(c) Repealed by Laws 1989, ch. 256, § 4.

(d) Repealed by Laws 1989, ch. 256, § 4.

(e) Repealed by Laws 1989, ch. 256, § 4.

(f) The sheriff may sell for any person an abandoned vehicle as defined in this act and may charge a fee for the sale equal to ten dollars (\$10.00) plus the actual costs of publication and all other costs related to the sale. Except as otherwise provided in W.S. 31-13-111(f), the proceeds of the sale conducted pursuant to this subsection less the expenses of the sale and the amount of any liens on the vehicle shall be given to the person on whose property the vehicle was abandoned.

WS 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.

(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;

(ii) The names and addresses of the vehicle owner or driver and any lienholders if known;

(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;

(v) If the vehicle is removed, the date, time and location of removal and the name and address of the person who removed the vehicle; and

(vi) The address of the current location of the vehicle.

(c) Upon receipt of the report provided in subsection (b) of this section, the department shall make reasonable efforts to identify the owner and any lienholders of record. The department shall

forward the information obtained to 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, 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;

(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

(iii) The time and place of the sale.

(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.

(f) Upon receipt of satisfactory evidence from the seller that he has complied with this section and sold the vehicle, the sheriff shall execute a certificate of sale in duplicate for a fee of seven dollars and fifty cents (\$7.50) to be deposited in the county general fund. W.S. 31-13-110 and 31-13-111(a) and (f) apply to any sale under this subsection. Satisfactory evidence of compliance requires the following:

(i) A copy of the record required to be filed with the department;

(ii) A copy of the information provided by the department pursuant to subsection (c) of this section; and

(iii) Copies of the notice of the sale and proof of mailing and publication required by subsection (d) of this section.

(g) At any time 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 one thousand dollars (\$1,000.00).

(h) A sheriff who executes a certificate of sale under this section is not liable to any person for

damages resulting from the sale of a vehicle under this section.

(j) No person shall sell a vehicle under this section 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.

(k) Upon the sale of a vehicle under this section, the former owner, any lienholder or any 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.

WS 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 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 for the vehicle.

WS 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.

(a) When any vehicle is sold under this act the sheriff selling the vehicle shall transmit to the county treasurer of the county in which the vehicle was impounded, in duplicate, a return of sale setting forth a description of the vehicle, the purchase price, the name and address of the purchaser, the costs incurred in the sale, removal, preservation, custody and storage of the vehicle.

(b) The sheriff shall transmit to the county treasurer of the county in which the vehicle was impounded by a police officer, with the return of sale, the proceeds of the sale. Upon receipt of the return of sale and proceeds, the county treasurer shall deposit the proceeds in the general funds in the county treasury to the credit of an account to be known as the **county abandoned vehicle account**. The account is continuously appropriated only for the purpose of this act. When the account totals an amount necessary to carry out the purposes of this act, as set by the board of county commissioners for that county, but not to exceed one dollar (\$1.00) for each resident in the county, according to the last federal census, all revenues thereafter received under this subsection and W.S. 31-3-103(f), together with all interest earned on the account, shall be transferred to the general funds of the county treasurer. Upon receipt of the return of sale disclosing the costs incurred the costs shall be paid from the county abandoned vehicle account to each person or transferred to each governmental entity incurring the expenses. If the expenses exceed the sale proceeds, the allowable expenses prescribed in paragraph (g)(ii) of this section shall be paid.

(c) The county treasurer shall forward to the sheriff duplicate receipts for proceeds received by the county treasurer under subsection (b) of this section. The sheriff shall file one (1) of each receipt with the county clerk.

(d) Repealed by Laws 1993, ch. 27, § 2.

(e) The owner or lienholder of a vehicle impounded by a police officer and sold pursuant to W.S. 31-13-108 is entitled to recover from the county any proceeds of the sale in excess of the costs of the sale, monies owed for expenses related to removal, preservation, custody, storage and sale of the vehicle and taxes provided an action is filed in the proper court for recovery within one hundred twenty (120) days of the sale.

(f) Notwithstanding any other provision in this act, the proceeds of the sale of any house trailer or transportable home as defined in W.S. 31-13-101(a)(ix)(B) and (C) which is abandoned and sold pursuant to this act shall first satisfy the costs incurred in the sale, removal, preservation, custody and storage of the vehicle. Any balance then remaining shall be paid against any taxes due and owing. In the event the ad valorem levy has not been set for the current year, the current year's tax shall be computed upon the levy for the previous year. Any remaining taxes due and owing are canceled.

(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:

(i) The county shall make reasonable efforts to locate the owner of the abandoned vehicle if the owner is known to be a resident of the county in which the vehicle is abandoned and to collect the expenses from the local owner;

(ii) The allowable expenses are:

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

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

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

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

(iii) Payment of the expenses associated with vehicles abandoned on private property shall not be provided from the county abandoned vehicle account.

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.

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

(b) If any vehicle is removed from any highway, or public or private property as provided herein, the owner of the vehicle may not institute in any state court a suit in law or equity against any

police officer or his agents for the recovery of the value of any item in or on the vehicle that may be lost, stolen or damaged resulting therefrom.

(c) A person who has custody of a vehicle removed or stored or otherwise at the request of a police officer shall release the personal property within the vehicle to the owner of the vehicle or a person acting as agent for the owner during regular office hours upon presentation of proper identification. No charge may be assessed against the owner or agent for the removal or release of the personal property.

(d) A vehicle 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.

(e) A property owner or person in lawful control of the property upon which a vehicle is abandoned or any sheriff who is authorized to sell an abandoned vehicle pursuant to this act may in lieu of selling the vehicle, file or cause to be filed by the county attorney if a sheriff, an action in the county where the vehicle is impounded in the circuit court. The action shall be in rem and against the vehicle, vehicle owner, and all known and unknown parties with an interest in the vehicle. The defendants in the action shall be served as provided in the Wyoming Rules of Civil Procedure. Judgment in the civil action is limited to the value of the vehicle as determined by its sale price at the sale conducted by the sheriff after judgment is entered. All expenses incident to the removal, preservation, custody, sale and storage of the vehicle shall be paid. Except as otherwise provided in W.S. 31-13-111(f), any remaining proceeds:

(i) Shall be distributed pursuant to W.S. 31-13-111 if a vehicle is impounded by a police officer pursuant to W.S. 31-13-104; or

(ii) May be retained by the property owner or person in lawful control of the property upon which a vehicle is abandoned who files an action pursuant to this subsection.

(f) After any vehicle has been sold under subsection (e) of 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.