

SENATE FILE NO. SF0013

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; clarifying use of fair market value for
4 abandoned vehicles; establishing limits on fees; conforming
5 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 by creating a new subsection
11 (e), 31-13-104(c) and (g)(iii), 31-13-108(a) and (b) and
12 31-13-109(a), (b)(intro), (i), (d)(intro), (i) and (g) are
13 amended to read:

14

15 **29-7-101. Persons entitled to lien; exception.**

1

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

13

14 **29-7-102. Right of possession by lien claimant;**
15 **termination thereof; removal of property without**
16 **lienholder's consent; penalty therefor; filing of lien**
17 **statement in lieu of possession.**

18

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

20

21 (i) Within thirty (30) days from the date
22 payment is due, the lien claimant shall send by certified
23 mail, return receipt requested, to their last known address

1 a notice of the intent to file, enforce and foreclose a
2 lien to all persons known to claim an interest in the
3 vehicle. The notice shall include:

4

5 (A) The information required under W.S.
6 29-7-105(b);

7

8 (B) The information required under W.S.
9 29-1-312(b); and

10

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

14

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

20

21 (iii) "Vehicle" means as defined in W.S.
22 31-13-101(a)(ix).

23

1 31-2-111. Towing and recovery carrier junk vehicle
2 certificate of title.

3
4 (e) An owner or agent of an establishment for towing
5 and recovery services may apply for a junk certificate of
6 title in accordance with this section for a vehicle that is
7 wrecked, damaged, disabled or apparently inoperable, has a
8 fair market value of less than two thousand dollars
9 (\$2,000.00) and is subject to a storage lien under W.S.
10 29-7-101 through W.S. 29-7-106, provided:

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

17
18 (ii) Within thirty (30) days of the postmarked
19 date on the notice issued pursuant to W.S. 29-7-105(b), the
20 vehicle's owner, a lienholder or the owner's or
21 lienholder's insurance provider fails to reclaim the junk
22 vehicle subject to a storage lien from the establishment

1 for towing and recovery services by paying the charges of
2 towing, storage and notice.

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

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

22

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

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

16
17 **31-13-108. Disposition of abandoned vehicles**
18 **impounded by a police officer; payment of expenses;**
19 **extinguishment of liens.**

20
21 (a) As to vehicles impounded by a police officer
22 having a ~~retail~~fair market value of two thousand dollars
23 (\$2,000.00) or more after thirty (30) days have elapsed

1 from the date notice was given as provided in W.S.
2 31-13-106, the sheriff shall sell the vehicle and its
3 contents, if any, at public auction to the highest bidder
4 or cause an action to be filed pursuant to W.S.
5 31-13-112(e). Notice of the sale shall be published once in
6 a newspaper of general circulation in the county where the
7 vehicle is impounded not less than ten (10) days preceding
8 the date of the sale, giving a full description of the
9 vehicle together with engine or serial numbers or marks, if
10 any, and the amount of money claimed to be due thereon and
11 the time and place of sale. All expenses incident to the
12 removal, preservation, custody, sale and storage of the
13 vehicle shall be paid and any proceeds shall be distributed
14 pursuant to W.S. 31-13-111. After any vehicle has been sold
15 under this section, the former owner, any lienholder or
16 person entitled to possession of the vehicle has no further
17 right, title, claim or interest in or to the vehicle or its
18 contents, and all liens, encumbrances and security
19 interests are extinguished.

20

21 (b) As to vehicles having a ~~retail~~fair market value
22 of less than two thousand dollars (\$2,000.00) and impounded
23 by a police officer, they shall be disposed of by contract

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

3

4 **31-13-109. Disposition of vehicles left unattended or**
5 **unclaimed on private property and sold by the property**
6 **owner or through a court action.**

7

8 (a) A vehicle 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. ~~For~~
17 ~~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, or within the time
3 requirements provided in W.S. 31-13-104(g) for a towing and
4 recovery service, the owner or person in lawful control of
5 the property shall give a written report to the department
6 on a form prescribed by the department containing the
7 following information:

8
9 (i) A description of the make, year, model,
10 license plate number and state indicator if available, and
11 vehicle identification number of the vehicle;

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

1 the county where the vehicle is abandoned. The notice shall
2 contain the following:

3

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

8

9 (g) At any time ~~prior to~~ before a sale under this
10 section, the owner or lienholder of record may reclaim the
11 vehicle upon payment of expenses incident to removal,
12 preservation, custody, storage and sale, and if a vehicle
13 was left unattended or unclaimed at an establishment for
14 service, repair, towing and recovery or maintenance, the
15 cost of the services. ~~Storage expenses shall be computed at~~
16 ~~the rate of twenty dollars (\$20.00) per day and the total~~
17 ~~allowable expenses for removal, towing, storage and sale~~
18 ~~shall not exceed seven hundred sixty dollars (\$760.00).~~ The
19 duration of collectable storage fees for an abandoned
20 vehicle left unattended or unclaimed on private property
21 shall not exceed one hundred eighty (180) days from the
22 date the vehicle became abandoned as defined in W.S.
23 31-13-101(a)(x)(C) and (D).

1

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

3

4

(END)