



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memo

13 RM 014

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Re: Abandoned Vehicle Program in Wyoming

QUESTIONS

1. What are the abandoned vehicle identification and disposal processes followed by communities in the state and how many vehicles get processed by the counties each year?
2. What steps has the Wyoming Legislature taken in recent years to change the abandoned vehicle disposal process?
3. How do other states direct disposal of abandoned vehicles?

ANSWERS

1. The most common ways in which a vehicle becomes abandoned are: 1) vehicles left unattended on roadways, highways over numerous consecutive days; 2) vehicles left on public or private property without consent of the property owner over numerous consecutive days after vehicle owner is provided notice; and 3) vehicles involved in traffic accidents where a towing company removes the vehicle from a roadway, but the vehicle owner/lienholder does not later claim the vehicle. This research generally focuses on the first two cases.

Chapter 13 of Title 31 (Motor Vehicles) under Wyoming statutes provides the state legal framework by which local governments should process abandoned vehicles. The abandoned vehicle program is administered by the Wyoming Department of Transportation (WYDOT), but much of the data accumulation and reporting responsibilities lay with each county sheriff's office. WYDOT is authorized to adopt rules and regulations to help guide administration of the program, but it has not yet promulgated such rules.

To summarize, a vehicle that is suspected of being abandoned may be tagged by a law enforcement officer (municipal, county, or state highway patrol) with a notice of intent to impound due to abandonment. If the vehicle remains unattended upon the officer's return to the vehicle's location after the required statutory waiting period, the officer will authorize the vehicle to be towed. Once impounded, the county alone or with the assistance of WYDOT, try to locate and provide notice to the last vehicle owner of record to claim the vehicle. If left unclaimed, the title will transfer to the county and then the county may proceed to dispose of the vehicle at a public auction or through a contract with a vehicle storage and disposal company licensed by WYDOT.

Important statutory provisions for the processing of abandoned vehicles are noted as follows:

- Removal, storage, and disposal of an impounded abandoned vehicle is the responsibility of the county in which the vehicle gets impounded. Criteria to determine vehicle abandonment include:
 - Vehicle left unattended on roadway for more than twenty-four (24) hours after vehicle is tagged with a law enforcement notice saying an intent to impound;
 - Vehicle left on private property for more than five (5) days after vehicle tagged with a law enforcement notice saying an intent to impound;
 - Vehicles left on private property for thirty (30) days or more after expiration of consent between vehicle owner and property owner and five (5) days after vehicle tagged with a law enforcement notice saying an intent to impound;
 - A vehicle that is inoperable and not currently registered, with some exceptions (W.S. 31-13-105(c))
 - If a vehicle is left ten (10) or more days upon removal or release of personal property to a vehicle owner or after an agreement made with the vehicle owner to pay for towing and storage expenses has expired.
- Removal of vehicles that police officers believe to be abandoned are removed at the expense of the vehicle owner; vehicles removed from private property can only be removed by written request of the property owner. Allowable expenses for removal, storage and disposal of an abandoned vehicle shall be as follows (W.S. 31-13-111(g)(ii)):
 - *Towing Cost:* \$4.00 for each mile vehicle is towed or \$60.00, whichever is greater;
 - *Storage Cost:* maximum of \$30.00 per day;
 - *Sale and Title Costs:* maximum of \$30.00;
 - *Maximum Allowable Expenses:* \$200.00 limit for total expenses associated with each vehicle (there are no allowable charges for removal or release of personal property from a vehicle to the owner);
- County sheriff offices must compile reports and data on abandoned vehicles at both the municipal and county levels and ultimately report this information to the WYDOT;
- WYDOT shall assist counties in identifying vehicle owners and lienholder on vehicles with estimated values over \$600. Vehicles impounded and not reclaimed by the owner or lienholder within thirty (30) day of personal notice, by certified mail, or publication in newspaper shall become the property of the county government for purposes of disposal;
- Unclaimed vehicles shall be disposed of at public auction after sufficient notice (at least ten (10) days prior to the auction). Vehicles valued at less than \$600 may be disposed of by contract with a WYDOT licensed vehicle storage and disposal company;
- Each county shall have an Abandoned Vehicle Account from which expenses to impound, store, and dispose of abandoned vehicles may be paid and to which vehicle sales revenue may be deposited. The accounts funding level should be initially set by the county commissioners not to exceed one dollar (\$1.00) for each resident of the county.

In order to understand the size and scope of the number of abandoned vehicles processed in the state, Table 1, below, summarizes the number of abandoned vehicles processed over the last six years (2007 – 2012). The totals provided in the table should be viewed with caution due to variations in local tracking and reporting practices. The numbers represent a combination of vehicles tagged as abandoned by law enforcement officers and vehicles actually towed after statutory waiting processes are followed once a vehicle is tagged. Each county tracks tagged and towed vehicles differently and reported their data to LSO accordingly: some counties reported only tagged vehicles (likely not all were towed as abandoned), while other counties reported only those vehicles officially towed as abandoned. Additionally, some counties track Wyoming Highway Patrol tagged/towed vehicles while others do not. Still, the table provides a reasonable starting point and shows that there are at least a thousand or more vehicles tagged and/or towed as suspected abandoned vehicles each year. (see Attachment A for expanded tables on each county's annual abandoned vehicles and abandoned vehicle account expenses along with notes about data accuracy; see Attachment B for separate Wyoming Highway Patrol abandoned vehicle statistics).

Table 1. Number of Tagged and/or Towed Abandoned Vehicles, by County with Average Number per Year, 2007 – 2012.

County	Total Abandoned Vehicles	Average Per Year
Albany	367	61
Big Horn	55	28
Campbell	233	39
Carbon	258	43
Converse	43	14
Crook	256	43
Fremont	0	-----
Goshen	462	92
Hot Springs	163	27
Johnson	474	79
Laramie	1,304	217
Lincoln	28	6
Natrona	660	110
Niobrara	7	<1
Park	16	16
Platte	51	9
Sheridan	561	94
Sublette	284	47
Sweetwater	1,018	170
Teton	1,613	269
Uinta	160	27
Washakie	3	<1
Weston	5	<1
Total	8,021	1,332

Source: LSO Research compilation and summary of local government agencies' information.

2. The Legislature has produced six bills for introduction during the last eleven legislative sessions (back through the 2003 General Session) dealing with abandoned vehicle issues. Table 2, below, notes the year, bill number, bill title and description and final disposition of each bill numbered for introduction.

In short, three of the six bills did not pass into law. For the bills that passed, the significant changes included the following provisions:

- Changed vehicle titling procedures to include multiple possible scenarios where a vehicle is damaged and a salvage title may need to be granted (2003 Laws, Chapter 142)
- Increased the allowable towing costs for abandoned vehicles from \$2.50 per mile or \$35 maximum charge to \$4.00 per mile or \$60 maximum charge (2003 Laws, Chapter 142); and
- Increased the maximum storage cost for abandoned vehicles from \$5.00 per day to \$10.00 per day.

Table 2. Passed and Failed Bills Related to Abandoned Vehicles, 2003 – 2013.

Session Year	Bill Number	Bill Catch Title / Bill Description	Session Law Number for Final Bill Disposition
2003	HB0135	<i>Salvage Motor Vehicle Titles</i>	Chapter 31
		An act relating to motor vehicles; amending definitions; pertaining to salvage vehicles; providing for salvage; vehicle title transfers; providing for leased vehicles and flood vehicles as salvage vehicles; providing for salvage motorcycles; amending violations and penalties; making conforming amendments; and providing for an effective date.	
2003	HB0249	<i>Abandoned Vehicles – Towing Expenses</i>	Chapter 142
		An act relating to abandoned vehicles; increasing authorized towing expenses; and providing for an effective date.	
2008	SF0037	<i>Abandoned Vehicles</i>	Failed Introduction
2011	SF0128	<i>Abandoned Vehicles – Storage Expenses</i>	Chapter 128
2012	SF0061	<i>Insurance Coverage for Vehicle Accident Cleanup Costs</i>	Failed Introduction
2013	HB0118	<i>Insurance Coverage for Vehicle Accident Cleanup Costs</i>	Not Reported Out of Committee in First House
		Same provisions as 2012 SF 61	

Source: LSO Research summary of Legislative bill information.

The remaining bills generally focus on the ability of tow and recovery carriers to recoup costs associated with clean-up of wrecked vehicles that may no longer provide feasible financial return to the owner of record, and are hence often abandoned at the wrecking company. The most comprehensive of the three failed bills is Senate File 37 from 2008, which attempted to require vehicle insurance policies to cover such tow and recovery clean-up costs as well as further increase the maximum allowable tow, storage, sale and titling costs associated with each

abandoned vehicle.

- 3. Inherent in the abandoned vehicle issue is that the vast majority of these vehicles no longer present a viable and valuable asset to the owner or lienholder of record. Many vehicles that remain intact are likely older vehicles with limited residual value, while those vehicles abandoned after a traffic accident may only present value for scrap metal and likely do not cover the costs associated with initial tow and recovery of the vehicle.**

As expected, each state administers its abandoned vehicle program in a unique way. For example, one state administers its program through the state environmental quality agency while another administers its program through its state health department. The following highlights alternative abandoned vehicle practices and processes in other states that are different than Wyoming.

Idaho

- For law enforcement found abandoned vehicles, statute provides for a 48-hour notice of intent to tow;
- Unlicensed or un-plated vehicles may be immediately removed;
- Offers the vehicle owner or lienholder opportunity for post-storage hearing to contest vehicle removal from public property; if no probable cause established, local law enforcement is responsible for vehicle tow and storage costs;
- Direct release for vehicle disposal may be authorized on vehicles with values of less than \$750 unless the owner or lienholder of record files a declaration of opposition; and
- Owners of vehicles abandoned along public roadways may guilty of traffic violations and may be assessed court-imposed fees to be distributed to entities involved with the tow, storage and disposal/sale of the vehicle.

North Dakota

- Provides legislative intent and policy that abandoned vehicles constitute health hazard, visual blight, and waste of valuable resources (metal);
- Distinguishes between abandoned vehicles and "special interest" (read: antique, hobbyist vehicles);
- Owners of abandoned vehicles on public or private property can be guilty of a misdemeanor;
- Unlicensed/registered vehicles which lack vital parts and are at least seven years old may be disposed of without typical notice and reclamation processes;
- Owners or lienholders may claim net vehicle sale proceeds up to 90 days after vehicle is sold; and
- Provides for a state-level abandoned vehicle disposal fund with maximum annual rolling balance of \$250,000 – excess funds go the state highway fund

Montana

- Local law enforcement may seek reimbursement from state vehicle recycling and disposal program funds by the state Department of Environmental Quality;
- Local law enforcement take the lead in finding owns or lienholders of record;
- Tow and wrecking companies must certify efforts to locate owners and lienholders of record to local law enforcement; and
- Direct release for vehicle disposal may be authorized on vehicles with values of \$500 or less.

Lastly, one of the most significant issues related to abandoned vehicles is the cost of disposing of such property, by the county or by licensed tow and recovery companies. Outside of the initial tow and recovery costs associated with wrecking companies, one major concern with abandoned vehicles is the process by which someone may gain title to the abandoned vehicle to ultimately dispose of the vehicle. As noted in Wyoming's statutory requirements, there are mandatory notice provision to provide to the owner of record, advertising costs, holding and sales costs that may not be recouped by the selling entity once a vehicle is actually sold. Though counties do have an enumerated abandoned vehicle accounts, private wrecking companies must pay for abandoned vehicle costs on their own in addition to not receiving payment for a vehicle's initial tow and recovery.

In order to overcome some of this disincentive to properly dispose of vehicles other states strategies have included automatic titling of salvage vehicles that are of a certain age (i.e. – seven or more years old), eliminating the notice requirement for previous owners. Another strategy has been to set up a statewide abandoned vehicle fund that may be used to cover the towing and storage costs (within statutory limitations), advertising, titling, and sales costs associated with disposal; this account may be used for both government based cases as well as tow and recovery company cases. One state supports its abandoned vehicle fund by requiring a small surcharge (\$1.50) on all vehicle titles processed in the state; along with abandoned vehicle sales revenue for public abandoned vehicle sales.

If you need anything further, please contact LSO Research at 777-7881.

Attachment A Annual Abandoned Vehicle Statistics by County and Annual County Abandoned Motor Vehicle Account Expenditures, 2007 – 2012

Table A1. Annual Number of Tagged and/or Towed Abandoned Vehicles, by County, 2007 – 2012.

County	2007	2008	2009	2010	2011	2012	Total Abandoned Vehicles	
Albany	80	61	53	49	69	55	367	
Big Horn	46	-----	-----	-----	-----	9	55	
Campbell	40	54	17	53	24	45	233	
Carbon	63	62	38	37	37	21	258	
Converse	14	29						43
Crook	34	68	57	49	25	23	256	
Fremont	-----	-----	-----	-----	-----	-----	0	
Goshen	-----	43	49	80	156	134	462	
Hot Springs	39	39	22	20	20	23	163	
Johnson	100	85	83	77	67	62	474	
Laramie	331	279	221	191	149	133	1,304	
Lincoln	-----	7	6	8	6	1	28	
Natrona	103	153	125	90	77	112	660	
Niobrara	2	-----	-----	-----	-----	5	7	
Park	16	-----	-----	-----	-----	-----	16	
Platte	8	1	7	14	11	10	51	
Sheridan	346	62	42	45	39	27	561	
Sublette	138	51	18	25	23	29	284	
Sweetwater	290	259	131	141	100	97	1,018	
Teton	121	485	342	284	187	194	1,613	
Uinta	57	17	25	25	21	15	160	
Washakie	3	-----	-----	-----	-----	0	3	
Weston	5	-----	-----	-----	-----	-----	5	
Total	1,836	1,726	1,236	1,188	1,011	995	8,021	

Source: LSO Research compilation and summary of local government agencies' information.

Table A2. Annual Amount Expended from County Abandoned Vehicle Funds to Dispose of Abandoned Vehicles, by County, 2007 – 2012.

County	2007	2008	2009	2010	2011	2012	Total Abandoned Vehicle Account Expenses
Albany	\$8,108.00	-----	-----	\$2,700.00	\$5,280.00	\$5,510.00	\$21,598.00
Big Horn	\$419.00	-----	-----	-----	-----	-----	\$419.00
Campbell	\$4,465.60	\$3,806.50	\$3,509.00	\$3,519.00	\$4,316.00	\$3,641.00	\$23,257.10
Carbon	-----	\$16,613.00	\$7,337.00	\$13,695.00	\$11,234.00	\$39,343.00	\$88,222.00
Converse	\$0.00	-----	-----	-----	-----	-----	\$0.00
Crook	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7.50
Fremont	\$6,680.00	-----	-----	-----	-----	-----	\$6,680.00
Goshen	\$0.00	-----	-----	-----	-----	-----	\$0.00
Hot Springs	\$298.25	-----	-----	-----	-----	-----	\$298.25
Johnson	\$3,965.50	-----	-----	-----	-----	-----	\$3,965.50
Laramie	\$33,991.02	\$97,577.00	\$45,258.00	\$54,705.00	\$61,090.00	\$80,958.00	\$373,579.02
Lincoln	\$2,239.00	\$1,445.50	\$805.83	\$1,713.25	\$862.50	\$90.00	\$7,156.08
Natrona	\$21,510.00	\$7,945.00	\$12,500.00	\$11,599.20	\$14,322.00	\$22,406.00	\$90,282.20
Niobrara	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Park	\$660.00	-----	-----	-----	-----	-----	\$660.00
Platte	\$981.60	-----	-----	-----	-----	-----	\$981.60
Sheridan	\$0.00	-----	-----	-----	-----	-----	\$0.00
Sublette	\$2,269.35	\$4,892.00	\$1,540.00	\$1,713.00	\$2,219.00	\$1,938.00	\$14,571.35
Sweetwater	\$27,487.00	-----	-----	-----	-----	-----	\$27,487.00
Teton	-----	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Uinta	\$3,680.00	\$3,150.00	\$2,700.00	\$810.00	\$2,070.00	\$630.00	\$13,040.00
Washakie	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Weston	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$116,761.82	\$135,429.00	\$73,649.83	\$90,454.45	\$101,393.50	\$154,516.00	\$672,204.60

Source: LSO Research compilation and summary of local government agencies' information.

Data Caveats Even though Wyoming statute notes the counties' central role in gathering and reporting on abandoned vehicles throughout the state, LSO confronted numerous issues with getting clear and consistent data from each county. The following highlights some of the issues LSO encountered:

- The data does not take into account vehicles abandoned with licensed towing and wrecking companies after removal from traffic accidents;
- 2007 data was acquired by LSO as part of a previous research request and used a different methodology in gathering the data;
- Many counties only keep records of abandoned vehicles on file for limited time frames, generally from one to three

years; yet several counties had personnel that provided data for the entire six year period;

- Some counties did not provide annualized data, but aggregate totals for the entire requested timeframe;
- Some counties do not aggregate municipal data in their counties as noted in statute and LSO had to request separate totals from several municipal police departments; therefore, the information for a couple counties only contain abandoned vehicles within municipal jurisdictions or only for county sheriff jurisdictions, but not both. Some may also include vehicles tagged by the state highway patrol agency, while some do not;
- One county noted that it contracts all abandoned vehicle issues with a local towing company and therefore did not have records for towed abandoned vehicles;
- Some counties noted that they do not handle abandoned vehicles, only the state highway patrol would tag or have towed vehicles abandoned in their county and as such, the county would not have records on those vehicles; and
- About half of counties appear to not report abandoned vehicle information to WYDOT. According to WYDOT, this is in part because with current technology, county sheriffs currently have the same access to vehicle ownership identification data, for which local law enforcement used to require WYDOT assistance.

Attachment B Abandoned Motor Vehicles (AMV) Towed as Authorized by the Wyoming Highway Patrol, Wyoming Department of Transportation, 2006 - 2013¹

County	License Plate Registration Year									Total
	Unknown	2006	2007	2008	2009	2010	2011	2012	2013	
Albany	3		10	7	8	11	9	5	4	57
Big Horn						2		5		7
Campbell	2		5		6	11	9			33
Carbon	2		13	22	4	7	7	4	5	64
Converse	4		9	5	15	7	5	7	1	53
Crook	1	2	4	6	6	4	5	3	1	32
Fremont	1		14	15	7	5	7		2	51
Goshen			2	1		3	1		1	8
Hot Springs				6			4	1	1	12
Johnson	1		13	9	8	21	11	5		68
Laramie	7		18	17	12	16	8	11	6	95
Lincoln				6	3	5	1		2	17
Natrona	8		15	17	25	22	29	16	6	138
Niobrara						1				1
Park			1		1	2		2		6
Platte	1		5	16	8	5	10	2	3	50
Sheridan	3		8	7	9	3	5	1	1	37
Sweetwater	4		25	44	20	17	32	11	13	166
Teton					2					2
Uinta	2		12	11	6	2	8	6	6	53
Washakie	2							2		4
Weston									1	1
Unknown	2			2		2	1			7
Total	43	2	154	191	140	146	152	81	53	962

Source: Wyoming Highway Patrol, Wyoming Department of Transportation.

¹ Wyoming Highway Patrol tracks abandoned vehicles by the vehicle registration tags. Therefore the registration date may not be the year in which the vehicle was actually towed. For example, a vehicle with an October 2008 registration tag could be towed between November 2007 to October 2008 without having a renewed registration tag. Also, some vehicles may not have an updated registration upon being abandoned and eventually towed.