

## CHAPTER 168B

### ABANDONED MOTOR VEHICLES

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#### 168B.01 LEGISLATIVE FINDINGS; PURPOSE.

Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the state in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the state and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed.

**History:** 1971 c 734 s 1

#### 168B.011 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in this chapter have the meanings given them in this section.

Subd. 2. **Abandoned vehicle.** (a) "Abandoned vehicle" means a motor vehicle, as defined in section 169.01, that:

(1) has remained illegally:

(i) for a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or

(ii) on private property for a period of time, as determined under section 168B.04, subdivision 2, without the consent of the person in control of the property; and

(2) lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

(b) A classic car or pioneer car, as defined in section 168.10, is not considered an abandoned vehicle.

(c) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

(d) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.

Subd. 3. **Junk vehicle.** "Junk vehicle" means a vehicle that:

(1) is three years old or older;

(2) is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;

(3) is apparently inoperable;

(4) does not have a valid, current registration plate; and

(5) has an approximate fair market value equal only to the approximate value of the scrap in it.

**Subd. 4. Unauthorized vehicle.** "Unauthorized vehicle" means a vehicle that is subject to removal and impoundment pursuant to section 168B.04, subdivision 2, or 169.041, but is not a junk vehicle or an abandoned vehicle.

**Subd. 5. Agency.** "Agency" means the Minnesota pollution control agency.

**Subd. 6. Department.** "Department" means the Minnesota department of public safety.

**Subd. 7. Impound.** "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds, public and nonpublic.

**Subd. 8. Impound lot operator or operator.** "Impound lot operator" or "operator" means a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. "Operator" includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

**Subd. 9. Motor vehicle or vehicle.** "Motor vehicle" or "vehicle" has the meaning given motor vehicle in section 169.01.

**Subd. 10. Motor vehicle waste.** "Motor vehicle waste" means solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

**Subd. 11. Nonpublic impound lot.** "Nonpublic impound lot" means an impound lot that is not a public impound lot.

**Subd. 12. Public impound lot.** "Public impound lot" means an impound lot owned by or contracting with a unit of government under section 168B.09.

**Subd. 13. Unit of government.** "Unit of government" includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

**Subd. 14. Vital component parts.** "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train, and wheels.

**History:** 1995 c 137 s 1

**168B.02** [Repealed, 1995 c 137 s 13]

### **168B.03 VIOLATION TO ABANDON MOTOR VEHICLE.**

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor.

**History:** 1971 c 734 s 3

### **168B.04 AUTHORITY TO IMPOUND VEHICLES.**

**Subdivision 1. Abandoned or junk vehicles.** Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.

**Subd. 2. Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(iii) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours; or

(iv) that is any residential property, properly posted, immediately.

**History:** 1971 c 734 s 4; 1995 c 137 s 2

**168B.05** [Repealed, 1995 c 137 s 13]**168B.051 SALE; WAITING PERIODS.**

Subdivision 1. **Sale after 15 days.** An impounded vehicle is eligible for disposal or sale under section 168B.08, 15 days after notice to the owner, if the vehicle is determined to be:

- (1) a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or
- (2) an abandoned vehicle.

Subd. 2. **Sale after 45 days.** An impounded vehicle is eligible for disposal or sale under section 168B.08, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

**History:** 1995 c 137 s 3

**168B.06 NOTICE OF TAKING AND SALE.**

Subdivision 1. **Contents; notice given within ten days.** When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice of the taking within ten days. The notice shall (a) set forth the date and place of the taking, the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (b) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07, and (c) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1 or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to section 168B.08.

Subd. 2. **Notice by mail or publication.** The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The department shall make this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

Subd. 3. **Unauthorized vehicles; notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

**History:** 1971 c 734 s 6; 1973 c 649 s 3; 1995 c 137 s 4

**168B.07 RIGHT TO RECLAIM.**

Subdivision 1. **Payment of charges.** The owner or any lienholder of an impounded vehicle shall have a right to reclaim such vehicle from the unit of government or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under section 168B.051, subdivision 1 or 2, after the date of the notice required by section 168B.06.

Subd. 2. **Lienholders.** Nothing in sections 168B.01 to 168B.101 shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

**History:** 1971 c 734 s 7; 1980 c 509 s 57; 1987 c 384 art 2 s 1; 1995 c 137 s 5

**168B.08 DISPOSITION BY IMPOUND LOT.**

Subdivision 1. **Auction or sale.** (a) If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under

section 168B.07, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07.

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

**Subd. 2. Unsold vehicles.** Abandoned or junk vehicles not sold by units of government or public impound lots pursuant to subdivision 1 shall be disposed of in accordance with section 168B.09.

**Subd. 3. Sale proceeds; public entities.** From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 168B.01 to 168B.101. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

**Subd. 4. Sale proceeds; nonpublic impound lots.** The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of subdivision 1. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

**History:** 1971 c 734 s 8; 1973 c 649 s 4; 1980 c 509 s 58; 1987 c 384 art 2 s 1; 1995 c 137 s 6

### **168B.087 OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.**

**Subdivision 1. Deficiency claim.** (a) The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(b) The claim for storage costs may not exceed the costs of:

- (1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; and
- (2) 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

**Subd. 2. Implied consent to sale.** A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under section 168B.051 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

**History:** 1995 c 137 s 7

### **168B.09 DISPOSAL AUTHORITY.**

**Subdivision 1. Units of government.** A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

**Subd. 2. Local laws.** Units of government may adopt ordinances and regulations to control the matter subject in accordance with sections 168B.01 to 168B.101, so long as the ordinances and regulations are not less stringent than the provisions of sections 168B.01 to 168B.101 or the rules of the agency.

**History:** 1971 c 734 s 9; 1973 c 649 s 5; 1975 c 223 s 2; 1985 c 248 s 70; 1987 c 384 art 2 s 1; 1995 c 137 s 8

**168B.10 CONTRACTS; REIMBURSEMENT BY AGENCY.**

**Subdivision 1. Agency review and approval.** If a unit of government enters into a contract with a person licensed by the agency pursuant to this section or a contract pursuant to section 168B.09 the agency may review the contract to determine whether it conforms to the agency's plan for solid waste management and is in compliance with agency rules. A contract that does so conform may be approved by the agency. Where a contract has been approved, the agency may reimburse the unit of government for the costs incurred under the contract that have not been reimbursed under section 168B.08. Except as otherwise provided in section 168B.09, the agency shall not approve any contract that (a) has been entered into without prior notice to and request for bids from all persons duly licensed by the agency pursuant to subdivision 2; (b) does not provide for a full performance bond; or (c) does not provide for total collection and transportation of abandoned motor vehicles, except that the agency may approve a contract covering solely collection or transportation of abandoned motor vehicles where the agency determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.

**Subd. 2. Solid waste disposers.** The agency may issue a license to any person desiring to be a party to a disposal contract who meets the requirements for solid waste disposers established by the agency pursuant to section 116.07.

**Subd. 3. Units of government that perform work.** If a unit of government utilizes its own equipment and personnel pursuant to its authority under section 168B.09, and the use of the equipment and personnel conforms to the agency's plan for solid waste management and is in compliance with agency rules, that government may be reimbursed by the agency for reasonable costs incurred which are not reimbursed under section 168B.08.

**Subd. 4. Units of government required to contract work.** The agency may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the agency's plan for solid waste disposal. Where the unit of government fails to so contract within 180 days of the demand, the agency, through the department of administration and on behalf of such unit of government, may contract with any person duly licensed by the agency for such disposal.

**Subd. 5. Indian reservations.** The agency may reimburse the government entities of Indian reservations for the costs associated with the inventory, collection, storage and transportation of abandoned motor vehicles and abandoned scrap metal which are voluntarily surrendered by their owners or which are otherwise lawfully acquired by the Indian reservation. Such reimbursement may be made for only those costs, and under the same conditions, for which a unit of government may be reimbursed under subdivisions 1 and 3.

**History:** 1971 c 734 s 10; 1973 c 649 s 6-8; 1975 c 223 s 3; 1976 c 76 s 6; 1985 c 248 s 70

**168B.101 AGENCY RESPONSIBILITY.**

The agency may contract with others or use its own personnel to study programs for the control of motor vehicle waste, junk and abandoned motor vehicles, or other scrap metal, or any combination of these; or to develop public informational material and programs relating to the proper disposal of motor vehicle waste, junk and abandoned motor vehicles, or other scrap metal.

**History:** 1975 c 223 s 4; 1995 c 137 s 9

**168B.11** [Repealed, 1981 c 356 s 377]

**168B.12** [Repealed, 1973 c 649 s 9]

**168B.13** [Repealed, 1973 c 649 s 9]