

## CHAPTER 168B

## ABANDONED MOTOR VEHICLES

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**168B.01 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.02 DEFINITIONS.**

Subdivision 1. As used in sections 168B.01 to 168B.11 the terms defined in this section have the meanings given to them in this section.

Subd. 2. "Abandoned motor vehicle" means a motor vehicle, as defined in section 169.01, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by a unit of government or its agent. A classic car or pioneer car, as defined in section 168.10, shall not be considered an abandoned motor vehicle within the meaning of sections 168B.01 to 168B.11. Vehicles on the premises of junk yards and automobile graveyards, which are defined, maintained and licensed in accordance with section 161.242, or which are licensed and maintained in accordance with local laws and zoning regulations, shall not be considered abandoned motor vehicles within the meaning of this definition.

Subd. 3. "Agency" means the Minnesota pollution control agency.

Subd. 4. "Unit of government" includes a state department or agency, a special purpose district, and a county, city, town or other municipality.

Subd. 5. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

Subd. 6. "Motor vehicle waste" means solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle as defined in section 169.01, including but not limited to tires and motor vehicle drain oil but exclusive of scrap metal.

**History:** 1971 c 734 s 2; 1973 c 123 art 5 s 7; 1973 c 649 s 1; 1975 c 223 s 1; 1980 c 509 s 54,55

## 168B.03 VIOLATION.

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 CUSTODY OF ABANDONED VEHICLES.

Units of government may take into custody and impound any abandoned motor vehicle.

**History:** 1971 c 734 s 4

## 168B.05 IMMEDIATE SALE.

When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction pursuant to section 168B.08, and shall not be subject to the notification, reclamation, or title provisions of sections 168B.01 to 168B.11.

**History:** 1971 c 734 s 5; 1973 c 649 s 2; 1980 c 509 s 56

## 168B.06 NOTICE.

Subdivision 1. When an abandoned motor vehicle does not fall within the provisions of section 168B.05, the unit of government 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 abandoned 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 shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the sale of the vehicle and contents at a public auction pursuant to section 168B.08.

Subd. 2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders of record. 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 abandoned. Published notices may be grouped together for convenience and economy.

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

## 168B.07 RIGHT TO RECLAIM.

Subdivision 1. The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the unit of government taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by section 168B.06.

Subd. 2. Nothing in sections 168B.01 to 168B.11 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

## 168B.08 PUBLIC SALE.

Subdivision 1. If an abandoned motor vehicle and contents taken into custody and not reclaimed under section 168B.07 is sold at public auction or sale, it shall be sold to the highest bidder following reasonable published notice of such auction or sale. 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. Abandoned motor vehicles not sold pursuant to subdivision 1 shall be disposed of in accordance with section 168B.09.

Subd. 3. From the proceeds of a sale under this section of an abandoned 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.11. 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.

**History:** 1971 c 734 s 8; 1973 c 649 s 4; 1980 c 509 s 58

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

Subdivision 1. A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of abandoned 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 abandoned motor 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 motor vehicles without advertising for or receiving bids in any 120-day period.

Subd. 2. Units of government may adopt ordinances and regulations to control the matter subject in accordance with sections 168B.01 to 168B.11, so long as the ordinances and regulations are not less stringent than the provisions of sections 168B.01 to 168B.11 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

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

Subdivision 1. 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. 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. 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. 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. 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, 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, abandoned motor vehicle or other scrap metal.

**History:** 1975 c 223 s 4

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

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

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