

## 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 169.011, 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 169.011.

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;

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) 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;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

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

**History:** 1971 c 734 s 4; 1995 c 137 s 2; 2004 c 224 s 5; 2008 c 287 art 1 s 32

**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. 1a. **Sale 15 days after notice by certified mail.** An unauthorized vehicle impounded by the city of Minneapolis or by the city of St. Paul is eligible for disposal or sale under section 168B.08, 15 days after notice is 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. If, before the expiration of the 15-day period following notice of taking, the registered owner or lienholder of record delivers to the impound lot operator a written statement of intent to reclaim the vehicle, the vehicle is not eligible for disposal or sale until 45 days after the notice of taking, if the owner or lienholder has not reclaimed under section 168B.07. Notwithstanding section 168B.06, subdivision 3, a second notice shall not be required.

Subd. 2. **Sale after 45 days or title transfer.** (a) If an unauthorized vehicle is impounded, other than by the city of Minneapolis or the city of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

- (1) 45 days after notice to the owner; or
- (2) the date of a voluntary written title transfer by the registered owner to the impound lot operator.

(b) A voluntary written title transfer constitutes a waiver by the registered owner of any right, title, and interest in the vehicle.

**History:** 1995 c 137 s 3; 1997 c 108 s 1,2; 2008 c 350 art 1 s 19

#### **168B.055 NOTICE FOR REMOVAL FROM VEHICLE SERVICE FACILITY.**

An owner or agent of an owner of private, nonresidential property described in section 168B.04, subdivision 2, paragraph (b), clause (2)(iv), is authorized to remove or cause the removal of an unauthorized vehicle from that property after providing five-day notice to the vehicle owner by certified mail, return receipt requested, that the vehicle will be removed from the property. Notification must include identification of the registration plate number, the vehicle identification number, and the make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is unauthorized may cause the vehicle to be removed by a towing service under this section without incurring any civil liability to the owner of the unauthorized vehicle. Vehicles removed pursuant to a complaint of the owner or agent of the owner of private property must be disposed of as provided in sections 168B.051 to 168B.10.

**History:** 2004 c 224 s 6

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

Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days, excluding Saturdays, Sundays, and legal holidays, to the registered vehicle owner and any lienholders.

- (b) The notice must:
- (1) set forth the date and place of the taking;
  - (2) provide 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;
  - (3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07;
  - (4) state that failure of the owner or lienholders to:

(i) exercise their right to reclaim the vehicle within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or

(ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

(5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge.

**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 vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice must 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; 1997 c 70 s 1; 1997 c 108 s 3; 2008 c 350 art 1 s 20,21; 2010 c 257 s 1; 2010 c 351 s 25

## **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, 1a, or 2, after the date of the notice required by section 168B.06.

**Subd. 2. Lienholder.** 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.

**Subd. 3. Retrieval of contents.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare,

Supplemental Security Income, energy assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Subd. 4. **Waiver of rights.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 constitutes a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 constitutes a waiver of all right, title, and interest in the contents and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.

**History:** 1971 c 734 s 7; 1980 c 509 s 57; 1987 c 384 art 2 s 1; 1995 c 137 s 5; 1997 c 108 s 4; 1997 c 251 s 4; 2008 c 350 art 1 s 22,23; 2010 c 351 s 26

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

Subdivision 1. **Auction or sale.** (a) If an abandoned or unauthorized vehicle taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 1, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07. If the contents of an abandoned or unauthorized vehicle taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 3, 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 vehicle.** 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; 2008 c 350 art 1 s 24

#### **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. [Repealed, 2008 c 350 art 1 s 97]

**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 (1) has been entered into without prior notice to and request for bids from all persons duly licensed by the agency pursuant to subdivision 2; (2) does not

provide for a full performance bond; or (3) 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 disposer license.** 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. **Unit of government that performs 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. **Unit 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]