

Abandoned Vehicle Guide

What is an abandoned vehicle?

Vehicles are considered abandoned when they are left for twenty-four hours or longer within the limits of a highway, on property open to the public, or on private property without the property owner's consent. This definition excludes instances when an owner or operator cannot remove a vehicle and has notified a law enforcement agency and requested assistance. Some examples of abandoned vehicles include unauthorized vehicles that have been left on:

- a roadside
- your business property
- your residential property
- property that you have purchased
- rental property that you own

How do I get a title to an abandoned vehicle that is not being sold by a law enforcement agency or an authorized* tow company?

Contact the last titled owner and ask them to provide and assign the title to you. If any liens are shown on the previous title, they must be released by the lienholder. If you purchase the vehicle from the titled owner, be sure to get a dated bill of sale for sales tax purposes. The bill of sale must contain the following information:

- date
- buyer's name
- vehicle year, make, and identification number
- purchase price; and
- titled owner's signature

If the last titled owner wishes to give the vehicle to you free of charge, have the owner sign a Sales Tax Exemption Certificate Transfer Affidavit (form ST-133 is available at any county DMV office, or on the DMV website at dmv.idaho.gov). Take your documents to any DMV office to apply for a title in your name.

NOTE: Never purchase an abandoned vehicle from anyone but a law enforcement agency or an authorized* tow company unless the seller has obtained a title in his name that can be signed over to you.

* **“Authorized”** tow company means any tow company that (1) has towed the vehicle off of posted real property, or (2) has received authorization from a law enforcement agency to dispose of an abandoned vehicle that was towed under their direction.

How do I find out who is the last titled owner of a vehicle?

For vehicles licensed and titled in Idaho, obtain the vehicle's identification number (VIN), usually located on the driver's door striker post or on the dash, and request a title record from your county DMV office. To do so, you must claim an exemption under the Driver Privacy Protection Act to qualify

to receive this personal information. Many people in similar situations claim the Public Safety/Vehicle Operation exemption, but the responsibility for this decision is yours. The record will list the name and address of the last titled owner. The fee for this service is \$7.00.

If the vehicle has a license plate from another state, you must contact that state's DMV office for owner information. To obtain the address and phone number for another state's DMV, contact your local county DMV office or the Idaho Transportation Department's (ITD) Vehicle Services Section at (208) 334-8663.

What if the previous owner has lost the title?

The owner of record may apply for a duplicate title at any county DMV office. If the owner does not wish to take the time to apply for the title personally, ask him or her to sign a power of attorney form and have it notarized. This form will authorize you to sign a duplicate application and all necessary title documents on the owner's behalf. Blank [power of attorney forms](#) are available at any county DMV office.).

What if the last titled owner refuses to provide me with a title?

In this case, if the vehicle has been abandoned on your property, you may want to contact the small claims court to see if it is feasible to bring action against the owner for storage charges. This may be possible if the charges due are under \$4,000. Check to see if the small claims court in your county will award judgments for vehicles. If they do and the value of the vehicle is under \$4,000, attempt to obtain a judgment awarding you the vehicle. If not, you may try to get a monetary judgment.

If you bring legal action against the owner and are awarded a monetary judgment, you should request that the defendant (owner) pay the judgment. If it is too late to appeal the judgment and the defendant refuses to pay, contact the court clerk about obtaining a writ of execution. Forward the writ of execution to the Sheriff's office along with a copy of the DMV record and a letter from you informing the Sheriff that this vehicle is available to be seized.

The sheriff may then seize the vehicle and perform a sale to satisfy the judgment. You may enter a credit bid at the sale if you wish to gain title to the vehicle. If the vehicle is sold to someone else, the proceeds of the sale will be paid to you up to the amount of your judgment.

What if I can't locate the last titled owner or the last owner is unknown?

If the vehicle was left on your property, you may wish to contact an attorney to file action in court. The attorney will let you know if you can attempt to quiet title (file court action to obtain judgment awarding the vehicle to you).

If someone other than a law enforcement agency or an authorized tow company is selling an abandoned vehicle, what documents must the seller provide?

The seller must provide a title issued in the seller's name that has been signed over to you and a bill of sale for sales tax purposes. If the seller cannot provide you with a title in the seller's name, do not purchase the vehicle.

If I purchase a vehicle from a law enforcement agency or authorized tow company at an abandoned vehicle sale, what must I do to get a title in my name?

If a law enforcement agency is conducting the sale, that agency should provide you with:

- Certificate of Sale for an Abandoned or Other Towed Vehicle (form ITD-3012)

If an authorized tow company is conducting the sale of a vehicle towed under the direction of a law enforcement agency, they should provide you with:

- a Certificate of Sale (form ITD-3012), signed by the tow company as agent for the law enforcement agency; and
- a letter signed by the law enforcement agency involved stating that the tow company is authorized to sell abandoned vehicles as an agent for the law enforcement agency

If a tow company is conducting the sale of a vehicle towed from posted property, they should provide you with:

- a Certificate of Sale (form ITD-3012)
- a separate VIN inspection/appraisal form signed by a law enforcement officer (only if an officer did not sign the inspection/appraisal portion on the certificate of sale)
- a copy of the Notice of Intent to Dispose of a Vehicle Removed From Posted Property (form ITD-3733); and
- certified mail receipts indicating that the registered/titled owner(s) of record and any lienholder(s) of record have received the above notice

If the tow company is selling a vehicle towed from posted property that was appraised at over \$750, the tow company should also provide you with:

- A copy of the Notice of Sale (ITD-3007)
- Certified mail receipts indicating the registered/title owner(s) of record and any lienholder(s) of record have received the Notice of Sale.
- An affidavit of publication evidencing the sale was advertised two times in the legal section of a newspaper of general circulation where the vehicle was found and was being held. Full page tear sheets displaying the advertisements are also acceptable.

Take these documents to any county DMV office where you will be required to complete an Indemnifying Affidavit ([form ITD-3410](#)). An application for title will be prepared for you to sign. If sales tax was not previously collected, you must pay this along with the current title fee. If you paid sales tax to the seller you will need a receipt that lists their sellers permit number and amount collected. If you apply for title more than thirty days after the date of purchase, you will be required to pay a \$20.00 late filing fee.

Who do I contact to have a vehicle removed from my property?

Who you contact depends on whether or not your property is properly posted. You have proper posting if you have a sign or notice that:

- is displayed in a clearly conspicuous location
- has large print
- states that unauthorized vehicles will be removed at the owner's expense; and
- lists the name of the tow company

If your property is posted as described above, you may call the tow company listed on your posting and have them remove the vehicle.

If your property is not posted as described, you should contact your local law enforcement agency and report the vehicle as abandoned. If the vehicle is within city limits, contact the city police department, otherwise contact your local county sheriff's office.

Law enforcement should send an officer to tag the vehicle, and will attempt to contact the vehicle owner by telephone. If the vehicle has not been removed within 48 hours, the agency should instruct a tow company to remove the vehicle.

Do I always have to wait 48 hours to have a vehicle removed if my property is not posted?

No. A law enforcement agency may immediately have a vehicle towed if it is blocking your driveway or is substantially interfering with the use and enjoyment of your property. Do not call a tow company yourself. If you do, you could be required to pay the towing and storage charges.

Are there any other circumstances where a vehicle can be towed immediately?

Yes. Law enforcement agencies may have a vehicle towed in any situation where the vehicle:

- is blocking or impeding traffic; or
- is causing a hazard; or
- has the potential of impeding any emergency vehicle; or
- is impeding any snow removal or other road maintenance operation; or
- has been stolen but not yet reported as recovered; or
- is not registered, or displays an expired license plate registration sticker; or
- has been involved in an accident and remains on the highway; or
- the driver has been arrested.

SHERIFF'S SALES AND IMPOUNDED VEHICLE SALES

If I purchase a vehicle at a sheriff's sale or an impounded vehicle sale, what must I do to get a title in my name?

Take the following documents to your county DMV office:

- The vehicle title (if available).
- An original or certified copy of the law enforcement agency's bill of sale stating that the vehicle was sold under a writ of execution, writ of restitution, warrant of distraint, or pursuant to Section 55-403, Idaho Code.
- A Vehicle Identification Number Affidavit of Inspection form. If the sheriff has not provided this form, a deputy assessor may inspect the vehicle at the county DMV office.
- A lien release from any lienholder recorded on the previous title record; and
- If sales tax was collected, a receipt showing the sheriff's sales tax permit number.

At the county DMV office, you will be required to:

- complete and sign an indemnifying affidavit; and
- sign an application for title.

You will then be required to pay:

- a \$14.00 title fee

- sales tax (if not collected by the sheriff at the time of sale)
- a \$5.00 vehicle identification number (VIN) inspection fee (if the inspection was completed by a deputy assessor)
- a registration fee, if you register the vehicle
- a \$20.00 late-filing fee if more than thirty days have passed since you purchased the vehicle

POSSESSORY or MECHANIC’S LIENS

How do I get title to a vehicle that was left in my repair shop or storage facility, or was left in my tow yard following an owner requested tow?

First, try to contact the last titled owner to have the title assigned to you. If any liens are shown on the previous title, they must be released by the lienholder or every subsequent title will carry the lien forward. Also be sure to get a bill of sale from the owner.

What if I cannot find the last titled owner, or he is unwilling to assign the title to me?

You may still proceed with a lien sale under Section 45-805, Idaho Code, if:

- the vehicle was obtained legally
- the vehicle has been towed, serviced, or stored
- you still have possession of the vehicle
- the vehicle was NOT towed under abandoned vehicle laws
- the vehicle will not be sold less than sixty days since services were rendered; and
- compensation is due

ITD will provide you with forms and instructions for the lien sale†. Use the forms to complete the following steps:

1. Give ten days notice of sale to the owner(s), lienholder(s), and any other interested parties by registered or certified mail to their last known address. The notice† should describe the vehicle by year, make, identification number, and license number. The notice should also specify the date, time, and place of sale.
2. Give ten days notice of sale by advertising twice in the legal section of a newspaper published in the county where the vehicle is located. The ad must appear once a week—on the same day of the week—for two consecutive weeks, with the first notice appearing at least ten days prior to the sale. The ad must include the same information that appears in the notice as described above in #1.

You may then proceed with the sale by public auction.

† Lien sale packets containing forms and instructions are available from ITD at no charge by calling (208) 334-8663.

When someone buys a vehicle at my lien sale, what paperwork does the buyer need from me to apply for title to the vehicle?

- The original or verified copy of the notice of lien sale (form ITD-3754)†.
- Returned certified mail receipts and/or returned unopened envelopes.
- An original or verified copy of the affidavit of publication from the newspaper, or the full tear sheet displaying the advertisement for both days of publication.
- A properly completed report of lien sale and bill of sale (form ITD-3755)†.
- A lien release from any lienholder(s) recorded on the last title record; and
- If sales tax was collected, a receipt showing your seller's permit number and amount of taxes collected.

At the county DMV office, the buyer will be required to:

- complete and sign an indemnifying affidavit; and
- sign an application for title

The vehicle must also have a Vehicle Identification Number Affidavit of Inspection completed by either a peace officer or a deputy assessor. The fees charged at the DMV office will include:

- a \$14.00 title fee
- \$5.00 for the VIN inspection
- sales tax (if not collected at the time of sale‡)
- registration fees, if the vehicle is to be registered; and
- a \$20.00 late-filing fee if more than thirty days have passed since you purchased the vehicle

‡ If you are conducting the lien sale and acquire the vehicle yourself, tax would not be due if you have a sales tax seller's permit number and you do not plan to operate the vehicle, but are holding it for resale purposes only. Otherwise, sales tax is due on the current market value or what you were owed, whichever is less.

What if I, as the possessory lienholder, want title to the vehicle that is being sold at a lien sale?

To obtain ownership of the vehicle, you must be the highest bidder at the lien sale. You must apply for title with the same documents you would have given to a buyer at the lien sale.

Is there another lien sale procedure that I may use to sell a vehicle?

Yes. You may apply for a lien sale under Title 49, Chapter 17, Idaho Code, if you have a dated work order that:

- was signed by the customer/vehicle owner
- fully describes the vehicle by license number, year, make, vehicle identification number; and
- lists the nature of repairs (if the vehicle was to be repaired)

If I have a signed work order or storage agreement meeting the above requirements, how do I apply for a lien sale?

You must request and complete an application for authorization to conduct a lien sale and pay the \$10.00 fee. The application form ITD-3750 can be obtained by contacting:

Idaho Transportation Department
 Vehicle Services
 P.O. Box 7129
 Boise, ID 83707-1129
 Phone: (208) 334-8663

What happens after I send in my fee and application for authorization to conduct a lien sale?

The Idaho Transportation Department will send notice of your application for authorization to conduct a lien sale to any registered/titled owner(s) of record, lienholder(s) of record, and any other interested parties. These parties will have ten days to file a declaration of opposition. If the department does not receive a declaration of opposition within the given time, you will be sent a letter authorizing you to conduct a lien sale and explaining the next steps you will need to take. If a declaration of opposition is received within the ten days, you will be advised that you cannot conduct a lien sale unless you receive a judgment in court or obtain a release from the registered/titled owner of record and any lienholders.

What must I do after I receive an authorization to conduct a lien sale?

If the authorization form indicates there is a lien recorded on the current title record, you should contact the lienholder to obtain a lien release. If the lien is still in effect, you may need to negotiate with the lienholder for a release.

Once you have obtained the release, you should determine your sale date. Then, you must provide twenty days notice of sale by certified mail to all registered/titled owners of record and lienholders of record, and to any other interested parties that may have been listed on your application to conduct a lien sale.

You will also be required to advertise once, ten days in advance, in the legal section of a newspaper published in the county where the vehicle is located. You must also make the vehicle available for public inspection at least one hour prior to the sale in a location easily accessible to the public. If the vehicle is not claimed prior to sale time, you may sell the vehicle in a commercially reasonable manner (sealed bids are not acceptable).

Title document requirements are the same as for the other lien sale procedures, except you must also submit the authorization from the Idaho Transportation Department to conduct the lien sale (form ITD-3753).

What if I am unable to get a lien release from any lienholder of record?

A lien release is not required if:

- You can provide documentation demonstrating that the lienholder was notified at least three days prior to your services being rendered (Idaho Code 45-805).

OR:

- You obtained the lienholder's written consent authorizing the services prior to repair.

OR:

- The recorded lien on the title is ten years old or older, and the vehicle is not a mobile home, manufactured home, motor home, or recreational vehicle (RV). In this case, the sale may proceed, with the understanding that the buyer will receive a "conditional" title (a title issued with the brand, "ISSUED UPON STATEMENT OF APPLICANT"). This brand will expire three years from the date of issuance.

If the lien holder with the recorded lien contests the issuance of the new conditional title and can demonstrate that he has an active lien, the title will be recalled and cancelled. If the title is not contested within the three year period, the buyer may submit the title to have the brand removed.

WARNING:

If the recorded lien is **LESS** than ten years old or if you have obtained information showing that the lien is still active, you should **NOT** proceed with the lien sale until you are able to obtain a lien release.