

Notice of Abandoned, Junked, Wrecked or Impounded Motor Vehicle

Date: _____

TO (Registered Owner):

FROM (Removal Agency):

Business/Sales Tax License # _____

The vehicle noted above was towed on _____
from _____

that is Public Property in South Dakota or Private Property in South Dakota (Check one) to our lot located at the address noted above. As of the date of this notice the total fees due at this time are \$ _____ Towing fees are \$ _____ Storage fees are \$ _____ additional storage at the rate of \$ _____ per day will be assessed until the vehicle is claimed and removed.

South Dakota state law (SDCL 32-36-9) states that the title to any abandoned or junk motor vehicle, any wrecked vehicle, or any impounded vehicle, or other scrap metal shall vest in the removal agency after a period of thirty (30) days from the date on which this notice was sent. The record holder of title or the lienholder may reclaim the motor vehicle or other scrap metal. The lienholder and record holder of title shall send written notification within thirty (30) days to the removal agency noted above, and the Division of Motor Vehicles at 445 E. Capitol, Pierre, SD 57501-3185. If the owner fails to claim and remove the vehicle within thirty (30) days after mailing of notice, title will be issued to the removal agency.

I declare and affirm under the penalties of perjury that this information has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

I hereby attest that this vehicle was towed from the location indicated above and that notice is being sent to the registered owner of record and any lienholder(s) of record within the required forty-five (45) day time frame. (See reverse side of form for specific instructions).

NOTE: When towed from private property, written permission from landowner must be submitted.

Note: Criteria that must be met to qualify for abandoned process

1. Vehicle must have been left on private property without permission or towed at the direction of law enforcement.
2. Vehicle must have been towed by license removal agency.
3. Written notice by certified mail must be sent within 45 days of removal of the vehicle.

To: Lienholder – (If Applicable)

Vehicle Information

Make: _____

Model: _____

Model Year _____

Serial #: _____

License Plate #: _____

Authorized Representative for Removal Agency

DATE

Transfer of Ownership on Abandoned, Junked, Wrecked or Impounded Vehicle

- A. No removal agency may remove abandoned, wrecked, or impounded or junk motor vehicles or other scrap metals from private property without written permission of the landowner or tenant.
- B. The Department of Revenue shall provide the removal agency with the last known address of the record holder of title and any readily identifiable lienholders free of charge.
- C. If a removal agency removes any unattended vehicle from a public street or highway and the removal is not at the written request of the owner, an authorized agent of the owner, or a law enforcement officer, the removal agency must report the removal to the owner within 24 hours of removing the vehicle. If the removal agency is unable to contact the owner, the removal agency must report the removal to the county sheriff, if the removal occurred outside any municipality, or to the chief of police, if the removal occurred inside any municipality, within 24 hours of removing the vehicle. Failure to make a report is a Class 2 misdemeanor. Further, if a removal agency fails to make a report, the removal agency is not entitled to any towing or storage fees for the removed vehicle and no such fees may be billed or collected by the removal agency.
- D. The following procedures shall apply:
 - 1. Within *ten to forty five days after any abandoned, junk, wrecked or impounded motor vehicle or other scrap metal has been removed, the removal agency shall send written notice by certified mail to the registered owner, if any, of the abandoned, junk, wrecked or impounded motor vehicle or scrap metal and to all readily identifiable lien holders of record at their last known address. The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held, and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall be on a form provided by the Department of Revenue. (*If the removal agency does not give notice within 10 days from the date of removal, no storage may be charged beyond the 10-day period until the notice is mailed.) Failure to send written notice within 45 days of removal, or if owner information is not readily available, failure to publish notice within 45 days of removal, prohibits application for an abandoned vehicle title.
 - 2. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, a 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. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the vehicle and the place where the vehicle is being held. The notice shall inform the owner and any lienholders of their right to reclaim the vehicle.
 - 3. If the record holder of title fails to claim and remove the vehicle within thirty (30) days, title to the vehicle is irrevocably vested in the removal agency.
- E. The removal agency shall then apply to the Department of Revenue for a regular or junk vehicle title. If the condition of the vehicle does not deem it a junk vehicle, the agency shall apply for a standard certificate of title. Such title will be branded as an abandoned vehicle.
- F. If the owner or lienholder does not surrender the title of the vehicle or scrap metal to the removal agency, the agency shall submit the following to the county treasurer:
 - 1. A completed application for motor vehicle title.
 - 2. Copy of the written notice sent to the registered owner of record and the lien holder (if applicable), or a copy of the newspaper notice.
 - 3. The original (green) return receipt indicating to whom the certified notice was sent (registered owner of record and lienholder, if applicable).
 - 4. The landowners written permission if the vehicle was towed from private property.
 - 5. A title fee in the amount of \$5.00.
- G. Prior to issuance of title, the Department of Revenue will verify the vehicle information against the stolen vehicle file. If the vehicle is found to be stolen, title will not be issued.
- H. The removal agency may elect to register the vehicle after the abandoned vehicle title is issued. At the time of registration, the applicant must pay the 3% excise tax based on the NADA book value (if applicable), any license fees and a \$5.00 title fee.
- I. If a vehicle is left for repairs, an abandoned title cannot be obtained. Application should be made under the unpaid repair bill process. For information on unpaid repair bill and mechanic lien processes, please contact your local county treasurer's office.
- J. Any owner that abandons a vehicle on any public highway or right-of-way is civilly liable to the towing company for the expense of towing and storing the vehicle. A violation is a class 1 misdemeanor. A person convicted of abandoning a vehicle shall be ordered to pay a fine of \$500. The court shall suspend the fine if the person pays the towing and storage expenses. (SDCL 32-30-12.2 and 32-30-18.1)