

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586, As Amended

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-106, IDAHO CODE, TO REVISE A
2 DEFINITION; AMENDING THE HEADING FOR CHAPTER 18, TITLE 49, IDAHO CODE,
3 TO PROVIDE FOR THE TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING SEC-
4 TION 49-1802, IDAHO CODE, TO PROVIDE A PRESUMPTION RELATING TO OWNERS
5 OF VEHICLES REMOVED UNDER THE AUTHORITY OF SPECIFIED LAW; AMENDING SEC-
6 TION 49-1803, IDAHO CODE, TO DELETE REFERENCE TO VEHICLES FOUND UNDER
7 EMERGENCY CIRCUMSTANCES, TO DELETE REFERENCE TO VEHICLES INVOLVED IN
8 ANY EXTRAORDINARY CIRCUMSTANCES AND TO PROVIDE FOR THE EXCLUSION OF
9 WEEKENDS AND HOLIDAYS IN A TIME CALCULATION; AMENDING CHAPTER 18, TITLE
10 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1803A, IDAHO CODE,
11 TO PROVIDE THAT AUTHORIZED OFFICERS MAY CAUSE CERTAIN VEHICLES TO BE
12 PLACED IN THE CUSTODY OF TOW TRUCK OPERATORS, TO PROVIDE FOR EXPENSES,
13 TO PROVIDE FOR NOTICE FORMS AND TO PROVIDE FOR NOTICES; AMENDING SECTION
14 49-1804, IDAHO CODE, TO PROVIDE FOR VEHICLES NOT WITHIN THE CLASS OF
15 VEHICLES DEFINED UNDER EXTRAORDINARY CIRCUMSTANCES; AMENDING SECTION
16 49-1807, IDAHO CODE, TO DELETE REFERENCE TO VEHICLES FOUND UNDER EXTRA-
17 ORDINARY CIRCUMSTANCES AND TO PROVIDE FOR VEHICLES TO BE TOWED AS PART
18 OF AN INVESTIGATION; AMENDING SECTION 49-1807A, IDAHO CODE, TO PROVIDE
19 FOR ITEMIZED STATEMENTS BY TOWING COMPANIES AND TO MAKE TECHNICAL
20 CORRECTIONS; AMENDING SECTION 49-1808, IDAHO CODE, TO PROVIDE THAT
21 REASONABLE EFFORTS SHALL BE MADE TO PREVENT DAMAGE TO STORED VEHICLES,
22 TO DELETE REFERENCE TO DUTIES OF EMPLOYEES, TO REQUIRE OFFICERS TO
23 COMPLETE CERTAIN FORMS, TO REQUIRE AVAILABILITY OF CERTAIN VEHICLES
24 FOR PHYSICAL INSPECTION AND TO PROVIDE THAT CERTAIN VEHICLES MAY BE
25 DECLARED AS ABANDONED AND PROCESSED FOR DISPOSAL; AMENDING SECTION
26 49-1809, IDAHO CODE, TO PROVIDE THAT POSSESSORY LIENHOLDERS MAY SATISFY
27 CERTAIN LIENS, TO PROVIDE THAT POSSESSORY LIENHOLDERS SHALL NOT BE
28 RESPONSIBLE FOR PROPERTY AFTER VEHICLE DISPOSAL AND TO MAKE TECHNICAL
29 CORRECTIONS; AMENDING SECTION 49-1811, IDAHO CODE, TO PROVIDE FOR
30 UNCLAIMED VEHICLES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
31 49-1812, IDAHO CODE, TO DELETE REFERENCE TO ABANDONED VEHICLES AND
32 TO PROVIDE THAT OWNERS AND LIENHOLDERS MAY TAKE POSSESSION OF CERTAIN
33 VEHICLES; AMENDING SECTION 49-1813, IDAHO CODE, TO DELETE REFERENCE
34 TO ABANDONED VEHICLES, TO PROHIBIT UNAUTHORIZED REMOVAL OF VEHICLES
35 TOWED UNDER SPECIFIED LAW AND TO PROVIDE FOR RETURN TO STORAGE; AMENDING
36 SECTION 49-1814, IDAHO CODE, TO INCREASE THE APPRAISED VALUE AMOUNT
37 RELATING TO APPLICABILITY OF SPECIFIED PROVISIONS AND TO MAKE TECHNICAL
38 CORRECTIONS; AMENDING SECTION 49-1815, IDAHO CODE, TO PROVIDE FOR
39 REQUESTS BY POSSESSORY LIENHOLDERS RELATING TO STORAGE, TO REVISE THE
40 TITLE OF A FORM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
41 49-1816, IDAHO CODE, TO DELETE REFERENCE TO AUTOMOBILE PARTS DEALER,
42 TO INCREASE THE VALUE OF VEHICLES SUBJECT TO DISPOSAL, TO PROVIDE THAT
43 CERTAIN VEHICLES MAY BE DISPOSED OF TO AUTOMOBILE PARTS DEALERS, TO
44 REVISE THE TITLE OF A FORM AND TO MAKE A TECHNICAL CORRECTION; AND
45

1 AMENDING CHAPTER 18, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW
2 SECTION 49-1819, IDAHO CODE, TO PROVIDE THAT SPECIFIED PROVISIONS SHALL
3 BE UNIFORM THROUGHOUT THE STATE.

4 Be It Enacted by the Legislature of the State of Idaho:

5 SECTION 1. That Section 49-106, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 49-106. DEFINITIONS -- E.

8 (1) "Electric personal assistive mobility device" means a self-balanc-
9 ing two (2) nontandem wheeled device designed to transport only one (1) per-
10 son, with an electric propulsion system that limits the maximum speed of the
11 device to fifteen (15) miles per hour or less.

12 (2) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

13 (3) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

14 (4) "EPA" means the environmental protection agency of the United
15 States.

16 (5) "Essential parts" means all integral and body parts of a vehicle of
17 a type required to be registered, the removal, alteration or substitution of
18 which would tend to conceal the identity of the vehicle or substantially al-
19 ter its appearance, model, type or mode of operation.

20 (6) "Established place of business" means a place occupied either con-
21 tinuously or at regular periods by a dealer or manufacturer where his books
22 and records are kept and a large share of his business is transacted.

23 (7) "Excessive" or "unusual noise" means any sound made by a passenger
24 motor vehicle or a motorcycle at any time under any condition of grade,
25 speed, acceleration or deceleration, which exceeds ninety-two (92) deci-
26 bels, or any lower decibel level that is fixed by law or rules adopted by the
27 board of health and welfare, on the "A" scale of a general radio company No.
28 1551-B sound level meter, or equivalent, stationed at a distance of not less
29 than twenty (20) feet to the side of a vehicle or motorcycle as the vehicle or
30 motorcycle passes the soundmeter or is stationed not less than twenty (20)
31 feet from a stationary motor or engine.

32 (8) "Excessive speed" means any speed of fifteen (15) miles per hour or
33 more above the posted speed limit, and is only for purposes of determining
34 disqualification of commercial driving privileges.

35 (9) "Executive head," as used in chapter 20, title 49, Idaho Code, means
36 the governor of the state of Idaho.

37 (10) "Explosives" means any chemical compound or mechanical mixture
38 that is commonly used or intended for the purpose of producing an explosion
39 and which contains any oxidizing and combustive units or other ingredients
40 in proportions, quantities or packing that an ignition by fire, by friction,
41 by concussion, by percussion or by detonator of any part of the compound or
42 mixture may cause a sudden generation of highly heated gases with which the
43 resultant gaseous pressures are capable of producing destructive effects on
44 contiguous objects or of destroying life or limb.

45 (11) "Extraordinary circumstances" means any situation where an emer-
46 gency exists or public safety is endangered, or any situation in which a ve-
47 hicle:

48 (a) Is blocking or impeding traffic; or

- 1 (b) Is causing a hazard; or
 2 (c) Has the potential of impeding any emergency vehicle; or
 3 (d) Is impeding any snow removal or other road maintenance operation;
 4 or
 5 (e) Has been stolen but not yet reported as recovered; or
 6 (f) Is not registered, or displays a license plate registration tag
 7 which has been expired; or
 8 (g) Has been involved in an accident and remains on the highway; or
 9 (h) The driver has been arrested.

10 SECTION 2. That the Heading for Chapter 18, Title 49, Idaho Code, be,
 11 and the same is hereby amended to read as follows:

12 CHAPTER 18
 13 ~~ABANDONED~~ TOWING AND STORAGE OF MOTOR VEHICLES

14 SECTION 3. That Section 49-1802, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 49-1802. PRESUMPTION. (1) The abandonment of any vehicle shall create
 17 a prima facie presumption that the last registered owner of record is respon-
 18 sible for the abandonment and is thereby liable for the costs incurred in the
 19 removal, storage and disposition of the vehicle, less any amount received
 20 from the disposition of the vehicle.

21 (2) The owner of any vehicle removed under extraordinary circum-
 22 stances, or under the authority of section 49-662, Idaho Code, is presumed
 23 responsible for the vehicle and is thereby liable for the costs incurred
 24 in the removal, storage and disposition of the vehicle, less any amounts
 25 received from the disposition of the vehicle.

26 (3) If a vehicle is found abandoned or under extraordinary circum-
 27 stances and is removed at the direction of any authorized officer, and is
 28 not redeemed by the owner or lienholder within seven (7) days of the tow, the
 29 last registered owner of record is guilty of a traffic infraction, unless
 30 the owner has filed a release of liability with the department according to
 31 section 49-526, Idaho Code, in which case the transferee shown on the release
 32 of liability shall be guilty of a traffic infraction.

33 SECTION 4. That Section 49-1803, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 49-1803. REMOVAL OF STOLEN VEHICLES ~~OR VEHICLES FOUND UNDER EMERGENCY~~
 36 ~~CIRCUMSTANCES.~~ (1) Any authorized officer, upon discovery of a vehicle re-
 37 ported as stolen and not recovered, ~~or any vehicle involved in any extraor-~~
 38 ~~dinary circumstances,~~ may take the vehicle into custody and cause it to be
 39 taken to and stored in a suitable place, or may cause the vehicle to be placed
 40 in the custody of a tow truck operator, all expenses of towing and storage to
 41 be those of the vehicle owner unless otherwise determined according to the
 42 provisions of section 49-1805(5), Idaho Code.

43 (2) Within forty-eight (48) hours, excluding weekends and holidays, of
 44 the time that the vehicle is taken into custody and is stored pursuant to this
 45 chapter, the agency of which the officer is an agent shall give written no-

1 tice by certified mail to the registered and legal owners of the vehicle, if
2 known. The notice shall state:

- 3 (a) That the vehicle has been taken into custody and stored; and
4 (b) The location of storage of the vehicle.
5 (3) The public agency by which the officer is employed shall appraise
6 the vehicle and shall include in the notice, identification of the officer;
7 location of the vehicle; a description of the vehicle including make, year
8 model, identification number, license number, state of registration and the
9 statutory authority for storage.

10 SECTION 5. That Chapter 18, Title 49, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 49-1803A, Idaho Code, and to read as follows:

13 49-1803A. REMOVAL OF ACCIDENTS -- DRIVER ARRESTS -- VEHICLES FOUND UN-
14 DER EXTRAORDINARY CIRCUMSTANCES. (1) Any authorized officer directing the
15 removal of a vehicle under the authority of this chapter, or the provisions
16 of section 49-662, Idaho Code, as the result of an accident, the driver being
17 arrested or extraordinary circumstances, may cause the vehicle to be placed
18 in the custody of a tow truck operator, all expenses of towing and storage
19 to be those of the registered owner, unless the registered owner has filed
20 a release of liability according to the provisions of section 49-526, Idaho
21 Code, in which case the purchaser or other transferee recorded on the release
22 of liability statement shall be presumed responsible and liable.

23 (2) At the time of removal, the authorized officer shall complete a no-
24 tice form containing, but not limited to, the following:

- 25 (a) Name and addresses of registered owner and lienholder;
26 (b) Complete vehicle description, including license plate number and
27 vehicle identification number;
28 (c) Date, time and reason for tow;
29 (d) Law enforcement agency directing tow and case number assigned;
30 (e) Appraisal value of vehicle and daily storage rate;
31 (f) Authorized officer name or badge number;
32 (g) Name, address and telephone number of towing company;
33 (h) Signature of tow truck operator taking receipt of vehicle and con-
34 tents.

35 (3) A copy of this notice shall be provided to the legal or registered
36 owner at the scene, or may be mailed first class mail within ninety-six (96)
37 hours, excluding weekends and holidays. This notification shall be in ad-
38 dition to all notices required for vehicle disposal procedures contained in
39 this chapter.

40 SECTION 6. That Section 49-1804, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 49-1804. REMOVAL OF ABANDONED VEHICLES BY AUTHORIZED OFFICER. Any au-
43 thorized officer within the jurisdiction in which a vehicle is located, who
44 has reasonable grounds to believe that the vehicle has been abandoned, may
45 remove the vehicle from a highway or from public or private property to a
46 garage or nearest place of safety.

1 Upon discovery of an abandoned vehicle which is not within the class of
 2 vehicles defined under "~~emergency~~extraordinary circumstances," an autho-
 3 rized officer shall attach on the vehicle, in plain view, a notice that this
 4 vehicle will be towed away at the expiration of forty-eight (48) hours as an
 5 abandoned vehicle. The notice shall contain the name of the officer who pre-
 6 pared the notice; the name of the agency employing the officer; the time and
 7 date of attaching the notice; the time and date after which the vehicle will
 8 be removed; the telephone number and address of the agency where further in-
 9 formation can be obtained. A reasonable attempt shall be made to notify by
 10 telephone the owner of any vehicle which has current license plates and reg-
 11 istration as shown on the records of the department, prior to the expiration
 12 of the forty-eight (48) hour notice period, of the location of the vehicle
 13 and the time and date of intent to remove the vehicle. The inability of an of-
 14 ficer to notify the owner shall not preclude the removal of the vehicle at the
 15 expiration of the forty-eight (48) hour period.

16 Any vehicle which does not have current or any license plate attached
 17 may be immediately removed to a safe place of storage.

18 SECTION 7. That Section 49-1807, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 49-1807. CHARGES NOT OTHERWISE PROVIDED FOR. Every towing firm, em-
 21 ployee or agent in the process of towing, removing or impounding a vehicle
 22 as directed by an authorized officer, except vehicles ~~found under extraor-~~
 23 ~~inary circumstances~~ to be towed as part of an investigation or suspected
 24 stolen, shall upon request of the owner or his authorized agent, release the
 25 vehicle at the scene. If the vehicle is attached to the tow truck, or other-
 26 wise "in tow," the regular, scheduled tow fee may be charged. When the ve-
 27 hicle is not yet "in tow" at the time of request, the release must be made,
 28 and no charge may be assessed except a customary and reasonable charge for
 29 mileage one way from the towing firm's place of storage to the scene plus the
 30 usual fee for the tow truck operator. If the authorized fee is not tendered
 31 by the owner or his agent, the towing operator may complete the impoundment,
 32 towing or removal, as authorized.

33 SECTION 8. That Section 49-1807A, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 49-1807A. UNAUTHORIZED REMOVAL OF VEHICLE -- REFUSAL TO RELEASE VEHI-
 36 CLE. (1) Any towing firm, employee or agent thereof called to the scene of an
 37 accident or disabled vehicle by an authorized officer and requested to re-
 38 move a vehicle, shall remove the vehicle and take it to the nearest garage
 39 or other place of safety as directed by the officer or, except as otherwise
 40 provided in this chapter, shall take the vehicle to such place as the owner
 41 or his authorized agent may reasonably request. The towing firm, employee
 42 or agent shall not be entitled to recover any storage, impound fees or other
 43 fees, except the scheduled tow fee, if the firm, employee or agent:

44 (1a) Removes the vehicle to a place other than as directed by the offi-
 45 cer or as reasonably requested by the owner or his authorized agent; or

46 (2b) After removing the vehicle, refuses to release the vehicle to the
 47 owner or his authorized agent for any reason other than the refusal of

1 the owner or authorized agent to pay the fees to which the towing firm
 2 is lawfully entitled. The refusal of the owner or his authorized agent
 3 to pay fees to which the towing firm, employee or agent is not entitled
 4 pursuant to this subsection, shall not be cause for the towing firm, em-
 5 ployee or agent to refuse to release the vehicle.

6 (2) Upon release of the vehicle to the legal or registered owner, autho-
 7 alized agent or insurance representative, the towing company shall provide an
 8 itemized statement containing the following:

- 9 (a) Location from which the vehicle was towed;
 10 (b) Storage location of the vehicle;
 11 (c) Name, address and telephone number of the tow company;
 12 (d) Year, make and model of the vehicle towed;
 13 (e) License plate number of the vehicle towed;
 14 (f) Itemized cost of towing and recovery charges;
 15 (g) Daily storage charge and number of days stored.

16 SECTION 9. That Section 49-1808, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 49-1808. STORAGE OF VEHICLE. Whenever an authorized officer removes a
 19 vehicle from a highway, or from public or private property, he shall take, or
 20 cause to be taken, the vehicle to the nearest garage or other place of safety.
 21 Reasonable efforts shall be made to secure and prevent further damage to ve-
 22 hicles being stored. At the time of removal, the authorized officer ~~or em-~~
 23 ployee shall record the mileage of the vehicle shall complete a towed vehicle
 24 notice according to the provisions of section 49-1803A(2), Idaho Code.

25 (1) Any vehicle stored under the provisions of this chapter, except ve-
 26 hicles being stored as part of a law enforcement investigation, shall be made
 27 available for physical inspection by the legal or registered owner, autho-
 28 alized agent or insurance representative during reasonable business hours at
 29 no additional charge.

30 (2) Any vehicle towed as a result of extraordinary circumstances, or
 31 under the authority of section 49-662, Idaho Code, and stored in excess of
 32 thirty (30) days, not being held as part of a law enforcement investigation,
 33 may be declared as abandoned and processed for disposal under the provisions
 34 of this chapter.

35 SECTION 10. That Section 49-1809, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 49-1809. REQUEST BY POSSESSORY ~~LIEN HOLDER~~ LIENHOLDER FOR NAMES AND
 38 ADDRESSES OF INTERESTED PERSONS -- NOTICE OF SALE TO SATISFY LIEN. (1) After
 39 acquiring possession of a vehicle in any manner authorized by the provisions
 40 of this chapter, the possessory ~~lien holder~~ lienholder shall make a request
 41 to the department for the names and addresses of all persons having an inter-
 42 est in the vehicle as appears in the department records. The possessory ~~lien~~
 43 ~~holder~~ lienholder shall, upon receipt of this information, notify all legal
 44 or registered owners in accordance with section 49-1805, Idaho Code, unless
 45 otherwise already complied with. Whenever a vehicle has been removed un-
 46 der the provisions of this chapter and the possessory ~~lien holder~~ lienholder
 47 has sent the notice as provided, the possessory ~~lien holder~~ lienholder shall

1 have a lien dependent upon possession for his compensation for towage and for
 2 caring for and keeping safe the vehicle for a period not exceeding sixty (60)
 3 days. If the vehicle is not recovered by the owner within that period or the
 4 owner is unknown, the ~~keeper of the garage~~ possessory lienholder may satisfy
 5 his lien in the manner prescribed in this chapter. The lien shall not be as-
 6 signed.

7 (2) No lien shall attach to any personal property in or on the vehicle.
 8 Personal property in or on the vehicle shall be given to the registered owner
 9 or owner's authorized agent upon demand. The ~~lien holder~~ possessory lien-
 10 holder shall not be responsible for property after any vehicle has been dis-
 11 posed of pursuant to this chapter.

12 SECTION 11. That Section 49-1811, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 49-1811. SALE OF UNCLAIMED VEHICLES. (1) If the owner of ~~an abandoned a~~
 15 vehicle does not claim the vehicle before the day of sale or the owner or ~~lien~~
 16 ~~holder~~ lienholder is unknown or cannot be located, the ~~abandoned unclaimed~~
 17 vehicle shall be sold, pursuant to the notice of sale. Upon sale, the govern-
 18 mental entity conducting the sale shall apply for and the department shall
 19 issue a new certificate of title for the ~~abandoned unclaimed~~ vehicle. The
 20 new certificate of title shall be delivered to the new purchaser by the de-
 21 partment. The application for the new certificate of title shall state that
 22 the ~~abandoned unclaimed~~ vehicle has been sold as abandoned and ownerless to
 23 the purchaser. The new certificate of title may thereafter be used by the
 24 purchaser to show ownership of the sold ~~abandoned unclaimed~~ vehicle.

25 (2) All sales of vehicles, pursuant to the provisions of this chapter,
 26 shall be under the direction of an appropriate governmental agency which
 27 shall prior to sale be satisfied that all prerequisites in this chapter have
 28 been satisfied.

29 SECTION 12. That Section 49-1812, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 49-1812. CLAIMING OF ~~ABANDONED~~ VEHICLES. (1) The owner of ~~an abandoned~~
 32 any vehicle or any vehicle removed under extraordinary circumstances re-
 33 moved under the provisions of this chapter except those vehicles impounded
 34 for investigation or suspected stolen, may take possession of the ~~abandoned~~
 35 vehicle at any time prior to sale by proving ownership and paying the costs
 36 relative to towing and storing the vehicle and costs of advertising except as
 37 otherwise provided in section 49-1805, Idaho Code.

38 (2) A lienholder of ~~an abandoned vehicle or any vehicle removed under~~
 39 extraordinary circumstances any vehicle removed under the provisions of
 40 this chapter except those vehicles impounded for investigation or suspected
 41 stolen, may take possession of the ~~abandoned~~ vehicle at any time prior to the
 42 sale by proving the presence of the lien and by paying the costs relative to
 43 towing and storing the vehicle and costs of advertising. The lienholder may
 44 also take possession of the ~~abandoned~~ vehicle by purchasing the vehicle at
 45 the sale. Nothing in this chapter shall be construed to abate any cause of
 46 action that a lienholder has against the owner of an abandoned vehicle.

1 SECTION 13. That Section 49-1813, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-1813. REMOVAL WITHOUT PAYMENT PROHIBITED. Unauthorized removal of
4 ~~an abandoned vehicle~~ any vehicle towed under the provisions of this chapter
5 from the custody of the department, the sheriff, state police or police de-
6 partment, or from the custody of any person holding the ~~abandoned~~
7 the department, the sheriff, state police or police department without pay-
8 ment in full of all charges and costs that have been incurred under the provi-
9 sions of this chapter shall be a misdemeanor and the ~~abandoned~~
10 recovered and returned to the place of storage or disposed of by the depart-
11 ment, the sheriff, state police or police department.

12 SECTION 14. That Section 49-1814, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 49-1814. DISPOSITION OF LOW-VALUED VEHICLES. (1) If the vehicle is ap-
15 praised at a value not exceeding ~~two~~ seven hundred fifty dollars (~~\$20~~750),
16 the provisions of sections 49-1809 through 49-1811, Idaho Code, shall not
17 apply, and the person or public agency which removed the vehicle shall:

18 (a) Prepare a certificate containing a description of the vehicle
19 stating the appraised value of the vehicle and indicating one (1) of the
20 following:

21 1. The agency which requested the tow has submitted a certified
22 statement that a declaration of opposition has not been received.

23 2. The registered and legal owners have signed a certified release
24 disclaiming any interest, which release shall be included with the
25 certificate.

26 3. The vehicle is in a condition that vehicle identification num-
27 bers are not available to determine owners of record.

28 (b) Upon completion of the certificate, execute and deliver a bill of
29 sale, together with a copy of the certificate, ~~either~~ to the possessory
30 lienholder, who shall endorse the bill of sale to an automobile parts
31 dealer or to a scrap processor for disposal.

32 (2) Automobile parts dealers acquiring vehicles which are the subject
33 of certificates prepared and forwarded pursuant to this section shall be ex-
34 cused from any fees which would otherwise be due to the department.

35 (3) A public agency may authorize, by contract, the removal or disposal
36 of low-valued vehicles. The contract shall be issued to the lowest responsi-
37 ble bidder. Bills of sale shall then be executed and delivered, pursuant to
38 subsection (1) (b) of this section, to the contractor.

39 (4) The following persons shall have the authority to make appraisals
40 for purposes of this chapter:

41 (a) Any member of the Idaho state police;

42 (b) Any regularly employed and salaried deputy sheriff or other em-
43 ployee designated by the sheriff of any county;

44 (c) Any regularly employed and salaried peace officer or other employee
45 designated by the chief of police of any city;

46 (d) Any officer or employee of the division of motor vehicles desig-
47 nated by the director;

1 (e) Any regularly salaried employee of a city, county, or city and
 2 county designated by a board of county commissioners or by a city
 3 council; or

4 (f) Any regularly employed and salaried peace officer or other employee
 5 of the department of parks and recreation designated by the director of
 6 that department.

7 (5) An appraiser, upon completion of an appraisal within the meaning of
 8 this chapter, shall notify the department of the appraisal and of the facts
 9 upon which the appraisal was based.

10 SECTION 15. That Section 49-1815, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 49-1815. DISPOSITION OF LOW-VALUED VEHICLES -- PROCEDURE. The proce-
 13 dure for the disposition of low-valued vehicles is as follows:

14 (1) The person or agency which removes the vehicle shall, within fif-
 15 teen (15) working days following the date of possession of the vehicle, make
 16 a request to the department for the names and addresses of all persons having
 17 an interest in the vehicle. No storage charge shall accrue beyond the fif-
 18 teen (15) day period unless the possessory lienholder has made a request to
 19 the department as provided in this section.

20 (2) The person or agency which removes the vehicle shall immediately
 21 upon receipt of this information send, by certified mail with return receipt
 22 requested, the following prescribed forms and enclosures to the registered
 23 owner and legal owner at their addresses of record with the department, and
 24 to any other person known to have an interest in the vehicle:

25 (a) A completed form entitled "Notice of Intent to Dispose of a Vehicle
 26 Valued at ~~\$20~~750 or Less";

27 (b) A blank form entitled "Declaration of Opposition."~~-~~

28 (3) All notices to persons having an interest in the vehicle shall be
 29 signed under penalty of perjury and shall include all of the following:

30 (a) A description of the vehicle, including make, year, model, identi-
 31 fication number, license number, and state of registration;

32 (b) The names and addresses of the registered and legal owners of the
 33 vehicle and any other person known to have an interest in the vehicle;

34 (c) The following statements and information:

35 1. The amount of the lien;

36 2. The facts concerning the claim which give rise to the lien;

37 3. The person has a right to a hearing in court;

38 4. If a hearing in court is desired, a declaration of opposition
 39 form shall be signed under penalty of perjury and returned to the
 40 agency which requested the tow within ten (10) days of the date the
 41 notice of intent to dispose of a vehicle valued at ~~\$20~~750 or less
 42 form was mailed; and

43 5. The declarant may be liable for court costs if a judgment is en-
 44 tered in favor of the possessory lienholder.

45 (d) A statement that the possessory lienholder may dispose of the ve-
 46 hicle to a certified automobile parts dealer if it is not redeemed or if
 47 a declaration of opposition form is not signed and mailed to the agency
 48 which requested the tow within ten (10) days of the date the notice of
 49 intent to dispose of a vehicle valued at ~~\$20~~750 or less form was mailed.

1 (4) If the agency which requested the tow receives a completed decla-
 2 ration of opposition form within the time prescribed, the vehicle shall not
 3 be disposed of for an additional fifteen (15) day period during which time
 4 the individual filing the declaration of opposition must file an action with
 5 the appropriate court and cause the possessory lienholder to be served with
 6 the summons and complaint. The filing and service of the action will stay
 7 disposal of the vehicle pending decision by the court unless the declarant
 8 subsequently releases his interest in the vehicle.

9 SECTION 16. That Section 49-1816, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 49-1816. DISPOSITION OF LOW-VALUED VEHICLE ~~—AUTOMOBILE PARTS~~
 12 ~~DEALER~~. (1) Any vehicle determined to have a value not exceeding ~~two seven~~
 13 hundred fifty dollars (~~\$20750~~) which was stored pursuant to this chapter,
 14 and which remains unclaimed, or for which reasonable towing and storage
 15 charges remain unpaid, ~~shall~~ may be disposed of ~~only~~ to an automobile parts
 16 dealer not earlier than fifteen (15) days after the date the notice of intent
 17 to dispose of a vehicle valued at ~~two seven~~ hundred fifty dollars (~~\$20750~~) or
 18 less form was mailed, unless a declaration of opposition form has been signed
 19 and returned to the possessory ~~lien holder~~ lienholder.

20 (2) If the vehicle has been disposed of to an automobile parts dealer,
 21 the person or agency removing the vehicle shall forward the following forms
 22 and information to the department within five (5) days:

- 23 (a) A statement, signed under penalty of perjury, that a properly exe-
 24 cuted declaration of opposition form was not received;
 25 (b) A copy of the notice sent to all interested parties;
 26 (c) A certification from the public agency which made the determination
 27 of value pursuant to section 49-1814, Idaho Code;
 28 (d) The proof of service or a copy of the court judgment;
 29 (e) The name, address, and telephone number of the certified automobile
 30 parts dealer who received the vehicle; and
 31 (f) The amount the person or agency removing the vehicle received for
 32 the vehicle.

33 SECTION 17. That Chapter 18, Title 49, Idaho Code, be, and the same is
 34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 35 ignated as Section 49-1819, Idaho Code, and to read as follows:

36 49-1819. PROVISIONS OF SECTIONS UNIFORM THROUGHOUT STATE. The provi-
 37 sions of sections 49-1801 through 49-1818, Idaho Code, shall be applicable
 38 and uniform throughout the state and in all political subdivisions and no lo-
 39 cal authority shall enact or enforce any ordinance, rule or regulation in
 40 conflict with the provisions of these sections.