

TITLE 49
MOTOR VEHICLES

CHAPTER 18
TOWING AND STORAGE OF MOTOR VEHICLES

49-1801. ABANDONMENT PROHIBITED. (1) No person shall abandon a vehicle upon any highway.

(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

[49-1801, added 1988, ch. 265, sec. 419, p. 793.]

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

(2) The owner of any vehicle removed under extraordinary circumstances, or under the authority of section [49-662](#), Idaho Code, is presumed responsible for the vehicle and is thereby liable for the costs incurred in the removal, storage and disposition of the vehicle, less any amounts received from the disposition of the vehicle.

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

[49-1802, added 1988, ch. 265, sec. 420, p. 794; am. 2002, ch. 366, sec. 3, p. 1034; am. 2010, ch. 171, sec. 3, p. 349.]

49-1803. REMOVAL OF STOLEN VEHICLES. (1) Any authorized officer, upon discovery of a vehicle reported as stolen and not recovered, may take the vehicle into custody and cause it to be taken to and stored in a suitable place, or may cause the vehicle to be placed in the custody of a tow truck operator, all expenses of towing and storage to be those of the vehicle owner unless otherwise determined according to the provisions of section [49-1805](#) (5), Idaho Code.

(2) Within forty-eight (48) hours, excluding weekends and holidays, of the time that the vehicle is taken into custody and is stored pursuant to this chapter, the agency of which the officer is an agent shall give written notice by certified mail to the registered and legal owners of the vehicle, if known. The notice shall state:

- (a) That the vehicle has been taken into custody and stored; and
- (b) The location of storage of the vehicle.

(3) The public agency by which the officer is employed shall appraise the vehicle and shall include in the notice, identification of the officer; location of the vehicle; a description of the vehicle including make, year model, identification number, license number, state of registration and the statutory authority for storage.

[49-1803, added 1988, ch. 265, sec. 421, p. 794; am. 1998, ch. 392, sec. 26, p. 1230; am. 2010, ch. 171, sec. 4, p. 349.]

49-1803A. REMOVAL OF ACCIDENTS -- DRIVER ARRESTS -- VEHICLES FOUND UNDER EXTRAORDINARY CIRCUMSTANCES. (1) Any authorized officer who dispatches a call to request the removal of a vehicle under the authority of this chapter, or the provisions of section [49-662](#), Idaho Code, as the result of an accident, the driver being arrested or extraordinary circumstances, may cause the vehicle to be placed in the custody of a tow truck operator, all expenses of towing and storage to be those of the registered owner, unless the registered owner has filed a release of liability according to the provisions of section [49-526](#), Idaho Code, in which case the purchaser or other transferee recorded on the release of liability statement shall be presumed responsible and liable.

(2) At the time of removal, the authorized officer shall complete a notice form containing, but not limited to, the following:

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

(3) A copy of this notice shall be provided to the legal or registered owner at the scene, or may be mailed by first class mail within seventy-two (72) hours, excluding weekends and holidays. A copy of this notice shall also be mailed by first class mail to any lienholder within seventy-two (72) hours, excluding weekends and holidays. This notification shall be in addition to all notices required for vehicle disposal procedures contained in this chapter.

[49-1803A, added 2010, ch. 171, sec. 5, p. 350; am. 2018, ch. 212, sec. 1, p. 480.]

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

Upon discovery of an abandoned vehicle which is not within the class of vehicles defined under "extraordinary circumstances," an authorized officer shall attach on the vehicle, in plain view, a notice that this vehicle will be towed away at the expiration of forty-eight (48) hours as an abandoned vehicle. The notice shall contain the name of the officer who prepared the notice; the name of the agency employing the officer; the time and date of attaching the notice; the time and date after which the vehicle will be removed; the telephone number and address of the agency where further information can be obtained. A reasonable attempt shall be made to notify by telephone the owner of any vehicle which has current license plates and registration as shown on the records of the department, prior to the expiration of the forty-eight (48) hour notice period, of the location of the vehicle

and the time and date of intent to remove the vehicle. The inability of an officer to notify the owner shall not preclude the removal of the vehicle at the expiration of the forty-eight (48) hour period.

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

[49-1804, added 1988, ch. 265, sec. 422, p. 794; am. 2010, ch. 171, sec. 6, p. 350.]

49-1805. POST-STORAGE HEARING. (1) Whenever an authorized officer directs the towing or storage of a vehicle, except vehicles impounded for investigation pursuant to section [49-1803](#), Idaho Code, the agency directing or authorizing towing or storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine the validity of the storage.

(2) A notice of the storage shall be sent by certified mail to the registered and legal owners within forty-eight (48) hours, excluding the weekends and holidays, and shall include the following information:

(a) The name, address, and telephone number of the agency providing the notice;

(b) The location of the place of storage and description of the vehicle which shall include, if available, the name or make, identification number, the license plate number, and the mileage;

(c) The authority and purpose for the removal of the vehicle; and

(d) In order to receive a post-storage hearing, the owners, or their agents, must request the hearing in writing within ten (10) days of the date of the notice. Any such hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person who directed the storage of the vehicle.

(3) Failure of either the registered or legal owner, or his agent, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement as to that person.

(4) The provisions of this section shall not apply to vehicles removed from private property pursuant to section [49-1806](#)(1), Idaho Code.

(5) The agency employing the person who directed the storage shall be responsible for the costs incurred for towing and storage if it is determined in the hearing that probable cause for the storage cannot be established.

[49-1805, added 1988, ch. 265, sec. 423, p. 795.]

49-1806. REMOVAL -- BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLE FROM REAL PROPERTY. (1) Any person having possession or control of real property who finds an unauthorized vehicle standing upon his property is permitted to have the vehicle removed or booted if there is posted on or near the property in a clearly conspicuous location, in large print, a sign or notice that unauthorized vehicles will be removed or booted at the owner's expense and designating the name of the towing firm. Unauthorized vehicles need not meet the provision of section [49-102](#)(2), Idaho Code, in this instance. No vehicle shall be considered unauthorized and subject to removal or booting pursuant to the provisions of this subsection solely on the basis of the vehicle having expired or improper vehicle registration.

(2) Any person having possession or control of real property who finds an abandoned vehicle standing on his property, where the property is not posted as set out in subsection (1) of this section, may contact an authorized officer, who must in turn comply with the provisions of section [49-1804](#), Idaho Code, in accomplishing the removal of the vehicle except under those circumstances set out in subsection (3) of this section.

(3) Where access into or out of private property or substantial interference with the use and enjoyment of private property is created by an unauthorized or abandoned vehicle being parked or otherwise left on private property, the person owning or controlling the property may contact an authorized officer who may, without regard for the provisions of section [49-1804](#), Idaho Code, immediately proceed to have the vehicle removed to a garage or nearest place of safety. All other provisions of this chapter shall be complied with.

[49-1806, added 1988, ch. 265, sec. 424, p. 796; am. 2018, ch. 324, sec. 4, p. 755; am. 2020, ch. 84, sec. 1, p. 221.]

49-1806A. VEHICLES REMOVED FROM POSTED PROPERTY -- NOTIFICATION. (1) Notwithstanding other provisions of this chapter, whenever a vehicle is towed pursuant to section [49-1806](#)(1), Idaho Code, the tow company shall, within seventy-two (72) hours, excluding weekends and holidays, make a request to the department for the names and addresses of all persons having an interest in the vehicle as appears in the department's records.

(2) Within one (1) business day after receipt of the information requested pursuant to subsection (1) of this section, the tow company shall send notice by first class mail to all owners, lienholders, and any other person shown on the department's records. The notice shall include the following information:

- (a) A description of the vehicle that includes, if available, make, model year, model, identification number, license plate number, and state of registration;
- (b) The names and addresses of the registered owners and lienholders, if known, and any other person known to have an interest in the vehicle;
- (c) The name and telephone number of the tow company;
- (d) The date and time of tow;
- (e) The location of the place of storage; and
- (f) The amount of the lien and the facts concerning the claim that gave rise to the lien.

[49-1806A, added 2020, ch. 63, sec. 1, p. 146.]

49-1807. CHARGES NOT OTHERWISE PROVIDED FOR. Every towing firm, employee or agent in the process of towing, removing or impounding a vehicle as directed by an authorized officer, except vehicles to be towed as part of an investigation or suspected stolen, shall upon request of the owner or his authorized agent, release the vehicle at the scene. If the vehicle is attached to the tow truck, or otherwise "in tow," the regular, scheduled tow fee may be charged. When the vehicle is not yet "in tow" at the time of request, the release must be made, and no charge may be assessed except a customary and reasonable charge for mileage one way from the towing firm's place of storage to the scene plus the usual fee for the tow truck operator. If the authorized fee is not tendered by the owner or his agent, the towing operator may complete the impoundment, towing or removal, as authorized.

[49-1807, added 1988, ch. 265, sec. 425, p. 797; am. 2010, ch. 171, sec. 7, p. 351.]

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

(a) Removes the vehicle to a place other than as directed by the officer or as reasonably requested by the owner or his authorized agent; or

(b) After removing the vehicle, refuses to release the vehicle to the owner, his authorized agent, insurance representative or lienholder for any reason other than the refusal of the owner, authorized agent, insurance representative or lienholder to pay the fees to which the towing firm is lawfully entitled. The refusal of the owner, his authorized agent, insurance representative or lienholder to pay fees to which the towing firm, employee or agent is not entitled pursuant to this subsection shall not be cause for the towing firm, employee or agent to refuse to release the vehicle.

(2) Upon release of the vehicle to the legal or registered owner, authorized agent or insurance representative, the towing company shall provide an itemized statement containing the following:

(a) Location from which the vehicle was towed;

(b) Storage location of the vehicle;

(c) Name, address and telephone number of the tow company;

(d) Year, make and model of the vehicle towed;

(e) License plate number of the vehicle towed;

(f) Itemized cost of towing and recovery charges;

(g) Daily storage charge and number of days stored.

[49-1807A, added 2000, ch. 308, sec. 1, p. 1044; am. 2010, ch. 171, sec. 8, p. 351; am. 2011, ch. 304, sec. 1, p. 870.]

49-1807B. IDAHO STATE POLICE AUTHORIZED TOW LIST -- BACKGROUND CHECKS. The Idaho state police shall establish and maintain an authorized tow list. To determine the suitability of applicants for inclusion on the Idaho state police authorized tow list, the Idaho state police shall require every applicant towing firm owner, driver and operator to provide information and fingerprints necessary to obtain criminal history information from the Idaho state police bureau of criminal identification and the federal bureau of investigation. The cost of taking and processing such fingerprints shall be the responsibility of the applicant. Pursuant to section [67-3008](#), Idaho Code, the Idaho state police shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho state police bureau of criminal identification for a criminal records check of state and national databases. The Idaho state police may receive criminal history information from the Idaho state police bureau of criminal identification and from the federal bureau of investigation for the purpose of evaluating the fitness of applicants for inclusion on the Idaho state police authorized tow list.

[49-1807B, added 2012, ch. 99, sec. 1, p. 263.]

49-1808. STORAGE OF VEHICLE. Whenever an authorized officer removes a vehicle from a highway, or from public or private property, he shall take, or cause to be taken, the vehicle to the nearest garage or other place of safety. Reasonable efforts shall be made to secure and prevent further damage to vehicles being stored. At the time of removal, the authorized officer shall complete a towed vehicle notice according to the provisions of section [49-1803A](#)(2), Idaho Code.

(1) Any vehicle stored under the provisions of this chapter, except vehicles being stored as part of a law enforcement investigation, shall be made available for physical inspection by the legal or registered owner, authorized agent or insurance representative during reasonable business hours at no additional charge.

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

[49-1808, added 1988, ch. 265, sec. 426, p. 797; am. 2010, ch. 171, sec. 9, p. 351.]

49-1809. REQUEST BY POSSESSORY LIENHOLDER FOR NAMES AND ADDRESSES OF INTERESTED PERSONS -- NOTICE OF SALE TO SATISFY LIEN. (1) After acquiring possession of a vehicle in any manner authorized by the provisions of this chapter, the possessory lienholder shall make a request to the department for the names and addresses of all persons having an interest in the vehicle as appears in the department records. The possessory lienholder shall, upon receipt of this information, notify all legal or registered owners in accordance with section [49-1805](#), Idaho Code, unless otherwise already complied with. Whenever a vehicle has been removed under the provisions of this chapter and the possessory lienholder has sent the notice as provided, the possessory lienholder shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe the vehicle for a period not exceeding sixty (60) days. If the vehicle is not recovered by the owner within that period or the owner is unknown, the possessory lienholder may satisfy his lien in the manner prescribed in this chapter. The lien shall not be assigned.

(2) No lien shall attach to any personal property in or on the vehicle. Personal property in or on the vehicle shall be given to the registered owner or owner's authorized agent upon demand. The possessory lienholder shall not be responsible for property after any vehicle has been disposed of pursuant to this chapter.

[49-1809, added 1988, ch. 265, sec. 427, p. 797; am. 2010, ch. 171, sec. 10, p. 352.]

49-1810. NOTIFICATION TO OWNER OF SALE. (1) If the owner or a lien holder of record is known and can be located, a copy of the notice of sale shall be served on the owner and lien holder at least fifteen (15) days before the date of the sale. Service of the notice may be made by certified mail. Notice of the sale, in addition, shall be given by advertising the abandoned vehicle for sale at least twice in a daily newspaper of general circulation

where the abandoned vehicle was found and is being held. The notice of sale shall:

- (a) Describe the abandoned vehicle by giving a description of the vehicle, name or make, model, year, manufacturer, license plate number (if available), mileage, serial number and any other distinguishing characteristics;
- (b) Describe when and where the abandoned vehicle will be sold;
- (c) State the names and addresses of the registered and legal owners (if known);
- (d) State the amount of the lien and the facts concerning the claim which gave rise to the lien.

(2) Where the owner or lien holder is not known or cannot be located, notice of sale shall be given by advertising the abandoned vehicle for sale at least twice in a daily newspaper of general circulation where the abandoned vehicle was found and is being held. The notice shall contain the information required in subsection (1) of this section. If the owner is known but has not been located a notice of sale shall, in addition, be sent to him by registered or certified mail to the last known mailing address.

[49-1810, added 1988, ch. 265, sec. 428, p. 798.]

49-1811. SALE OF UNCLAIMED VEHICLES. (1) If the owner of a vehicle does not claim the vehicle before the day of sale or the owner or lienholder is unknown or cannot be located, the unclaimed vehicle shall be sold, pursuant to the notice of sale. Upon sale, the governmental entity conducting the sale shall apply for and the department shall issue a new certificate of title for the unclaimed vehicle. The new certificate of title shall be delivered to the new purchaser by the department. The application for the new certificate of title shall state that the unclaimed vehicle has been sold as abandoned and ownerless to the purchaser. The new certificate of title may thereafter be used by the purchaser to show ownership of the sold unclaimed vehicle.

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

[49-1811, added 1988, ch. 265, sec. 429, p. 798; am. 2010, ch. 171, sec. 11, p. 352.]

49-1812. CLAIMING OF VEHICLES. (1) The owner of any vehicle removed or booted under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to sale by proving ownership and paying the costs relative to towing and storing or booting the vehicle and costs of advertising except as otherwise provided in section [49-1805](#), Idaho Code.

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

(3) Any insurer having a claim made against it pertaining to any vehicle removed or booted under the provisions of this chapter, except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the settlement of such claim following determination by such insurer that the vehicle has been determined by such insurer to be a total loss, obtaining verbal consent of the owner and by paying the lawfully entitled costs relative to towing and storing the vehicle. The insurer holding facility shall allow access to the vehicle owner or their representative upon the vehicle owner or their representative providing evidence of ownership. Personal property unrelated to the vehicle must be returned to the vehicle owner in conformance with section [49-1809](#)(2), Idaho Code. If no total loss settlement is reached, the insurer shall return the vehicle to a mutually agreed upon location. Any holding facility that releases a vehicle consistent with the provisions of this subsection shall be held harmless for the release of such vehicle. The insurer shall provide the location and telephone number of the insurer holding facility to the vehicle owner or their representative.

[49-1812, added 1988, ch. 265, sec. 430, p. 799; am. 2002, ch. 366, sec. 4, p. 1034; am. 2010, ch. 171, sec. 12, p. 353; am. 2011, ch. 304, sec. 2, p. 871; am. 2018, ch. 324, sec. 5, p. 755.]

49-1813. REMOVAL WITHOUT PAYMENT PROHIBITED. Unauthorized removal of any vehicle towed under the provisions of this chapter from the custody of the department, the sheriff, state police or police department, or from the custody of any person holding the vehicle for the department, the sheriff, state police or police department without payment in full of all charges and costs that have been incurred under the provisions of this chapter shall be a misdemeanor and the vehicle may be recovered and returned to the place of storage or disposed of by the department, the sheriff, state police or police department.

[49-1813, added 1988, ch. 265, sec. 431, p. 799; am. 2010, ch. 171, sec. 13, p. 353.]

49-1814. DISPOSITION OF LOW-VALUED VEHICLES. (1) If the vehicle is appraised at a value not exceeding seven hundred fifty dollars (\$750), the provisions of sections [49-1809](#) through [49-1811](#), Idaho Code, shall not apply, and the person or public agency which removed the vehicle shall:

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

1. The agency which requested the tow has submitted a certified statement that a declaration of opposition has not been received.
2. The registered and legal owners have signed a certified release disclaiming any interest, which release shall be included with the certificate.
3. The vehicle is in a condition that vehicle identification numbers are not available to determine owners of record.

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

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

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

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

- (a) Any member of the Idaho state police;
- (b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county;
- (c) Any regularly employed and salaried peace officer or other employee designated by the chief of police of any city;
- (d) Any officer or employee of the division of motor vehicles designated by the director;
- (e) Any regularly salaried employee of a city, county, or city and county designated by a board of county commissioners or by a city council; or
- (f) Any regularly employed and salaried peace officer or other employee of the department of parks and recreation designated by the director of that department.

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

[49-1814, added 1988, ch. 265, sec. 432, p. 799; am. 1989, ch. 113, sec. 2, p. 257; am. 1995, ch. 116, sec. 28, p. 412; am. 1998, ch. 392, sec. 27, p. 1231; am. 2000, ch. 469, sec. 120, p. 1582; am. 2010, ch. 171, sec. 14, p. 353.]

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

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

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

- (a) A completed form entitled "Notice of Intent to Dispose of a Vehicle Valued at \$750 or Less";
- (b) A blank form entitled "Declaration of Opposition."

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

- (a) A description of the vehicle, including make, year, model, identification number, license number, and state of registration;
- (b) The names and addresses of the registered and legal owners of the vehicle and any other person known to have an interest in the vehicle;
- (c) The following statements and information:

1. The amount of the lien;
2. The facts concerning the claim which give rise to the lien;
3. The person has a right to a hearing in court;
4. If a hearing in court is desired, a declaration of opposition form shall be signed under penalty of perjury and returned to the agency which requested the tow within ten (10) days of the date the notice of intent to dispose of a vehicle valued at \$750 or less form was mailed; and
5. The declarant may be liable for court costs if a judgment is entered in favor of the possessory lienholder.

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

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

[49-1815, added 1988, ch. 265, sec. 433, p. 800; am. 1989, ch. 113, sec. 3, p. 258; am. 1998, ch. 392, sec. 28, p. 1232; am. 2010, ch. 171, sec. 15, p. 354.]

49-1816. DISPOSITION OF LOW-VALUED VEHICLE. (1) Any vehicle determined to have a value not exceeding seven hundred fifty dollars (\$750) which was stored pursuant to this chapter, and which remains unclaimed, or for which reasonable towing and storage charges remain unpaid, may be disposed of to an automobile parts dealer not earlier than fifteen (15) days after the date the notice of intent to dispose of a vehicle valued at seven hundred fifty dollars (\$750) or less form was mailed, unless a declaration of opposition form has been signed and returned to the possessory lienholder.

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

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

[49-1816, added 1988, ch. 265, sec. 434, p. 801; am. 2010, ch. 171, sec. 16, p. 355.]

49-1817. FEE TO ACCOMPANY INFORMATION REQUEST. Upon the filing of a request for title and registration information on an abandoned vehicle, the department shall receive a fee in accordance with section [49-202](#)(2)(g), Idaho Code.

[49-1817, added 1988, ch. 265, sec. 435, p. 802; am. 1998, ch. 392, sec. 29, p. 1233; am. 2000, ch. 320, sec. 5, p. 1088.]

49-1818. ABANDONED VEHICLE TRUST ACCOUNT -- APPROPRIATION AND USE. (1) An account is established, to be known and designated as the abandoned vehicle trust account. There shall be set aside, paid into and credited to the account, moneys remaining from any sale of an abandoned vehicle or any vehicle removed under extraordinary circumstances after satisfaction of all possessory liens and costs of conducting the sale, and the fee authorized under section [31-3201F](#), Idaho Code, collected by the district courts.

(2) Moneys deposited in the abandoned vehicle trust account are hereby continuously appropriated to the department for the purposes of satisfying allowable claims and reimbursing the costs of administering the provisions of this chapter.

(3) Any person claiming an interest in the vehicle may file a claim with the department for any portion of the excess proceeds from an abandoned vehicle sale which were forwarded to the department. Upon determination of the department that the claimant is entitled to some amount, the department shall pay an amount which in no case shall exceed the amount forwarded to the department in connection with the sale of the vehicle. The department shall not honor any claim filed more than two (2) years after the sale.

(4) Each fee collected by the district courts pursuant to section [31-3201F](#), Idaho Code, shall be distributed as follows to the:

- (a) Law enforcement agency that directed the tow of the vehicle involved in the infraction\$50.00
- (b) Tow company that towed the vehicle involved in the infraction\$50.00
- (c) Department\$50.00

Fees shall be distributed to law enforcement agencies and tow companies on a monthly basis. All fees distributed to the department shall be deposited in the state highway account.

[49-1818, added 1988, ch. 265, sec. 436, p. 802; am. 2002, ch. 366, sec. 5, p. 1034; am. 2014, ch. 38, sec. 19, p. 88.]

49-1819. PROVISIONS OF /SECTIONS UNIFORM THROUGHOUT STATE. The provisions of sections [49-1801](#) through [49-1818](#), Idaho Code, shall be applicable and uniform throughout the state and in all political subdivisions and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of these sections.

[49-1819, added 2010, ch. 171, sec. 17, p. 355.]