

# **Abandoned Vehicle Process for Towing Companies**

Per North Dakota Century Code (NDCC) Chapter 23.1-15, a commercial towing company must be registered with the State of North Dakota that provides towing services to the general public to properly obtain a title for an abandoned vehicle in the name of the towing company. A “unit of government” (ND Highway Patrol) can provide notices of impounded vehicles that will be accepted.

## **Step One**

Complete and submit [SFN 51269 Request for Vehicle Information](#) with the \$3 processing fee to determine or verify the current registered owner’s name, address, and lien holder information (if applicable) Exception number 7 should be chosen. If NDHP is taking a vehicle into custody, they will need to provide a copy of their info search.

If no record is found within the state of North Dakota, you must contact the state in which the vehicle was last titled to obtain the last registered owner’s information. If registered state is undetermined, towing companies should utilize their own resources to determine last registered state. Many resources are available to towing companies (i.e. NMVTIS, Auto Data Direct, etc.).

## **Step Two**

Per NDCC 23.1-15-05, a notice must be sent from NDHP or commercial towing service by certified mail, return receipt requested, to the registered owner, all readily identifiable lienholders, or secured parties of record. The unit of government (NDHP) or commercial towing service taking the vehicle into custody shall give notice of the taking. **The notice must be sent within 10 days. The 10 days will start from either the tow date or within 10 days after communications (verbal, email, etc.) with the owner, lienholder, or identifiable secured parties or insurance company of the abandoned motor vehicle have ceased.**

If owners, lienholders and address of each cannot be identified, a notice must be published to the newspaper in the area where vehicle was abandoned or placed on the official website for the unit of government that initiated the impound process from public property. When posted on a website, the notice must be placed in a designated area on the official website for a minimum of 30 days and must include the information listed below. The towing company or NDHP must allow a minimum of 30 days from the date the certified letter was received, returned as undeliverable, or newspaper/ website publication date. NDHP provides a date of impound on the notification letter and provides a notification of the 30-day time period, so we are ok without an end date on the NDHP notifications.

The notice must state/include the following:

1. The license plate number and state of registration.
2. The location from which the abandoned motor vehicle was towed.

3. The location to which the abandoned motor vehicle was towed.
  4. The name, address, and telephone number of the commercial towing service that towed and is storing the abandoned motor vehicle.
  5. A description of the abandoned motor vehicle, including make, model, year, and color.
- A statement that informs the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle within thirty days is deemed a waiver by the owner, lienholders, or secured parties of all right, title, and interest in the vehicle and a consent to the disposal of the vehicle pursuant to 23.1-15-07 and must state the end date of the 30-day period during which the owner may reclaim the abandoned vehicle.

**The Notice should contain the Towing and Storage Charges. If they add additional charges for the towed vehicle on the Notice, we can accept the Notice if the Towing and Storage charges are documented separately.**

#### Owner(s) process for reclaiming the vehicle

Per NDCC 23.1-15-06, the owner, lienholder, or secured party may be able to reclaim the vehicle upon:

- Payment of the total costs accrued for towing and storage of the vehicle by the towing company.
- The owner, lienholder, or secured party must pay the fees within 30 days after the date of the notice as required by 23.1-15-05.

### **Step Three**

Submit the following documentation to the North Dakota Motor Vehicle Division:

- A copy of the registered owner information provided at the time the request for vehicle information was processed using SFN 51269 Request for Vehicle Information, or information provided by law enforcement.
- If the vehicle was titled in another state, we will require the documentation provided by the other state verifying ownership and lien information.
- [SFN 60662 Indemnifying Affidavit](#) completed and signed by the towing company releasing the State of North Dakota and its agencies from all liability. The Indemnifying Affidavit must be very specific on how the person presenting the affidavit had legal authorization to tow or recover the vehicle.
  - If utilizing the legislative clause where the communication ceased, the towing company should include the date when communication ceased in the indemnifying affidavit so this information can be documented, and the parties involved in this communication. Alternatively, a written statement of when communication ceased can be accepted that would include the year, make, model and VIN of the vehicle.
  - The communication cease date should be entered into the "Date Towed" field in LEGEND. This field's label will soon be updated in LEGEND to state "Date Towed OR Date Communication Ceased."

- A copy of all certified letters, certified mail form (to verify ship date) and return receipt (to verify receipt date/date returned as undeliverable).
  - If letter is returned as undeliverable submit the entire letter/envelope with the title work.
  - If applicable, submit copy of the notice submitted to the newspaper (or a document from the official website) in the area where vehicle was abandoned or a copy of the posting from the official website.
- Lien release (if obtained)
- [SFN 2872 Application for Certificate of Title and Registration of a Motor Vehicle](#) completed and signed.
- National Automobile Dealers Association (NADA) printout of the current fair market value of the vehicle. If fair market value cannot be determined, an appraisal might be required or [SFN 60689 Statement of Fact](#) can be accepted if vehicle is valued less than fair market value.
- Tow Order (when applicable)
- Proof of legal name for the towing company as required by NDCC 39-05-05 Subsection 1(f). Requirement may be satisfied by providing one of the following:
  - Print out of most recent Secretary of State filing
  - Copy of the top section of the most recent state or federal tax return filed in the name of the towing company
- Applicable fees
  - \$5 title fee
  - \$1.50 abandoned vehicle disposal fee, when applicable
  - 5% tax on the current fair market value of the vehicle
  - Registration fees (if the vehicle will be registered for road use by the towing company)
- Any other documentation the Division may require, per NDCC 39-05-05 Subsection 1(h).