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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For
HOUSE BILL No. *2230*

(By Delegates *Williams, Carper, Phillips,*
W. White, Rutledge and Harrison)



Passed *April 10,* 1993

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2230
(By DELEGATES WILLIAMS, CARPER, PHILLIPS, H. WHITE,
RUTLEDGE AND HARRISON)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article twenty-four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to notification of the towing, preservation and storage of an abandoned or junked motor vehicle to the owner or lienholder of such motor vehicle; charges and fees; and exemptions.

Be it enacted by the Legislature of West Virginia:

That section eight, article twenty-four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§17-24-8. Abandoned or junked motor vehicles; notification to motor vehicle owner and lienholder; charges and fees; exceptions.

- 1 (a) The enforcement agency which takes into custody
- 2 and possession an abandoned motor vehicle or junked
- 3 motor vehicle shall, within seven days after taking
- 4 custody and possession thereof, notify the last known
- 5 registered owner of such motor vehicle and all lien-
- 6 holders of record that such motor vehicle has been taken
- 7 into custody and possession, such notification to be by
- 8 registered or certified mail, return receipt requested.

9 The notice shall:

10 (1) Contain a description of such motor vehicle,
11 including the year, make, model, manufacturer's serial
12 or identification number or any other number which
13 may have been assigned to such motor vehicle by the
14 commissioner of motor vehicles and any distinguishing
15 marks;

16 (2) Set forth the location of the facility where such
17 motor vehicle is being held and the location where such
18 motor vehicle was taken into custody and possession;

19 (3) Inform the owner and any lienholders of record of
20 their right to reclaim such motor vehicle within ten days
21 after the date notice was received by the owner or
22 lienholders, upon payment of all towing, preservation
23 and storage charges resulting from taking and placing
24 such motor vehicle into custody and possession; and

25 (4) State that the failure of the owner or lienholders
26 of record to exercise their right to reclaim such motor
27 vehicle within such ten-day period shall be deemed a
28 waiver by the owner and all lienholders of record of all
29 right, title and interest in such motor vehicle and of
30 their consent to the sale or disposal of the abandoned
31 motor vehicle or junked motor vehicle at a public
32 auction or to a licensed salvage yard or demolisher.

33 (b) If the identity of the last registered owner of the
34 abandoned motor vehicle or junked motor vehicle cannot
35 be determined, or if the certificate of registration or
36 certificate of title contains no address for the owner, or
37 if it is impossible to determine with reasonable certainty
38 the identity and addresses of all lienholders, notice shall
39 be published as a Class I legal advertisement in
40 compliance with the provisions of article three, chapter
41 fifty-nine of this code, and the publication area for such
42 publication shall be the county wherein such motor
43 vehicle was located at the time such enforcement agency
44 took custody and possession thereof, and such notice
45 shall be sufficient to meet all requirements of notice
46 pursuant to this article. Any notice by publication may
47 contain multiple listings of abandoned motor vehicles
48 and junked motor vehicles. The notice shall be published

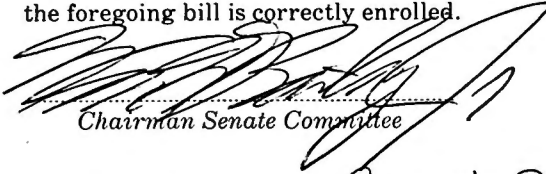
49 within seven days after such motor vehicle is taken into
50 custody and possession and shall have the same contents
51 required for a notice pursuant to subsection (a) of this
52 section, except that the ten-day period shall run from
53 the date such notice is published as aforesaid.

54 (c) An enforcement agency which hires any person or
55 entity to take into custody and possession an abandoned
56 or junked motor vehicle pursuant to this section shall
57 notify such person or entity of the name and address of
58 the registered owner of the motor vehicle, if known, and
59 all lienholders of record, if any, within seven days after
60 the vehicle is taken into custody and possession:
61 *Provided*, That the requirements of this subsection shall
62 not apply to motor vehicles for which the registered
63 owner thereof cannot be ascertained by due diligence or
64 investigation.

65 (d) The person or entity hired by an enforcement
66 agency to take into custody or possession an abandoned
67 or junked motor vehicle shall, within fifteen days after
68 such possession, notify the registered owner of such
69 vehicle and all lienholders of record, if any, as identified
70 by the enforcement agency pursuant to subsection (c)
71 herein, by registered mail, return receipt requested, of
72 the location of the facility where the motor vehicle is
73 being stored and of such owner's liability for all towing,
74 preservation and storage charges for such motor vehicle.
75 Upon the issuance of such notice, the identified owner
76 of the motor vehicle shall be liable and responsible for
77 all costs for towing, preservation and storage of the
78 motor vehicle: *Provided*, That failure to issue the notice
79 required by this subsection within fifteen days after
80 possession of the motor vehicle shall relieve the identi-
81 fied owner of the motor vehicle of any liability for
82 charges for towing, preservation and storage in excess
83 of the sum of the first five days of such charges:
84 *Provided, however*, That the requirements of this
85 subsection shall not apply to motor vehicles for which
86 the registered owner thereof cannot be ascertained by
87 due diligence or investigation.

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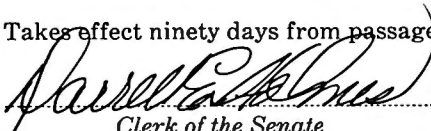
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

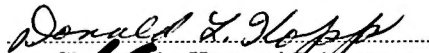

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Chairman Senate Committee


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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within *is approved* this the *10th*
day of *May* 1993.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/93

Time 11:25 am