

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 573

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO DISPOSITION OF LOW-VALUED VEHICLES; AMENDING SECTION 49-1814, IDAHO CODE, TO INCREASE THE VALUE BELOW WHICH A VEHICLE IS CONSIDERED LOW-VALUED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1815, IDAHO CODE, TO PROVIDE FOR A REVISED NOTICE FORM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1816, IDAHO CODE, TO PROVIDE FOR A REVISED VALUE BELOW WHICH A VEHICLE IS CONSIDERED LOW-VALUED AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1814, Idaho Code, be, and the same is hereby amended to read as follows:

49-1814. DISPOSITION OF LOW-VALUED VEHICLES. (1) If the vehicle is appraised at a value not exceeding ~~seven hundred fifty one thousand five hundred~~ one thousand five hundred dollars (\$~~7501,500~~), the provisions of sections 49-1809 through 49-1811, Idaho Code, shall not apply, and the person or public agency ~~which that~~ 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 that~~ 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 that~~ are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees ~~which that~~ 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;

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

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

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

7 (e) Any regularly salaried employee of a city, county, or city and
8 county designated by a board of county commissioners or by a city coun-
9 cil; or

10 (f) Any regularly employed and salaried peace officer or other employee
11 of the department of parks and recreation designated by the director of
12 that department.

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

16 SECTION 2. That Section 49-1815, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 49-1815. DISPOSITION OF LOW-VALUED VEHICLES -- PROCEDURE. The proce-
19 dure for the disposition of low-valued vehicles is as follows:

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

26 (2) The person or agency ~~which~~ that removes the vehicle shall immedi-
27 ately upon receipt of this information send, by certified mail with return
28 receipt requested, the following prescribed forms and enclosures to the reg-
29 istered owner and legal owner at their addresses of record with the depart-
30 ment, and to any other person known to have an interest in the vehicle:

31 (a) A completed form entitled "Notice of Intent to Dispose of a Vehicle
32 Valued at \$7501,500 or Less"; and

33 (b) A blank form entitled "Declaration of Opposition."

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

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

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

40 (c) The following statements and information:

41 1. The amount of the lien;

42 2. The facts concerning the claim ~~which~~ that give rise to the lien;

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

44 4. If a hearing in court is desired, a declaration of opposition
45 form shall be signed under penalty of perjury and returned to
46 the agency ~~which~~ that requested the tow within ten (10) days of
47 the date the notice of intent to dispose of a vehicle valued at
48 \$7501,500 or less form was mailed; and

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

3 (d) A statement that the possessory lienholder may dispose of the ve-
4 hicle to a certified automobile parts dealer if it is not redeemed or if
5 a declaration of opposition form is not signed and mailed to the agency
6 which that requested the tow within ten (10) days of the date the notice
7 of intent to dispose of a vehicle valued at ~~\$750~~1,500 or less form was
8 mailed.

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

17 SECTION 3. That Section 49-1816, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 49-1816. DISPOSITION OF LOW-VALUED VEHICLE. (1) Any vehicle deter-
20 mined to have a value not exceeding ~~seven hundred fifty one thousand five~~
21 hundred dollars (~~\$750~~1,500) which that was stored pursuant to this chapter,
22 and which that remains unclaimed, or for which reasonable towing and storage
23 charges remain unpaid, may be disposed of to an automobile parts dealer not
24 earlier than fifteen (15) days after the date the notice of intent to dispose
25 of a vehicle valued at ~~seven hundred fifty one thousand five hundred~~
26 dollars (~~\$750~~1,500) or less form was mailed, unless a declaration of opposition form
27 has been signed and returned to the possessory lienholder.

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

- 31 (a) A statement, signed under penalty of perjury, that a properly exe-
32 cuted declaration of opposition form was not received;
33 (b) A copy of the notice sent to all interested parties;
34 (c) A certification from the public agency which that made the determi-
35 nation of value pursuant to section 49-1814, Idaho Code;
36 (d) The proof of service or a copy of the court judgment;
37 (e) The name, address, and telephone number of the certified automobile
38 parts dealer who received the vehicle; and
39 (f) The amount the person or agency removing the vehicle received for
40 the vehicle.

41 SECTION 4. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2022.