# Minnesota Towing Statutes and Notice Requirements

Minnesota Statutes Chapter 168B covers most of the laws dealing with towing.

When you review the Statutes, note that there is a difference between being a public towing entity and a nonpublic towing entity. Further, there are differences whether the vehicle was towed on a private tow or was towed at the request of the police.

Minn. Stat. 168B.06 provides the basic requirements on the written notice of an impound. The first notice must be sent within **5 days of impound,** excluding Saturdays, Sundays, and legal holidays. The second notice must be sent if the vehicle remains unclaimed after **30 days of the date the first notice was sent.**

* Subd. 1 lists what must be included in the Notice.
* Subd. 2 says that it can be sent by mail or publication. **For a first notice, we**

**recommend first-class mail.** Publication is only used when the owner can't

be located. Subdivision 2 also requires that a notice is also sent to "all readily identifiable lienholders of record." **The first notice must be sent to the registered owner(s) and "all readily identifiable lienholders of**

# record."

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Subd. 3 sets forth the requirement for a second Notice if the vehicle remains unclaimed after 30 days following the first notice. **That Notice must be sent bycertified mail - return receipt requested to the registered owner(s) and all readily identifiable lien holders of record.** The second Notice is required before the vehicle can be disposed of.

See Minn. Stat. 168B.08 for how to dispose of a vehicle.

Minn. Stat. § 168B.051 governs the sale and waiting periods required. **Impounded vehicles are eligible for disposal or sale:**

# 45 days after notice to the owner; or

* the date of a voluntary written title transfer by the registered owner to the

impound lot operator, whichever is earlier.

Note that as a nonpublic impound lot you can keep all of the proceeds from the sale under Minn. Stat. 168B.08, Subd. 4. You may also keep the proceeds from the sale of any personal belongings or contents in the vehicle that were not claimed by the owner or owner's agent before the sale, **except** that anysuspected contraband or other items that would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency. Similarly, you can make a deficiency claim against the registered owner of the vehicle for the costs of service provided in the towing, storage and inspection of the vehicle less the proceeds of the sale if you don't cover all of your costs. See Minn. Stat. § 168B.087.

A junk or abandoned vehicle is eligible for disposal or sale 15 days after notice to the owner. See § 168B.051, subd. 1.

An "abandoned" vehicle is a vehicle that has remained illegally for more than 48 hours on government property, or more than 4 hours on that property if there is a properly

posted notice, OR on private property without consent of the person in control of that property, as set out under § 168B.04, subd. 2 AND the vehicle must lack vital component parts or be inoperable, with no substantial potential for future use other than storage. *A classic car or pioneer car* is *not "abandoned."* See§ 168.10. Abandoned vehicles also are not vehicles on a junk yard or automobile graveyard. A vehicle being held for storage by agreement or being held under police authority or under a court order is also not abandoned.

A "junk" vehicle is a vehicle that is 3 years old or older, and is extensively damaged, including damage to parts such as broken or missing wheels, motor, drive train, or transmission, and appears inoperable, and does not have a valid, current registration plate, and is only valued for scrap.

*Because it can be complicated to determine whether a vehicle* is *junk or abandoned, it* is *safest to wait the 45 day period before disposal or sale and to fallow the notice requirements for a normal, operable vehicle.*