

ABANDONED VEHICLE OR OBJECT PROCESS

- DRAFT -

SECTION 68 – TRANSPORTATION ACT

INTRODUCTION:

The handling of abandoned vehicles under the Transportation Act typically involves co-operation between the RCMP, MoT and the towing company.

It is the responsibility of the RCMP to:

- check the vehicle identification number (VIN)
- determine who the registered owner is
- establish if the vehicle is stolen or involved in a crime, and to
- “tag” the vehicle with an advisory notice for removal from the roadside within 72 hours.

Usually the RCMP also authorize the towing of the vehicle, initiate contact with the last known registered owner, and take care of any notarization involving vehicle ownership transfer (e.g.- use of the MV 1479 form). However, the procedure for these last items may vary depending on protocol already established. For example, MoT sometimes looks after towing arrangements and the necessary correspondence. This can be handled by MOT staff or a contractor. Depending on what protocol is already in place and working for you, there is no need to change if all the parties involved are agreeable.

In some locations, the RCMP have indicated a reluctance to continue handling the formal communications between the vehicle owner and the towing company, as well as the conveyance of invoices, etc. If this is the case, MoT District Offices and/or the towing company may need to take on a more involved role in the process.

With other abandoned objects, MOT staff are now also required to check the Personal Property Registry with the Ministry of Finance before disposing of any object seized from a provincial highway.

The instructions that follow, cover the various possibilities arising when handling an abandoned vehicle. Generally speaking, the majority of abandonments have very little value. Provided that basic procedure is followed in regard to attempted communication with last known owner, disposal of the vehicle can be expedited without much bother. This is particularly true for situations where the vehicle has no salvage value, and the last owner is unknown. The process is more cumbersome when an abandonment happens to be of some value, remains unclaimed, and is subsequently transferred to another party for re-sale or parts. However, this latter scenario is not common.

Use the flow chart to determine what is generally required for a given situation, then refer to the detailed procedures for the specific actions, as needed.

Please note the procedure in the last step for the processing of invoices related to the above.

PROCEDURES: (Refer to the Process Flow Chart for an Overview)

➤ **Defined RCMP Responsibility**

Step 1: Spot an apparently abandoned vehicle (often MoT; Contractor personnel, or the public will report this).

- Determine vehicle identification number (VIN) and last registered owner if possible;
- Determine if vehicle is stolen or otherwise involved in a crime; and
- Tag vehicle with an advisory notice for owner to remove it within three days or face towing.

If the vehicle was stolen or otherwise involved in a crime, police procedures for dealing with this would be followed, and it's handling would be excluded from the remainder of the Transportation Act process.

➤ **Responsibility for the Following Steps May Vary**

Note: The following procedures may be undertaken by the RCMP, the towing firm, or the District MoT Office, depending on circumstances, and the protocol already established in various parts of the province.

Step 2: If an objective or vehicle remains abandoned after 72 hours have elapsed, arrange for its removal by the nearest towing company, to an appropriate yard for interim storage.

Note: MOT staff or police can arrange to have any vehicle or object removed from any provincial highway immediately if it is posing a danger to public safety.

Step 3: Prepare basic paperwork on particulars of object or vehicle incident and communication undertaken, as backup documentation to towing company's future claim for towing charges, etc. Refer to sample letter typically sent to the MoT District Office for this purpose.

Step 4: Action to Take Depending on Vehicle Status:

- a) If the object or vehicle is Unsalvageable junk (e.g. – burned-out, severely damaged hulk, etc.), have the object or vehicle towed directly to a dump or scrap yard. If the last registered owner is known, contact that person to advise of the object or vehicle status, and their responsibility to pay for towing and disposal fees. If there is no response, *proceed to Step 11.*

- b) If the object or vehicle is potentially Salvageable, but there is no record of the vehicle in the records of the (Superintendent of Motor Vehicles -- this should be checked, I don't think the Superintendent keeps vehicle ownership records), with ICBC, or in the Personal Property Registry of the Ministry of Finance and the owner cannot be determined, hold the vehicle in storage for a minimum of 7 days and perform a lien search. *Proceed to Step 5.*
- c) If the vehicle is potentially Salvageable, and the owner can be determined, try to contact the owner by double registered mail while the vehicle is being held in storage for a minimum of 14 days. Note: This letter provides the registered owner of the vehicle with 14 days from mailing, in which to contact the sender's office in this regard. Perform a lien search.

File a copy of the letter in an office pending file and bring forward 14 days from the date the letter was mailed for a response. *Proceed to Step 6.*

Step 5: Owner is Unknown

- If the registered owner claims the vehicle, it is released upon payment of all towing and storage charges.
- If no owner comes forward within 7 days and there is no lien, disposal of the vehicle may *proceed as described in Step 7.*
- If a lien does exist, the lien holder is advised of the vehicle status and possible acquisition through the disposal process.

Step 6: Owner is Known

- If the registered owner claims the vehicle, it is released upon payment of all towing and storage charges.
- If the owner does not respond or claim the vehicle within 14 days, and there is no lien, disposal may *proceed as described in Step 7.*
- If a lien does exist, the lien holder is advised of the vehicle status and possible acquisition through the disposal process.

Step 7: Conditions for Disposal

- a) Vehicle is Irreparable and suitable for parts only
Proceed to Step 8.
- b) Vehicle is Salvageable and valued under \$1,000
Proceed to Step 9.
- c) Vehicle is Salvageable and valued at \$1,000 or more
Proceed to Step 10.

Step 8: Irreparable Vehicle, useful for parts only (balance of disposal proceeds would be under \$10 – per section 70 of the Transportation Act)

An object or vehicle must not be disposed of unless notice in writing has been given to the owner or any person shown as having an interest in the item.

Fourteen days must elapse before disposing of a vehicle where the owner is known.
Seven days must elapse before disposing of a vehicle where the owner is not known.

The minister must apply any proceeds realized from the disposal to expenses recoverable under section 69(2) of the Transportation Act.

If the vehicle is wanted, ownership is transferred to the towing company, dismantler or scrap yard in lieu of charges incurred to date. In this case, an MV 1479 Vehicle Transfer form is completed, as well as an APV9T Transfer tax form. The “purchaser” is required to submit these to an Autoplan agent or to ICBC directly. The transaction is exempt of fees, and the reporting of the vehicle status as “Irreparable” on the APV9T form ensures the vehicle can never again be licensed.

If the vehicle is not wanted, it is towed to the scrap yard for disposal. The scrap yard operator is responsible for informing ICBC about the final disposition of a scrapped vehicle where identification records are available.
Towing company invoices MoT for its services as *per Step 11*.

Step 9: Salvageable Vehicle, valued under \$1,000 (balance of disposal proceeds would be over \$10, per section 70 of the Transportation Act)

An object or vehicle must not be disposed of unless notice in writing has been given to the owner or any person shown as having an interest in the item.

Fourteen days must elapse before disposing of a vehicle where the owner is known.
Seven days must elapse before disposing of a vehicle where the owner is not known.

The minister must apply any proceeds realized from the disposal to expenses recoverable under section 69(2) of the Transportation Act.

Per section 70(2), if, after the proceeds realized from a disposition are applied to the expenses recoverable under section 69(2), and a balance of proceeds remains that is in excess of \$10, the minister must:

- (a), if the owner is known, furnish a notice of that balance to the owner. The notice must specify who the balance will be paid to;
- (b) pay the balance in accordance with any court order received within 14 days after the date of this notice;
- (c) if no court order is received, pay the balance to the owner, or if no owner, to the administrator under the Unclaimed Property Act.

Step 10: Salvageable Vehicle, valued over \$1,000 (balance of disposal proceeds would be over \$10, per section 70 of the Transportation Act)

An object or vehicle must not be disposed of unless notice in writing has been given to the owner or any person shown as having an interest in the item.

Fourteen days must elapse before disposing of a vehicle where the owner is known.
Seven days must elapse before disposing of a vehicle where the owner is not known.

The minister must apply any proceeds realized from the disposal to expenses recoverable under section 69(2) of the Transportation Act.

Per section 70(2), if, after the proceeds realized from a disposition are applied to the expenses recoverable under section 69(2), and a balance of proceeds remains that is in excess of \$10, the minister must:

- (a), if the owner is known, furnish a notice of that balance to the owner. The notice must specify who the balance will be paid to;
- (b) pay the balance in accordance with any court order received within 14 days after the date of this notice;
- (c) if no court order is received, pay the balance to the owner, or if no owner, to the administrator under the Unclaimed Property Act.

Step 11: Reimbursement of Towing, Storage and Disposal Fees

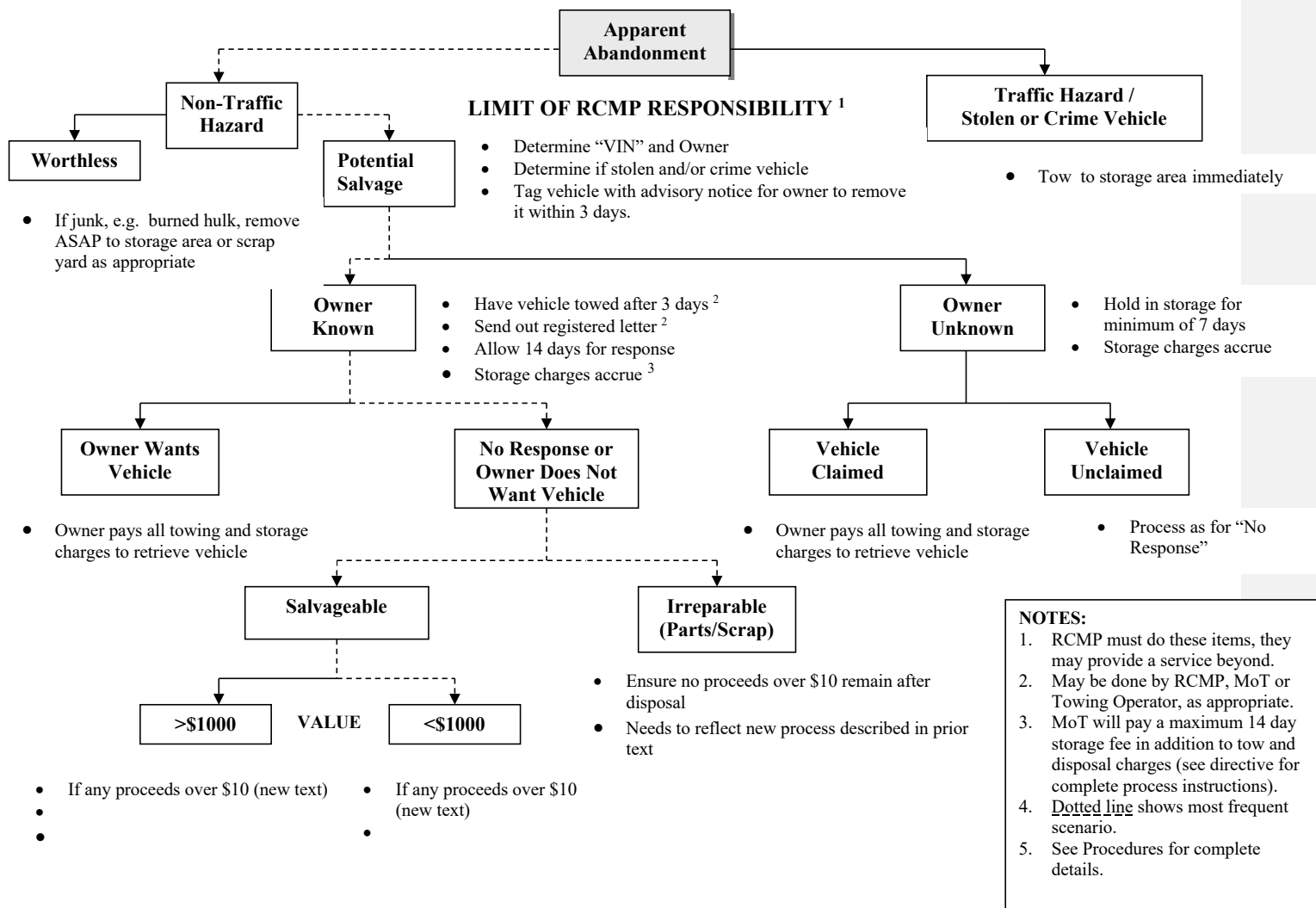
When an abandoned vehicle has no residual value and is scrapped, the towing company will be reimbursed for all tows pre-authorized by the RCMP or MoT under provisions of the Transportation Act. . The Environmental Services Section of the Highway Engineering Branch in Victoria maintains an “Abandoned Vehicle Removal Fund” for this purpose.

Towing company invoices submitted to the Branch for processing must include the following:

- appropriate backup documentation, verifying that due process was followed regarding towing, communication, and storage of the vehicle prior to disposal (refer to sample letter provided – usually this is provided by the RCMP directly to the District MoT office, other times it may be sent via the towing firm);
- a clearly itemized account of the charges on the invoice pertaining to towing, storage, and disposal fees, as applicable. Note – the maximum storage period for reimbursement purposes is 14 days; and
- a “Goods/Services Received” stamp, and signature by the District Transportation Office (the invoice would be sent from the towing company to the district office for approval, and then forwarded to headquarters for payment).

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Process for Dealing with Abandoned Vehicles /Objects -- Transportation Act --



Sample follow-up letter from Royal Canadian Mounted Police
(Support Document to Process Towing Company Invoice)

[Date]

District Manager Transportation
Ministry of Transportation
District Office

_____, BC _____

RE: ABANDONED VEHICLE: _____
[BCL# / VIN#]

On _____ this vehicle was towed by the following towing company:
[Date]

[Name of towing company]

A search of ICBC records indicated:

- No record of registration was found.
- The owner to be: _____
[Name]

In accordance with sections 69, 69 and 70 of the Transportation Act

- No record of registration was found and seven days have elapsed from the date on which the motor vehicle was removed from the location it was abandoned.
- I have forwarded a registered letter to the last owner, and fourteen days have elapsed and no person has appeared to establish ownership of the vehicle. (Copy attached)

Our file is now concluded here. If you require any further information please contact:

_____ at _____.
[RCMP Officer] [Phone number]

Yours truly,

RCMP Officer
_____ Detachment

Letter from District

Day Month year

File: xxxxx-xx

c/o
Box XXX
XXX XX, B.C.
V00 D00

RE: Abandoned Vehicle on Tanzilla Hill

M Abandoned Car:

On Day Month year this vehicle was towed by the following towing company:

Towing Co Junkyard Lane, Wreck BC VOO-DOO

[Name & address of towing company]

As per the Transportation Act Section 68, you as registered owner have

14 days = Day Month Year to pay the towing bill of

\$XXX.XX

[Cost of towing]

Yours truly,

XXXXX XXXXXX
District Operations Tech
Ministry of Transportation
and Infrastructure