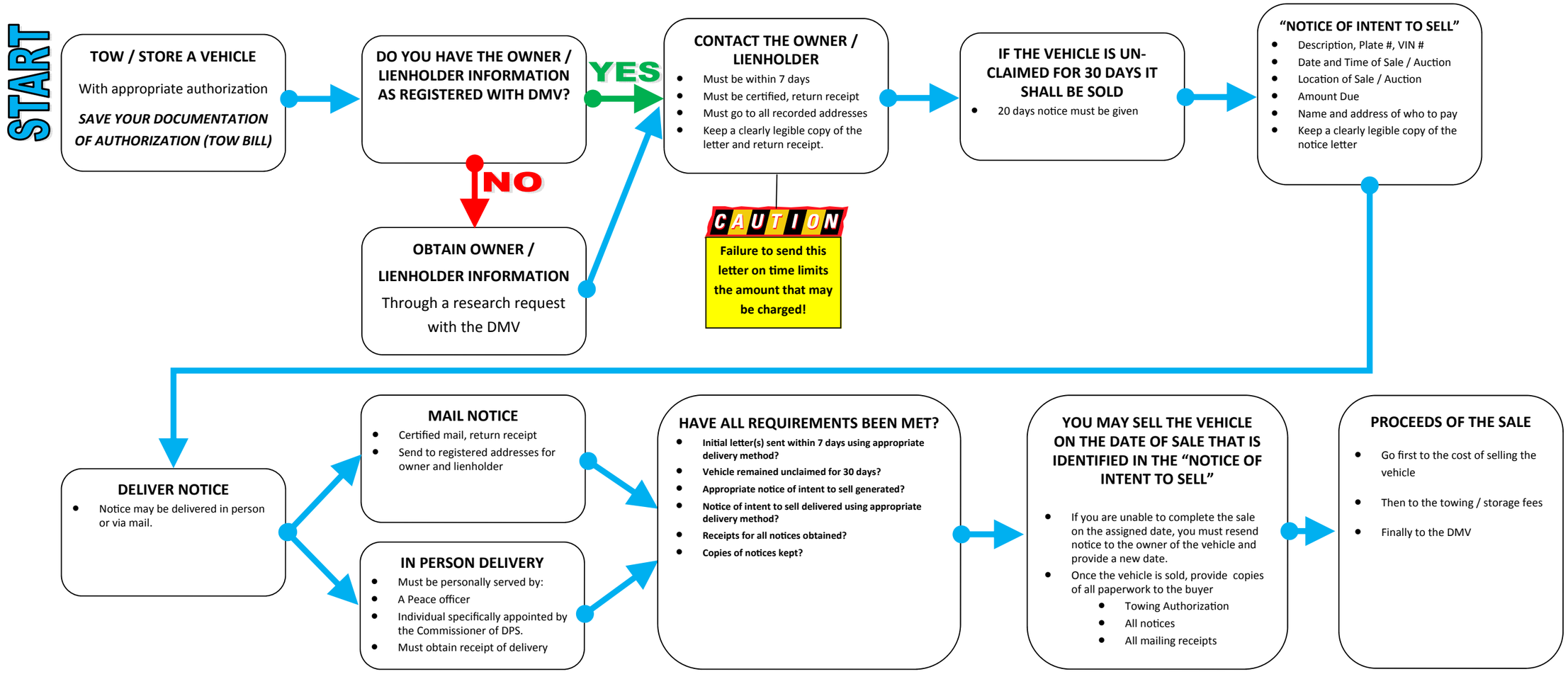
TOWING / STORAGE LIEN SALES



If you have questions or need assistance with this process,

please contact the DMV at (907) 269-3761

or email jason.chapman@alaska.gov

IMPOUND / STORAGE LIEN PROCESS

STEP 1: Tow or Store a Vehicle
This requires permission of the vehicle owner, public officer, property owner (AS28.10.502.a).
Ensure that you keep a copy of the tow bill or other paperwork demonstrating the date that you took possession of the vehicle. This should be signed by the requesting authority.

STEP 2: Identify the owner
Ascertain the identity, mailing address, and physical address of both the registered owner and primary lienholder. If you do not have access to this information, you can submit a research request to the Division of Motor Vehicles to obtain it. If the Division of Motor Vehicles has been notified of a transfer of ownership, the new owner's information should be used.

STEP 3: Notify the Owner and Lienholder of Towing, Transportation, and Storage
Send a Certified letter, return receipt requested, to the mailing address of the registered owner and primary lienholder within 7 working days of taking possession of the vehicle (AS 28.10.502.b)
Failure to send this letter on time prohibits the storage charges to accrue for more than 60 days.

STEP 4: Wait for the Owner to reclaim their vehicle
If the vehicle remains unclaimed for 30 days, it **shall** be sold upon giving 20 days notice of the sale.
(AS 20.10.502.c)

STEP 5: Notify the Owner and Lienholder of your intent to sell the vehicle
This "Notice of Intent to Sell" must be served to the registered owner and primary lienholder by either:

a) Personally served by a Peace Officer or an individual specifically appointed by the Commissioner of Public safety for this purpose. (AS 28.10.502.c) (Civil Rule 4.c.1) (Civil Rule 4.d.1)
b) Mailed by Certified Mail, Return Receipt Requested.
   (AS 28.10.502c) (Civil Rule 4.h)
   - This notice **must** contain the following information (AS 28.10.502.c)
     - Description of the motor vehicle, including registration plate number, and vehicle identification number or VIN.
     - Date and Time of the sale / auction (must be at least 20 days after notice is sent)
     - Location of the sale / auction
     - Statement of the amount due
     - The name and address of the person to whom the charges are due.

STEP 6: Sell the Vehicle as detailed in the "Notice of Intent to Sell"
The sale must take place as noted in the letter. The date, time, and location may not be changed without sending a new "Notice of Intent to Sell" with at least 20 days' notice of the new sale.
All monies realized from the sale must be applied in the following order: (AS 28.10.502.d)

- Costs and expenses of the sale
- To the charges of the person having a lien on the vehicle (towing / storage fees)
- Remainder to be turned over to the Division of Motor Vehicles

NOTIFICATION OF INTENT TO SELL

_____/_____/_____

_____
Name of Registered Vehicle Owner / Lienholder

_____
Address of Registered Vehicle Owner / Lienholder

_____
City / State / Zip Code

Dear Sir / Madam,

On ____/____/_____ , our company sent you notice that we have a vehicle in our possession for which DMV records indicate that you are the current registered owner or lienholder. Our company took possession of the vehicle at the lawful direction of a public officer or property owner. Below is a description of the vehicle:

_____ Vehicle Year	_____ Vehicle Make	_____ Vehicle Model
_____ Vehicle Color	_____ Vehicle Identification # (VIN)	_____ License Plate Number

As of the date of this letter, this vehicle has remained unclaimed for a period of thirty or more days. As a result, we are placing a lien on the vehicle and intend to sell it in order to recover the cost of transportation and storage.

This sale shall take place as detailed below:

DATE OF SALE: _____ TIME OF SALE: _____
LOCATION OF SALE: _____

The current charges for the transportation and storage of this vehicle are:

TRANSPORTATION / TOWING	**=**	_____
STORAGE @ _____ per day X ____ days	**=**	_____
TOTAL BALANCE	**=**	_____

This balance is owed to:
_____ located at _____
Towing Company Name Towing Company Address

To contact us regarding this situation please call: **(907) 123-4567**

State law (28.10.502) requires that we provide at least twenty days' notice of this action.
This letter shall serve as that notice.

NOTIFICATION OF IMPOUND

_____/_____/_____

_____
Name of Registered Vehicle Owner / Lienholder

_____
Address of Registered Vehicle Owner / Lienholder

_____
City / State / Zip Code

Dear Sir / Madam,

On ____ / ____ / _____, our company was lawfully directed, by a public officer or property owner, to take possession of the following vehicle:

_____	_____	_____
Vehicle Year	Vehicle Make	Vehicle Model
_____	_____	_____
Vehicle Color	Vehicle Identification # (VIN)	License Plate Number

DMV records have confirmed that you are the current registered owner or lienholder of this vehicle.
As of the date of this letter, the following amount is owed for the towing and storage of your vehicle:

TRANSPORTATION / TOWING	**=**	_____
STORAGE @ _____ per day X ____ days	**=**	_____
TOTAL BALANCE	**=**	_____

Please be aware that storage fees may continue to accrue until the vehicle is reclaimed. Failure to reclaim the vehicle within 30 days may result in our company placing a lien against this vehicle.

This vehicle may be reclaimed at:

_____

_____

_____

If you have any questions, please contact us at: **(_____)** _____ **-** _____

State law (28.10.502) requires that we notify you of this action within seven working days of taking possession of the vehicle. This letter shall serve as that notice.

Towing / Storage Lein – Related Alaska Statutes.

Title 28. Motor Vehicles
Chapter 10. Vehicle Registration, Liens, and Title
Section 502. Towing and Storage Lien.

(a) A person engaged in the business of towing motor vehicles, who tows, transports, or stores a motor vehicle, has a possessory lien on the vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person, and the vehicle may be sold, as provided in (c) of this section, to pay the charges for towing, transportation or storage.

(b) A lien under this section is limited to towing and storage charges. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the department or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

(c) If the motor vehicle remains unclaimed for a period of 30 days in the possession of the person who performed the towing, transportation or storage, it shall be sold on giving 20 days notice of the sale. The notice shall be delivered to the proper officer and personally served on the registered owner and all lienholders, if any, of the motor vehicle in the same manner as provided by law for service of summons. If either of these persons cannot be located and served personally, notice of the sale shall be forwarded to the registered owner and all lienholders, if any, at their last known address by certified mail, return receipt requested. This notice must contain a description of the motor vehicle, including its registration plate number and vehicle identification number, together with the time and place of sale, a statement of the amount due, and the name and address of the person to whom the charges are due.

(d) The money realized from a sale made under this section shall be applied first to the payment of costs and expenses of the sale and secondly to the lawful charges of the person having a lien on the motor vehicle under this section. Remaining proceeds from the sale shall be retained by the department to be distributed to the registered and legal owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of a titled motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien.

Administrative Rules

Rule 4. Process.

4.(c) **Methods of Service - Appointments to Serve Process - Definition of Peace Officer.**

4.c.1 Service of all process shall be made by a peace officer, by a person specially appointed by the Commissioner of Public Safety for that purpose or, where a rule so provides, by registered or certified mail.

4.(d) **Summons - Personal Service.** The summons and complaint shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

4.(d).(1) *Individuals.* Upon an individual other than an infant or an incompetent person, by delivering a copy of the summons and of the complaint to the individual personally, or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

4.(h) **Service of Process by Mail.** In addition to other methods of service provided for by this rule, process may also be served within this state or the United States or any of its possessions by registered or certified mail, with return receipt requested, upon an individual other than an infant or an incompetent person and upon a corporation, partnership, unincorporated association, or public corporation. In such case, copies of the summons and complaint or other process shall be mailed for restricted delivery only to the party to whom the summons or other process is directed or to the person authorized under federal regulation to receive the party's restricted delivery mail. All receipts shall be so addressed that they are returned to the party serving the summons or process or the party's attorney. Service of process by mail under this paragraph is complete when the return receipt is signed.

AS 28.10.271. Transfer of Vehicle By Owner.

(a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in AS 28.10.181 .

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in AS 28.10.291 .

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under AS 28.10.321 and 28.10.361. The notice form to be provided by the department must include the following information:

(1) name and address of owner;

(2) name and address of transferee;

(3) date of transfer or assignment; and

(4) description and license number of vehicle.

AS 28.10.321. New Owner to Secure Transfer of Registration and New Title.

(a) Except as provided under AS 28.10.281 and 28.10.291, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration must be accompanied by any required registration fees and taxes, transfer of title and lien fees, and by the previous certificates of title and registration, if any.