

502 KAR 15:020. Definitions.

RELATES TO: KRS 189.450, 189.752, 189.753

STATUTORY AUTHORITY: KRS 189.753(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.753(3) directs the Department of State Police **any police or safety officer** to locate abandoned vehicles, order their removal from the rights-of-way of state highways, and notify the owners of vehicles. This administrative regulation is adopted to define the procedures for location, removal, notification of owners and sale of abandoned vehicles.

Section 1. The ~~department~~ **police or safety officer** shall locate, order removal of, and send notification to the owner of vehicles which are abandoned on the rights-of-way of state highways. This administrative regulation will not affect vehicles abandoned on toll roads, interstate highways or other fully controlled access highways as defined in 603 KAR 5:025.

Section 2. Definitions. (1) "Presumed abandoned" means it has been determined that a vehicle has been left upon the rights-of-way of a state highway for ~~fifteen (15) consecutive days~~ **twenty-four (24) hours**.

(2) "Rights-of-way" means in addition to the actual width of a state highway and the area between any separated highway, those areas lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, cornerstones or other similar monuments indicating the boundary line.

Section 3. Location of Abandoned Vehicles. When the ~~Department of State Police~~ **any police or safety officer** observes a vehicle that is apparently abandoned on a state highway, a stalled vehicle check **or similar** form shall be affixed to the vehicle noting the date and location. Notwithstanding the provisions of KRS 189.450, the vehicle shall be presumed abandoned if it remains at the location for ~~fifteen (15) consecutive days~~ **twenty-four (24) hours**.

Section 4. Removal and Storage of Abandoned Vehicles. (1) When a vehicle is presumed abandoned, the ~~Department of State Police~~ **police or safety officer** may order any person engaged in the business of storing or towing motor vehicles to remove the abandoned vehicle to a site chosen by such person.

(2) As soon as practicable, the ~~Department of State Police~~ **police or safety officer's agency** shall ~~if possible~~ notify the owner by ~~certified~~ mail that the vehicle was illegally upon public property; the present location of the vehicle; that retrieval will require payment of towing and storage charges; and that the vehicle may be sold if not claimed within ~~sixty (60)~~ **thirty (30)** days.

(3) No notification shall be required if ownership cannot be determined.

(4) Notice by the ~~Department of State Police~~ **police or safety officer's agency** shall constitute substantial compliance of the notice requirement by the towing and storing business.

Section 5. Sale of Abandoned Vehicles. (1) If after a period of ~~sixty (60)~~ **thirty (30)** days the reasonable charges for towing and storing the vehicle have not been paid, the vehicle may be sold by the owner of the towing or storing facility to pay the charges.

(2) Prior to setting any date for sale, the towing or storage facility shall contact the ~~state police~~ **police or safety officer's agency** and determine if the vehicle is part of an ongoing investigation which would preclude sale, and to inform the ~~state police~~ **police or safety officer's agency** of any anticipated date of sale.

(3) Ten (10) days prior to the sale, the towing or storing facility shall send a certified letter to the owner stating the time and place of the sale.

(4) If the owner fails to respond to this second notice or make provisions to pay the towing and storage charges, the vehicle may be sold pursuant to KRS 376.275.

(5) In the event of such sale, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(6) The towing or storage facility selling any vehicle shall by affidavit inform the ~~Department of State~~ **police or safety officer's agency** of the towing and storage charges, the proceeds of the sale, and transmit any excess funds which shall be deposited in the ~~state police agency~~ **police or safety officer's agency** fund account. (13 Ky.R. 601; eff. 10-2-86.)

****Notes – change “Department of State Police” to “police or safety officer” to include any law enforcement, not just State Police. Also, this allows agencies other than State Police to intake excess funds if the vehicle is sold after 30 days.**

Change “fifteen (15) consecutive days” to “twenty-four (24) hours”.

189.450 Stopping, standing, parking, or repairing vehicle on roadway or shoulders of highway.

(1) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left standing upon any portion of the roadway; provided, however, that this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic.

This subsection shall not apply to:

(a) A vehicle that has been disabled on the right-of-way of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of a state-maintained highway or impracticable to remove it from the shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder of a state-maintained highway for twenty-four (24) hours or more;

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation, or sign or the command of any peace officer;

(c) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom; provided, that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions;

(d) Vehicles which are stopped for a period of not more than fifteen (15) minutes at a time for the purpose of collecting and transporting solid waste as defined in KRS 224.1-010(30)(a), and which are operated by a:

1. Collection service registered in accordance with KRS 224.43-315; or
2. Person or organization actively participating in the Adopt-a-Highway Program; or

(e) Any vehicle required to stop by reason of an obstruction to its progress.

(2) When any police officer finds a vehicle standing upon such a highway in violation of this section, he may move or cause to be moved the vehicle or require the operator or other person in charge of the vehicle to move it. The police officer may cause the vehicle to be removed by ordering any person engaged in the business of storing or towing motor vehicles to remove the vehicle to a site chosen by such person. Ownership of the vehicle shall be determined by the police officer's enforcement agency through the vehicle's license plates, serial number, or other means of determining ownership. As soon as practicable, the police officer's enforcement agency shall notify the owner by mail that the vehicle was illegally upon public property; the name and address of the storage facility where the vehicle is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to the provisions of KRS 376.275 if not claimed within ~~sixty (60)~~ thirty (30) days. No notification shall be required if ownership cannot be determined. In the event of a sale pursuant to KRS

376.275, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(3) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over forty-four thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders of any state-maintained highway, except that, in the case of emergency or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state-maintained highway not mentioned in this section for twenty-four (24) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

(4) When any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety as provided in subsection (2) of this section.

(5) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of sidewalk ramps provided for persons with disabilities;

(c) In front of a public or private driveway;

(d) Within an intersection or on a crosswalk;

(e) At any place where official signs prohibit stopping or parking;

(f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(g) On any controlled access highway;

(h) Within a highway tunnel;

(i) Within fifteen (15) feet of a fire hydrant; or

(j) In an area between the roadways of a divided highway.

(6) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and their deputies or police officers when operating properly identified vehicles during performance of their official duties.

****Notes – Change from not being claimed in 60 days to 30 days.**

189.753 Abandonment of motor vehicle on state highway -- Presumption -- Notification -- Removal.

(1) Any motor vehicle left upon the right-of-way of a state highway for ~~three (3)~~ consecutive days **twenty-four (24) hours** shall be presumed an abandoned vehicle.

(2) ~~The Department of Kentucky State Police~~ **Any police or safety officer** shall locate abandoned vehicles on the right-of-way of state highways. Upon determination that a vehicle is abandoned, and notwithstanding the provisions of KRS 189.450, ~~the Department of Kentucky State Police~~ **any police or safety officer** may order any person engaged in the business of storing or towing motor vehicles to remove the abandoned vehicle to a site chosen by the person. ~~The department~~ **police or safety officer** shall determine, if possible, the ownership of the vehicle through the abandoned vehicle's license plates, serial number, or other methods of determining ownership. As soon as practicable, the owner shall be notified by mail, whether he or she is a Kentucky resident or a resident of another state, that the abandoned vehicle was illegally upon public property; the name and the address where the storage facility is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to provisions of KRS 376.275 if not claimed within ~~sixty (60)~~ **thirty (30)** days. A notification shall not be required if ownership cannot be determined. In the event of such sale, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

~~(3) The commissioner of the Department of Kentucky State Police shall promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of this section.~~

Lien Process updates:

376.275 Lien on motor vehicles and contents for towing, recovery, storage, transporting, and other applicable charges -- Attempt to notify registered owner -- Inspection of vehicle and contents prior to release -- Forfeiture and sale of contents -- Limitation of storage or growing company's liability.

(1) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason or when the vehicle has been stolen or misappropriated and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority, or by private person or business, the police, other authority, private person or business shall attempt to ascertain from the Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten (10) business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number and vehicle identification number of the vehicle and of the location of the vehicle, and the requirements for securing the release of said motor vehicle.

(2) If a vehicle described in subsection (1) of this section is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in subsection (1) of this section, by certified mail, to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten (10) business days of recovery of, or taking possession of the motor vehicle. The notice shall contain the information as to the make, model, license number and vehicle identification number of the vehicle, the location of the vehicle and the amount of reasonable charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten (10) business days from the date of tow. This subsection shall not apply to a garage or storage facility owned or operated by a government entity.

(3) (a) Any person engaged in the business of storing or towing motor vehicles, who has substantially complied with the aforementioned requirements of this section, shall have a lien on the motor vehicle and its contents, except as set forth in subsection (4) of this section, for the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle, as long as it remains in his possession.

(b) Prior to payment of fees and release of a vehicle, a towing or storage company shall not refuse the right of physical inspection of the towed vehicle by the owner or an insurance company representative. Release of the vehicle shall occur to the owner or insurance company representative upon payment and consent of the release from the owner or the owner's authorized representative. Each additional service shall be set forth individually as a single line item in the bill with an explanation and the exact charge for the service.

(c) If after a period of ~~forty-five (45)~~ **thirty (30)** days, the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on a motor vehicle and its contents have not been paid, the motor vehicle and its contents, except as set forth in subsection (4) of this section, may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this subsection shall be subject to prior recorded liens.

(d) A lien holder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first fifteen (15) days of impoundment. The letter shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle. If the above-referenced certified letter is not sent within the fifteen (15) days by the towing and storage company, then only fifteen (15) days of storage may be charged. The lien holder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges

on the motor vehicle. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(4) Subsection (3) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within ~~forty-five (45)~~ **thirty (30)** days of the date the vehicle was towed:

- (a) Prescription medication in its proper container;
- (b) Personal medical supplies and equipment or records;
- (c) Educational materials, including but not limited to calculators, books, papers, and school supplies;
- (d) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;
- (e) Firearms and ammunition. Notwithstanding the provisions of subsection (5) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within ~~forty-five (45)~~ **thirty (30)** days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
- (f) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
- (g) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
- (h) Child restraint systems or child booster seats; and
- (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

(5) Except as provided for in subsection (4)(e) of this section, any contents exempted under subsection (4) of this section that are not claimed by the owner of the vehicle within ~~forty-five (45)~~ **thirty (30)** days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company.

(6) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.

(7) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be towed.

***Note – change the hold period from 45 days to 30 days, and remove Certified from mail notification for law enforcement agencies.**

189.010 Definitions for chapter. As used in this chapter:

(15) "State Police" includes any agency for the enforcement of the highway laws established pursuant to law; to include all Certified Law Enforcement (State Police, Sheriff Deputies, and Local Police Departments) or special duty officers or safety officers, but to exclude specially elected officials (Constables).

376.275 Lien on motor vehicles and contents for towing, recovery, storage, transporting, and other applicable charges -- Attempt to notify registered owner -- Inspection of vehicle and contents prior to release -- Forfeiture and sale of contents -- Limitation of storage or growing company's liability.

(1) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason or when the vehicle has been stolen or misappropriated and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority, or by private person or business, the police, other authority, private person or business shall attempt to ascertain from the Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten (10) business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number and vehicle identification number of the vehicle and of the location of the vehicle, and the requirements for securing the release of said motor vehicle.

(2) If a vehicle described in subsection (1) of this section is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in subsection (1) of this section, by certified mail, to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten (10) business days of recovery of, or taking possession of the motor vehicle. The notice shall contain the information as to the make, model, license number and vehicle identification number of the vehicle, the location of the vehicle and the amount of reasonable charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten (10) business days from the date of tow. This subsection shall not apply to a garage or storage facility owned or operated by a government entity.

(3) (a) Any person engaged in the business of storing or towing motor vehicles, who has substantially complied with the aforementioned requirements of this section, shall have a lien on the motor vehicle and its contents, except as set forth in subsection (4) of this section, for the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle, as long as it remains in his possession.

(b) Prior to payment of fees and release of a vehicle, a towing or storage company shall not refuse the right of physical inspection of the towed vehicle by the owner or an insurance company representative. Release of the vehicle shall occur to the owner or insurance company representative upon payment and consent of the release from the owner or the owner's

authorized representative. Each additional service shall be set forth individually as a single line item in the bill with an explanation and the exact charge for the service.

(c) If after a period of ~~forty five (45)~~ thirty (30) days, the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on a motor vehicle and its contents have not been paid, the motor vehicle and its contents, except as set forth in subsection (4) of this section, may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this subsection shall be subject to prior recorded liens.

(d) A lien holder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first fifteen (15) days of impoundment. The letter shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle. If the above-referenced certified letter is not sent within the fifteen (15) days by the towing and storage company, then only fifteen (15) days of storage may be charged. The lien holder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(4) Subsection (3) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within ~~forty five (45)~~ thirty (30) days of the date the vehicle was towed:

(a) Prescription medication in its proper container;

(b) Personal medical supplies and equipment or records;

(c) Educational materials, including but not limited to calculators, books, papers, and school supplies;

(d) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;

(e) Firearms and ammunition. Notwithstanding the provisions of subsection (5) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within ~~forty five (45)~~ thirty (30) days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;

(f) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;

(g) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);

(h) Child restraint systems or child booster seats; and

(i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

(5) Except as provided for in subsection (4)(e) of this section, any contents exempted under subsection (4) of this section that are not claimed by the owner of the vehicle within ~~forty-five (45)~~ **thirty (30)** days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company.

(6) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.

(7) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be towed.

Effective: June 24, 2015 History: Amended 2015 Ky. Acts ch. 8, sec. 2, effective June 24, 2015. -- Amended 1990 Ky. Acts ch. 9, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 238, sec. 1, effective July 15, 1986. -- Created 1962 Ky. Acts ch. 20, sec. 1.