

FILE: AAP

TO: Commercial Towing Services

FROM: Diana A. Trussell, Manager ^{DAT}
Solid Waste Program
Division of Waste Management

SUBJECT: Reimbursement Policy for Commercial Towing Services

DATE: August 12, 2022

Introduction

The North Dakota Department of Environmental Quality – Solid Waste Program (Department) administers the state’s Abandoned Auto Fund in accordance with North Dakota Century Code (NDCC) Chapter 23.1-15 Abandoned Motor Vehicles. Through the Abandoned Auto Fund, units of governments, including state entities, counties, cities, and municipalities, can apply for reimbursement for the costs of collection and recycling abandoned automobiles, other equipment, and scrap metal.

During the 2021 legislative session, Senate Bill 2098 (SB 2098) proposed changes to NDCC Chapter 23.1-15 to allow commercial towing services to be reimbursed through the Abandoned Auto Fund for costs related to towing and up 30 days of storage charges resulting from taking an abandoned motor vehicle into custody. SB 2098 was sponsored by the North Dakota Highway Patrol and supported by the Department. The bill passed and the changes were signed into law on March 23, 2021. The changes took effect August 1, 2021.

Definitions

“**Abandoned motor vehicle**” means a motor vehicle, as defined in section 39-01-01, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or is located on private property without consent of the person in control of the property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It also means a motor vehicle surrendered by its owner to a person duly licensed under section 23.1-15-09. An antique automobile, as defined in section 39-04-10.4, and other motor vehicles to include parts car and special interest vehicles, may not be considered an abandoned motor vehicle within the meaning of this chapter.

“**Commercial towing service**” means a registered business in North Dakota that tows motor vehicles.

“Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

Licensed Scrap Iron Processors

To be eligible for reimbursement, a commercial towing service must be a licensed scrap iron processor **prior** to towing the vehicle. It is free to become a licensed scrap iron processor, for an application please visit: <https://deq.nd.gov/Forms/WWM/SW/SFN8382.pdf>

Reimbursement Rates

Reimbursements are subject to the limits of legislative appropriations, approval by the Department, and only apply to an eligible abandoned motor vehicle that is towed on or after August 1, 2021. An abandoned motor vehicle that can be sold in accordance with NDCC Subsection 23.1-15-07 is not eligible for reimbursement through the Abandoned Auto Fund.

The Department will reimburse eligible commercial towing services at the following rates:

- Impound Rate: \$200.00
- Dolly Rate: \$100.00
- Loaded Mile Rate: \$5.00 per mile
- *Scene Cleanup: \$50.00 per hour per person
- Daily Storage Charges: \$50.00 per day (maximum 30 days)
- Notice and Publication Costs: \$150.00
- Disposal of Abandoned Motor Vehicle: Actual cost incurred (itemized receipt(s))
- **Miscellaneous Costs: Actual cost incurred (itemized receipt(s))

*A maximum of 4 hours per person and a maximum of 4 people will be reimbursed.
**Detailed explanation of miscellaneous costs (such as specialized equipment) must be included and are subject to Department review and approval.

The Department will review the above rates on an annual basis and may adjust them based on current economic conditions.

Reimbursement Process

To request a reimbursement from the Abandoned Auto Fund, the following steps must be completed:

1. A Request for Reimbursement for Commercial Towing Services – Abandoned Motor Vehicle Program must be filled out and submitted to the Solid Waste Program for review and approval. The form can be found here:

<https://deq.nd.gov/publications/WM/SW/AAP/CommercialTowingReimbursement.pdf>

Submit via e-mail to solidwaste@nd.gov or by mail to:

North Dakota Department of Environmental Quality
Solid Waste Program
4201 Normandy Street
Bismarck, ND 58503

2. The following documents must accompany the Request for Reimbursement for Commercial Towing Services – Abandoned Motor Vehicle Program:
 - a. Case number and name of law enforcement agency, written documentation or proof that the commercial towing service was requested to take an abandoned vehicle into custody by either law enforcement or by an owner, lessee, tenant, or occupant of private property in accordance with NDCC Section 23.1-15-03 Custody of abandoned vehicle.
 - b. In accordance with NDCC Section 23.1-15-04, if an abandoned motor vehicle is:
 1. More than seven model years of age,
 2. Is lacking vital components, and
 3. Does not display a license plate currently valid in North Dakota or any other state or foreign country,

It is immediately eligible for disposal and is not subject to the notification, reclamation, or title provisions of NDCC Chapter 23.1-15. Written documentation or proof that the abandoned motor vehicle meets the exemption as listed above.
 - c. If an abandoned motor vehicle does not meet the requirements of 2.b.:
 1. Proof that notice was given within 10 days of the taking and that the notice meets the requirements of NDCC Subsections 23.1-15-05(1) – (3);
 2. Proof that notice was provided to the law enforcement agency within twelve hours of completing the tow and that the notice meets the requirements of NDCC Subsections 23.1-15-05(3) – (4).
 3. Proof that the owner, secured parties, or a lienholder did not reclaim the vehicle in accordance with NDCC Section 23.1-15-06.
 - d. Written documentation of the costs incurred under the contract for towing and up to 30 days of storage charges resulting from taking an abandoned motor vehicle into custody in accordance with NDCC Subsection 23.1-15-09(4). This includes the cost of towing, scene cleanup, storage, notice and publication, and disposal of the abandoned motor vehicle.
 1. Must include itemized receipts for:

- a. Towing costs
- b. Storage costs
- c. Notice and publication costs
- d. Disposal of the abandoned motor vehicle cost
- e. Miscellaneous costs

Requests for reimbursements must be filled out completely and have all the required documentation, otherwise, they will not be processed.

Requests for reimbursement should be submitted for each abandoned motor vehicle instead of submitting several at one time. Reimbursements are subject to the limitations of legislative appropriations and Department approval, and funds may not be available throughout the entire biennium.

Questions

For questions regarding becoming a licensed scrap iron processor, reimbursements, or the Abandoned Auto Fund, please contact the Department's Solid Waste Program Manager at (701) 328-5166.

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