

§ 20-109.3. Disposition of vehicles abandoned by charitable organizations.

(a) If a charitable organization operating under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) requests a licensed used motor vehicle dealer, whose primary business is the sale of salvage vehicles on behalf of insurers or charitable organizations, to take possession of a donated vehicle that is currently titled in this State, and the vehicle title is not provided to the used motor vehicle dealer at the time of donation or within 10 days of the donation, then the following provisions apply:

- (1) The used motor vehicle dealer receiving the vehicle on behalf of the charitable organization shall send notice to the last registered owner and any reasonably ascertainable lienholders of the vehicle informing the owner or lienholder that the vehicle has been donated to the named charitable organization. The notice shall set forth the current location of the vehicle, the name of the charitable organization to which the vehicle was donated, and the name of the vehicle donor. The notice shall inform the owner or lienholder that, if the owner or lienholder objects to the donation of the vehicle, the owner or lienholder has 30 days from the date of the notice to provide proof of ownership and reclaim the vehicle from the used motor vehicle dealer at no charge. Notice under this subdivision must be sent by certified mail or by another commercially available delivery service providing proof of delivery to the address on record with the Division.
- (2) If the owner or any lienholder of the vehicle receives notice but fails to object to the donation and pick up the vehicle within 30 days, any claim to the vehicle by the owner or lienholder is considered abandoned, the certificate of title to the vehicle is deemed to be transferred to the charitable organization by the owner, and the lien is deemed to be extinguished. The charitable organization, or the used motor vehicle dealer acting on its behalf through a power of attorney, may then execute an application for duplicate title with transfer upon payment of any applicable fees. The application for duplicate title with transfer shall be accompanied by a copy of the written donation statement, a copy of the notice required by subdivision (1) of this subsection, and proof of delivery of the notice sent to the owner and any lienholder. If the application is being executed by the used motor vehicle dealer on behalf of the charitable organization, a copy of the power of attorney shall also be submitted with the application.
- (3) Upon receipt of an application for duplicate title with transfer, any additional documentation required under subdivision (2) of this subsection and payment of required fees, the Division shall issue a title to the donated vehicle in the name of the charitable organization and mail the title, free and clear of any liens, to the used motor vehicle dealer possessing the vehicle.
- (4) If the notice required under subdivision (1) of this subsection is not received or is returned as undeliverable, the used motor vehicle dealer may file a special proceeding to obtain an order allowing the vehicle to be sold. In such a proceeding, the used motor vehicle dealer may include more than one vehicle.
- (5) If the donated vehicle is not currently titled in this State, does not appear in the Division's records, or the owner and any lienholders are not otherwise reasonably ascertainable for any reason, the used motor vehicle dealer may institute a civil action in the county where the vehicle is being held for authorization to sell that vehicle as salvage on behalf of the charitable organization. In such a proceeding, the used motor vehicle dealer may include more than one vehicle. If the court enters an order authorizing the sale of the

vehicle, upon proper application and payment of the appropriate taxes and fees, the Division shall issue a salvage branded title to the person who purchases the vehicle at a subsequent sale.

(b) No person shall have a cause of action against the Division or Division contractors arising from the issuance of a title pursuant to this section, and the Division and Division contractors shall not be held liable for any damages arising from the transfer or subsequent operation of any vehicle titled or sold pursuant to this section. (2018-43, s. 1.)