

ABANDONDED VEHICLES

STANDARD NO(S):

NYSLEAP 47.6

DATE:

March 26, 2009

REVISED 05/28/2019

REFER TO:

John E. Breese

I. OBJECTIVE: To establish procedures for the handling of abandoned vehicles.

II. POLICY:

It shall be the policy of the SCSO to enforce the New York State laws pertaining to the abandonment and removal of vehicles found on the roadways of Seneca County, recognizing that their presence can be hazardous to the safe movement of vehicular traffic or can invite vandalism.

III. DETAILS:

Section 1224 of the New York State Vehicle & Traffic Law reads in part,

"1. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended

(a) with no number plates affixed thereto, for more than six hours on any highway or other public place;

(b) for more than twenty-four hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted;

(c) for more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted;

(d) for more than ninety-six hours on property of another if left without permission of the owner.

"2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of seven hundred fifty dollars or less, title shall immediately vest in the local authority having jurisdiction thereof.

"3. (a) Except for vehicles governed by subdivision two, a local authority having custody of an abandoned vehicle shall make an inquiry concerning the last owner of such vehicle as follows:

- (i) abandoned vehicle with number plates affixed - to the jurisdiction which issued such number plates;
- (ii) abandoned vehicle with no number plate affixed - the department of motor vehicles.

(b) Such local authority shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction or by bid after ten days from the date such notice was given... Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle...

"4. For the purposes of this section, a local authority entitled to custody of an abandoned vehicle shall be the town ... city or village in which the vehicle was abandoned ... a county may act as the agent for a local authority for the purpose of removing and disposing of abandoned vehicles."

Section 1204 of the same law reads in part,

"(b) 1. Whenever any police officer ... finds a vehicle unattended where it constitutes an obstruction to traffic, or any place where stopping, standing or parking is prohibited, such officer is hereby authorized to provide for the removal of such vehicle... to a garage, automobile pound or other place of safety.

"(c) The owner or other person lawfully entitled to the possession of such vehicle may be charged with a reasonable cost for removal and storage, payable before the vehicle is released.

"(d) No police officer ... shall release a motor vehicle impounded because of any traffic or parking violation to any person who does not have a currently valid driver's license and an insurance identification card indicating current insurance coverage on such vehicle."

A. The above excerpts define the circumstances under which vehicles are considered to be abandoned. Upon encountering such a vehicle, the member assigned to road patrol duties should:

1. Check vehicle closely for occupants, suspicious circumstances, damage, etc. If an item which appears to be contraband or a weapon is located, vehicle shall be impounded. Impounded vehicles become the responsibility of the Criminal Investigations Division for processing and eventual disposition.

2. Contact the 911 Center and request data to determine if the vehicle is stolen. If so, the procedures outlined in the section entitled "**Collection, Preservation & Disposition of Evidence**", paragraph K, this Manual, should be followed.
3. If registrant can be determined, every effort should be made to contact that person to have the vehicle removed; however, if the vehicle is considered to be an obstruction to safe travel on the roadway, the 911 Center should be requested to notify the appropriate towing service to have it removed and retained in the towing service's custody.
4. Prepare an incident report containing the pertinent facts and any action taken.

B. Upon receipt of a report regarding action taken with respect to an abandoned vehicle, the Shift Sergeant shall review same to insure that the pecuniary interests of any individual or municipality are considered.

