

STATE OF SOUTH CAROLINA

COUNTY OF _____

GUIDELINES FOR PUBLIC SALES
OF VEHICLE/PROPERTY

Guidelines for Businesses for Tow/Repair Vehicles
Section 56-5-5620-5670 SC Code of Laws as Amended

Ways to obtain vehicles:

1. Law Enforcement Officer directs vehicle towed as a result of motor vehicle collision, vehicle breakdown, or after an arrest or other law enforcement action.
2. Owner or person having control over vehicle requests it to be towed or repaired thus creating a contract between the parties.
3. Private property owner requests unlawfully parked vehicle be removed from his/her property.
4. Lien holder requests repossession. (Not addressed herein.)
5. Sales of vehicles towed with a colored tag (Red Tag) affixed are sold in accordance with Section 29-15-10.

Any time a vehicle is towed by the towing company without the knowledge of the owner or person in possession of the vehicle, the towing company must notify the municipal police chief or sheriff in the county's unincorporated areas within one hour of moving the vehicle or all charges for the tow/storage are forfeited. The law enforcement agency must complete a timed and numbered towing report form. A sign to reflect this notice must be posted in the tow company's shop.

Business must provide to appropriate law enforcement agency within 10 days after vehicle is towed (if towed by law enforcement direction) a full description of the vehicle including VIN and license tag number, registration information, if available, and full description of vehicle remaining in tow company's possession. Failing to do so results in the business forfeiting all storage costs until notification is mailed to all parties. Occasionally tag and registration information is not available so a newspaper ad must be published.

Law enforcement agency must furnish owner and lien holder information to business within 10 days at no cost, including NCIC stolen vehicle statement. Business to notify owner and person having control over vehicle when towed and lien holder by certified mail, return receipt, that charges are due (see attached sample letter). Must publish in newspaper if owner or lien holder cannot be determined or does not receive the mailed notice (see Publication Notice) of charges and storage.

Storage charges to begin on the first day if certified return receipt notices to the owners and lien holders are mailed within 5 days of determining their identities. Otherwise no storage charges accrue until the notices are mailed.

SECTION 16-11-760

Towing vehicles unlawfully parked on private property at property owner's request:

1. Commercial property must be posted at each entrance with appropriate 16-11-760 warning for immediate towing.
2. Towing business has lien against vehicle for charges. Must notify law enforcement of vehicle information within one hour of towing or forfeit charges.
3. No storage charges are allowed before mailing notification to owner and lien holder by certified mail; return receipt unless the notices are mailed within 5 days for receipt of information.
4. 30 days after mailing, if vehicle is not reclaimed, property may be sold by requirements of section 29-15-10.

Section 29-15-10, SC Code of Laws as Amended Owner/Customer Requested Tow or Repair

When a vehicle is towed or delivered for repair, the business has the duty to capture the name, address and phone number of the owner. If a person other than owner is requesting services, the business needs information on both people.

After the ordered service or repairs are complete, and no payment by the customer is received, then within 35 days the business must file Unclaimed Vehicle Form. The business must give notice that after 30 days from the mailing date of the certified, return receipt letter (mailed to the owner and person ordering towing/repairs if not owner and lien holder) that the business will apply for a public sale. The business must file with D.P.S. Motor Vehicle Division an Unclaimed Vehicle Form to get owner/lien holder of record information. The same form as above.

Owner's and lien holder's liability is only 5 days storage before mailing notice by certified, return receipt mail. Additional storage charges may accrue after the mailing of the letter.

After sending the 30-day notice, the business may file appropriate papers with the Magistrate's Court having Jurisdiction in that area of the county to have the vehicle sold at public auction.

Before the sale date the magistrate will set a hearing date to determine all contested matters concerning the vehicle: such as the right to sell, compliance with the statutes or the amount of the charges.

After the sale, the successful bidder must bring to the Magistrate appropriate funds to pay the bidding price. The Magistrate will issue to the business a check for the accrued charges and costs with any surplus going to the owner and/or lien holder. The business must bid \$ 1.00. If no other bidders, the business will be awarded the article at no cost. If a surplus the magistrate must notify the owner and lien holder of such by certified return receipt mail giving 90 days to provide proof of claim.

RED TAGS

Vehicles with colored tags affixed by law enforcement are now sold under the authority of sections 56-5-5635 and 29-15-10. An abandoned or derelict vehicle (as defined in section 56-5-5810) should be marked with a colored tag as legal notice to the owner or person in possession the vehicle can be removed from public or private property or the roadway:

After 48 hours from a roadway, or

After 7 days on public or private property

from attachment of the timed-dated-colored tag. The towing company must notify the sheriff or police chief within one hour of these type tows when law enforcement does not call the tow business.