

**2200 Division of Motor Vehicles  
Vehicle Services**

**2284 Disposal Procedures For Towed Vehicles**

**1.0 Disposal Of Towed Vehicles**

Delaware Title 21, Chapters 44 and 69 cover the disposal of towed and abandoned vehicles. Procedures in these chapters, and in some cases, Title 25, Chapter 39, must be followed by anyone attempting to dispose of a vehicle. This section covers different disposal methods. It is the responsibility of the person attempting to dispose of a vehicle to ensure compliance with all sections of the law. The Division of Motor Vehicles is not responsible for any omissions, deletions, mistakes, or changes in the law which affects procedures. The following items must be complied with prior to the Division of Motor Vehicles authorizing the disposal.

**2.0 General Procedure Applies To All Disposals**

- 2.1 The removal of a vehicle must be authorized by a police authority, Department of Transportation or Department of Public Safety.
- 2.2 A towing/wrecker company must be licensed by the Department of Public Safety and shall be the responsible party for implementing the removal provision of Title 21, Chapter 44. The State Police shall designate the area or areas in each county which shall be used for the storage of abandoned vehicles.
- 2.3 The towing company responsible for the removal of an abandoned vehicle shall immediately ascertain the identity of any lienholder within 5 days of the removal, a notice shall be mailed to the registered owner and lienholders. Vehicles 8 years of age or older may be exempt from this requirement, if vehicle is held for 30 days.
- 2.4 Towing/wrecker owners must be provided a police tow form prior to any removal of a vehicle. When a vehicle is towed from private property, documented evidence of "Right to Possession" shall be provided.
- 2.5 The model year shall change on October 1 of each year for the purpose of these procedures
- 2.6 Towing/wrecker companies, to secure payment of services, shall have a lien upon the vehicle.
- 2.7 The vehicle must be inspected by the State Police Auto Theft Unit prior to the disposal hearing, but no later than 30 days after the vehicle was towed.

**3.0 Disposal Of Vehicles Under Title 21, Chapter 69**

- 3.1 The towing/wrecker company shall by certified mail, return receipt requested, notify the owner and lienholder of the towing charges, compensation for storage claimed and per diem rate of storage charges. This notice shall be mailed within 5 days of the vehicle's removal. The notice shall also inform the owner/lienholder that all charges must be paid within 15 days of the date the certified letter was mailed. The letter shall include the make year, body style and serial number of the vehicle.
- 3.2 If the identity of the registered owner or lienholder cannot be determined, a notice shall be published one (1) time in the newspaper of general circulation in the area where the vehicle was removed. This notice shall include the make, year, body style and serial number of the vehicle, and towing charges, compensation for storage claimed and per diem rate of storage charges. In addition, the name, address, telephone number and office hours of towing company will also be provided.
- 3.3 The police agency or towing/wrecker company after the expiration of 15 days from the date of notification may request the Division of Motor Vehicles to schedule a hearing to determine the intentions of the registered owner and/or secured party. Towing/wrecker owners shall provide Motor Vehicle Form MV582 to the Division to request a hearing. The Division will notify all owners/lienholders by certified mail of the hearing date. The towing/wrecker company shall provide at the hearing the certified mail receipt or newspaper notice, police tow form, and State Police Vehicle Inspection Report.

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- 3.4 The Division of Motor Vehicles hearing officer shall determine the disposition of the vehicle. A salvage certificate of title may be issued 15 days after the hearing in favor of the wrecker owner if the owner and/or secured party have not filed an appeal.
- 3.5 When an owner and/or secured party objects to the disposition of the vehicle, further proceedings by the Division will cease and all parties will be notified to file with a court of proper jurisdiction to seek judicial disposition.

**4.0 Disposals Under Title 21, Chapter 44, Section 4415**

- 4.1 Vehicle must be 8 years of age or older on the date of towing.
- 4.2 Wrecker owner(s) shall contact the Division of Motor Vehicles to determine the owner(s) of any vehicle within 5 calendar days of towing the vehicle. Division of Motor Vehicle Form MV580 must be completed when requesting this information.
- 4.3 The vehicle owner and all secured parties shall be notified by registered or certified mail by the wrecker/towing company within 10 days of receipt of ownership/secured party information from the Division. The letter shall include the make, year, body style and serial number of the vehicle, in addition to, towing charge, compensation for storage claimed and the daily storage charge.
- 4.4 The owner and all secured parties shall within 5 calendar days from receipt of the notification shall either satisfy the lien established by the towing/wrecker company or provide a signed release of interest in the vehicle according to procedures in Title 25, Section 3904 or provide a signed letter contesting the disposal:
  - 4.4.1 Owners/secured parties contesting the lien or the disposal must contest at the nearest Justice of the Peace Court to the wrecker/towing company.
  - 4.4.2 If the owner and/or secured party does not reply within 5 days from the receipt of the notification, the towing/wrecker company may proceed to sell by following the procedures in Title 25, Section 3903, or proceed under Title 21, Section 6902, procedures to obtain a "salvage title", or proceed under Item 4.7 below.
- 4.5 If the name and address of the owner or secured party is not known or recorded by the Division of Motor Vehicles, the towing/wrecker company assumes an unencumbered title after holding the vehicle for 30 days. Procedures under Title 25, Section 3903 or Title 21, Section 6902, or Item 4.7 below may be followed to dispose of the vehicle.
- 4.6 Towing/wrecker companies authorized to sell the motor vehicle or trailer shall keep detailed records of all costs for removing/towing, storage and costs of the sale. Proceeds from the sale shall be used to pay all police agency or towing, wrecker company costs. Funds left over will be used to pay any and all liens on the motor vehicle. Funds remaining will be sent to the Division of Motor Vehicles for deposit to the State Treasurer.
- 4.7 A towing/wrecker company may transfer a vehicle described under Item 4.1 directly to a licensed automotive recycler when the vehicle has been in their possession for 30 days without owner notification. The Division will provide a Certificate of Authority to Dispose of a Towed Vehicle when the following is provided:
  - 4.7.1 State Police Vehicle Inspection Report; and
  - 4.7.2 Police tow form; or
  - 4.7.3 when vehicle has been towed from private property, documented evidence of right to possession, which shall contain a description of the vehicle, date towed, location towed from and person authorizing the towing; and
  - 4.7.4 Division of Motor Vehicles application form. (form MV525A)  
Requests for Chapter 69 Hearing, Certificates of Authority to Dispose of a Towed Vehicle, or other questions will be addressed to the Delaware Division of Motor Vehicle Administrative Office, Registration Section, PO Box 698, Dover, Delaware 19903. Telephone requests: (302) 744-2503.