



1-609-486-3339 ext. 5069

Public Agency's Guide to Abandoned & Unclaimed Vehicles

General Information

Pursuant to N.J.S.A 39:10A-1 through 39:10A-7, a vehicle abandoned on public property must either be offered for sale at public auction or junked. A **junk** title will only be issued if the vehicle is inoperable or cannot be put in safe operational condition except at a cost in excess of the value of the vehicle.

The vehicle must have been abandoned and unclaimed for more than 20 business days, if requesting a standard title, or 15 business days if requesting a junk title. License plates must be removed before the auction and surrendered to the Motor vehicle Commission (MVC).

In order to keep processing time to a minimum, it is highly recommended that you forward requests on a frequent basis rather than allowing requests to build up and mailing them all at once.

A. Junk Title Instructions

Report possession of an abandoned vehicle and request a Junk Title Certificate to be issued in the name of the Public Agency by completing the following steps:

1. Complete a check with the National Crime Information Center (NCIC) to determine whether the vehicle is stolen.
2. Complete Form OS/SS-87 – “Report of Possession of Abandoned Vehicle by Public Agency and Request for a Junk Title. This must also be signed by an authorized representative of the Public Agency.
 - a. Pursuant to N.J.S.A 39:10A-1, the Public Agency must perform an NCIC check, and, within three business days, notify the owner of record and lienholder (if applicable). The public agency shall also, within three business days, notify the person storing the abandoned vehicle. Upon receipt of the notice from the Public Agency, the person storing the abandoned motor vehicle shall notify the owner of record and any lienholder. If the OS/SS-87 form is not properly filled out reflecting this information, the request will be rejected.
 - b. If the vehicle has a digital odometer, and the key is not available to start the vehicle, please mark the word “DIGITAL” on the OS/SS-87 Form.
3. The Public Agency must also report possession of an abandoned vehicle to the National Insurance Crime Bureau. The Public Agency can prepare the OS/SS-87 Form in duplicate and stamp the duplicate copy “NICB”. The duplicate copy is to be filed with: NICB, 145 Pinelawn Rd, Suite 310 South, Melville, N.Y. 11747, ATTN: Michael Fella.
4. Mail required documents along with a \$2.00 check or money order (payable to NJMVC) to the MVC at the above listed address.

Note: The below listed documents are available from our website at www.njmvc.gov/biz.

- Form OS/SS-87 – “Report of Possession of Abandoned Vehicle & Request for Junk Title”
- Form OS/SS-89 – “Report of Possession of Abandoned Vehicle”
- Public Agency's Guide to Abandoned & Unclaimed Vehicles
- Checklist for acquiring title for abandoned vehicles
- Sample bill of sale.

***Any questions? Please call the Abandoned Unit at 609-486-3339 x5069
prior to submitting your request.***

B. Standard Title Instructions

1. Complete a check with the National Crime Information Center (NCIC) to determine that this is not a stolen vehicle.
2. Give notice of the sale at auction by certified mail, to the owner, if his name and address are known and to the lienholder of any security interest filed with the Chief Administrator.
3. Fully complete Form OS/SS-89 – “Report of Possession of Abandoned Vehicle by Public Agency”. This must also be signed by an authorized representative of the Public Agency. If the vehicle has a digital odometer, and the key is not available to start the vehicle, please mark the word “DIGITAL” on the OS/SS-89 Form.
 - a. Pursuant to N.J.S.A 39:10A-1, the Public Agency must perform an NCIC check, and, within three business days, notify the owner of record and lienholder (if applicable). The public agency shall also, within three business days, notify the person storing the abandoned vehicle. Upon receipt of the notice from the Public Agency, the person storing the abandoned motor vehicle shall notify the owner of record and any lienholder. If the OS/SS-87 form is not properly filled out reflecting this information, the request will be rejected.
4. Mail the original OS/SS-89 Form to the MVC to the address listed on Page 1.
5. The Public Agency must also report possession of an abandoned vehicle to the National Insurance Crime Bureau. The Public Agency can prepare the OS/SS-89 Form in duplicate and stamp the duplicate copy “NICB”. The duplicate copy is to be filed with: NICB, 145 Pinelawn Rd, Suite 310 South, Melville, N.Y. 11747, ATTN: Michael Fella.
6. Upon receipt and approval of documentation, the MVC will issue the “Application to Title Abandoned Vehicle by Public Agency and Sold at Public Sale” (Form OS/SS-88) and it will be mailed to the Public Agency. This form contains an assignment, which when executed, will result in issuance of a Certificate of Title to the purchaser.
7. Upon receipt of the OS/SS-88 Form, the Public Agency must publish a notice at least 5 days before the date of the auction in one or more newspapers published in this state and circulating in the municipality in which the motor vehicle is held.
8. Hold public auction. When, *and if, the vehicle is sold, the Public Agency must supply the purchaser with the following items:
 - A fully completed and signed OS/SS-88 Form
 - A certified affidavit of newspaper publication
 - A bill of sale from the Public Agency. The bill of sale must contain the sale price, sale date, purchase name, address and signature, and the public agency name, address, authorized representative’s name and signature. A sample is available on-line at www.njmvc.gov/biz.
9. The purchaser must then mail the above documents with a \$3.00 check or money order made payable to NJMVC, 7% sales tax on the purchase price of the vehicle, and a photocopy of the purchaser’s driver’s license. Mail documents to the MVC at the address list on the reverse side.

***Special Note:** If the price bid for a motor vehicle is less than the minimum bid established by the public agency for the motor vehicle, or if no bid is made, then the public agency may withdraw the vehicle from auction and apply for title to the vehicle. The MVC will only honor requests for titles in the name of the public agency if the request is accompanied by a certification, on public agency letterhead, signed by the auctioneer and authorized agency representative. The certification must verify that the vehicle was indeed offered for sale a public auction and that either an unacceptable bid was offered or no bid was received. The certification also must include the following information:

- Year, make, model, and vehicle identification number (VIN) of the vehicle,
- Date of auction, Amount of bid,
- Printed names and signatures of auctioneer and agency representative including signatures and date.



**NOTICE - PUBLIC AUCTION OF ABANDONED VEHICLES –
EFFECTIVE 4/1/2010**

To All Public Agencies:

A recent review of procedures pertaining to the public auction of abandoned vehicles has revealed that not all statutory requirements are being met by applicants. Based on the review and the recommendation of the Motor Vehicle Commission's Security & Investigations Unit, the Commission will begin requiring strict compliance with all statutory provisions, effective April 1, 2010. Any application with incomplete or incorrect information will be rejected. Please note that, upon the sale of any vehicle for which no junk title certificate shall have been issued, the Public Agency shall execute and deliver to the purchaser a **bill of sale and application for certificate of ownership**. A sample bill of sale has been created and is enclosed for your use. Please produce a bill of sale on your Public Agency letterhead.

- Additionally, the Motor Vehicle Commission (MVC) will issue a title for an abandoned vehicle in the name of the public agency if the vehicle in question was offered for sale at public auction and at this auction either no acceptable bid was obtained or no bid at all was obtained. In either case, the Public Agency must submit a certification on agency letterhead to the MVC attesting to the following:
 1. The vehicle was offered for sale at public auction. A certified copy of the newspaper advertisement must be included.
 2. That no acceptable bid or no bid at all was obtained at the time of the auction.
 3. That because of the circumstances the public agency is seeking to title the vehicle in the agency's name.

The certification must be signed by the auctioneer and an authorized representative of the Public Agency.

NOTE: Once the vehicle is titled in the Public Agency's name the agency is free to use or dispose of the vehicle in any manner that is consistent with the agency's policies and procedures.

- The MVC has provided a checklist to ensure that the Public Agency has completed and submitted all required documents accurately. This checklist is not required to be returned to the MVC.

- The MVC has provided a Public Agency's Guide to Abandoned & Unclaimed Vehicles. These instructions list, in detail, the steps the Public Agency must follow depending on whether the Public Agency is requesting a Standard or Junk Title.
- The Application for Certificate of Title – Abandoned Vehicle Sold at Public Sale by Public Agency (Form OS/SS-88) will only be valid for one year following its issuance.

The following forms have also been revised and must be used effective April 1, 2010:

- *Form OS/SS-87* "Report of Possession of Abandoned Vehicle & Request for Junk Title Certificate" **(ENCLOSED)**
- *Form OS/SS-89* "Report of Possession of Abandoned Vehicle by Public Agency" **(ENCLOSED)**
- *Form OS/SS-88* "Application for Certificate of Title - Abandoned Vehicle Sold at Public Sale by Public Agency" (Note: This form should always contain a raised seal. If it does not, call the Abandoned Unit immediately).

NOTE: For electronic versions of the Abandoned Public Agency documents (*including instructions, forms, a checklist, and a sample bill of sale*), please visit our website at www.njmvc.gov/biz and navigate to the Abandoned page under the Titles section.

N.J. Stat. § 39:10A-1 (2010)

§ 39:10A-1. Public auction of abandoned motor vehicles; notices required

a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to

(1) The Chief Administrator of the Motor Vehicle Commission on a form prescribed by the administrator, for verification of ownership and

(2) The National Insurance Crime Bureau.

(3) Upon receipt of verification of ownership of the vehicle from the administrator, the public agency shall within three business days provide notice of possession of the vehicle to the owner of record and the holder of any security interest filed with the administrator by telephone, mail, facsimile or electronically. The public agency may assess the person claiming the vehicle, be it the owner of record or the holder of any security interest, for the actual costs of providing the notice required under this paragraph.

(4) The public agency shall also within three business days notify the person storing the abandoned motor vehicle. The notice shall be given in the same manner as in the case of notification of the owner of record and the security interest holder and shall include the name and address of the owner of record and the holder of any security interest in the stored motor vehicle.

(5) Upon receipt of the notice required by paragraph (4) of this subsection, the person storing the abandoned motor vehicle shall provide notice to the owner of record and to any security interest holder.

(a) The notice shall be by first class mail, with a certificate of mailing, and shall include a schedule of the costs imposed for storing the motor vehicle and instructions explaining how the owner of record or the security interest holder may claim the stored motor vehicle.

(b) Except as provided in subparagraph (c) of this paragraph, if the person storing the motor vehicle fails to provide this notice to the owner of record and to the security interest holder within 30 days of the date on which the storer of the vehicle received the notice required under paragraph (4) from the public agency, the maximum amount that person may charge the owner of record or the security interest holder for storing that motor vehicle shall be \$ 750, provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the 30th day following the date the notice is delivered from the public agency to the person storing the motor vehicle.

(c) When a vehicle is abandoned due to the death or incapacitation of the driver or any passenger, the person storing the vehicle shall charge the owner of record or the security interest holder no more than \$ 100 for the first 72 hours after the vehicle is placed on the premises.

(d) If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that 30th day, the person storing the motor vehicle may charge the security interest holder reasonable costs for the removal and storage of the motor vehicle. If the notice is properly provided by the person storing the motor vehicle, that person may charge the owner of record or the

security interest holder reasonable costs for the removal and storage of the motor vehicle from the date the person removed and stored the motor vehicle.

(e) The public agency may assess the person storing the abandoned motor vehicle, and the person storing the abandoned motor vehicle may assess the security interest holder, for the actual costs of providing the notices required under paragraphs (4) and (5) of this subsection.

b. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under section 3 of P.L.1964, c.81 (*C.39:10A-3*) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Motor Vehicle Commission, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L.1964, c.81 (*C.39:10A-3*) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle, except that a waiver of the 90-day limit may be obtained for good cause from the Division of Local Government Services in the Department of Community Affairs.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the administrator, and by publication in a form to be prescribed by the administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

N.J. Stat. § 39:10A-2 (2010)

§ 39:10A-2. Reclaiming possession; payment of costs and penalties

At any time prior to sale the owner or other person entitled thereto may reclaim possession of the motor vehicle upon payment of the reasonable costs of removal and storage of the vehicle and any fine or penalty and court costs assessed against him for a violation which gave rise to the seizure or taking possession of such vehicle.

1. A person can retain title to a towed vehicle by paying the towing and storage charges at any time prior to the public sale.

N.J. Stat. § 39:10A-3 (2010)

§ 39:10A-3. Issuance of junk title certificate; grounds

If the public agency taking possession of a motor vehicle pursuant to this act shall, in its report thereof to the director, certify on an application prescribed by him that such motor vehicle is incapable of being operated safely or of being put in safe operational condition except at a cost in excess of the value thereof, the division shall, without further certification or verification, issue to the public agency for a fee of \$ 2.00 a junk title certificate thereto, with proper assignment thereon, which shall be assigned and delivered to the purchaser of the vehicle at public sale.

N.J. Stat. § 39:10A-4 (2010)

§ 39:10A-4. Execution and delivery of application for certificate of ownership; issuance of certificate; fee

Upon the sale of any motor vehicle for which no junk title certificate shall have been issued, the public agency shall execute and deliver to the purchaser an application for certificate of ownership prescribed by the director in the same form and manner as provided in Revised Statutes 39:10-15, which shall also contain the name and address, if known, of the former owner. Such application shall be accepted by the director for issuance of a certificate of ownership for a fee of \$ 3.00.

N.J. Stat. § 39:10A-5 (2010)

§ 39:10A-5. Sale as barring claims of interest; remission of proceeds of sale

Upon the sale of a motor vehicle pursuant to the provisions of this act all claims of interest therein shall be forever barred and the proceeds realized therefrom after payment of the expenses of possession and sale, shall be remitted to the treasury of the public agency as its sole property.

N.J. Stat. § 39:10A-6 (2010)

§ 39:10A-6. Rules and regulations

The Director of the Division of Motor Vehicles may make and promulgate rules and regulations to implement the provisions of this act.

N.J. Stat. § 39:10A-7 (2010)

§ 39:10A-7. Additional remedy

This act is intended to provide an additional remedy and shall not be construed to supersede procedures provided under any other act.