

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

Ways to obtain vehicles:

1. If law enforcement determines that the vehicle must be towed as a result of a motor vehicle collision, vehicle breakdown, or after an arrest or other law enforcement action
2. If the owner or person having control over the vehicle requests it to be towed or repaired, thus creating a contract between the parties
3. If a private property owner requests for an unlawfully parked vehicle to be removed from his/her property
4. If a lienholder requests repossession of the vehicle (Not addressed herein)
5. If the 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 a 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 are forfeited. The law enforcement agency must complete a timed and numbered towing report. A sign to reflect this notice must be posted in the tow company's shop.

The towing business must provide 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 to appropriate law enforcement agency within 10 days after vehicle is towed (if towed under direction of law enforcement). Failing to do so results in the towing business forfeiting all storage costs until notification is mailed to all parties. Occasionally, tag and registration information is not available. If this information is not available, a newspaper advertisement must be published.

The law enforcement agency must furnish the vehicle owner and lienholder with information to the towing business within 10 days at no cost. This information also includes an NCIC stolen vehicle statement. The towing business is to notify the vehicle owner, the person having control over the vehicle when the vehicle was towed, and lienholder via certified mail with return receipt, that charges are due (see attached sample letter). The towing company may publish an advertisement in the newspaper if the owner or lienholder cannot be determined or if the owner or lienholder does not receive the mailed notice (see Publication Notice) of the charges and storage.

Storage charges are to begin on the first day if certified return receipt notices to the owners and lienholders 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 lienholder 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 towing business has the duty to document the name, address, and phone number of the vehicle owner. If a person other than the vehicle owner is requesting services, the business needs information on both people.

After the ordered service or repairs are completed, and no payment by the customer is received, the towing business must file Unclaimed Vehicle Form within 35 days. The towing 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 lienholder) that the business will apply for a public sale. The towing business must file an Unclaimed Vehicle Form with the Department of Public Safety's Motor Vehicle Division in order to get the owner's or lienholder's record information.

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

The towing business has five (5) days to send the vehicle owner and lienholder a notice via certified, return receipt mail. Storage fees do not accrue until appropriate notice is sent to the owner and lienholder.

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

After the sale, the successful bidder must bring appropriate funds to the Magistrate to pay the bidding price. The Magistrate will issue a check to the towing business for the accrued charges and costs with any surplus going to the owner and/or lienholder. The towing business must bid a minimum of \$1.00. If there are no other bidders, the towing business will be awarded the article at no cost. If there is a surplus, the Magistrate must notify the vehicle owner and lienholder of such by certified return receipt mail giving 90 days to provide proof of the 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 timed and dated, colored tag. This colored tag serves as legal notice to the owner or person in possession the vehicle that the vehicle can be removed from a roadway after 48 hours of the time and date featured on the colored tag; or be removed from public or private property after 7 days from the time and date featured on the colored tag.

The towing company must notify the sheriff or police chief within one hour of these types of tows when law enforcement does not directly call the towing business.

STATE OF SOUTH CAROLINA)
 COUNTY OF BEAUFORT)
)
 _____)
 PLAINTIFF(S))
)
 _____)
 ADDRESS)
)
 _____)
 CITY, STATE, ZIP CODE)
)
 _____)
 PHONE NUMBER)
)
 VS.)
 _____)
 DEFENDANT(S))
)
 _____)
 ADDRESS)
)
 _____)
 CITY, STATE, ZIP CODE)
)
 _____)
 PHONE NUMBER)

 CIVIL CASE NUMBER
 IN THE MAGISTRATE'S COURT

APPLICATION FOR REPAIR/STORAGE
 LIEN, SALE OF MOTOR VEHICLE
 PURSUANT TO CODE SECTION 29-15-10

I, _____, the Plaintiff in this action, state that I am the Owner/Operator of premises within the jurisdiction of the Bluffton Magistrate. Said premises being a garage or repair shop located at:

I further state that, with regard to the above described premises, a contract or agreement exists between myself and the Defendant, _____, for repair or storage as evidenced by the following: (Attached invoice or other written proof)

The South Carolina Department of Highways and Public Transportation or other department has provided that there is a Lienholder. (List Lienholder's Name and Address)

By this application, I request that the Magistrate initiate Lien proceeding against the Defendant, because of the facts described below:

- 1) Completion of such repairs or expiration of the storage contract
- 2) Expiration of thirty (30) days after written notice has been given to owner and to any lienholder with a security interest in the property that such repairs have been completed or storage charges are due and such property should be sold by the Magistrate of the county in which the work/storage was performed.

Dated: _____
 Sworn before me this _____ day of _____, 20____

 Notary Public of South Carolina
 My Commission expires: _____

 Signature of Plaintiff

STATE OF SOUTH CAROLINA)	CIVIL CASE NO:
)	_____
COUNTY OF BEAUFORT)	
)	IN THE MAGISTRATE'S COURT
)	
)	PETITION AND AFFIDAVIT FOR
)	DISCARDED/ABANDONED
)	VEHICLES/PROPERTY/MOBILE HOME

I, _____, the Plaintiff in this civil action do make the following claims:

The name of the Plaintiff/Plaintiff's business/Plaintiff local official is _____, which is located in the _____ Magisterial District in _____ County. The business license number is _____ (if applicable). I make the following claims based on 1, 2, 3, 4, or 5 below.

1. VEHICLE TOWED BY LAW ENFORCEMENT ORDER/REQUEST:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for towing and/or storage and as of _____ (current date), an amount of _____ is owed on the above vehicle. This total amount represents:

Towing: \$ _____
Repairs: \$ _____
Storage: \$ _____

- a) Did this vehicle have a colored tag or other notice advising that the vehicle had been declared abandoned or derelict? If YES attach tag or Law Enforcement Report. **YES / NO**
- b) Highway Patrol/Sheriff/Municipal Police (circle one) called to tow a vehicle from the public roadway/public property/private property (circle one) as a result of abandonment/accident/breakdown/after an arrest (circle one) or _____ (other).
- c) I reported the vehicle to be in my possession on _____ (date) to _____ (agency).
- d) I received information on ownership and lienholders on _____ (date). Copy attached.
- e) I have sent a Certified, Return Receipt letter to _____ (titleholder) on _____ (date); to _____ (Lienholder) on _____ (date). Thirty (30) days has passed and no effort has been made to claim the vehicle by this owner **YES / NO**, or the letter was returned unclaimed **YES / NO**. Copy attached.
- f) Owner/Lienholder information was received from _____ State Agency. A copy is attached.
- g) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of vehicle sale was published on _____ (date) in _____ (name of newspaper). Copy attached.

2. VEHICLE CUSTOMER ORDERED REPAIR/TOWING:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for repairs or towing and as of _____ (current date) an amount of _____ is owed on the vehicle herein. This total represents:

Towing: \$ _____

Repairs: \$ _____

Storage: \$ _____

Towing/repairs were ordered by _____ (name of person).

- a) On _____ (date), I sent a Report of Unclaimed Vehicle to the South Carolina Department of Public Safety concerning this vehicle.
- b) On or about _____ (date), the South Carolina Department of Public Safety sent a letter to me stating that the vehicle was registered to _____ and that there was a lien **YES / NO** with the lienholder listed as _____. Copy attached.
- c) I sent a Certified, Return Receipt Letter to _____ (titleholder and person ordering towing/repairs if different) on _____ (date), which was received by the addressee, 30 days has passed, and no effort has been made to claim the vehicle. **YES / NO**. The letter was returned unclaimed **YES / NO**. Copy attached.
- d) The lienholder was notified, Certified, Return Receipt Letter on _____ (date), and the letter was received by the addressee **YES / NO**. Lienholder's letter was returned unclaimed **YES / NO**. Mailing date of letter is _____. Copy attached.
- e) Owner/Lienholder information has been received from _____ State Agency. A copy is attached.
- f) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of Vehicle Sale was published on _____ in _____ (newspaper). Copy attached.

3. STOLEN VEHICLES:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for repairs or towing, which was stolen and as of _____ (current date) an amount of _____ is owed on the vehicle herein. This total represents:

Towing: \$ _____

Repairs: \$ _____

Storage: \$ _____

Towing/repairs were ordered by _____ (name of person).

- a) Highway Patrol/Sheriff/Municipal Police (circle one) called to tow a vehicle from the public roadway/public property/private property (circle one) and as a result determined that the vehicle was stolen.

- b) I reported the vehicle to be in my possession on _____ date to _____ (agency).
- c) I received information from Law Enforcement on ownership and lienholders on _____ (date). Copy attached.
- d) I have sent a Certified, Return Receipt Letter to _____ (titleholder) on _____ (date) and to _____ (lienholder) on _____ (date). The same was received by addressee(s), 30 days has passed, and no effort has been made to claim the vehicle. **YES / NO**. The letter was returned unclaimed **YES / NO**. Copy attached.
- e) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of Vehicle Sale was published on _____ in _____ (newspaper). Copy attached.

4. DERELICT/ABANDONED MOBILE HOME SALE/DESTRUCTION:

- a) The mobile home located at _____ has been **(evicted) (abandoned) (declared derelict)** by Court Order dated _____ (copy attached) and the required notice was posted on _____ (date) and remained posted for 30 days. Description of mobile home: Make: _____ Model: _____ Vehicle Identification Number (VIN): _____.
- b) A request for title information was filed with the motor vehicle division on _____ (date) and for tax information with the County Auditor on _____ (date).
- c) That I sent a Certified Return Receipt letter concerning this action to **(titleholder) (tax payer) (lienholder)** on _____ (date).
- d) The letter was **(received)** or **(unclaimed)** by titleholder;
(Received) or **(unclaimed)** by tax payer;
(Received) or **(unclaimed)** by lienholder.
- e) No ownership information is available because _____.
- f) The sale of this mobile home was published on _____ (date) in _____ newspaper.

THEREFORE, plaintiff requests that the Court order the mobile home described herein sold/destroyed and removed.

5. OTHER ABANDONED PROPERTY:

On _____ (date), the Plaintiff came into possession of a _____ (description of property) and as of _____ (current date), an amount of _____ is owed on the above item. This total amount represents:

- Towing: \$ _____
- Repairs: \$ _____
- Storage: \$ _____
- Other (Specify): \$ _____ for _____.

a) I have sent a Certified, Return Receipt letter to _____ (titleholder) on _____ (date); to _____ (Lienholder) on _____ (date). Thirty (30) days has passed and no effort has been made to claim the item by this owner **YES / NO**, or the letter was returned unclaimed **YES / NO**. Copy attached.

b) Owner/Lienholder information has been received from _____ State Agency. A copy is attached.

c) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of Item Sale was published on _____ (date) in _____ (name of newspaper). Copy attached.

6. The plaintiff has given all proper notices as provided in Section 29-15-10 of the South Carolina Code of Laws and is now entitled to sell said vehicle at public sale after proper advertisement.

7. Plaintiff Has Attached Copies Of All Paperwork.

8. Non-Attorney Representation Form attached, if required.

THEREFORE, plaintiff moves that this Court order that all vehicles/mobile homes/property described herein be sold at public auction/destroyed.

I state under penalty of perjury that the above information is true and correct to the best of my knowledge:

Signature

Date

Business

Address/City/State/Zip

Phone

Sworn before me (date)

Notary Public for South Carolina

My Commission Expires

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE MAGISTRATE'S COURT

PLAINTIFF(S)

VS

DEFENDANT

**AUTHORIZATION FOR
NON-LAWYER REPRESENTATIVE**

MAILING ADDRESS

CITY, STATE, ZIP

TELEPHONE

I, THE UNDERSIGNED, AS _____ OF
(Title/Relationship to Business)

_____ AUTHORIZE _____
(Name of Business) (Name of Representative)

A NON-LAWYER, TO REPRESENT THIS BUSINESS IN CIVIL ACTIONS IN MAGISTRATE'S COURT. I ACKNOWLEDGE THAT THE BUSINESS IS LEGALLY BOUND BY ALL ACTIONS UNDERTAKEN BY THE REPRESENTATIVE DURING THE COURSE OF REPRESENTATION, AS WELL AS TO ANY JUDGMENT OF THE COURT OBTAINED THEREFROM. I FURTHER ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGE IN THE STATUS OF THIS AUTHORIZATION.

SWORN to and subscribed before me,

This ____ day of _____, 20____

(Signature)

Notary Public for South Carolina

(Printed Name)

My Commission Expires: _____

For: _____
(Business Name)



South Carolina Department of Motor Vehicles

Report of Abandoned, Derelict, or Unclaimed Vehicles or Mobile Homes

TR-2
(Rev. 5/18)

This DMV form is used to report abandoned, derelict or unclaimed vehicles or mobile homes. If you are reporting information, complete and sign page 1 of the form only. If you are reporting and requesting information, you must complete and sign page 1 and 2 of the form before information is released.

I certify that (check the appropriate box):

- This information is for use in an abandoned or derelict mobile home court proceedings.
- I am a proprietor, owner, or operator of a towing company, storage facility, garage, or repair shop, or a person who repairs vehicles, or the authorized agent of such a business.

I am (check the appropriate box):

- Reporting Only- No Information Requested/Report will be filed (Complete Page 1 only)
- Reporting and Requesting Information (\$6.00 fee) (Complete Page 1 and 2)

Printed Name of Person Reporting Information

Signature of Person Reporting Information

Date

Entities authorized to report abandoned vehicles or mobile homes must complete this section.

If an entity uses an authorized agent, both sections must be completed below.
Authorized Agent (if applicable)

Name or Business Name _____ Account # with DMV _____

Name of Authorized Agent _____

Account # with DMV _____

Address _____

Address _____

City _____ State _____ Zip _____
Telephone _____ Fax _____

City _____ State _____ Zip _____
Telephone _____ Fax _____

As of the date(s) listed below, the described vehicle(s) or mobile home(s) has been unclaimed. I am reporting the vehicle(s) or mobile home(s) as abandoned.

Date	VIN	Year	Make	Model	VEHICLES ONLY		
					Odometer Reading	Last State of Registration	Plate Number
1							
2							
3							
4							
5							
6							

REQUEST FOR INFORMATION

This section must be completed and signed before information will be released.

NOTE: The fee is \$6.00 for each request.

Under Federal Law (18 USC, Chapter 123) personal vehicle owner information may be obtained only for certain uses. If you are submitting this form to obtain someone else's record, please refer to the Federal Law. Listed below are the only permissible use of vehicle information for abandoned/derelict/unclaimed vehicles or mobile homes. Please check the box that applies to you:

1. For use in providing notice to owners of towed or impounded vehicles.
2. For use in connection with any court proceeding or investigation in anticipation of litigation. (Applies to abandoned or derelict mobile home proceedings and liens for repairs or storage of vehicles)

Under penalty of perjury, I state that I am entitled to receive and use this information as permitted under the Driver's Privacy Protection Act of 1994 (18 USC, Chapter 123 as amended). I further acknowledge that if I misuse this information or give it to someone who uses it for an unauthorized purpose, I may be subject to Federal criminal law as well as a civil lawsuit where the minimum award is \$5,000.00.

Printed Name of Person Requesting Information

Signature of Person Requesting Information

Date

NOTE: 56-19-840 An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, or a person who repairs or furnishes material for the repair of a vehicle where a vehicle remains unclaimed for a period of thirty days shall within five days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle is considered "unclaimed" when the owner of the vehicle has not reclaimed it within thirty days after notification pursuant to Sections 29-15-10 and 56-5-5630. A person who fails to report a vehicle as unclaimed in accordance with this section forfeits all claims and liens for its garaging, parking, and storing.

16-21-110 Failing to report unclaimed vehicle in garage, etc. A person who fails to report a vehicle as unclaimed in accordance with 56-19-840 is guilty of a misdemeanor and punishable by a fine of not more than twenty-five dollars (\$25.00).

NOTE: Contact your local magistrate's office after receiving the necessary correspondence from the DMV to obtain a magistrate's order of sale. This order can be used to apply for a South Carolina title. Once a vehicle has been declared salvaged – non-rebuildable, or junked in the DMV files, no further titles will be issued.

Mail Completed Form To:

Titles Mail-In Unit
PO Box 1498
Blythewood, SC 29016-0024

HEADQUARTERS USE ONLY

Office Code

Printed Name of Employee Processing Request

Signature of Employee Processing Request

Date

NOTICE OF PUBLIC SALE
For Customer or Law Enforcement Ordered Repair/Tow
(Sample Letter from Tower/Repairer to Owner and Lienholder)

To Owner/Customer(s): 1. _____ 2. _____

To Lienholder(s): 1. _____ 2. _____

Date: _____
Re: Towed/Repaired Vehicle:

VIN # _____
Tag # _____ State: _____
Description _____

The above vehicle was a Customer/Police Ordered Tow or Delivered for Repairs and no one has claimed this vehicle or paid the repair charges.

As of _____ (date), the total amount due is \$ _____; which represents:

Towing Fees:	\$ _____
Repair Fees:	\$ _____
Storage Fees:	\$ _____

There is a lien on this vehicle for this amount and any additional storage or costs from the date of this notice. After thirty (30) days from the date of this notice the business in possession of the vehicle may sell through a Magistrate’s Court this vehicle at Public Auction. You have until the day of auction to reclaim this vehicle by paying the charges due plus any additional accrued charges after the mailing of this notice.

Business Representative

PUBLIC SALE CHECKLIST:

Paperwork filled correctly:	YES	NO
• Affidavit:	YES	NO
• Non-Lawyer Authorization: (May already have on file)	YES	NO
• Invoice / Work Order / Tow Receipt: (Reflecting itemized amount as appears on Affidavit's total lien and Showing name & address of person requesting services if customer ordered)	YES	NO
• Copy of Title Information: (Law Enforcement / State Titling Agency / Other)	YES	NO
• Copies of Letters Mailed with Certified Mail Receipts: (To titleholder, lienholder if applicable, and person requesting services if different from titleholder)	YES	NO
• Return Receipt: (Showing signatures)	YES	NO
• Copy of Notice Published in Appropriate Paper: (If any letters were returned unsigned)	YES	NO
• Filing Fee of \$35.00:	YES	NO