§ 1224. Abandoned vehicles. 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 two thousand two hundred fifty dollars or less, ownership shall immediately vest in the local authority having jurisdiction thereof and title to the vehicle shall vest in accordance with applicable law and regulations of the commissioner, provided however that a local authority shall not be required to obtain title to an abandoned vehicle that is subject to the provisions of this subdivision if the vehicle will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

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 plates 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. If the agency described in paragraph (a) also notifies such local authority that a lien or mortgage

exists such notice shall also be sent to the lienholder or mortgagee. The commissioner shall prescribe the methods of giving notice. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle.

(c) Ownership of such abandoned vehicles, if unclaimed, shall vest in such local authority ten days from the date such notice is given; or if the last owner cannot be ascertained, when notice of such fact is received.

4. For the purposes of this section, a local authority entitled to custody of an abandoned vehicle shall be the town in which the vehicle was abandoned, or if abandoned in a city or village, the city or village in which the vehicle was abandoned, except that if a vehicle is abandoned on property of the New York state thruway authority or property under the jurisdiction of the office of parks, recreation and historic preservation, the department of transportation, or a public authority or commission, such authority, office, department or commission shall be entitled to the custody of such vehicle. Notwithstanding any provision of this section to the contrary, the office of general services shall be entitled to the custody of any vehicle abandoned on state property subsequent to its sale by such office. The commissioner may, by regulation, provide that a county may act as the agent for a local authority for the purpose of removing and disposing of abandoned vehicles.

5. (a) Such local authority shall determine if an abandoned vehicle is suitable for operation on the public highways. If so, the vehicle shall be sold at public auction to the highest bidder or converted pursuant to subdivision six of this section.

(b) If such local authority determines that an abandoned vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to section four hundred fifteen-a of this chapter or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business.

(c) An abandoned vehicle without a vehicle identification number plate

must be sold only to a vehicle dismantler or a scrap processor registered or certified pursuant to section four hundred fifteen-a of this chapter or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business. Nothing contained herein shall be construed as preventing a local authority from applying for a replacement vehicle identification number plate.

6. (a) A local authority, if authorized by local law, may convert to its own use those abandoned vehicles not affected by subdivision two of this section or may, by sale or gift, transfer title to any of such vehicles to any other municipal corporation for use by its law enforcement agency, provided however, the total number of vehicles converted and/or transferred in any calendar year may not exceed one percent of the local authority's unclaimed abandoned vehicles not affected by subdivision two of this section or two such vehicles, whichever is greater.

(b) Any proceeds from the sale of an abandoned vehicle less any expenses incurred by such local authority shall be held by the local authority without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one year period, such proceeds shall be paid into the general fund of such local authority.

7. (a) No person shall cause any vehicle to be an abandoned vehicle. There shall be a rebuttable presumption that the owner of an abandoned vehicle caused such vehicle to be abandoned. A violation of this subdivision shall be punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars. In a city having a population of one million or more, a violation of this subdivision shall in addition be punishable by a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

(b) Notwithstanding any other provision of law, in addition to those persons otherwise authorized to enforce this subdivision and adjudicate violations thereof, this subdivision shall also be enforceable in a city having a population of one million or more by an agency or agencies designated for such purpose by the mayor of such city, and notices of

violation may be returnable to the environmental control board of such city, which shall have the power to impose the civil penalties herein provided. Notwithstanding any other provision of law, service of a notice of violation for a violation of this subdivision committed in such city may be made upon an owner by first class mail, postage prepaid, and any such notice served by mail shall be returnable only to such environmental control board. Such service by first class mail shall be deemed complete upon mailing of the notice of violation, unless the notice of violation is returned to the sender by the United States postal service for any reason other than refusal of delivery. In addition, any notice of violation for a violation of this subdivision may be served by a means prescribed in article three of the civil practice law and rules or article three of the business corporation law. Notwithstanding any other provision of law, such civil penalties imposed by such environmental control board shall be paid into the general fund of such city. Notwithstanding section one hundred fifty-five of this chapter or any other provision of law, where a person has been adjudicated by such environmental control board to be in violation of this subdivision, such adjudication shall not have the force and effect of a conviction of a traffic infraction or of a violation of any provision of this chapter for any purpose not specified in this subdivision.

(c) Any final order issued pursuant to this subdivision by an environmental control board of a city having a population of one million or more shall constitute a judgment which may be entered in any place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered that exceeds the sum of ten thousand dollars for each respondent. Notwithstanding the preceding sentence, before a judgment based upon a default may be so entered, such environmental control board must have notified the respondent by first class mail in such form as such environmental control board may direct: (1) of the default decision and order and the penalty imposed; (2) that a judgment will be entered in any place provided for the entry of civil judgments in the state; and (3) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either

requesting a hearing or entering a plea pursuant to the rules of such environmental control board within thirty days of the mailing of such notice. No judgment based upon a default may be so entered by the environmental control board within less than sixty days from the completion of service by mail of the notice of violation as provided in paragraph (b) of this subdivision. Any requirement of any provision of law other than this subdivision that relates to the manner of service of the notice of violation that precedes any final order of such environmental control board shall not apply to a final order issued pursuant to this subdivision. A judgment entered pursuant to this paragraph shall remain in full force and effect for eight years.

(d) Notwithstanding any other provision of this chapter, where the environmental control board of a city having a population of one million or more has adjudicated any person to be in violation of this subdivision and the civil penalty therefor is not paid, such environmental control board shall notify the commissioner of motor vehicles of the judgment, who shall suspend any license of such person to operate a motor vehicle in this state, or, if such person is unlicensed, such person's privilege of obtaining a license issued by the commissioner, or, if such person is a non-resident, such person's privilege of operating a motor vehicle in this state, pending payment of such civil penalty. The procedures set forth in the first paragraph of subdivision seven of section five hundred ten of this chapter shall be applicable to a suspension pursuant to this paragraph.

(e) For purposes of this subdivision only, the term "owner" means any person, corporation, partnership, firm, agency, association, lessor or organization who at the time of the issuance of a notice of violation for a violation of this subdivision:

(i) is the beneficial or equitable owner of the abandoned vehicle; or

(ii) has title to such vehicle; or

(iii) is the registrant or co-registrant of such vehicle registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or

(iv) uses such vehicle in its renting and/or leasing business; or

(v) is an owner of such vehicle as defined by section one hundred twenty-eight of this chapter or subdivision (a) of section twenty-one hundred one of this chapter.

9. The last owner of an abandoned vehicle shall be liable to such local authority for the costs of removal and storage of such vehicle.

10. The commissioner shall prescribe by regulation such forms and procedures necessary or desirable to effectuate the provisions of this section. Such regulations may include procedures for the removal and disposition of vehicle identification numbers of abandoned vehicles and forms for local records for abandoned vehicles and inquiries relating to ownership of such vehicles.