

INSTRUCTIONS AND REQUIREMENTS FOR COMPLETING MV-901D “GARAGEMAN’S CERTIFICATION AND BILL OF SALE FOR VEHICLES WORTH LESS THAN \$500”

Please carefully read the following information relating to the documentation required by DMV. Sections 184, 201 and 202 of the Lien Law specify the procedure for foreclosing on garageman’s liens for businesses engaged in towing and/or storing vehicles. The Lien Law requires the Garageman to notify the owner of the vehicle and other lienholders prior to the sale of the vehicle.

VERIFICATION OF PRIOR OWNER AND OTHER LIENHOLDERS

The Garageman must contact the state where the vehicle was last registered and/or titled to verify prior owner and any lienholder information. When a vehicle is sold, the Purchaser **must be given one of the following** as verification of prior owner and lienholders:

- ◆ *TITLE ABSTRACT* – form MV-904N (for a vehicle registered or titled in New York). A Vehicle Title Abstract for the current owner/lienholder can be obtained by completing form MV-15 (Request for Driver and/or Vehicle Record Information). There is a \$10 fee for **each** request.
- ◆ *NY STATE DIAL-IN* - Computer Display Printout (for a vehicle registered in New York). A computer display printout can be produced by any person having direct access to the DMV computer via the NYS DMV Dial-In System. The printout includes current owner and lienholder information, or states that the vehicle is a “NO HIT” on DMV’s vehicle file. The printout must be attached to a statement from the Garageman (or authorized representative) on his/her letterhead which says: “I affirm the attached printout is the owner/lienholder information obtained from the NYS DMV Dial-In System”. The statement must include the Garageman’s original or facsimile signature (or the signature of his/her authorized representative).
- ◆ *CERTIFICATION OF NO RECORD FOUND* – form DS-243. This form is provided by the NYS DMV Certified Document Center when a form MV-15 is received, but no record of the vehicle is found in DMV files (NO HIT).
- ◆ *OUT-OF-STATE OWNER/LIENHOLDER VERIFICATION* – If the vehicle owner is from another state, an original statement on the out-of-state DMV letterhead is required. The statement must specify the year, make and identification number of the vehicle, the current owner’s name and address, and any known lienholders (if there are no lienholders, the statement must specify that). We cannot accept computer printouts attached to an out-of-state DMV letterhead, or copies of applications for registration or title.

NOTE: Vehicles with no verification of prior owner (NO HIT) will be subject to an investigation by DMV’s Division of Field Investigation.

NOTICE OF LIEN AND SALE (FORM MV-901A)

The Lien Law requires that the Garageman notify the owner (the person whose name is on the title record) and any known lienholder of his/her intention to sell the vehicle to recover the costs of towing and/or storage. The Garageman must use form MV-901A (Notice of Lien and Sale) or a computer-printed form that EXACTLY duplicates the MV-901A. Every item on the form must be completed. **A copy of this notice must be given to the Purchaser.**

NOTE: A “known lienholder” is any person or entity who has given the Garageman notice of their interest in the vehicle, or who has perfected a security interest with the Department of Motor Vehicles; or, who is listed as a lienholder on the certificate of title for the vehicle; or who has perfected a security interest in a non-titled vehicle in accordance with the Uniform Commercial Code.

CERTIFIED MAIL RECEIPTS OR CERTIFICATE OF FIRST-CLASS MAILING

The Garageman must send the Notice of Lien and Sale (MV-901A) to the owner and any other interested parties by certified or first-class mail. **The original receipt for mailing (or a legible copy) must be given to the Purchaser.** If a copy is provided, it must also have an original or facsimile signature of the Garageman or his/her authorized representative.

PROOF OF BUSINESS AND CLAIM

The Garageman must provide proof that he/she is legitimately engaged in the business for which the type of charges are being claimed, and must provide proof of the claim. The following is acceptable proof:

- ◆ **STORAGE:** If only storage is being claimed by a **business in New York City** (Bronx, Queens, Brooklyn, Manhattan or Staten Island), **a copy of the Consumer Affairs Business License must be given to the Purchaser** (showing the business is licensed as a parking, storage, or repair facility). The license must have been valid at the time the vehicle was brought in for storage. For **any business outside New York City**, a copy of a parking, storage or registered repair shop business license, or an original pre-printed letterhead and original billing statement with the name and address of the storage facility, parking facility or repair shop is acceptable as proof of business. **A copy must be given to the Purchaser.**

NOTE: Parties not normally in the business of storing vehicles may have a valid lien for storage. **A copy of the storage agreement, and/or other documentation proving their claim, must be given to the Purchaser.** The documentation will be subject to an investigation by DMV's Division of Field Investigation.

- ◆ **TOWING:** **A copy of the authorized tow order** from the owner or a police official is required as proof of the claim, and must be given to the Purchaser. If towing is being claimed by a **business in New York City** (Bronx, Queens, Brooklyn, Manhattan or Staten Island), **a copy of a Consumer Affairs License** (showing the business is licensed as a towing company) must be given to the Purchaser. The license must have been valid at the time the vehicle was towed. For a **business outside New York City**, **a copy of a tow license**, or an original pre-printed letterhead and an original billing statement with the name and address of the tow company is acceptable as proof of business, and **must be given to the Purchaser.** If a vehicle is towed at the request of a police official, Section 184(2) of the Lien Law requires the towing company to notify the vehicle **owner** by certified mail, return receipt requested, **within 5 working days** from the initial towing, that the garage is in possession of the vehicle. A person who mails this notice within the five-day period is entitled to a lien for storage from the date of initial towing; a person who fails to mail the notice within the five-day period is only entitled to a lien for storage from the date the notice was mailed. Notification **must** be made even if a lien for storage is not being claimed. Section 184(5) of the Lien Law requires the towing company to notify by certified mail, return receipt requested, every person who has perfected a security interest in the vehicle, or who is listed as a **lienholder** on the vehicle's certificate of title, **within 20 days** of the first day of storage. A person who fails to mail such notice within the twenty-day period is only entitled to a lien for storage from the date the notice was mailed. A failure to mail the notice in a timely fashion does not affect a lien for towing.

Notices to owners and lienholders must include: the name of the person who towed and/or is storing the motor vehicle; the dollar amount being claimed for towing and/or storage; the address and times at which the vehicle may be recovered; and a statement that the person mailing the notice claims a lien on the vehicle and that the vehicle will be released to the owner or lawfully designated representative upon full payment of all charges accrued to the date that the vehicle is released. Copies of the notice(s) and certified mail receipt(s) **must be given to the Purchaser.**

NOTE: A storage license is NOT required for any lien for towing in which additional charges for storage are being claimed.

VERIFICATION OF THE VEHICLE IDENTIFICATION NUMBER

Verification of the identification number on the dashboard of the vehicle is required. The following is acceptable verification, and **must be given to the Purchaser:**

- ◆ Legible tracing of the identification number;
- ◆ Photograph of the identification number;
- ◆ Signed statement from a police official on the appropriate agency letterhead, verifying the identification number.

STATEMENT OF ACQUISITION

A detailed statement on letterhead and signed by the Garageman regarding his/her acquisition of the vehicle, **must be given to the Purchaser.** The statement must fully explain how and when the vehicle came into his/her possession.

