

CS FOR HOUSE BILL NO. 222(TRA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Amended: 5/2/97

Offered: 4/24/97

Sponsor(s): REPRESENTATIVES ROKEBERG, Kempen

SENATORS Ellis, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to abandoned, wrecked, or junk vehicles."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 28.11.020 is amended to read:

4 Sec. 28.11.020. Presumption of abandonment. A vehicle registered or
5 titled as required under AS 28.10 that reasonably appears to have [HAS] been left
6 unattended, standing, parked upon or within 10 feet of the traveled portion of a
7 highway or vehicular way or area in excess of 48 hours, or a vehicle registered or
8 titled as required under AS 28.10 that reasonably appears to have been left
9 standing or parked on private property in excess of 24 hours or upon other public
10 property for more than 30 days, without the consent of the owner or person in charge
11 of the property, notwithstanding other statutory provisions, may be removed under
12 AS 28.11.030 and treated as an abandoned vehicle, unless the vehicle is reclaimed and
13 removed before [ACTION REGARDING] removal occurs [IS TAKEN] under
14 AS 28.11.030. The department for good cause may make provisions for parking of
15 vehicles on state property other than specified in this section and under the provisions

1 of AS 44.62.

2 * **Sec. 2.** AS 28.11.020 is amended by adding new subsections to read:

3 (b) Notwithstanding other provisions of law, a wrecked or junk vehicle that
 4 reasonably appears to have been left unattended, standing, parked upon or within 10
 5 feet of the traveled portion of a highway or vehicular way or area in excess of 24
 6 hours, or a wrecked or junk vehicle that reasonably appears to have been left standing
 7 or parked on private property or other public property in excess of 24 hours and
 8 without the consent of the owner or person in charge of the property, may be removed
 9 under AS 28.11.030 and treated as an abandoned vehicle, unless the vehicle is
 10 reclaimed and removed before removal occurs under AS 28.11.030.

11 (c) In this section,

12 (1) "junk vehicle" means a vehicle that

13 (A) is not currently registered under AS 28.10, except for a
 14 vehicle not currently registered under AS 28.10 and used exclusively for
 15 competitive racing;

16 (B) is stripped, wrecked, or otherwise inoperable due to
 17 mechanical failure;

18 (C) has not been repaired because of mechanical difficulties or
 19 because the cost of repairs required to make it operable exceeds the fair market
 20 value of the vehicle; or

21 (D) is in a condition that exhibits more than one of the
 22 following elements:

23 (i) broken glass;

24 (ii) missing wheels or tires;

25 (iii) missing body panels or parts; or

26 (iv) missing drive train parts.

27 (2) "wrecked vehicle" means a vehicle that is disabled and cannot be
 28 used as a vehicle without substantial repair or reconstruction;

29 * **Sec. 3.** AS 28.11.050 is amended to read:

30 **Sec. 28.11.050. Vesting of title.** Title to an impounded vehicle not reclaimed
 31 by the registered owner, a lienholder, or other person entitled to possession of the

vehicle within 15 [30] days from the notice given under AS 28.11.040 vests with the state or, if a municipal ordinance is adopted under AS 28.11.100, with the municipality, as appropriate. However, nothing in this section prohibits a lien under AS 28.11.090.

* **Sec. 4.** AS 28.11.070(a) is amended to read:

(a) Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of by removal to a scrap processing yard or auto wrecker for disposal or by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the area or municipality in which the vehicle was found and presumed abandoned. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold. A copy of the notice of auction shall be conveyed to the department.

* **Sec. 5.** AS 28.11.070(b) is amended to read:

(b) A vehicle disposed of under this section by public auction must be [REGISTERED AND] titled under AS 28.10, and may not be subsequently sold without a certificate of title issued by the department.

* **Sec. 6.** AS 28.11.100 is amended to read:

Sec. 28.11.100. Municipal abatement procedure. A municipality may adopt an ordinance establishing procedures for the abatement and removal from private or public property, as a public nuisance or a health or safety hazard, a wrecked, dismantled, or inoperative vehicle or a vehicle otherwise presumed to be abandoned. An ordinance adopted under this section must contain provisions for (1) notice to owners and lienholders of record and persons known to be lawfully entitled to possession of the vehicles, of their right to a hearing which shall be conducted by the municipality in the manner provided for by municipal ordinance [THE DEPARTMENT UNDER AS 28.05.131 - 28.05.141]; (2) notice to owners and lienholders as provided in AS 28.11.040; and (3) disposal of abandoned vehicles as provided in AS 28.11.070.