

1 IN THE HOUSE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 382

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the removal of vehicles  
7 from the public highway; creating a lien;  
8 and providing for an effective date."

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

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Section 1. REMOVAL OF VEHICLES CAUSING OBSTRUCTION OR  
11 DANGER TO TRAVEL. Whenever a vehicle is unattended in such a  
12 position that it constitutes an obstruction to traffic or  
13 provides a danger to travel upon a public highway, a peace  
14 officer may provide for the removal thereof to the nearest place  
15 of safety. Any cost incurred in the removal and storage shall  
16 be paid by the owner of the vehicle so removed and shall be a  
17 lien upon the vehicle. This lien shall be prior to any other  
18 lien or encumbrance, regardless of type.

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Sec. 2. REMOVAL OF VEHICLES INVOLVED IN ACCIDENTS. When  
20 a vehicle has been involved in an accident, whether with another  
21 vehicle or not, a peace officer may provide for the removal  
22 of this vehicle to the nearest place of safety. Any cost  
23 incurred in the removal and storage shall be paid by the owner  
24 of the vehicle so removed and shall be a lien upon the vehicle.  
25 This lien shall be prior to any other lien or encumbrance,  
26 regardless of type.

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Sec. 3. REMOVAL OF VEHICLES LEFT ON MAIN TRAVELED WAY.

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Whenever a peace officer finds a vehicle standing upon the paved,  
29 improved, or main traveled portion of a public highway outside

1 of cities and towns, he may remove it or require the operator  
2 or other person in charge thereof to remove it from the paved,  
3 improved, or main traveled portion of the highway.

4 Sec. 4. Sec. 1, Ch. 52, SLA 1953 is amended to read:

5 ABANDONED VEHICLES: SALE BY PUBLIC AUCTION. It shall  
6 be the duty of State Police [TERRITORIAL HIGHWAY PATROL]  
7 officers and other peace officers to report to the  
8 Commissioner of Public Works [TERRITORIAL HIGHWAY  
9 ENGINEER] all vehicles found abandoned on any highway  
10 or other place in the State [TERRITORY], and to take and  
11 deliver the same into the custody of the officer in  
12 charge of the State Police [TERRITORIAL HIGHWAY PATROL]  
13 in the District [DIVISION] where found abandoned. Personal  
14 notice that such vehicle has been found abandoned shall be  
15 forwarded by registered mail by the officer into whose  
16 custody such vehicle is delivered to the registered and  
17 legal owner of such vehicle if any record of such registra-  
18 tion or ownership exists in this State [TERRITORY]. In  
19 the event there appears to be a registered or legal  
20 ownership thereof in any other state or territory, such  
21 officer shall send notice thereof to the official having  
22 cognizance of or issuing registration or ownership  
23 certificates in such state or territory. If, at the  
24 expiration of forty-five days from the date of mailing such  
25 notice, the vehicle remains unclaimed and has not been  
26 reported as a stolen vehicle, then the same may be sold  
27 at public auction by such officer upon notice published  
28 in a newspaper of general circulation in the District  
29 [DIVISION] in which such vehicle has been found abandoned,

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such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall not be later than one week following the date of such publication. Any surplus accruing at said sale, after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner for a period of ten days, and if not claimed by the expiration thereof shall be transmitted to the Commissioner of Revenue (TREASURER OF THE TERRITORY) to be deposited in the general fund of the State (TERRITORY). If such vehicle is claimed 15 days after being removed and prior to sale, any cost incurred in the removal and storage shall be paid by the owner of the vehicle so removed and shall be a lien upon the vehicle. This lien shall be prior to any other lien or encumbrance, regardless of type.

Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.