

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 382

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 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."

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

10 Section 1. REMOVAL OF VEHICLES CAUSING OBSTRUCTION, DANGER
11 TO TRAVEL, OR INVOLVED IN ACCIDENTS. (a) A peace officer may
12 provide for the removal of a motor vehicle from a public high-
13 way

14 (1) if it is left unattended in a position that
15 obstructs or endangers travel on the highway; or

16 (2) if it has been involved in an accident, whether
17 with another vehicle or not.

18 (b) A peace officer, removing a motor vehicle from the
19 public highway under Subsec. (a) of this Act, shall remove it by
20 using the closest available tow service to the motor vehicle's
21 location and shall have it towed to the nearest place of safety.

22 (c) A peace officer is not liable for any damage caused
23 to the motor vehicle or by it, while it is being towed to the
24 nearest place of safety.

25 (d) Any reasonable cost incurred in the removal and storage
26 of a motor vehicle under this section shall be paid by the owner
27 of it and shall be a lien upon the vehicle. This lien is
28 prior to any other lien or encumbrance, regardless of type.

29 Sec. 2. REMOVAL OF VEHICLES LEFT ON MAIN TRAVELED WAY.

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1 Whenever a peace officer finds a vehicle standing upon the paved,
2 improved, or main traveled portion of a public highway outside
3 of cities and towns, he may remove it or require the operator
4 or other person in charge thereof to remove it from the paved,
5 improved, or main traveled portion of the highway.

6 Sec. 3. Sec. 1, Ch. 52, SLA 1953 is amended to read:

7 Section 1. ABANDONED VEHICLES: SALE BY PUBLIC AUCTION.

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

1 [DIVISION] in which such vehicle has been found abandoned,
2 such publication to describe the vehicle and set forth the
3 place, date and time at which such vehicle shall be put up
4 for public auction, which date shall not be later than one
5 week following the date of such publication. Any surplus
6 accruing at said sale, after deducting the cost of placing
7 the vehicle in custody, advertising and selling the same,
8 shall be held for the owner for a period of ten days, and
9 if not claimed by the expiration thereof shall be transmitted
10 to the Commissioner of Revenue [TREASURER OF THE TERRITORY]
11 to be deposited in the general fund of the State [TERRITORY].
12 If such vehicle is claimed within 45 days after being
13 removed and prior to sale, any reasonable cost incurred
14 in the removal and storage shall be paid by the owner of
15 the vehicle so removed and shall be a lien upon the vehicle.
16 This lien shall be prior to any other lien or encumbrance,
17 regardless of type.

18 Sec. 4. This Act takes effect on the day after its passage
19 and approval or on the day it becomes law without such approval
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