

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 amending Sec. 1, Ch. 52, SLA 1953; and  
9 providing for an effective date."

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

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

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 prior  
28 to any other lien or encumbrance, regardless of type.

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

CS for HB #382 as amended

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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 or  
4 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 Police  
14 [TERRITORIAL HIGHWAY PATROL] in the District [DIVISION] where  
15 found abandoned. Personal notice that such vehicle has been  
16 found abandoned shall be forwarded by registered mail by the  
17 officer into whose custody such vehicle is delivered to the  
18 registered and legal owner of such vehicle if any record of  
19 such registration or ownership exists in this State [TERRI-  
20 TORY]. In the event there appears to be a registered or  
21 legal ownership thereof in any other state or territory, such  
22 officer shall send notice thereof to the official having  
23 cognizance of or issuing registration or ownership certificates  
24 in such state or territory. If, at the expiration of forty-  
25 five days from the date of mailing such notice, the vehicle  
26 remains unclaimed and has not been reported as a stolen  
27 vehicle, then the same may be sold at public auction by such  
28 officer upon notice published in a newspaper of general  
29 circulation in the District [DIVISION] in which such vehicle

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

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