

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

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CS FOR 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 amending Sec. 1, Ch. 52, SLA 1953; and
9 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, DANGER

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TO TRAVEL, OR INVOLVED IN ACCIDENTS. (a) A peace officer may
13 provide for the removal of a motor vehicle from a public highway

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(1) if it is left unattended in a position that

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obstructs or endangers travel on the highway; or

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(2) if it has been involved in an accident, whether

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with another vehicle or not.

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(b) A peace officer, removing a motor vehicle from the

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public highway under Subsec. (a) of this Act, shall remove it and
20 shall have it towed to the nearest inhabited place of safety.

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(c) A peace officer is not liable for any damage caused to

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the motor vehicle or by it, while it is being towed to the nearest
23 place of safety.

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(d) Any reasonable cost incurred in the removal and storage

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of a motor vehicle under this section shall be paid by the owner
26 of it and shall be a lien upon the vehicle. This lien is prior
27 to any other lien or encumbrance, regardless of type.

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

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Whenever a peace officer finds a vehicle standing upon the paved,

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

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

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

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

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

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