

Original sponsor: Ziegler

Offered: 3/20/68
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 220

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to liens on motor vehicles."

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

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* Section 1. AS 28.10 is amended by adding a new section to read:

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Sec. 28.10.515. TOWING AND STORAGE LIEN. (a) A person engaged

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in the business of towing motor vehicles, who tows, transports or stores

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a motor vehicle has a lien on the motor vehicle. This lien attaches

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when the person acts under a contract with the owner or at the direction

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of a public officer acting lawfully or a person entitled to possession

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of the property upon which the motor vehicle is parked without consent.

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The lien remains in effect while the motor vehicle is in the possession

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of the person and may be sold, as provided in (b) of this section, to

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pay the charges for towing, transportation or storage. The lien is

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limited to towing charges assessed according to the tariff filed by

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the carrier and storage charges at the rate of \$1 per day, but the

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total charges may not exceed \$100. In the absence of a filed tariff,

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the towing charge shall be the same as the lowest towing charge in the

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other filed tariffs covering the same service and route. Storage

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charges shall cease to be part of the lien after 10 days unless the

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prior lien holder has been given actual notice of the possessory lien

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within that time or unless a certified letter has been mailed within

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that time to the owner and prior lien holder at their addresses of

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record with the office in which the title to such motor vehicle and the

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lien thereon are recorded.

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(b) If the motor vehicle remains unclaimed for a period of 30

1 days in the possession of the person who performed the towing, trans-
2 portation or storage, it shall be sold on giving 20 days' notice of
3 the sale. The notice shall be delivered to the proper officer and
4 personally served on the legal owner and the prior lien holder, if any,
5 of the motor vehicle in the same manner as provided by law for service
6 of summons. If either of these persons cannot be located and served,
7 personal notice of the sale shall be forwarded to him at his last known
8 address by certified mail, return receipt requested. This notice shall
9 contain a description of the motor vehicle, including its license
10 number and motor number, together with the time and place of sale, a
11 statement of the amount due, and the name and address of the person to
12 whom the charges are due.

13 (c) The money realized from a sale made under this section shall
14 be applied first to the payment of costs and expenses of the sale and,
15 secondly, to the lawful charges of the person having a lien on the
16 motor vehicle under this section. Remaining proceeds from the sale
17 shall be retained by the Department of Revenue to be distributed to the
18 registered and legal owner or lien holder entitled to the remaining
19 proceeds. A purchase in good faith of a motor vehicle sold under this
20 section takes the motor vehicle free of any rights of prior lien.
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