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2 HOUSE BILL NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act related to abandoned motor vehicles."

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

8 * Section 1. AS 28 is amended by adding a new chapter to read:

9 CHAPTER 31. ABANDONED MOTOR VEHICLES.

10 Sec. 28.31.010. REMOVAL OF ABANDONED MOTOR VEHICLES. (a) No
11 person may abandon a vehicle on a highway in the state.

12 (b) No person may abandon a vehicle on public or private property
13 without the express or implied consent of the owner or person in lawful
14 possession or control of the property.

15 (c) A peace officer or an authorized employee of a general law
16 or home rule municipality in the case of a general law or home rule
17 municipality bound by the procedure specified in this chapter, who
18 reasonably believes that a vehicle has been abandoned may have the
19 vehicle removed to the nearest garage or other place for impoundment
20 and storage. Removal of an abandoned vehicle from private property
21 shall be on the written request, on a form prescribed by the Department
22 of Revenue, of the owner or person in lawful possession or control of
23 the property. A written report of the removal shall be sent im-
24 mediately to the Department of Revenue, describing the vehicle, the
25 date, time and place of removal, the grounds for removal, and place of
26 impoundment of the vehicle. Upon receipt of the removal report, the
27 Department of Revenue shall provide written notification by certified
28 mail to the vehicle owner of record and to lienholders of records,
29 stating the grounds for removal and the name of the place of

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1 impoundment of the vehicle; however, notice is not required if the
2 retail value of an abandoned vehicle is \$200 or less. If the vehicle
3 is not registered in the state, the Department of Revenue shall make a
4 reasonable effort to notify the registered owner or any lienholder of
5 removal and the place of impoundment of the vehicle. The Department of
6 Revenue shall forward a copy of the notice to the owner or person in
7 charge of the place of impoundment.

8 (d) For purposes of this section a vehicle is presumed to be
9 abandoned if it is left unattended on a highway for a period in excess
10 of three days or on any public or private property without express or
11 implied consent of the owner or person in lawful possession or control
12 of the property for a period in excess of seven days.

13 Sec. 28.31.020. VESTING OF TITLE. Title to an impounded vehicle
14 not reclaimed by the registered owner or the lienholder within 10 days
15 from the notice provided by sec. 10 of this chapter vests with the
16 state or, if a local ordinance is adopted as specified in sec. 60 of
17 this chapter, with the local governing body, as appropriate.

18 Sec. 28.31.030. REDEMPTION. A person who presents satisfactory
19 proof of ownership or right to possession may redeem an impounded
20 vehicle by paying the charges of towing, storage, notice, other costs
21 of impoundment, and any penalties imposed by law.

22 Sec. 28.31.040. DISPOSAL OF ABANDONED VEHICLE. (a) Disposal of
23 impounded vehicles shall be conducted by public auction upon notice
24 published in a newspaper of general circulation in the judicial district
25 in which the vehicle was found. The notice shall describe the vehicle
26 and set out the place, date, and time at which it will be sold. The
27 date of sale shall be no later than one week following the date of
28 publication.

29 (b) Title to a vehicle disposed of under (a) of this section

1 shall be conveyed by a bill of sale issued by the state or local govern-
2 ing body, as appropriate, on a form prescribed by the Department of
3 Revenue. A copy of the bill of sale shall be forwarded to the Depart-
4 ment of Revenue by the purchaser within 10 days.

5 (c) Any subsequent sale of a vehicle sold under (a) of this
6 section is prohibited without a certificate of title issued by the
7 Department of Revenue under AS 28.10.

8 Sec. 28.31.050. DISPOSAL FACILITIES. (a) The Department of
9 Revenue, in conjunction with the Department of Public Safety, shall, if
10 necessary, negotiate with other appropriate state agencies in an effort
11 to designate and acquire centrally located state land for the disposal
12 of abandoned vehicles. These areas may be for the temporary holding of
13 vehicles before sale as prescribed in sec. 40 of this section, or for
14 the final disposal of unsold abandoned vehicles. If existing and ap-
15 propriate land cannot be located for this purpose, the departments may
16 contract with private persons or general law or home rule municipalities
17 for the acquisition of areas appropriate for the disposal of abandoned
18 motor vehicles.

19 (b) A general law or home rule municipality which is bound by the
20 procedure specified in this chapter shall designate appropriate areas
21 within its jurisdiction for the disposal of abandoned vehicles.

22 Sec. 28.31.060. LOCAL ORDINANCES. (a) Notwithstanding the pro-
23 visions of this chapter, a general law or home rule municipality may
24 adopt by ordinance procedures for the removal and impoundment of
25 abandoned vehicles found within the municipality. However, in no case
26 may a vehicle be disposed of unless adequate notice is given to the
27 owner, if known. If the owner of the vehicle is not known, notice of
28 the removal shall be published at least once in a newspaper of general
29 circulation in the municipality. The vehicle may be disposed of by the

1 municipality at any time 20 days after the date of publication.

2 (b) The Department of Revenue and the Department of Public Safety
3 shall assist general law and home rule municipalities which elect to
4 adopt their own procedures for the removal and impoundment of vehicles
5 within their boundaries.

6 (c) A general law or home rule municipality which fails to adopt
7 procedures for the removal and impoundment of abandoned vehicles as
8 specified in (a) of this section within six months from the effective
9 date of this act is bound by the procedure specified in this chapter.

10 Sec. 28.31.065. ABANDONED MOTOR VEHICLE FUND. There is created
11 within the Department of Revenue an abandoned motor vehicle fund, to
12 be composed of appropriations by the legislature and proceeds from the
13 sale of abandoned motor vehicles.

14 Sec. 28.31.070. DISPOSITION OF PROCEEDS OF PUBLIC ACTION. The
15 proceeds from the sale of abandoned motor vehicles under sec. 40 of
16 this chapter, if any, after deducting the cost of impounding the ve-
17 hicle, and advertising and selling it, shall be deposited in an
18 abandoned motor vehicle fund within the Department of Revenue. The
19 Department of Revenue shall prorate the money in the fund to each
20 general law or home rule municipality bound by the procedure specified
21 in this chapter in proportion to the number of abandoned vehicles
22 disposed of within its boundaries.

23 (b) If available, money in the abandoned vehicle fund shall be
24 disbursed from the Department of Revenue to the Department of Public
25 Safety to provide for the removal of abandoned vehicles in areas out-
26 side general law and home rule municipalities. Priority shall be given
27 to the removal of abandoned vehicles from highway rights-of-way, state
28 parks, rivers, and wildlife habitat areas.

29 Sec. 28.31.075. REGULATIONS. The Department of Revenue, in

1 conjunction with the Department of Public Safety, shall promulgate
2 regulations necessary to implement secs. 10 - 80 of this chapter.

3 Sec. 28.31.080. PENALTY. A person who violates sec. 10(a) and
4 (b) of this chapter, upon conviction, is punishable by a fine of not
5 less than \$25 nor more than \$100.

6 * Sec. 2. AS 28.10.200 is amended by adding a new subsection to read:

7 (c) In addition to the annual license tax levied under (b)(2),
8 (b)(4), and (b)(8) of this section, a fee of \$1 shall be levied on
9 vehicles specified in (b)(1), (b)(4), and (b)(8) of this section, in
10 the manner specified in (a) of this section. The proceeds from this
11 fee shall be deposited in a special motor vehicle disposal account in
12 the general fund. The legislature may appropriate from this account
13 to the Department of Revenue abandoned motor vehicle fund for the
14 purpose of disposing of abandoned motor vehicles.

15 * Sec. 3. AS 28.35.260 is amended to read:

16 Sec. 28.35.260. DEFINITIONS. In secs. 30 - 110, 130 - 260 of
17 this chapter and AS 28.05.010 - 28.05.040, [AND] 28.05.060, and AS 28.31.080,
18 unless the context otherwise requires, the word "vehicle" means every
19 device capable of being moved upon a public highway and in, upon, or
20 by which any person or property is or may be transported or drawn upon
21 a public highway, excepting devices moved by human or animal power or
22 used exclusively upon stationary rails or tracks.
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