

Original sponsor: Fritz and Ose

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1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 28.10.515(a) is amended to read:

9 (a) A person engaged in the business of towing motor vehicles, who
10 tows, transports or stores a motor vehicle has a lien on the motor
11 vehicle. This lien attaches when the person acts under a contract with
12 the owner or at the direction of a public officer acting lawfully or a
13 person entitled to possession of the property upon which the motor
14 vehicle is parked without consent. The lien remains in effect while the
15 motor vehicle is in the possession of the person and may be sold, as
16 provided in (b) of this section, to pay the charges for towing, trans-
17 portation or storage. The lien is limited to towing charges assessed
18 according to the tariff filed by the carrier with the Alaska Trans-
19 portation Commission and storage charges of no more than \$1.50 per day
20 [, BUT THE TOTAL CHARGES MAY NOT EXCEED \$100]. In the absence of a
21 filed tariff, the towing charge shall be the same as the lowest towing
22 charge in the other filed tariffs covering the same service and route.
23 Storage charges shall cease to be part of the lien after 30 [10] days
24 unless the prior lien holder has been given actual notice of the
25 possessory lien within that time or unless a certified letter has been
26 mailed within that time to the owner and prior lien holder at their
27 addresses of record with the office in which the title to the motor
28 vehicle and the lien on it are recorded.

29 * Sec. 2. AS 28 is amended by adding a new chapter to read:

1 CHAPTER 31. ABANDONED MOTOR VEHICLES.

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

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

7 (c) A peace officer or an authorized employee of a general law
8 or home rule municipality in the case of a general law or home rule
9 municipality bound by the procedure specified in this chapter, who
10 reasonably believes that a vehicle has been abandoned may have the
11 vehicle removed to the nearest garage or other place for impoundment
12 and storage. Removal of an abandoned vehicle from private property
13 shall be on the written request, on a form prescribed by the Department
14 of Revenue, of the owner or person in lawful possession or control of
15 the property. A written report of the removal shall be sent immediately
16 to the Department of Revenue, describing the vehicle, the date, time and
17 place of removal, the grounds for removal, and place of impoundment of
18 the vehicle. Upon receipt of the removal report, the Department of
19 Revenue shall provide written notification by certified mail to the
20 vehicle owner of record and to lien holders of records, stating the
21 grounds for removal and the name of the place of impoundment of the
22 vehicle; however, notice is not required if the retail value of an
23 abandoned vehicle is \$200 or less. If the vehicle is not registered in
24 the state, the Department of Revenue shall make a reasonable effort to
25 notify the registered owner or any lien holder of removal and the place
26 of impoundment of the vehicle. The Department of Revenue shall forward
27 a copy of the notice to the owner or person in charge of the place of
28 impoundment.

29 (d) For purposes of this section a vehicle is presumed to be

1 abandoned if it is left unattended on a highway for a period in excess
2 of three days or on any public or private property without express or
3 implied consent of the owner or person in lawful possession or control
4 of the property for a period in excess of seven days.

5 Sec. 28.31.020. VESTING OF TITLE. Title to an impounded vehicle
6 not reclaimed by the registered owner or the lien holder within 10 days
7 from the notice provided by sec. 10 of this chapter vests with the
8 state or, if a local ordinance is adopted as specified in sec. 60 of
9 this chapter, with the local governing body, as appropriate.

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

14 Sec. 28.31.040. DISPOSAL OF ABANDONED VEHICLE. (a) Disposal of
15 impounded vehicles shall be conducted by public auction upon notice
16 published in a newspaper of general circulation in the judicial district
17 in which the vehicle was found. The notice shall describe the vehicle
18 and set out the place, date, and time at which it will be sold. The
19 date of sale shall be no later than one week following the date of
20 publication.

21 (b) Title to a vehicle disposed of under (a) of this section
22 shall be conveyed by a bill of sale issued by the state or local govern-
23 ing body, as appropriate, on a form prescribed by the Department of
24 Revenue. A copy of the bill of sale shall be forwarded to the Depart-
25 ment of Revenue by the purchaser within 10 days.

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

29 Sec. 28.31.050. DISPOSAL FACILITIES. (a) The Department of

1 Revenue, in conjunction with the Department of Public Safety, shall, if
2 necessary, negotiate with other appropriate state agencies in an effort
3 to designate and acquire centrally located state land for the disposal
4 of abandoned vehicles. These areas may be for the temporary holding of
5 vehicles before sale as prescribed in sec. 40 of this chapter, or for
6 the final disposal of unsold abandoned vehicles. If existing and ap-
7 propriate land cannot be located for this purpose, the departments may
8 contract with private persons or general law or home rule municipalities
9 for the acquisition or use of areas appropriate for the disposal of
10 abandoned motor vehicles.

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

14 Sec. 28.31.060. LOCAL ORDINANCES. (a) Notwithstanding the pro-
15 visions of this chapter, a general law or home rule municipality may
16 adopt by ordinance procedures for the removal and impoundment of
17 abandoned vehicles found within the municipality. However, in no case
18 may a vehicle be disposed of unless adequate notice is given to the
19 owner, if known. If the owner of the vehicle is not known, notice of
20 the removal shall be published at least once in a newspaper of general
21 circulation in the municipality. The vehicle may be disposed of by the
22 municipality at any time 20 days after the date of publication.

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

27 (c) A general law or home rule municipality which fails to adopt
28 procedures for the removal and impoundment of abandoned vehicles as
29 specified in (a) of this section within six months from the effective

1 date of this Act is bound by the procedure specified in this chapter.

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

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

15 (b) If available, money in the abandoned vehicle fund shall be
16 disbursed from the Department of Revenue to the Department of Public
17 Safety to provide for the removal of abandoned vehicles in areas out-
18 side general law and home rule municipalities. Priority shall be given
19 to the removal of abandoned vehicles from highway rights-of-way, state
20 parks, rivers, and wildlife habitat areas.

21 Sec. 28.31.075. REGULATIONS. The Department of Revenue, in
22 conjunction with the Department of Public Safety, shall promulgate
23 regulations necessary to implement secs. 10 - 80 of this chapter.

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

27 * Sec. 3. AS 28.10.200 is amended by adding a new subsection to read:

28 (c) In addition to the annual license tax levied under (b)(2),
29 (b)(4), and (b)(8) of this section, a fee of \$1 shall be levied on

1 vehicles specified in (b)(1), (b)(4), and (b)(8) of this section, in
2 the manner specified in (a) of this section. The proceeds from this
3 fee shall be deposited in a special motor vehicle disposal account in
4 the general fund. The legislature may appropriate from this account
5 to the Department of Revenue abandoned motor vehicle fund for the
6 purpose of disposing of abandoned motor vehicles.

7 * Sec. 4. AS 28.35.260 is amended to read:

8 Sec. 28.35.260. DEFINITIONS. In secs. 30 - 110, 130 - 260 of
9 this chapter and AS 28.05.010 - 28.05.040, [AND] 28.05.060, and
10 AS 28.31, unless the context otherwise requires, the word "vehicle"
11 means every device capable of being moved upon a public highway and in,
12 upon, or by which any person or property is or may be transported or
13 drawn upon a public highway, excepting devices moved by human or animal
14 power or used exclusively upon stationary rails or tracks.