

Original sponsor: Fritz and Ose

Offered: 3/26/73
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE 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:

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CHAPTER 31. ABANDONED MOTOR VEHICLES.

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

28 (d) For purposes of this section a vehicle is presumed to be
29 abandoned if it is left unattended on a highway for a period in excess

1 of seven days or on any public or private property without express or
2 implied consent of the owner or person in lawful possession or control
3 of the property for a period in excess of three days.

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

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

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

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

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

28 Sec. 28.31.050. DISPOSAL FACILITIES. (a) The Department of
29 Revenue, in conjunction with the Department of Public Safety, shall, if

1 necessary, negotiate with other appropriate state agencies in an effort
2 to designate and acquire centrally located state land for the disposal
3 of abandoned vehicles. These areas may be for the temporary holding of
4 vehicles before sale as prescribed in sec. 40 of this chapter, or for
5 the final disposal of unsold abandoned vehicles.

6 (b) A general law municipality which is bound by the procedure
7 specified in this chapter shall designate appropriate areas within its
8 jurisdiction for the disposal of abandoned vehicles.

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

18 (b) The Department of Revenue and the Department of Public Safety
19 shall assist general law municipalities which elect to adopt their own
20 procedures for the removal and impoundment of vehicles within their
21 boundaries.

22 (c) A general law municipality which fails to adopt procedures for
23 the removal and impoundment of abandoned vehicles as specified in (a) of
24 this section within six months from the effective date of this Act is
25 bound by the procedure specified in this chapter.

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

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

10 (b) If available, money in the abandoned vehicle fund shall be
11 disbursed from the Department of Revenue to the Department of Public
12 Safety to provide for the removal of abandoned vehicles in areas out-
13 side general law municipalities.

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

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

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

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