

1 IN THE HOUSE

BY FRITZ

2 HOUSE BILL NO. 426

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 \* Section 1. AS 28.10.200 is amended by adding a new subsection to read:

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

16 \* Sec. 2. AS 28.31.010(c) is amended to read:

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

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

10 \* Sec. 3. AS 28.31.050(b) is amended to read:

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. 4. AS 28.31.060 is amended to read:

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

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

28 (c) A general law or home rule municipality which fails to adopt  
29 procedures for the removal and impoundment of abandoned vehicles as

1 specified in (a) of this section within six months from July 25, 1973  
2 in the case of a general law municipality and within six months from  
3 July 25, 1974 in the case of a home rule municipality is bound by the  
4 procedure specified in this chapter.

5 \* Sec. 5. AS 28.31.070 is amended to read:

6 Sec. 28.31.070. DISPOSITION OF PROCEEDS OF PUBLIC AUCTION. (a)  
7 The proceeds from the sale of abandoned motor vehicles under sec. 40  
8 of this chapter, if any, after deducting the cost of impounding the  
9 vehicle, 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 or home rule municipalities.

19 \* Sec. 6. AS 28.30 is repealed.  
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