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1 IN THE SENATE

BY RAY, CHANCE, COLLETTA,
FERGUSON, HUBER AND MELAND

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2 SENATE BILL NO. 484

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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 is amended by adding a new chapter to read:

9 CHAPTER 11. ABANDONED VEHICLES.

10 Sec. 28.11.010. ABANDONMENT UNLAWFUL. (a) No person may abandon
11 a vehicle upon a highway or vehicular way or area.

12 (b) No person may abandon a vehicle upon public or private property
13 without the consent of the owner or person in lawful possession or con-
14 trol of the property.

15 (c) A person who violates (a) or (b) of this section, upon convic-
16 tion, is guilty of an infraction as defined in AS 28.35.190.

17 (d) The lawful owner of the vehicle, as shown by the records of the
18 department, who has not complied with the provisions of AS 28.10.266(c),
19 is considered responsible for the abandonment of a vehicle and is liable
20 for the cost of removal and disposition of the abandoned vehicle.

21 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has
22 been left unattended, left standing or parked upon a highway in excess
23 of 48 hours, or a vehicle left standing or parked on public or private
24 property in excess of 24 hours without the consent of the owner or person
25 in charge of the property is presumed to be abandoned.

26 Sec. 28.11.030. REMOVAL OF ABANDONED VEHICLES. (a) A police offi-
27 cer or an employee authorized by the state or a municipality may remove
28 or cause to be removed to a place for safe storage a vehicle abandoned
29 on a public street or highway, on a vehicular way or area, or on private

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1 property.

2 (b) Removal of an abandoned vehicle from private property shall be
3 on the written request of the owner or person in lawful possession or
4 control of the property, and upon a form prescribed by the department.

5 (c) A written report of the removal shall be made by the police
6 officer or employcc who removes or causes the removal of a vehicle under
7 this section, and the report shall be sent immediately to the department.
8 The report shall describe the vehicle, the date, time, and place of
9 removal, the grounds for removal, and the place of impoundment of the
10 vehicle.

11 Sec. 28.11.040. NOTICE TO OWNER. (a) Upon receipt of the removal
12 report prescribed in sec. 30 of this chapter, the department shall pro-
13 vide written notification by certified mail to the vehicle owner of
14 record and to lienholders of record, stating the grounds for removal and
15 the location of the place of impoundment of the vehicle. If the vehicle
16 is not registered in the state, the department shall make a reasonable
17 effort to notify the registered owner or the lienholder of the removal
18 and place of impoundment of the vehicle. The department shall forward
19 a copy of the notice to the owner or person in charge of the place of
20 impoundment.

21 (b) When the name and address of the registered or legal owner
22 cannot be ascertained, the department shall give notice by publication
23 in a newspaper of general circulation in the area or municipality in
24 which the vehicle was found.

25 Sec. 28.11.050. VESTING OF TITLE. Title to an impounded vehicle
26 not reclaimed by the registered owner, the lienholder, or other person
27 entitled to possession of the vehicle within 10 days from the notice
28 provided by sec. 40 of this chapter vests with the state or, if a local
29 ordinance is adopted under sec. 100 of this chapter, with the local

1 governing body, as appropriate.

2 Sec. 28.11.060. REDEMPTION. A person who presents satisfactory
3 proof of ownership or right to possession may redeem a vehicle removed
4 under this chapter by paying the charges of towing, storage, notice,
5 other cost of impoundment, and penalties imposed by law.

6 Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satis-
7 fication of the notification and reporting requirements prescribed in
8 this chapter and when title to the vehicle has vested under sec. 50 of
9 this chapter, a vehicle may be disposed of

10 (1) by public auction 15 days after notice published in a
11 newspaper of general circulation in the area or municipality in which
12 the vehicle was found; the published notice shall describe the vehicle
13 and set out the place, date, and time at which it will be sold; a copy
14 of the published notice shall be conveyed to the department along with
15 documents required under (b) of this section; or

16 (2) by private sale or relinquishment in favor of a towing
17 or storage lien.

18 (b) The title certificate and registration of a disposed vehicle
19 if available and a copy of the bill of sale or relinquishment of title
20 shall be surrendered to the department within 10 days of the disposal.

21 (c) A vehicle disposed under this section must be registered and
22 titled as prescribed in ch. 10 of this title, and subsequent sale of a
23 vehicle disposed under this section is prohibited without a certificate
24 of title issued by the department.

25 Sec. 28.11.080. DISPOSAL FACILITIES. (a) The department shall,
26 if necessary, negotiate with appropriate state or municipal agencies in
27 an effort to designate and acquire centrally located land for the dis-
28 posal of abandoned vehicles. These areas may be used for the temporary
29 holding of vehicles before sale as prescribed in sec. 70 of this chapter,

1 or for the final disposal of unsold abandoned vehicles.

2 (b) A municipality which adopts an ordinance under sec. 100 of this
3 chapter shall designate appropriate areas within its jurisdiction for
4 the disposal of abandoned vehicles.

5 Sec. 28.11.090. TOWING AND STORAGE LIEN ON ABANDONED VEHICLE. A
6 person authorized by contract or other official order to remove an
7 abandoned vehicle has a lien upon a vehicle towed, moved, or stored by
8 him and in his possession in accordance with AS 28.10.515.

9 Sec. 28.11.100. LOCAL ABATEMENT PROCEDURE. (a) A municipality
10 may adopt an ordinance establishing procedures for the abatement and
11 removal from private or public property, as a public nuisance or a
12 health or safety hazard, a wrecked, dismantled, or inoperative vehicle
13 or a vehicle otherwise believed to be abandoned. The ordinance written
14 under this section shall contain provisions for notice to owners and for
15 disposal of abandoned vehicles as provided in secs. 40 and 70 of this
16 chapter.

17 (b) The department shall assist a municipality which elects to
18 adopt its own procedures for the removal and impoundment of vehicles
19 within its boundaries.

20 (c) A municipality which fails to adopt procedures for the removal
21 and impoundment of abandoned vehicles under (a) of this section is bound
22 by the procedure specified in this chapter.

23 Sec. 28.11.110. ABANDONED MOTOR VEHICLE FUND. (a) There is
24 created in the department an abandoned motor vehicle fund, to be com-
25 posed of appropriations by the legislature and proceeds from the sale of
26 abandoned motor vehicles.

27 (b) The proceeds from the sale of an abandoned motor vehicle under
28 this chapter, after deducting the cost of impounding, advertising, and
29 selling the vehicle, shall be deposited in the fund set out in (a) of

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this section.

(c) Money in the fund shall be disbursed to the department and to each of the municipalities bound by the provisions of this chapter upon presentation of a voucher for payment of services rendered in compliance with this chapter.

* Sec. 2. AS 28.31 is repealed.