

Original sponsor: Ray, Chance,  
Colletta, et al

Offered: 1/21/76  
Referred: Rules

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 abandoning a vehicle as specified in (a) or (b) of  
16 this section is considered responsible for the abandonment of a vehicle  
17 and is liable for the cost of removal and disposition of the abandoned  
18 vehicle.

19 (d) The lawful owner of the vehicle, as shown by the records of  
20 the department, who has not complied with the provisions of AS 28.10.-  
21 350, is considered responsible for the abandonment of a vehicle and is  
22 liable for the cost of removal and disposition of the abandoned vehicle.

23 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has  
24 been left unattended, left standing or parked upon a highway in excess  
25 of 48 hours, or a vehicle left standing or parked on public or private  
26 property in excess of 24 hours without the consent of the owner or  
27 person in charge of the property is presumed to be abandoned. The  
28 department shall adopt regulations governing the parking of vehicles on  
29 state property in excess of the limits specified in this section.

1           Sec. 28.11.030. REMOVAL OF ABANDONED VEHICLES. (a) A police  
2 officer or an employee authorized by the state or a municipality may  
3 remove or cause to be removed to a place for safe storage a vehicle  
4 abandoned on a public street or highway, on a vehicular way or area, or  
5 on private property.

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

9           (c) A written report of the removal shall be made by the police  
10 officer or employee who removes or causes the removal of a vehicle under  
11 this section, and the report shall be sent immediately to the depart-  
12 ment. The report shall describe the vehicle, the date, time, and place  
13 of removal, the grounds for removal, and the place of impoundment of the  
14 vehicle.

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

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

29           Sec. 28.11.050. VESTING OF TITLE. Title to an impounded vehicle

1 not reclaimed by the registered owner, the lienholder, or other person  
2 entitled to possession of the vehicle within 10 days from the notice  
3 provided by sec. 40 of this chapter vests with the state or, if a local  
4 ordinance is adopted under sec. 100 of this chapter, with the local  
5 governing body, as appropriate.

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

10 Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satis-  
11 faction of the notification and reporting requirements prescribed in  
12 this chapter and when title to the vehicle has vested under sec. 50 of  
13 this chapter, a vehicle may be disposed of

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

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

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

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

29 (d) Notwithstanding the provisions of this section, the department

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may initiate a civil action against a driver or owner of a vehicle which is abandoned in violation of this chapter for costs exceeding receipts for the disposal of the vehicle.

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

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

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

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

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

(c) A municipality which fails to adopt procedures for the removal and impoundment of abandoned vehicles under (a) of this section is bound

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by the procedure specified in this chapter.

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

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

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