

**HOUSE BILL NO. 341**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE PARNELL**

**Introduced: 5/18/91**

**Referred: Transportation, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to compensation for propelled vehicles in the custody of a law  
2 enforcement agency; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* Section 1. AS 12.36 is amended by adding a new section to read:

5           Sec. 12.36.025. **COMPENSATION FOR VEHICLE WHILE IN CUSTODY OF**  
6 **AGENCY.** (a) A law enforcement agency that has taken custody of the propelled vehicle of a  
7 person in connection with the investigation or prosecution of a criminal offense shall compensate  
8 the person for the loss of use of the vehicle while it is in the custody of the agency. Within 10  
9 days after taking the vehicle into custody, the agency shall contact the vehicle owner to obtain  
10 information to enable the agency to calculate the amount of compensation due.

11           (b) The agency shall determine compensation by ascertaining, based on standard  
12 publications used in the retail propelled vehicle business, the value of the vehicle at the time it  
13 is taken into custody and the vehicle's expected useful life, in months. The value of the vehicle  
14 divided by the expected life yields the monthly compensation owed.

1 (c) If the agency estimates that the total compensation to be paid will be less than  
2 \$1,000, it shall make payment in advance in a lump sum within 15 days of the date that the  
3 propelled vehicle is taken into custody. Otherwise, the agency shall make monthly payments of  
4 compensation, with the first payment due no later than 30 days after the date the vehicle is taken  
5 into custody.

6 (d) In addition to compensation due under other provisions of this section, the agency  
7 shall be liable to the propelled vehicle owner for damage done to the vehicle while in the custody  
8 of the agency.

9 (e) Notwithstanding (b) of this section, the agency may compensate the propelled vehicle  
10 owner by paying the owner the entire value of the vehicle as determined in (b) of this section,  
11 with the approval of the owner. If the agency does so, title to the vehicle passes to the agency.  
12 The Department of Public Safety shall adopt regulations for the passage of title under this  
13 subsection.

14 (f) This section does not apply to a person whose propelled vehicle is taken into custody  
15 if

16 (1) the person is or could be charged with a criminal offense in connection with  
17 which the vehicle was taken into custody;

18 (2) the person's identity is not readily ascertainable;

19 (3) the vehicle is subject by law to forfeiture; or

20 (4) the vehicle is returned undamaged to the owner, or to a person designated by  
21 the owner, within seven calendar days of the date it was taken into custody.

22 (g) This section does not preclude a person whose propelled vehicle is taken into custody  
23 from instituting an inverse condemnation action.

24 (h) In this section, "propelled vehicle" has the meaning given in AS 11.81.900(b).

25 \* Sec. 2. This Act takes effect July 1, 1991.