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COMMITTEE REPORT

4/6/76

HOUSE

Mr. Speaker:

Date April 17, 1976

The Committee on JUDICIARY has had CS 884 484 am 11

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>D. P. [Signature]</u>	<u>[Signature]</u>
_____	_____	_____
_____	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Terry Gardner Chairman

Original sponsor: Ray, Chance,
Colletta, et al

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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 property or upon
13 private property without the consent of the owner or person in lawful
14 possession or control 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, whether or not he has complied with the provisions of
21 AS 28.10.350, is considered responsible for the abandonment of a vehicle
22 and is liable for the cost of removal and disposition of the abandoned
23 vehicle unless

24 (1) the vehicle was abandoned by a person operating the
25 vehicle without permission; or

26 (2) the identity of the person abandoning the vehicle is
27 established and the abandonment was without the consent of the lawful
28 owner.

29 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. The department shall

1 adopt regulations governing the parking of vehicles on state property.
2 A vehicle which has been left unattended, left standing or parked upon a
3 highway in excess of 48 hours, or a vehicle left standing or parked on
4 public property or on private property in excess of 24 hours without the
5 consent of the owner or person in charge of the property shall, by
6 regulation, be subject to removal under sec. 30 of this chapter and
7 treatment as an abandoned vehicle for purposes of this chapter. The
8 department may provide for the parking of vehicles on state property in
9 excess of the limits specified in this section.

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

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

18 (c) A written report of the removal shall be made by the police
19 officer or employee who removes or causes the removal of a vehicle under
20 this section, and the report shall be sent immediately to the depart-
21 ment. The report shall describe the vehicle, the date, time, and place
22 of removal, the grounds for removal, and the place of impoundment of the
23 vehicle.

24 Sec. 28.11.040. NOTICE TO OWNER. (a) Upon receipt of the removal
25 report prescribed in sec. 30 of this chapter, the department shall pro-
26 vide written notification by certified mail to the vehicle owner of
27 record and to lienholders of record, stating the grounds for removal and
28 the location of the place of impoundment of the vehicle. If the vehicle
29 is not registered in the state, the department shall make a reasonable

1 effort to notify the registered owner or the lienholder of the removal
2 and place of impoundment of the vehicle. The department shall forward
3 a copy of the notice to the owner or person in charge of the place of
4 impoundment.

5 (b) When the name and address of the registered or legal owner
6 cannot be ascertained, the department shall give notice by publication
7 in the manner prescribed for service of process by publication.

8 Sec. 28.11.050. VESTING OF TITLE. Title to an impounded vehicle
9 not reclaimed by the registered owner, the lienholder, or other person
10 entitled to possession of the vehicle within 30 days from the notice
11 provided by sec. 40 of this chapter vests with the state or, if a local
12 ordinance is adopted under sec. 100 of this chapter, with the local
13 governing body, as appropriate.

14 Sec. 28.11.060. REDEMPTION. A person who presents satisfactory
15 proof of ownership or right to possession may redeem a vehicle removed
16 under this chapter at any time before ^{Auction or relinquishment} ~~disposal~~ under sec. 70 of this
17 chapter by paying the charges of towing, storage, notice,
18 other cost of impoundment, and penalties imposed by law.

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

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

29 (2) by private sale or relinquishment in favor of a towing

1 or storage lien when the department determines that the lien amount
2 exceeds the fair market value of the vehicle.

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

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

10 (d) Notwithstanding the provisions of this section, the department
11 may initiate a civil action against a driver or owner of a vehicle which
12 is abandoned in violation of this chapter for costs exceeding receipts
13 for the disposal of the vehicle.

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

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

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

27 Sec. 28.11.100. LOCAL ABATEMENT PROCEDURE. (a) A municipality
28 may adopt an ordinance establishing procedures for the abatement and
29 removal from private or public property, as a public nuisance or a

1 health or safety hazard, a wrecked, dismantled, or inoperative vehicle
2 or a vehicle otherwise believed to be abandoned. The ordinance written
3 under this section shall contain provisions for notice to owners and for
4 disposal of abandoned vehicles as provided in secs. 40 and 70 of this
5 chapter.

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

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

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

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

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

24 * Sec. 2. AS 28.10.515(a) is amended to read:

25 (a) A person engaged in the business of towing motor vehicles, who
26 tows, transports or stores a motor vehicle has a lien on the motor
27 vehicle. This lien attaches when the person acts under a contract with
28 the owner or at the direction of a public officer acting lawfully or a
29 person entitled to possession of the property upon which the motor

1 vehicle is parked without consent. The lien remains in effect while the
2 motor vehicle is in the possession of the person and may be sold, as
3 provided in (b) of this section, to pay the charges for towing, trans-
4 portation or storage. The lien is limited to towing charges assessed
5 according to the tariff filed by the carrier with the Alaska Transporta-
6 tion Commission and storage charges of no more than \$1.50 per day. In
7 the absence of a filed tariff, the towing charge shall be the same as
8 the lowest towing charge in the other filed tariffs covering the same
9 service and route. Storage charges shall cease to be part of the lien
10 after 60 [30] days unless the prior lien holder has been given actual
11 notice of the possessory lien within that time or unless a certified
12 letter has been mailed within that time to the owner and prior lien
13 holder at their addresses of record with the office in which the title
14 to the motor vehicle and the lien on it are recorded.

15 * Sec. 3. AS 28.31 is repealed.
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March 23, 1976. State Affairs Committee Report: The Committee recommends it do pass with the following amendment No. 1:

Page 4, line 16: After the word "him", insert a period". "and delete rest of sentence. After the period, insert new sentence to read: "The lien remains in effect while the motor vehicle is in the possession of the person and may be sold, as provided in AS 28.10.515(b), to pay the charges for towing, transportation or storage. The lien is limited to towing and storage charges assessed according to the approved tariff filed by the carrier with the Alaska Transportation Commission. In the absence of a filed tariff, the towing charge shall be the same as the lowest towing charge in the other filed tariffs covering the same service and route. Storage charges shall cease to be part of the lien after 60 days unless the prior lien holder

four fifteen "L" Street Anchorage, Alaska 99501 (907)279-4531

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SB 484 3-23-76 continued page 2 . . .

has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and prior lien holder at their addresses of record with the office in which the title to the motor vehicle and the lien on it are recorded."

The report was signed by McKinnon, Chairman, and concurred in by Wallis, Fischer, Miller and McKinnon.

[HJ 670 - 671]

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02 04 6 ANCHORAGE AK 34 04-12 1242P AST

PMS REP TERRY GARDNER

JUN" 2115

SB484 I APPROVE AMENDMENT PAGE FOUR LINE SIXTEEN IMPOUNDED
IN FRONT OF THE MOTOR VEHICLE APPROVED TARIFF FILED BY THE
PERMITTED CARRIER THIRTY DAYS CHANGED TO SIXTY DAYS

DENNIS KALPAKOFF

4520 EAGLE ST

ANCHORAGE ALASKA 99503

1976 APR 12 PM 5 31

TELEGRAM

MCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02 062 POM ANCHORAGE AK 15 04-12 12 15P AST

PMS REP TERRY GARDINER

JUN"

2130

I SUPPORT SB484 AND HOUSE AMENDMENT DATED 3-23-76 WITH
REVISIONS OUTLINED BY JIM CHRISTOPHER 4-9-76.

CHUCK HIGGINS

NORTHWEST AUTO PARTS

345 BONIFACE PARKWAY

ANCHORAGE ALASKA 99504

1976 APR 12 PM 5 38

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02 127 NL ANCHORAGE ALASKA 50 04-12 710P AST

PMS REP TERRY GARDNER

JUN

2248

GENTLEMEN PLEASE BE ADVISED I WISH TO SUPPORT BILL 484

AS AMENDED MARCH 23 1976 AS EXPLAINED TO YOU BY JIM

CHRISTOPHER 4-9-76. PLEASE VOTE TO PASS THIS BILL.

THANK YOU

RODNEY LEWIS 1039 MULDOON RD ABC TOWING AND WRECKING

ANCHORAGE AK 99504

1976 APR 12 PM 10 14

TELEGRAM

CA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02 055 POM TDA CHUGIAK 15 04-12 1014A AST

PMS REP TERRY GARDNER

JUN" **2142**

I SUPPORT SB484 AND HOUSE AMENDMENT 3-23-76 AS DISCUSSED
BY JIM CHRISTOPHER APRIL 9 76.

L G GARDNER

HILLTOP SALES AND SERVICE

STAR ROUTE BOX 485

EAGLE RIVER ALASKA 99577

1976 APR 12 PM 6 08

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Proposed Amendment to SB 484
 Title: Relating to abandoned motor vehicles
 Requested by: Rep. Bob Bradley Date: _____
 Return Date Requested: _____
 Agency: Ak. Transportation Commission Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		* 2.5	* 1.0	* 1.0	* 1.2	* 1.3
200 TRAVEL		* .5				
300 CONTRACTUAL		1.0	1.0	1.2	1.2	1.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		1.0	1.0	1.2	1.2	1.3
FEDERAL FUNDS						
OTHER						

C. POSITIONS: no new positions

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

* reflects costs absorbed within existing budget

IV. ATTACHMENTS

V. DATE: 4-12-76 PREPARED BY: James J. Johnson, Chairman

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

AS 28 Revision Interim Review Committee

Sectional Analysis of Proposed Legislation

Section Heading	Section	Current Statute	Changes Proposed	Comments
Ch. 10: Motor carrier and bus transportation fees paid with registration fee.....	28.10.571	-----	Fees required under AS 42.10 & AS 42.15 to be paid to department at time of registration [also see Sec. 211(k)].	
Registration fee imposed regardless of weight.....	28.10.581	28.10.200	Clarification of wording; fees same as established by 1975 Legislature. (e) requires payment of any other applicable fees which attach upon conversion of a vehicle to a vehicle of a different type (with different registration fees applicable) prior to its operation.	
Schedule of other fees and charges.....	28.10.591	28.10.150 28.10.320 28.10.340 28.10.480(d)	Relocation of 'other' fees into single section with \$3 increases in certain fees.	
<u>ARTICLE 7. CRIMES & OFFENSES</u>				
Unlawful to violate provisions requiring registration & title....	28.10.611	28.10.640	Clarification of wording.	
Felonies relating to title, registration, identification number, and removal and rerepresentation of vehicle.....	28.10.621	28.10.600 28.10.610 28.10.620 28.10.630	Clarification of wording. No specific penalties provided. New crimes involve (1) removal/falsification of vehicle identif. # (VIN), (2) concealment/misrepresentation of identity of a vehicle; and (3) sale/possession/disposal of a vehicle or vehicle equipment knowing the identif. # to be removed or falsified.	
Ch. 11: Abandonment unlawful.....	28.11.010	28.31.010(a) 28.31.010(b) 28.31.080	Expanded to include vehicular ways and areas as defined in proposed AS 28.35.010. Violation is infraction rather than misdemeanor (see proposed AS 28.35.100 for penalties). Owner of vehicle not completing transfer of title or interests, as required in proposed Ch.10, is liable for costs of impoundment and disposition.	

AS 28 Revision Interim Review Committee

Sectional Analysis of Proposed Legislation

Section Heading	Section	Current Statute	Changes Proposed	Comments
Ch. 11: Presumption of abandonment.....	28.11.020	28.31.010(d)	Times required for presumption of abandonment are reduced to 48 hours (from 7 days) on a highway, and 24 hours (from 3 days) on public or private property. Commissioner is to promulgate regulations to cover situations where additional time is required and where such interests as hunting and protection against theft/vandalism are balanced.	
Removal of abandoned vehicles.....	28.11.030	28.31.010(c)	Minor wording changes substitute 'place of safekeeping' for 'garage or other place for impoundment and storage'.	
Notice to owner.....	28.11.040	28.31.010(c)	Upon receipt of impound report (see Sec. 30), department is to give notice to owner; however, if owner's name or address is unknown, notice is to given in newspaper.	
Vesting of title.....	28.11.050	28.31.020	Renumbered only.	
Redemption.....	28.11.060	28.31.030	Minor wording clarification: 'Impounded vehicle' is changed to 'vehicle removed under this chapter'.	
Disposal of abandoned vehicles.....	28.11.070	28.31.040	Vehicles may be disposed by public auction 15 days after notice in newspaper (copy of notice to be sent to dept.) or by private sale or relinquishment of title in favor of a towing and storage lien (also see proposed AS 28.10.551). Form describing vehicle, date, place and method of disposal to be submitted to department. <i>NOTE ADDED CIVIL REMEDY</i>	
Disposal facilities.....	28.11.080	28.31.050	Public Safety may negotiate with State <u>and</u> municipal agencies for disposal sites.	
Towing and storage lien on abandoned vehicle.....	28.11.090	-----	Person authorized by contract or official order to remove vehicles has lien under proposed AS 28.10.551.	
Local abatement procedure.....	28.11.100	28.31.060	Municipal ordinances not to be inconsistent with State law. No cut-off date for municipal adoption of ordinance.	
Abandoned motor vehicle fund.....	28.11.110	28.31.065 28.31.070	Municipalities to be reimbursed upon presentation of a voucher for payment of services which they rendered in compliance with this chapter. [NOTE: Current law Sec. 28.31.075 is replaced with proposed AS 28.05.010(a)(4).]	

Ch. 12: [NOTE: see COMPANION BILL]

Chapter 30. Abandoned Vehicles.

Section

10-40. [Repealed]

Secs. 28.30.010-28.30.040.

Repealed by § 36 ch 127 SLA 1974.

Editor's note.—The repealed chapter § 9, ch. 19, SLA 1963; § 1, ch. 11, SLA 1964; § 1, ch. 52, SLA 1953; § 1, ch. 117, SLA 1965; § 9, ch. 117, SLA 1965.

Chapter 31. Abandoned Motor Vehicles.

Section

- 10. Removal of abandoned motor vehicles
- 20. Vesting of title
- 30. Redemption
- 40. Disposal of abandoned vehicle
- 50. Disposal facilities

Section

- 60. Local ordinances
- 65. Abandoned motor vehicle fund
- 70. Disposition of proceeds of public auction
- 75. Regulations
- 80. Penalty

Legislative committee report.—For report on ch. 81, SLA 1973 (CSHB 34 [Finance] am S), see 1973 House Journal, p. 547.

Sec. 28.31.010. Removal of abandoned motor vehicles. (a) No person may abandon a vehicle on a highway in the state.

(b) No person may abandon a vehicle on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) A peace officer or an authorized employee of a general law municipality in the case of a general law municipality bound by the procedure specified in this chapter, who reasonably believes that a vehicle has been abandoned may have the vehicle removed to the nearest garage or other place for impoundment and storage. Removal of an abandoned vehicle from private property shall be on the written request, on a form prescribed by the Department of Public Safety, of the owner or person in lawful possession or control of the property. A written report of the removal shall be sent immediately to the Department of Public Safety, describing the vehicle, the date, time and place of removal, the grounds for removal, and place of impoundment of the vehicle. Upon receipt of the removal report, the Department of Public Safety shall provide written notification by certified mail to the vehicle owner of record and to lien holders of records, stating the grounds for removal and the name of the place of impoundment of the vehicle; however, notice is not required if the retail value of an abandoned vehicle is \$200 or less. If the vehicle is not registered in the state, the Department of Public Safety shall make a reasonable effort to

notify the re- place of imp Safety shall in charge of l

(d) For p abandoned i excess of sev express or in sion or contr (§ 2 ch 81 SL

Effect of an amendment, e substituted "I

Sec. 28.31 not reclaimed days from th state or, if a chapter, with SLA 1973)

Sec. 28.31 proof of own vehicle by pa of impoundm 1973)

Sec. 28.31 impounded v published in trict in whic vehicle and s The date of of publicatio

(b) Title be conveyed body, as app Public Safet Department

(c) Any s tion is prohi partment of am §§ 20, 21

Effect of an amendment, e substituted "I Safety" for *

notify the registered owner or any lien holder of removal and the place of impoundment of the vehicle. The Department of Public Safety shall forward a copy of the notice to the owner or person in charge of the place of impoundment.

(d) For purposes of this section, a vehicle is presumed to be abandoned if it is left unattended on a highway for a period in excess of seven days or on any public or private property without express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of three days. (§ 2 ch 81 SLA 1973; am § 19 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, substituted "Department of Public Safety" for "Department of Revenue" in the second through sixth sentences of subsection (c).

Sec. 28.31.020. Vesting of title. Title to an impounded vehicle not reclaimed by the registered owner or the lien holder within 10 days from the notice provided by § 10 of this chapter vests with the state or, if a local ordinance is adopted as specified in § 60 of this chapter, with the local governing body, as appropriate. (§ 2 ch 81 SLA 1973)

Sec. 28.31.030. Redemption. A person who presents satisfactory proof of ownership or right to possession may redeem an impounded vehicle by paying the charges of towing, storage, notice, other costs of impoundment, and any penalties imposed by law. (§ 2 ch 81 SLA 1973)

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

(b) Title to a vehicle disposed of under (a) of this section shall be conveyed by a bill of sale issued by the state or local governing body, as appropriate, on a form prescribed by the Department of Public Safety. A copy of the bill of sale shall be forwarded to the Department of Public Safety by the purchaser within 10 days.

(c) Any subsequent sale of a vehicle sold under (a) of this section is prohibited without a certificate of title issued by the Department of Public Safety under AS 28.10. (§ 2 ch 81 SLA 1973; am §§ 20, 21 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, substituted "Department of Public Safety" for "Department of Revenue" in the first and second sentences of subsection (b) and in subsection (c).

Sec. 28.31.050. Disposal facilities. (a) The Department of Public Safety shall, if necessary, negotiate with other appropriate state agencies in an effort to designate and acquire centrally located state land for the disposal of abandoned vehicles. These areas may be used for the temporary holding of vehicles before sale as prescribed in § 40 of this chapter, or for the final disposal of unsold abandoned vehicles.

(b) A general law municipality which is bound by the procedure specified in this chapter shall designate appropriate areas within its jurisdiction for the disposal of abandoned vehicles. (§ 2 ch 81 SLA 1973; am § 22 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, deleted "Department of Revenue, in conjunction with the" preceding "De-

partment of Public Safety" near the beginning of the first sentence of subsection (a).

Sec. 28.31.060. Local ordinances. (a) Notwithstanding the provisions of this chapter, a general law municipality may adopt by ordinance procedures for the removal and impoundment of abandoned vehicles found within the municipality. However, in no case may a vehicle be disposed of unless adequate notice is given to the owner, if known. If the owner of the vehicle is not known, notice of the removal shall be published at least once in a newspaper of general circulation in the municipality. The vehicle may be disposed of by the municipality at any time 20 days after the date of publication.

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

(c) A general law municipality which fails to adopt procedures for the removal and impoundment of abandoned vehicles as specified in (a) of this section within six months from July 25, 1973 is bound by the procedure specified in this chapter. (§ 2 ch 81 SLA 1973; am § 23 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, deleted "Department of Revenue and the" preceding "Department of Public Safety" near the beginning of subsection (b).

Sec. 28.31.065. Abandoned motor vehicle fund. There is created within the Department of Public Safety an abandoned motor vehicle fund, to be composed of appropriations by the legislature and proceeds from the sale of abandoned motor vehicles. (§ 2 ch 81 SLA 1973; am § 24 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, substituted "Department of Public Safety" for "Department of Revenue."

Sec. 28.31.070. Disposition of proceeds of public auction. (a) The proceeds from the sale of abandoned motor vehicles under § 40

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of this chapter, if any, after deducting the cost of impounding the vehicle, and advertising and selling it, shall be deposited in an abandoned motor vehicle fund within the Department of Public Safety. The Department of Public Safety shall prorate the money in the fund to each general law municipality bound by the procedure specified in this chapter in proportion to the number of abandoned vehicles disposed of within its boundaries.

(b) If available, money in the abandoned vehicle fund shall be disbursed by the Department of Public Safety to provide for the removal of abandoned vehicles in areas outside general law municipalities. (§ 2 ch 81 SLA 1973; am § 25 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, substituted "Department of Public Safety" for "Department of Revenue" in the first and second sentences of subsection (a) and substituted "by" for "from the Department of Revenue" in subsection (b).

Sec. 28.31.075. Regulations. The Department of Public Safety shall promulgate regulations necessary to implement §§ 10—80 of this chapter. (§ 2 ch 81 SLA 1973; am § 26 ch 214 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, deleted "Department of Revenue, in conjunction with the" preceding "Department of Public Safety" near the beginning of the section.

Sec. 28.31.080. Penalty. A person who violates § 10(a) or (b) of this chapter, upon conviction, is punishable by a fine of not less than \$25 nor more than \$100. (§ 2 ch 81 SLA 1973)

Chapter 35. Miscellaneous Provisions.

Section	Section
10. Driving a vehicle without owner's consent	33. Chemical analysis of blood
30. Driving while under the influence of intoxicating liquor or drugs	40. Reckless driving
32. Refusal to submit to chemical test	45. Negligent driving
	190. [Repealed]
	260. Definitions

Sec. 28.35.010. Driving a vehicle without owner's consent. (a) A person who drives, tows away, or takes a vehicle not his own without the consent of the owner, with intent temporarily to deprive the owner of possession of the vehicle, or a person who is a party or accessory to or an accomplice in the driving or unauthorized taking is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not less than 30 days nor more than one year, and by a fine of not less than \$100 nor more than \$1,000. Upon a conviction for a second or subsequent offense, the offender may be charged with a felony, and if so charged and convicted, is punishable by imprisonment for not more than three years, or by a fine of not more than \$5,000. The court may, upon conviction of a second or subsequent violation of this section,

4-17-76

Carriers are required to have
certificat under ATC before it
can ~~be~~ take

Brown says AS 28.10.515
is not applicable to non-certificated
towers

Neither passes

page 3 line 20 delete private sale
and allow relinquishment when
reasonable market value will not
exceed amount of lien

page 1 line 19 First go to person who abandoned them to lawful owner

add at end of this sentence unless the abandonment was the result of unlawful or unauthorized possession

page 1 line 23 Brown wants change in prison in possession

Effective date on Resumption of Abandonment

4-13-76

New effective date for 28.11.020 until regulations are adopted

Brown notes page 2 line 25 notice shall be the same

Brown notes that redefinition can be had up till time of public action and he shall bare all costs

and retain title upon grant of ownership, actual costs page 3 line 8 through 10

4/9
Wilton

March 23, 1976. State Affairs Committee Report: The Committee recommends it do pass with the following amendment No. 1:

Page 4, line 16: After the word "him", insert a period". "and delete rest of sentence. After the period, insert new sentence to read: "The lien remains in effect while the motor vehicle is in the possession of the person and may be sold, as provided in AS 28.10.515(b), to pay the charges for towing, transportation or storage. The lien is limited to towing and storage charges assessed according to the approved tariff filed by the carrier with the Alaska Transportation Commission. In the absence of a filed tariff, the towing charge shall be the same as the lowest towing charge in the other filed tariffs covering the same service and route. Storage charges shall cease to be part of the lien after 30 days unless the prior lien holder

four fifteen "L" Street Anchorage, Alaska 99501 (907) 279-4531

60 days



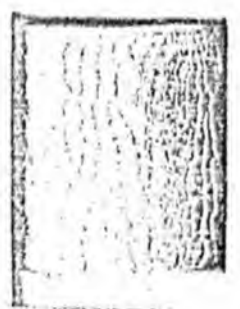
SB 484 3-23-76 continued page 2 . . . Alaska
Legislative
Report

has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and prior lien holder at their addresses of record with the office in which the title to the motor vehicle and the lien on it are recorded."

The report was signed by McKinnon, Chairman, and concurred in by Wallis, Fischer, Miller and McKinnon.

[HJ 670 - 671]

four fifteen "L" Street Anchorage, Alaska 99501 (907) 279-4531



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 ^{upon} 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, ^{whether or not he has complied} who has not complied
21 with the provisions of AS 28.10.-
22 350, is considered responsible for the abandonment of a vehicle and is

23 ~~liable for the cost of removal and disposition of the abandoned vehicle,~~ ^{unless}
~~Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has~~ ^{an author}
~~been left unattended, left standing or parked upon a highway in excess~~
^{or un law possession}
24 of 48 hours, or a vehicle left standing or parked on public or private
25 property in excess of 24 hours without the consent of the owner or
26 person in charge of the property is presumed to be abandoned, The
27 department shall adopt regulations governing the parking of vehicles [on
28 state property] in excess of the limits specified in this section.

*make
this section
with
a
on line*

*Sec 230
of this
chapter*

*unless removed before -1- it is returned and removed before
action regarding removal under 28.12.030 is under take*

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. *accordance with the Alaska Rules of Civil Procedure*

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 ~~30~~ 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. *new language*

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

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

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

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

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

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

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

28 (c) A municipality which fails to adopt procedures for the removal
29 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.

4/9
Milton
4/13

Original sponsor: Ray, Chance,
Colletta, et al

Offered: 1/21/76
Referred: Rules

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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, ^{whether or not he has} [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
29 state property] in excess of the limits specified in this section.

*Who is in charge
of public property?*

*Does not apply
if vehicle has
been stolen*

*unless it is reclaimed
before
The action re-
moved
under 28.11.030
and
undertaken*

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

*Subsidiary
Procedure*

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. *when lien is \leq fair market value of vehicle.*

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

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

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8 holding of vehicles before sale as prescribed in sec. 70 of this chap-
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23 disposal of abandoned vehicles as provided in secs. 40 and 70 of this
24 chapter.

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27 within its boundaries.

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7 this chapter, after deducting the cost of impounding, advertising, and
8 selling the vehicle, shall be deposited in the fund set out in (a) of
9 this section.

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11 each of the municipalities bound by the provisions of this chapter upon
12 presentation of a voucher for payment of services rendered in compliance
13 with this chapter.

14 * Sec. 2. AS 28.31 is repealed.

When the person person who is identified in (c) can not

Original sponsor: Ray, Chance,
Colletta, et al

Offered: 1/21/76
Referred: Rules

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20 the department, ~~who has not~~ ^{whether or not he has} complied with the provisions of AS 28.10.-
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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 ~~unless it is reclaimed & removed before action~~ ^{unless it is reclaimed & removed before action} department shall adopt regulations governing the parking of vehicles

29 ~~stat property~~ in excess of the limits specified in this section.

property upon

When (C) not found then (D) responsible

unless the vehicle was stolen or joyriding

Make this consistent under Section 30 of this chapter

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
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27 ~~in a newspaper of general circulation in the area or municipality in~~
28 ~~which the vehicle was found.~~
29

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

*Title 34
Requirements
for real property*

existing law

1 not reclaimed by the registered owner, the lienholder, or other person
2 entitled to possession of the vehicle within 30 days from the notice
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8 under this chapter by paying the charges of towing, storage, notice,
9 other cost of impoundment, and penalties imposed by law. *May be done until*

10 Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satis- *the time of auction if all incurred costs are payed and may require title*
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
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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 ~~relinquishment~~ *other language* of relinquishment in favor of a towing
21 or storage lien. *other language*

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
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9 this section.

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11 each of the municipalities bound by the provisions of this chapter upon
12 presentation of a voucher for payment of services rendered in compliance
13 with this chapter.

14 * Sec. 2. AS 28.31 is repealed.
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≠ Restrict to