



LAWS OF ALASKA

1973

Source

Chapter No.

CSHB 34 (Finance) am S

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AN ACT

Related to abandoned motor vehicles.

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

* Section 1. AS 28.10.515(a) is amended to read:

(a) A person engaged in the business of towing motor vehicles, who tows, transports or stores a motor vehicle has a lien on the motor vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person and may be sold, as provided in (b) of this section, to pay the charges for towing, transportation or storage. The lien is limited to towing charges assessed according to the tariff filed by the carrier with the Alaska Transportation Commission and storage charges of no more than \$1.50 per day. 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 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.

* Sec. 2. AS 28 is amended by adding a new chapter to read:

CHAPTER 31. ABANDONED MOTOR VEHICLES.

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 Revenue, 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 Revenue, 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 Revenue 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 Revenue shall make a reasonable effort to notify the registered owner or any lien holder of removal and the place of impoundment of the vehicle. The Department of Revenue 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.

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 sec. 10 of this chapter vests with the state or, if a local ordinance is adopted as specified in sec. 60 of this chapter, with the local governing body, as appropriate.

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.

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 Revenue. A copy of the bill of sale shall be forwarded to the Department of Revenue 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 Revenue under AS 28.10.

Sec. 28.31.050. DISPOSAL FACILITIES. (a) The Department of Revenue, in conjunction with 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 for the temporary holding of vehicles before sale as prescribed in sec. 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.

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 Revenue and 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 the effective date of this Act is bound by the procedure specified in this chapter.

Sec. 28.31.065. ABANDONED MOTOR VEHICLE FUND. There is created within the Department of Revenue an abandoned motor vehicle fund, to be composed of appropriations by the legislature and proceeds from the sale of abandoned motor vehicles.

Sec. 28.31.070. DISPOSITION OF PROCEEDS OF PUBLIC AUCTION. The proceeds from the sale of abandoned motor vehicles under sec. 40 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 Revenue. The Department of Revenue 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 from the Department of Revenue to the Department of Public Safety to provide for the removal of abandoned vehicles in areas outside general law municipalities.

Sec. 28.31.075. REGULATIONS. The Department of Revenue, in conjunction with the Department of Public Safety, shall promulgate regulations necessary to implement secs. 10 - 80 of this chapter.

Sec. 28.31.080. PENALTY. A person who violates sec. 10(a) or (b) of this chapter, upon conviction, is punishable by a fine of not less than \$25 nor more than \$100.

* Sec. 3. AS 28.35.260 is amended to read:

Sec. 28.35.260. DEFINITIONS. In secs. 30 - 110, 130 - 260 of this chapter and AS 28.05.010 - 28.05.040, 28.05.060, and AS 28.31, unless the context otherwise requires, the word "vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.