



LAWS OF ALASKA

1976

Source

HCS CSSB 484

Chapter No.

61

AN ACT

Relating to abandoned motor vehicles.

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

* Section 1. AS 28 is amended by adding a new chapter to read:

CHAPTER 11. ABANDONED VEHICLES.

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

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

(c) A person abandoning a vehicle as specified in (a) or (b) of this section is considered responsible for the abandonment of a vehicle and is liable for the cost of removal and disposition of the abandoned vehicle.

(d) The lawful owner of the vehicle, as shown by the records of the department, whether or not he has complied with the provisions of AS 28.10.350, is considered responsible for the abandonment of a vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

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

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

Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. The department shall adopt regulations governing the parking of vehicles on state property. A vehicle which has been left unattended, left standing or parked upon a highway in excess of 48 hours, or a vehicle left standing or parked on public property or on private property in excess of 24 hours without the consent of the owner or person in charge of the property shall, by regulation, be subject to removal under sec. 30 of this chapter and treatment as an abandoned vehicle for purposes of this chapter, unless the vehicle is reclaimed and removed before action regarding removal under sec. 30 of this chapter is undertaken. The department may provide for the parking of vehicles on state property in excess of the limits specified in this section.

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

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

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

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

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

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

Sec. 28.11.060. REDEMPTION. A person who presents satisfactory proof of ownership or right to possession may

redeem a vehicle removed under this chapter at any time before auction or relinquishment under sec. 70(a) of this chapter by paying the charges of towing, storage, notice, other cost of impoundment, and penalties imposed by law.

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

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

(2) by relinquishment in favor of a towing or storage lien when the department determines that the lien amount exceeds the fair market value of the vehicle.

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

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

(d) Notwithstanding the provisions of this section, the department 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 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 28.10.515(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 60 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 lienholder at their addresses of record with the office in which the title to the motor vehicle and the lien on it are recorded.

* Sec. 3. AS 28.31 is repealed.