



# LAWS OF ALASKA

1997

**Source**

CSHB 222(TRA) am

**Chapter No.**

108

**AN ACT**

Relating to abandoned, wrecked, or junk vehicles.

---

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** July 2, 1997

**Actual Effective Date:** September 30, 1997

## AN ACT

1 Relating to abandoned, wrecked, or junk vehicles.

2 \_\_\_\_\_

3 \* Section 1. AS 28.11.020 is amended to read:

4           **Sec. 28.11.020. Presumption of abandonment.** A vehicle registered or  
5 titled as required under AS 28.10 that reasonably appears to have [HAS] been left  
6 unattended, standing, parked upon or within 10 feet of the traveled portion of a  
7 highway or vehicular way or area in excess of 48 hours, or a vehicle registered or  
8 titled as required under AS 28.10 that reasonably appears to have been left  
9 standing or parked on private property in excess of 24 hours or upon other public  
10 property for more than 30 days, without the consent of the owner or person in charge  
11 of the property, notwithstanding other statutory provisions, may be removed under  
12 AS 28.11.030 and treated as an abandoned vehicle, unless the vehicle is reclaimed and  
13 removed before [ACTION REGARDING] removal occurs [IS TAKEN] under  
14 AS 28.11.030. The department for good cause may make provisions for parking of  
15 vehicles on state property other than specified in this section and under the provisions

Chapter 108

1 of AS 44.62.

2 \* Sec. 2. AS 28.11.020 is amended by adding new subsections to read:

3 (b) Notwithstanding other provisions of law, a wrecked or junk vehicle that  
4 reasonably appears to have been left unattended, standing, parked upon or within 10  
5 feet of the traveled portion of a highway or vehicular way or area in excess of 24  
6 hours, or a wrecked or junk vehicle that reasonably appears to have been left standing  
7 or parked on private property or other public property in excess of 24 hours and  
8 without the consent of the owner or person in charge of the property, may be removed  
9 under AS 28.11.030 and treated as an abandoned vehicle, unless the vehicle is  
10 reclaimed and removed before removal occurs under AS 28.11.030.

11 (c) In this section,

12 (1) "junk vehicle" means a vehicle that

13 (A) is not currently registered under AS 28.10, except for a  
14 vehicle not currently registered under AS 28.10 and used exclusively for  
15 competitive racing;

16 (B) is stripped, wrecked, or otherwise inoperable due to  
17 mechanical failure;

18 (C) has not been repaired because of mechanical difficulties or  
19 because the cost of repairs required to make it operable exceeds the fair market  
20 value of the vehicle; or

21 (D) is in a condition that exhibits more than one of the  
22 following elements:

23 (i) broken glass;

24 (ii) missing wheels or tires;

25 (iii) missing body panels or parts; or

26 (iv) missing drive train parts.

27 (2) "wrecked vehicle" means a vehicle that is disabled and cannot be  
28 used as a vehicle without substantial repair or reconstruction.

29 \* Sec. 3. AS 28.11.050 is amended to read:

30 **Sec. 28.11.050. Vesting of title.** Title to an impounded vehicle not reclaimed  
31 by the registered owner, a lienholder, or other person entitled to possession of the

1 vehicle within 15 [30] days from the notice given under AS 28.11.040 vests with the  
2 state or, if a municipal ordinance is adopted under AS 28.11.100, with the  
3 municipality, as appropriate. However, nothing in this section prohibits a lien under  
4 AS 28.11.090.

5 \* Sec. 4. AS 28.11.070(a) is amended to read:

6 (a) Upon satisfaction of the notice and reporting requirements prescribed in  
7 this chapter, a vehicle may be disposed of by removal to a scrap processing yard or  
8 auto wrecker for disposal or by public auction 20 days after notice of the auction is  
9 published in a newspaper of general circulation in the area or municipality in which  
10 the vehicle was found and presumed abandoned. The notice of auction must describe  
11 the vehicle and specify the place, date, and time at which it will be sold. A copy of  
12 the notice of auction shall be conveyed to the department.

13 \* Sec. 5. AS 28.11.070(b) is amended to read:

14 (b) A vehicle disposed of under this section by public auction must be  
15 [REGISTERED AND] titled under AS 28.10, and may not be subsequently sold  
16 without a certificate of title issued by the department.

17 \* Sec. 6. AS 28.11.100 is amended to read:

18 **Sec. 28.11.100. Municipal abatement procedure.** A municipality may adopt  
19 an ordinance establishing procedures for the abatement and removal from private or  
20 public property, as a public nuisance or a health or safety hazard, a wrecked,  
21 dismantled, or inoperative vehicle or a vehicle otherwise presumed to be abandoned.  
22 An ordinance adopted under this section must contain provisions for (1) notice to  
23 owners and lienholders of record and persons known to be lawfully entitled to  
24 possession of the vehicles, of their right to a hearing which shall be conducted by the  
25 municipality in the manner provided for by municipal ordinance [THE  
26 DEPARTMENT UNDER AS 28.05.131 - 28.05.141]; (2) notice to owners and  
27 lienholders as provided in AS 28.11.040; and (3) disposal of abandoned vehicles as  
28 provided in AS 28.11.070.