

1 HB127
2 188638-1
3 By Representative Clarke (N & P)
4 RFD: Mobile County Legislation
5 First Read: 09-JAN-18

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8 SYNOPSIS: This bill would authorize any Class 2
9 municipality to provide for the abatement and
10 removal of inoperable motor vehicles as public
11 nuisances from private property.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to Class 2 municipalities; to authorize the
18 municipality to provide for the abatement and removal of
19 inoperable motor vehicles as public nuisances from private
20 property.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall apply only to Class 2
23 municipalities.

24 Section 2. For purposes of this act, the term
25 inoperable motor vehicle shall mean any motor vehicle,
26 trailer, or semi-trailer that has remained on private property
27 and in view of the general public for 30 days or any greater

1 period fixed by the municipality and is inoperable in that one
2 or more of its major mechanical components, including, but not
3 limited to, engine, transmission, drive train, or wheels, are
4 missing or are not functional, or the vehicle otherwise
5 constitutes a nuisance. An inoperable motor vehicle shall not
6 be deemed a nuisance under any of the following circumstances:

7 (1) The motor vehicle has been rendered temporarily
8 incapable of being driven under its own motor power in order
9 to perform ordinary service or repair operations.

10 (2) The motor vehicle is on the premises of a place
11 of business engaged in the wrecking or junking of motor
12 vehicles or primarily engaged in the storage and sale of
13 damaged or theft-recovered vehicles for insurers.

14 (3) The motor vehicle is kept in an enclosed
15 building completely shielded from the view of individuals on
16 the adjoining properties.

17 Section 3. A Class 2 municipality may establish a
18 procedure for the abatement and removal of inoperable motor
19 vehicles from private property as public nuisances. Costs of
20 removal may be assessed against the registered owner of the
21 vehicle if the identity of the owner can be determined or the
22 costs may be assessed against the owner of the property on
23 which the vehicle is stored.

24 Section 4. Any procedure adopted by the municipality
25 for the abatement and removal of inoperable motor vehicles as
26 public nuisances shall include, but not be limited to, the
27 following:

1 (1) A provision requiring notice to the last
2 registered owner of record, to any secured party or other
3 holder of a recorded or registered security interest or lien
4 on the motor vehicle, and to the property owner of record that
5 a hearing may be requested and that if no hearing is
6 requested, the inoperable motor vehicle will be removed.

7 (2) A provision requiring that if a request for a
8 hearing is received, a notice giving the time, location, and
9 date of the hearing on the question of abatement and removal
10 of the inoperable motor vehicle as a public nuisance shall be
11 mailed by certified mail, with a five-day return receipt
12 requested to the owner of the land as shown on the last
13 equalized assessment roll, to the last registered and legal
14 owner of record, and to any registered or recorded secured
15 party or lienholder unless the vehicle is in a condition that
16 identification numbers are not available to determine
17 ownership.

18 (3) A provision that the abatement procedure does
19 not apply to an inoperable motor vehicle that is completely
20 enclosed within a building in a lawful manner where it is not
21 visible from the street or other private property or a motor
22 vehicle that is stored or parked in a lawful manner on private
23 property in connection with the business of an automobile
24 dealer, wholesaler, repairman, or wrecker service for repair
25 or sale.

26 (4) A provision with a list of names of persons or
27 private contractors, or both, who perform the work.

1 (5) A provision that the owner of the land on which
2 the vehicle is located may appear in person at the hearing or
3 present a written statement in time for consideration at the
4 hearing, and deny responsibility for the presence of the
5 vehicle on the land or otherwise show his or her plans to
6 abate the nuisance. No cost of the administration or removal
7 of the vehicle against the landowner shall be assessed if it
8 is determined at the hearing that the vehicle was placed on
9 the land without the consent of the landowner and that he or
10 she has not subsequently acquiesced in its presence.

11 (6) A provision that the municipality may dispose of
12 the inoperable motor vehicle by sealed bid or auction as
13 adopted by the municipality and the procedure for the sale of
14 the inoperable motor vehicle subject to the rights of any
15 secured party or other holder of a recorded or registered
16 security interest or lien on the motor vehicle, which has
17 requested a hearing and verified the existence of the security
18 interest or lien within the time permitted by the procedure
19 adopted by the municipality.

20 (7) A provision that the owner of the land on which
21 the vehicle is located may remove the vehicle at his or her
22 own expense prior to the removal of the vehicle by the
23 municipality.

24 Section 5. The municipality shall notify the
25 Department of Revenue of the sale or disposition of the
26 inoperable motor vehicle on a form supplied by the department.

1 Section 6. The municipality may contract with any
2 entity, person, or group to impound the inoperable motor
3 vehicle or to carry out other functions necessary to
4 administer the intent of this act.

5 Section 7. The municipality and no official or
6 employee of the municipality shall be liable for action taken
7 in good faith pursuant to or in furtherance of the objectives
8 of this act.

9 Section 8. All laws or parts of laws which conflict
10 with this act are repealed.

11 Section 9. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.