

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

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. For purposes of this act, the term inoperable motor vehicle shall mean any motor vehicle, trailer, recreational vehicle, camper, or semi-trailer that has remained on private property and in view of the general public for 30 days or any greater period fixed by the municipality and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train, or wheels, are missing or are not functional, or the vehicle otherwise constitutes a nuisance. An inoperable motor vehicle shall not be deemed a nuisance under any of the following circumstances:

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

(2) The motor vehicle is on the premises of a place of business engaged in the wrecking or junking of motor

1 vehicles or primarily engaged in the storage and sale of  
2 damaged or theft-recovered vehicles for insurers.

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

6 Section 3. A Class 2 municipality may establish a  
7 procedure for the abatement and removal of inoperable motor  
8 vehicles from private property as public nuisances. Costs of  
9 removal may be assessed against the registered owner of the  
10 vehicle if the identity of the owner can be determined or the  
11 costs may be assessed against the owner of the property on  
12 which the vehicle is stored.

13 Section 4. Any procedure adopted by the municipality  
14 for the abatement and removal of inoperable motor vehicles as  
15 public nuisances shall include, but not be limited to, the  
16 following:

17 (1) A provision requiring notice to the last  
18 registered owner of record, to any secured party or other  
19 holder of a recorded or registered security interest or lien  
20 on the motor vehicle, and to the property owner of record that  
21 a hearing may be requested and that if no hearing is  
22 requested, the inoperable motor vehicle will be removed.

23 (2) A provision requiring that if a request for a  
24 hearing is received, a notice giving the time, location, and  
25 date of the hearing on the question of abatement and removal

1 of the inoperable motor vehicle as a public nuisance shall be  
2 mailed by certified mail, with a five-day return receipt  
3 requested to the owner of the land as shown on the last  
4 equalized assessment roll, to the last registered and legal  
5 owner of record, and to any registered or recorded secured  
6 party or lienholder unless the vehicle is in a condition that  
7 identification numbers are not available to determine  
8 ownership.

9 (3) A provision that the abatement procedure does  
10 not apply to an inoperable motor vehicle that is completely  
11 enclosed within a building in a lawful manner where it is not  
12 visible from the street or other private property or a motor  
13 vehicle that is stored or parked in a lawful manner on private  
14 property in connection with the business of an automobile  
15 dealer, wholesaler, repairman, or wrecker service for repair  
16 or sale.

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

19 (5) A provision that the owner of the land on which  
20 the vehicle is located may appear in person at the hearing or  
21 present a written statement in time for consideration at the  
22 hearing, and deny responsibility for the presence of the  
23 vehicle on the land or otherwise show his or her plans to  
24 abate the nuisance. No cost of the administration or removal  
25 of the vehicle against the landowner shall be assessed if it

1 is determined at the hearing that the vehicle was placed on  
 2 the land without the consent of the landowner and that he or  
 3 she has not subsequently acquiesced in its presence.

4 ~~(6) A provision that the municipality may dispose of~~  
 5 ~~the inoperable motor vehicle by sealed bid or auction as~~  
 6 ~~adopted by the municipality and the procedure for the sale of~~  
 7 ~~the inoperable motor vehicle subject to the rights of any~~  
 8 ~~secured party or other holder of a recorded or registered~~  
 9 ~~security interest or lien on the motor vehicle, which has~~  
 10 ~~requested a hearing and verified the existence of the security~~  
 11 ~~interest or lien within the time permitted by the procedure~~  
 12 ~~adopted by the municipality.~~

13 (6) A provision that any excess funds from the sale  
 14 of the inoperable motor vehicle, minus the costs of removal  
 15 and administration of this section, shall be returned to the  
 16 owner.

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

21 (8) A provision that private contractors used for  
 22 removal of the inoperable motor vehicles shall be selected on  
 23 a rotation schedule among the contractors providing vehicle  
 24 removal services in the municipality.

1           Section 5. The municipality shall notify the  
2 Department of Revenue of the sale or disposition of the  
3 inoperable motor vehicle on a form supplied by the department.

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

8           Section 7. The municipality and no official or  
9 employee of the municipality shall be liable for action taken  
10 in ~~good faith pursuant to or in furtherance of the objectives~~  
11 ~~of this act~~ compliance with the provisions of this act.

12           Section 8. All laws or parts of laws which conflict  
13 with this act are repealed.

14           Section 9. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 13-FEB-18, as amended.

Jeff Woodard  
Clerk

Senate	01-MAR-18	Amended and Passed
House	01-MAR-18	Concurred in Senate Amendment