

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

1 ENGROSSED

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4 A BILL

5 TO BE ENTITLED

6 AN ACT

7  
8 Relating to Class 2 municipalities; to authorize the  
9 municipality to provide for the abatement and removal of  
10 inoperable motor vehicles as public nuisances from private  
11 property.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

4           (2) The motor vehicle is on the premises of a place  
5 of business engaged in the wrecking or junking of motor  
6 vehicles or primarily engaged in the storage and sale of  
7 damaged or theft-recovered vehicles for insurers.

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

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

18           Section 4. Any procedure adopted by the municipality  
19 for the abatement and removal of inoperable motor vehicles as  
20 public nuisances shall include, but not be limited to, the  
21 following:

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

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

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

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

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

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

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

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

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

22 (8) A provision that private contractors used for  
23 removal of the inoperable motor vehicles shall be selected on  
24 a rotation schedule among the contractors providing vehicle  
25 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.

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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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Mobile County  
Legislation..... 09-JAN-18

Read for the second time and placed  
on the calendar 1 amendment ..... 08-FEB-18

Read for the third time and passed  
as amended..... 13-FEB-18

Yeas 33, Nays 0, Abstains 58

Jeff Woodard  
Clerk