

2021 Regular Session

HOUSE BILL NO. 414

BY REPRESENTATIVE ST. BLANC

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LOCAL GOVERNMENT: Provides relative to the powers granted to parish and municipal governing authorities to regulate the storing or abandoning of junk or junked vehicles

1 AN ACT

2 To amend and reenact R.S. 33:4876, relative to the powers of parish and municipal
3 governing authorities; to authorize the governing authorities to enact ordinances to
4 regulate the storing and abandoning of junk or junked vehicles; to provide relative
5 to the removal and disposition of such items; to provide for definitions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:4876 is hereby amended and reenacted to read as follows:

9 §4876. Abandoned ~~automobiles, major appliances and other junk~~ and junked
10 vehicles; disposition of

11 A. The governing authority of any municipality or parish may enact
12 ordinances regulating or prohibiting the storing or abandoning of junk, ~~wrecked or~~
13 ~~used automobiles or motor vehicles, or any part or parts thereof, or any other junk,~~
14 ~~discarded or abandoned major appliances, such as refrigerators, freezers, ranges or~~
15 ~~machinery or other metal, tin or other discarded items, or junked vehicles~~ on any
16 vacant lot; or any portion of any occupied lot, neutral ground, street, or sidewalk,
17 within the municipality or parish.

18 B. The term "junk, ~~wrecked or used automobiles or motor vehicles~~" as used
19 ~~herein shall mean any motor vehicle which is totally inoperable, left unattended on~~
20 ~~any portion of any occupied lot, neutral ground, street or sidewalk, and is so~~

1 ~~damaged or dismantled as to be a total loss. The term "total loss" shall mean that the~~
2 ~~cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said~~
3 ~~vehicle, as determined by any recognized national appraisal book. The ordinance~~
4 ~~shall provide for the removal and disposition of such junk motor vehicles after notice~~
5 ~~of not less than ten days either placed on the vehicle itself or given to the owner, if~~
6 ~~known. Any vehicle which remains on the public ways or private property described~~
7 ~~above after notice given as provided in the ordinance shall be considered as public~~
8 ~~property and disposed of by the municipality or parish as the governing authority~~
9 ~~may designate. In the case of other abandoned property set forth in Subsection A,~~
10 ~~the notice shall be given to the owner of the lot or parcel of ground upon which the~~
11 ~~junk material is located, and the cost of removing said material shall constitute a~~
12 ~~special lien collectible in the same manner as special assessments are collectible by~~
13 ~~law. As used in this Section, the following terms have the meanings ascribed to~~
14 ~~them unless the context clearly indicates otherwise:~~

15 (1) "Junk" means discarded or abandoned major appliances, such as
16 refrigerators, freezers, or ranges. The term "junk" also means discarded metal, tin,
17 or other discarded items.

18 (2)(a) "Junked vehicle" has the meaning provided in R.S. 32:1728.2(C)(2)
19 and meets all of the following requirements:

20 (i) Is three years old or older.

21 (ii) Is wrecked or extensively damaged or is missing any part or parts
22 thereof, including but not limited to a motor, transmission, window, windshield, or
23 tire.

24 (iii) Is inoperable due to mechanical failure and has remained inoperable for
25 more than seventy-two consecutive hours, if the vehicle is on public property, or for
26 thirty consecutive days, if the vehicle is on private property.

27 (b) In addition to the requirements of Subparagraph (a) of this Paragraph, a
28 motor vehicle shall display an expired license plate or not display a license plate.

1 C.(1) ~~In the exercise of the authority herein granted, the governing authority~~
2 ~~may provide for the removal of such abandoned junk by the municipality or parish~~
3 ~~and for the collection of the cost of removal, not to exceed two hundred dollars, from~~
4 ~~the owner of the material and, among other things, may require, but not by way of~~
5 ~~limitation, that any vacant lot or portion of any occupied lot used for the storage of~~
6 ~~junk, as herein defined, shall be surrounded or enclosed by a board fence or other~~
7 ~~enclosure.~~ Any ordinance enacted pursuant to this Section shall authorize a parish
8 or municipality to remove any junk or junked vehicle from any public or private
9 property on which it is located if the property owner fails to remove the junk or
10 junked vehicle within fifteen days after receipt of notice from the respective parish
11 or municipality.

12 (2)(a) A parish or municipality shall notify the property owner, by registered
13 mail, addressed in accordance with the tax rolls of the respective parish or
14 municipality, or served on the property owner, by domiciliary or personal service,
15 by a representative of the parish or municipality, of its intent to remove any such
16 junk or junked vehicle.

17 (b)(i) In addition to the notice required in Subparagraph (a) of this
18 Paragraph, no later than ten days prior to the removal of a junked vehicle from
19 private property, a parish or municipality shall notify the owner of the junked
20 vehicle, and all lienholders of such vehicle, of its intent to remove the junked
21 vehicle. No later than ten days after the removal of a junked vehicle from public
22 property, a parish or municipality shall notify the owner of the junked vehicle, and
23 all lienholders of such vehicle, that the vehicle has been removed.

24 (ii) The notice required by Item (i) of this Subparagraph shall be in writing
25 by certified mail, return signature electronic. The notice shall also include the
26 information provided in R.S. 32:1720(B)(1) through (7).

27 (3) Any ordinance enacted pursuant to this Section shall provide a procedure
28 by which an owner or lienholder may claim possession of a junked vehicle.

1 (4)(a) A parish or municipality shall dispose of junk in a manner designated
 2 by the governing authority of the respective parish or municipality.

3 (b) A parish or municipality shall dispose of a junked vehicle in accordance
 4 with the procedures provided in R.S. 32:1728.2.

5 (5) Any costs incurred by the respective parish or municipality for the
 6 removal or disposition of any junk or junked vehicles shall be a charge on the
 7 property owner, shall not exceed five hundred dollars, and shall constitute a special
 8 lien on his property collectible in the same manner as special assessments are
 9 collectible by law.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 414 Engrossed

2021 Regular Session

St. Blanc

Abstract: Grants parishes and municipalities certain powers with respect to the removal and disposition of junk and junked vehicles.

Present law authorizes parish and municipal governing authorities to enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges, or machinery or other metal, tin, or other discarded items.

Proposed law instead authorizes parish and municipal governing authorities to enact ordinances regulating or prohibiting the storing or abandoning of junk or junked vehicles. Defines "junk" to mean discarded or abandoned major appliances, metal, tin, or other discarded items. Defines "junked vehicle" to mean a vehicle in such a state of deterioration that it cannot be profitably restored and has a fair market value of \$500 or less by using the rough trade-in value shown in the most recent National Automobile Dealers Assoc. Guide. A "junked vehicle" must also meet certain additional requirements, including being at least three years old, wrecked or extensively damaged, and inoperable due to mechanical failure.

Present law relative to junk motor vehicles, requires that a parish or municipal ordinance provide for the removal and disposition of the vehicles after notice is either placed on the vehicle itself or given to the owner. Provides that if a vehicle remains on public or private property after notice is given, the vehicle is considered public property and must be disposed of by the parish or municipality as the governing authority may designate.

Present law relative to other abandoned property, requires that the notice be given to the owner of the lot or parcel of ground upon which the junk material is located. Provides that the cost of removal constitutes a special lien collectible in the same manner as special assessments are collectible by law.

Present law relative to the removal of abandoned junk, provides for the collection of costs from the owner of the material, not to exceed \$200. Authorizes the parish or municipality to require the property owner to enclose the property with fencing.

Proposed law removes present law and instead requires that a parish or municipal ordinance authorize the removal of junk and junked vehicles 15 days after notice is given to the owner of the property upon which the junk or junked vehicle is located. Requires the parish or municipality to give notice, by registered mail or served on the property owner, by domiciliary or personal service, by a representative of the parish or municipality, of its intent to remove such items.

Proposed law additionally requires a parish or municipality, no later than 10 days prior to removal of a junked vehicle from private property, to notify the owner of the vehicle, and all lienholders, of its intent to remove the vehicle. Requires the parish or municipality, no later than 10 days after removal of a junked vehicle from public property, to notify the owner of the vehicle, and all lienholders, that the vehicle has been removed. Notice must be given by certified mail, return signature electronic.

Proposed law requires that any ordinance enacted pursuant to proposed law provide a procedure by which an owner or lienholder may claim possession of a junked vehicle.

Proposed law requires a parish or municipality to dispose of junk in a manner designated by its governing authority and to dispose of a junked vehicle in accordance with the procedures set forth in present law (R.S. 32:1728.2). Provides that the costs incurred for the removal or disposition of any junk or junked vehicles will be a charge on the property owner not to exceed \$500. Provides that the charge constitutes a special lien on his property collectible in the same manner as special assessments are collectible by law.

(Amends R.S. 33:4876)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove other machinery from the definition of "junk".
2. Change the definition of "junked vehicle"; this change includes the exclusion of aircraft and watercraft.
3. Require a parish or municipality to notify the owner of a junked vehicle, and all lienholders, of its intent to remove the vehicle from private property and to notify them that a junked vehicle has been removed from public property.
4. Remove proposed law that requires a parish or municipality to dispose of a junked vehicle in a manner designated by it and instead requires disposal of a junked vehicle in accordance with present law (R.S. 32:1728.2) procedures.
5. Prohibit a parish or municipality from charging more than \$500 for costs incurred for the removal or disposition of junk or a junked vehicle.