
DIGEST

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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.