

2024 Regular Session

HOUSE BILL NO. 674

BY REPRESENTATIVE BRYANT

MOTOR VEHICLES: Authorizes a local governing authority to adopt ordinances to address blighted property with purported collector's automobiles

1 AN ACT

2 To amend and reenact R.S. 32:442(4) and 443 and R.S. 33:4876(A) and (B) and to enact
3 R.S. 33:4876.1 4876.2, 4876.3, 4876.4, 4876.5, 4876.6 and to repeal R.S. 32:446,
4 relative to blighted automobiles; to provide limitations for how vehicles can be
5 stored on a collector's property; to expand authority of municipalities and parishes
6 to enact ordinances to address blighted collector vehicles; to repeal requirement that
7 blighted vehicles that could be considered collector's vehicles must be disposed of
8 to an organization that restores historic vehicles; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:442(4) and 443 are hereby amended and reenacted to read as
11 follows:

12 §442. Definitions

13 As used in this Part, the following words and phrases have the meaning
14 ascribed to them in this Section, unless the context requires otherwise:

15 * * *

16 (4) "Motor vehicle of historic or special interest" means a motor vehicle,
17 including a motorcycle as defined in R.S. 32:1~~(38)~~(49), of any age which, because
18 of its ~~significances~~ significance, is being collected, preserved, restored, operated, or
19 maintained by a hobbyist as a leisure pursuit.

20 §443. Storage on collector's property; requirements

21 A. A collector may store unlicensed, operable or inoperable motor vehicles
22 of historic or special interest or parts cars on his property provided such vehicles and

1 parts cars and the storage area are maintained in such a manner that they do not
2 ~~constitute a health, safety or fire hazard.~~ become a public nuisance as provided in
3 R.S. 33:4876.1.

4 B. The following requirements shall apply to a collector who stores a motor
5 vehicle pursuant to Subsection A of this Section:

6 (1) The motor vehicle shall be placed on jacks or lifts eighteen inches off the
7 ground for easy maintenance of the surrounding grass, which must be kept less than
8 twelve inches high.

9 (2) The motor vehicle shall be covered by a black or blue tarp or similar car
10 covering.

11 (3) The motor vehicle shall be stored close to the back property line in a
12 parallel row, if multiple vehicles.

13 (4) The motor vehicle shall be stored and covered under a carport, when
14 possible.

15 (5) Any car parts shall be stored near the back property line and be properly
16 covered with a black or blue tarp or similar covering.

17 Section 2. R.S. 33:4876(A) and (B) are hereby amended and reenacted to read as
18 follows:

19 §4876. Abandoned automobiles, major appliances and other junk; disposition of

20 A. The governing authority of any municipality or parish may enact
21 ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or
22 used automobiles or motor vehicles, or any part or parts thereof, or any other junk,
23 discarded or abandoned major appliances, such as refrigerators, freezers, ranges or
24 machinery or other metal, tin or other discarded items, on any vacant lot, or any
25 portion of any occupied lot, neutral ground, street or sidewalk, within the
26 municipality or parish. Notwithstanding any provisions of law to the contrary, a
27 governing authority may enact ordinances that are less or more restrictive than R.S.
28 32:443 as it relates to abandoned or stored motor vehicles which could be deemed
29 of historic or special interest.

1 B. The term "junk, wrecked, or used automobiles or motor vehicles" as used
2 herein shall mean any motor vehicle which is totally inoperable, left unattended on
3 any portion of any occupied lot, neutral ground, street or sidewalk, and is so
4 damaged or dismantled as to be a total loss, including abandoned or stored motor
5 vehicles which could be deemed of historic or special interest. The term
6 "inoperable" shall apply to vehicles that remain inoperable for seventy-two
7 consecutive hours on public property or thirty consecutive days on private property.
8 The term "total loss" shall mean that the cost to repair a damaged or dismantled
9 motor vehicle exceeds the junk value of said vehicle, as determined by any
10 recognized national appraisal book. The ordinance shall provide for the removal and
11 disposition of such junk motor vehicles after notice of not less than ten days either
12 placed on the vehicle itself or given to the owner, if known. Any vehicle which
13 remains on the public ways or private property described above after notice given as
14 provided in the ordinance shall be considered as public property and disposed of by
15 the municipality or parish as the governing authority may designate. In the case of
16 other abandoned property set forth in Subsection A, the notice shall be given to the
17 owner of the lot or parcel of ground upon which the junk material is located, and the
18 cost of removing said material shall constitute a special lien collectible in the same
19 manner as special assessments are collectible by law.

* * *

21 Section 3. R.S. 33:4876.1, 4876.2, 4876.3, 4876.4, 4876.5, and 4876.6 are hereby
22 enacted to read as follows:

23 §4876.1. Junk, wrecked, or used automobile or motor vehicle; public nuisance

24 A junk, wrecked, or used automobile or motor vehicle, including part of a
25 junk, wrecked, or used automobile or motor vehicle, that is visible at any time of
26 year from a public place or public right-of-way is a public nuisance when it:

- 27 (1) Is detrimental to the safety and welfare of the public.
- 28 (2) Tends to reduce the value of private property.
- 29 (3) Invites vandalism.

1 (4) Creates a fire hazard.

2 (5) Is an attractive nuisance creating a hazard to the health and safety of
3 minors.

4 (6) Produces urban blight adverse to the maintenance and continuing
5 development of municipalities.

6 §4876.2. Offense

7 A. A person commits an offense if the person maintains a public nuisance
8 described by R.S. 33:4876.1.

9 B. An offense under R.S. 33:4876.1 is a misdemeanor punishable by a fine
10 not to exceed two hundred dollars.

11 C. The court shall order the abatement and removal of the nuisance upon
12 conviction.

13 §4876.3. Authority to abate a public nuisance; procedures

14 A. A municipality or parish may adopt procedures that conform to this
15 Section for the abatement and removal from private or public property or a public
16 right-of-way of a junk, wrecked, or used automobile or part of a wrecked, or used
17 automobile or vehicle as a public nuisance.

18 B. Any procedures adopted by a municipality or parish shall, at minimum:

19 (1) Prohibit a vehicle from being reconstructed or made operable after
20 removal.

21 (2) Require a public hearing upon the request of a person who receives
22 notice as provided by R.S. 33:4876.4. if the request is made not later than the date
23 by which the nuisance must be abated and removed.

24 C. A court with jurisdiction in the municipality or parish where the offense
25 occurred may issue necessary orders to enforce the procedures.

26 D. Procedures for abatement and removal of a public nuisance shall be
27 administered by regularly salaried, full-time employees of the municipality or parish,
28 except that any authorized person may remove the nuisance.

1 E. A person authorized to administer the procedures may enter private
2 property to examine the public nuisance, to obtain information to identify the
3 nuisance, and to remove or direct the removal of the nuisance.

4 F. Upon removal of the vehicle, or part of a vehicle, the municipality or
5 parish shall proceed to have the vehicle, or part of a vehicle, dismantled or processed
6 for recycling as an entity who has the right to sell or transfer the vehicle, or part of
7 a vehicle, pursuant to provisions of R.S: 32:718.

8 G. The procedures may provide that the relocation of a junk, wrecked, or
9 used automobile or motor vehicle that is a public nuisance to another location in the
10 same municipality or parish after a proceeding for the abatement and removal of the
11 public nuisance has commenced will have no effect on the proceeding if the junk,
12 wrecked, or used automobile or motor vehicle constitutes a public nuisance at the
13 new location.

14 §4876.4. Notice; time frame

15 A. The procedures for the abatement and removal of a public nuisance under
16 R.S. 33:4876.3 shall provide not less than ten days notice of the nature of the
17 nuisance. The notice must be personally delivered, sent by certified mail with a
18 five-day return requested, or delivered by the United States Postal Service with
19 signature confirmation service to:

- 20 (1) The last known registered owner of the public nuisance vehicle.
21 (2) Each lienholder of record of the public nuisance vehicle.
22 (3) The owner or occupant of:
23 (a) The property on which the public nuisance vehicle is located.
24 (b) The property adjacent to the right-of-way, if the public nuisance vehicle
25 is located in a public right-of-way.

26 B. The notice shall clearly state the following:

- 27 (1) The public nuisance vehicle must be abated and removed not later than
28 the tenth day after the date on which the notice was personally delivered or mailed.
29 (2) Any request for a hearing must be made within ten days.

1 C. If the post office address of the last known registered owner is unknown,
2 notice may be placed on the public nuisance vehicle or, if the owner is located,
3 personally delivered.

4 D. If the notice is returned, undelivered, action to abate the public nuisance
5 vehicle shall be continued to a date not earlier than the eleventh day after the date of
6 the return.

7 §4876.5. Hearing

8 A. The governing body of the municipality or parish or a board, commission,
9 or official designated by the governing body shall conduct hearings pursuant to the
10 procedures adopted under this Part.

11 B. If a hearing is requested by a person for whom notice is required under
12 R.S. 33:4876.4, the hearing shall be held not earlier than the eleventh day after the
13 date of the service of notice.

14 C. At the hearing, the junk, wrecked, or used automobile or motor vehicle
15 is presumed, unless demonstrated otherwise by the owner, to be inoperable.

16 D. If the information is available at the location of the nuisance, a resolution
17 or order requiring removal of the public nuisance vehicle shall include the following:

18 (1) A description of the vehicle.

19 (2) The vehicle identification number.

20 (3) The license plate number.

21 §4876.6. Disposal of a junk, wrecked, or used automobile or motor vehicle

22 A. A junk, wrecked, or used automobile or motor vehicle, including a part
23 of a junk, wrecked, or used automobile or motor vehicle, may be removed to a
24 scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality
25 or parish at the discretion of its governing body.

26 B. A municipality or parish may operate a disposal site if its governing body
27 determines that commercial disposition of junk, wrecked, or used automobile or
28 motor vehicle is not available or is inadequate. A municipality or parish may:

1 (1) Finally dispose of a junk, wrecked, or used automobile or motor vehicle
 2 or vehicle parts.

3 (2) Transfer it to another disposal site if the disposal is scrap or salvage only.

4 Section 4. R.S. 32:446 is hereby repealed in its entirety.

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 674 Reengrossed

2024 Regular Session

Bryant

Abstract: Limits how vehicles can be stored on a collector's property. Authorizes municipalities and parishes to enact ordinances to address blighted collector vehicles. Repeals requirement that blighted vehicles that could be considered collector's vehicles must be disposed of to an organization that restores historic vehicles.

Present law authorizes collectors to store motor vehicles of historic or special interest or parts cars on their property provided the cars and the storage areas are maintained in a way that does not pose a health, safety, or fire hazard.

Proposed law provides specific requirements regarding the storage of such vehicles and provides that vehicles that are not stored as provided in proposed law may be deemed a nuisance by a parish or municipal governing authority.

Present law authorizes a governing authority of a municipality or parish to enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked, or used automobiles or motor vehicles and other junk items.

Proposed law retains present law and makes it applicable to abandoned or stored motor vehicles which could be deemed of historic or special interest.

Present law provides for motor vehicles of historic or special interest or parts cars to be disposed of by contacting a club or chapter of a national organization that restores historic or special interest vehicles.

Proposed law repeals present law.

Proposed law provides for junk, wrecked, or used automobile or motor vehicle to be deemed a nuisance. Provides as follows with respect to such nuisance vehicles:

- (1) Provides that maintaining such a nuisance vehicle is an offense punishable by a fine not to exceed \$200 and removal of the nuisance.
- (2) Authorizes parish and municipal governing authorities to abate and remove such nuisance vehicles. Provides procedural requirements including notice and hearing requirements.
- (3) Provides for the removal of the nuisance vehicle to a scrap yard or vehicle demolisher. Authorizes a municipality or parish to dismantle or process for recycling a nuisance vehicle as an entity who has the rights to sell or transfer the vehicle as provided in present law.

(Amends R.S. 32:442(4) and 443 and R.S. 33:4876(A) and (B); Adds R.S. 33:4876.1-4876.6;
Repeals R.S. 32:446)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove requirement for the cancellation of a certificate of title of a nuisance vehicle.
2. Add provision that authorizes a municipality or parish to have the nuisance vehicle dismantled or processed for recycling as an entity with the right to sell or transfer the vehicle.