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## DIGEST

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HB 458 Original

2022 Regular Session

St. Blanc

**Abstract:** Grants the city of Franklin certain powers with respect to the removal and disposition of junk and junked vehicles.

Present law generally 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.

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 of not less than 10 days 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 retains present law but provides an exception for the city of Franklin. Authorizes the city's governing authority to enact ordinances regulating or prohibiting the storing and 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.

Proposed law requires that a city 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 city to give notice, by registered mail or served on the property owner, of its intent to remove such items.

Proposed law additionally requires the city, 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 city, 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 adopted pursuant to proposed law provide a procedure by which an owner or lienholder may claim possession of a junked vehicle.

Proposed law requires the city 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.

(Adds R.S. 33:4876.1)