

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, ranges, or other machinery. The term "junk" also means
17 discarded metal, tin, or other discarded items.

18 (2)(a) "Junked vehicle" means a motor vehicle, aircraft, or watercraft, or any
19 part or parts thereof, that has an approximate fair market value that is equal to its
20 salvage value and meets all of the requirements of this Paragraph as follows:

21 (i) Is three years old or older.

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

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

28 (b) In addition to the requirements of Subparagraph (a) of this Paragraph, a
29 vehicle shall meet the following requirements as specified:

1 (i) A motor vehicle that displays an expired license plate or does not display
2 a license plate.

3 (ii) An aircraft that does not display a federal aircraft identification number
4 that is registered in compliance with the regulations adopted by the Federal Aviation
5 Administration.

6 (iii) A watercraft that is not registered in compliance with the rules and
7 regulations of the Louisiana Department of Wildlife and Fisheries, or whose owner
8 is not in possession of a valid marine document issued by the United States Coast
9 Guard's National Vessel Documentation Center.

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

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

26 (3) A parish or municipality shall dispose of junk or junked vehicles in a
27 manner designated by the governing authority of the respective parish or
28 municipality.

1 (4) Any costs incurred by the respective parish or municipality for the
 2 removal or disposition of any junk or junked vehicles shall be a charge on the
 3 property owner and shall constitute a special lien on his property collectible in the
 4 same manner as special assessments are 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 Original

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 motor vehicle, aircraft, or watercraft, that has a fair market value equal to its salvage value and meets certain 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 requires a parish or municipality to dispose of junk or junked vehicles in a manner designated by its governing authority. Provides that the costs incurred for the removal or disposition of any junk or junked vehicles will be a charge on the property owner

which constitutes a special lien on his property collectible in the same manner as special assessments are collectible by law.

(Amends R.S. 33:4876)