

2024 Regular Session

HOUSE BILL NO. 674

BY REPRESENTATIVE BRYANT

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
23 parts cars and the storage area are maintained in such a manner that they do not

1 ~~constitute a health, safety or fire hazard.~~ become a public nuisance as provided in
2 R.S. 33:4876.1.

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

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

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

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

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

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

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

18 §4876. Abandoned automobiles, major appliances and other junk; disposition of

19 A. The governing authority of any municipality or parish may enact
20 ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or
21 used automobiles or motor vehicles, or any part or parts thereof, or any other junk,
22 discarded or abandoned major appliances, such as refrigerators, freezers, ranges or
23 machinery or other metal, tin or other discarded items, on any vacant lot, or any
24 portion of any occupied lot, neutral ground, street or sidewalk, within the
25 municipality or parish. Notwithstanding any provisions of law to the contrary, a
26 governing authority, except in any parish with a population between four hundred
27 and twenty thousand persons and four hundred and thirty thousand persons based on
28 the latest federal decennial census, may enact ordinances that are less or more
29 restrictive than R.S. 32:443 as it relates to abandoned or stored motor vehicles which
30 could be deemed 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.
- 30 (4) Creates a fire hazard.

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

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

5 §4876.2. Offense

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

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

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

12 §4876.3. Authority to abate a public nuisance; procedures

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

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

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

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

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

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

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

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

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

11 H. Notwithstanding any provision of law to the contrary, the provisions of
12 this Section shall not be applicable in any parish with a population between four
13 hundred and twenty thousand persons than four hundred and thirty thousand persons
14 based on the latest federal decennial census.

15 §4876.4. Notice; time frame

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

21 (1) The last known registered owner of the public nuisance vehicle.

22 (2) Each lienholder of record of the public nuisance vehicle.

23 (3) The owner or occupant of:

24 (a) The property on which the public nuisance vehicle is located.

25 (b) The property adjacent to the right-of-way, if the public nuisance vehicle
26 is located in a public right-of-way.

27 B. The notice shall clearly state the following:

28 (1) The public nuisance vehicle must be abated and removed not later than
29 the tenth day after the date on which the notice was personally delivered or mailed.

30 (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 E. Notwithstanding any provision of law to the contrary, the provisions of
 8 this Section shall not be applicable in any parish with a population between four
 9 hundred and twenty thousand persons and four hundred and thirty thousand persons
 10 based on the latest federal decennial census.

11 §4876.5. Hearing

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

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

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

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

22 (1) A description of the vehicle.

23 (2) The vehicle identification number.

24 (3) The license plate number.

25 §4876.6. Disposal of a junk, wrecked, or used automobile or motor vehicle

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

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

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

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

7 C. Notwithstanding any provision of law to the contrary, the provisions of
8 this Section shall not be applicable in any parish with a population between four
9 hundred and twenty thousand persons and four hundred and thirty thousand persons
10 based on the latest federal decennial census.

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

12 Section 5. This Act shall be known as the "Deedy Reed Community Clean Up Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____