



# LEGISLATIVE RESEARCH SERVICES

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## Research Brief

TO: Representative Jonathan Kreiss-Tomkins  
FROM: Chuck Burnham, Legislative Analyst  
DATE: February 1, 2016  
RE: Communities that would be Newly Exempt from Vehicle Registration under Prospective Amendments to AS § 28.10.011(10)  
*LRS Report 16.147*

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***You asked which communities would become exempt from motor vehicle registration requirements if AS § 28.10.011(10) is amended so the Alaska Marine Highway System is not considered a connection to the state's highway system and the law's traffic volume provision is eliminated.<sup>1</sup>***

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As you know, AS § 28.10.011(10) exempts motor vehicle owners in certain communities from vehicle registration requirements.<sup>2</sup> Specifically, there are currently roughly 250 places in Alaska in which vehicles are not required to be registered with the Alaska Division of Motor Vehicles (DMV) because they meet the following requirements:<sup>3</sup>

Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to (A) the land-connected state highway system; or (B) a highway or vehicular way with an average daily traffic volume [ADTV] greater than 499.<sup>4</sup>

For the purposes the above statute section, the Alaska Marine Highway System is currently considered to be connected to the state highway system. As a result, communities with ferry service and/or ADTV over the threshold are not typically exempt from registration requirements.

We identified nine communities that would be newly exempt from vehicle registration requirements if amendments to AS § 28.10.011(10) resulted in the ferry system no longer being considered connected to the state highway system and elimination of the ADTV provision.<sup>5</sup> Four of the communities that would become exempt are served by the ferry system, while the remainder cannot be accessed by road and have no ferry service. The communities that would be newly exempt under the scenario you describe are listed in Table 1.

It is important to note that we did not include communities in Table 1 that strictly meet the exemption provisions you contemplate but that have a local office of the Alaska Division of Motor Vehicles. These include, for example, Craig, Cordova, Juneau, Ketchikan, Kodiak, Kotzebue, King Salmon, Petersburg, Sitka, Wrangell, and Yakutat. We also exclude communities connected by road to a neighboring community with a DMV office, even if that road is not connected by land to the state highway system. Such places include Chiniak, Coffman Cove, Eagle, Hollis, Hydaburg, Kasaan, Klawock, Saxman, Slana, and Thorne Bay.

We hope this is helpful. If you have questions or need additional information, please let us know.

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<sup>1</sup> This memorandum corrects an earlier report that misidentified certain communities. Please note the LRS Report number when reviewing reports on this topic with the understanding that higher numbers indicate more recently completed work.

<sup>2</sup> The term "community" is assigned specific legal meaning under certain circumstances. In this report we use that term to be interchangeable with city, town, village, and any other organized or unorganized named place where groups of Alaskans live.

<sup>3</sup> The list of currently exempted communities is available online at <http://doa.alaska.gov/dmv/reg/exempt.htm>. An exemption from mandatory liability insurance is also provided by AS § 28.22.011(a)(1) to vehicle owners in these communities through provisions identical to those exempting owners from registration requirements in AS § 28.10.011(10).

<sup>4</sup> The Alaska Department of Transportation and Public Facilities (DOT&PF) compiles and publishes traffic counts across the state. More information on that program is available at <http://www.dot.alaska.gov/stwdplng/transdata/traffic.shtml>.

<sup>5</sup> We gleaned which communities would become exempt in collaboration with your staff, information provided by the DMV, and from "Alaska Functional Classification Update Final Report," prepared by HDR Alaska, Inc. for the DOT&PF, June 2010, Appendix F, [http://www.crweng.com/assets/images/uploads/projectsites/Functional\\_Class\\_Update\\_Final\\_Report\\_with\\_appendices.pdf](http://www.crweng.com/assets/images/uploads/projectsites/Functional_Class_Update_Final_Report_with_appendices.pdf).

<b>Table 1: Communities that would be Newly Exempt from Vehicle Registration under AS 28.10.011(10) if Ferries are Excluded from the Definition of the State Highway System and Traffic Volume Thresholds are Eliminated</b>				
<b>Communities Currently Served by Ferries - 4</b>				
Angoon	Hoonah	Kake	Seldovia	
<b>Communities with no current Road Access or Ferry Service - 5</b>				
Healy Lake	Hyder	Portage Creek	Upper Kalskag	Williamsport
<p><b>Notes and Sources:</b> The communities listed are those that would be added to the nearly 250 places in Alaska where motor vehicle owners are exempt from vehicle registration requirements under AS 28.10.011(10) if amendments you are considering are implemented. Those amendments would remove the Alaska Marine Highway System from being considered to connect a community to the "land-connected state highway system" for the purposes of that specific statute. The amendment would further remove the statute's average daily traffic volume provision. Currently exempt communities under AS 28.10.011(10) are listed at <a href="http://doa.alaska.gov/dmv/reg/exempt.htm">http://doa.alaska.gov/dmv/reg/exempt.htm</a> . We did not include communities in this list that strictly meet the exemption provisions you contemplate but have a local office of the Alaska Division of Motor Vehicles (DMV). These include, for example, Craig, Cordova, Juneau, Ketchikan, Kodiak, Kotzebue, King Salmon, Petersburg, Sitka, Wrangell, and Yakutat. We also exclude communities connected by road to communities with a DMV office, including Aleknagik, Chiniak, Coffman Cove, Eagle, Hollis, Hydaburg, Kasaan, Klawock, Naknek, Saxman, Slana, and Thorne Bay. Technically, Hyder is connected to the nearest DMV office by road in Skagway; however, it appears reasonable to deem the roughly 700 mile drive through Canada impractical for the purposes of registering a motor vehicle. It is important to note that the DMV may not agree with this assessment.</p> <p>We determined which additional communities would be exempted in collaboration with your staff, information your office received from the DMV, and the "Alaska Functional Classification Update Final Report," prepared by HDR Alaska, Inc. for the Alaska Department of Transportation and Public Facilities (DOT&amp;PF), June 2010, Appendix F, <a href="http://www.crweng.com/assets/images/uploads/projectsites/Functional_Class_Update_Final_Report_with_appendices.pdf">http://www.crweng.com/assets/images/uploads/projectsites/Functional_Class_Update_Final_Report_with_appendices.pdf</a> . The table comprising Appendix F indicates the methods of access available to the communities listed (off-road, ferry access, or road access). While we believe our research to be thorough there may be additional communities that would be newly exempted by the amendments you outlined that we failed to recognize. In particular, unorganized communities and those classified as Census Designated Places may be excluded from the DOT&amp;PF report.</p>				