



# LAWS OF ALASKA

1976

## Source

FCCS HCS CSSB 26

## Chapter No.

241

## AN ACT

Relating to motor vehicles; and providing for an effective date.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 28.01.010(b) and (c) are repealed and re-enacted to read:

(b) A municipality may adopt by reference all or a part of this title and regulations promulgated under this title, and may request and shall receive from the Departments of Public Safety and Community and Regional Affairs assistance in the drafting of model ordinances for adoption by reference. Notwithstanding (a) of this section, a municipality may enact necessary ordinances to meet specific local requirements.

(c) A copy of all traffic ordinances enacted by a municipality shall be forwarded to the commissioner of public safety, and specific notice of any inconsistent ordinances shall be given by the municipality when the copy of the ordinances is forwarded. So far as practicable, the section number identifying a particular municipal traffic ordinance shall be the same as the section number identifying a corresponding provision of this title or regulations promulgated under this title.

\* Sec. 2. AS 28.01.010 is amended by adding new subsections to read:

(f) Regulations promulgated pertaining to a matter partially or wholly governed by this title shall be mutually consistent and compatible, and shall complement each other, as far as practicable. For the purpose of uniformity, the Department of Public Safety shall offer and receive reasonable assistance in the coordination and promulgation of

these regulations.

(g) The provisions of this title and the regulations promulgated under this title shall, as far as practicable, conform to the recommendations of the current edition of the Uniform Vehicle Code adopted by the National Committee on Uniform Traffic Laws and Ordinances.

\* Sec. 3. AS 28.01 is amended by adding a new section to read:

Sec. 28.01.020. SHORT TITLE. This chapter may be cited as the Alaska Uniform Traffic Laws Act.

\* Sec. 4. AS 28.17 is amended by adding new sections to read:

Sec. 28.17.011. LICENSE REQUIRED. No person may operate a commercial driver training school or act as an instructor of a commercial driver training school unless licensed by the department as provided in this chapter.

Sec. 28.17.021. EXEMPTIONS. A driver education course or training which is approved by the department or the Department of Education with the concurrence of the department, or is taught at an accredited college or university, is exempt from the provisions of this chapter, but an instructor employed by such a school or institution is exempt only to the extent that his activities are as an agent of the school or institution.

Sec. 28.17.031. ISSUANCE AND EXPIRATION OF LICENSES; FEES. (a) The department shall issue a school or instructor license to an applicant who has complied with the provisions of this chapter and regulations promulgated under this chapter. All licenses issued under this section expire on the last day of each calendar year.

(b) Every application for an original or renewed school license shall be accompanied by a fee of \$25, and each application for an original or renewed instructor license shall be accompanied by a fee of \$5. No fee specified in this section may be refunded if a license is refused, suspended or revoked.

Sec. 28.17.041. AUTHORITY OF COMMISSIONER TO ADOPT REGULATIONS. (a) The commissioner of public safety shall promulgate regulations necessary to carry out the provisions of this chapter, and may call upon the commissioner of education for assistance in formulating these regulations.

(b) Regulations promulgated under this section shall state the requirements for a school license, including requirements concerning manner and form of application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, vehicle equipment and condition, inspection during reasonable business hours, insurance or bonds in the sum and with the provisions the commissioner considers necessary, and other matters the commissioner may prescribe for the protection of the public.

(c) Regulations promulgated under this section shall state the requirements for an instructor's license, including requirements concerning manner and form of application, moral character, reputation, physical condition, knowledge of the courses of instruction and traffic laws and safety principles and practices, driving record, driving ability, previous personal and employment record, and other matters the commissioner may prescribe for the protection of the public.

Sec. 28.17.051. REFUSAL, SUSPENSION, OR REVOCATION OF LICENSE. (a) The department may refuse to issue or renew or may suspend or revoke a license issued under this chapter when it finds that the applicant or licensee has violated or failed to comply with a provision of this chapter or a regulation promulgated under this chapter.

(b) Upon suspending, revoking, or refusing to issue or renew a license, the department shall immediately notify the applicant or licensee stating the reasons for the action and the right to appeal the department's action to the district court. The suspension or revocation may not become effective until the licensee has been afforded a reasonable opportunity for a court hearing. Upon the conclusion of a hearing, the department shall take appropriate action.

(c) A suspended or revoked license shall be returned immediately to the department by the licensee.

Sec. 28.17.061. PENALTIES. A person who violates a provision of this chapter or a regulation promulgated under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both.

Sec. 28.17.071. DEFINITIONS. As used in this chapter and regulations promulgated under this chapter, unless the context otherwise requires,

(1) "commercial driver training school" or "school" means a business or nonprofit enterprise for the education and training of persons, either practically or theoretically, or both, in the driving of motor vehicles, for which a consideration or tuition is charged;

(2) "instructor" means a person, whether acting for himself as operator of a school or acting for a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons in the driving of motor vehicles.

\* Sec. 5. AS 28.35 is amended by adding new sections to read:

Sec. 28.35.015. TAMPERING WITH OR DAMAGING A VEHICLE. No person, without the right to do so, may tamper with a vehicle, set or attempt to set a vehicle in motion, or damage a part or component of a vehicle.

Sec. 28.35.024. RENTING A MOTOR VEHICLE. (a) No person may rent a motor vehicle to a person unless the person renting the vehicle is properly licensed under this title or, if a nonresident, the person is properly licensed under the laws of the jurisdiction of his residence.

(b) No person may rent a motor vehicle until he has inspected the license of the person to whom the vehicle is to be rented, and has verified the identification of the licensee.

(c) Every person renting a motor vehicle shall keep a record of the registration number of the vehicle rented, the name, address and license number of the person to whom the vehicle is rented, and the date and place when and where the license of the intended driver was issued. The record shall be open to inspection by a peace officer or employee of the department acting in an official capacity.

(d) Every person renting a motor vehicle shall comply with the financial responsibility requirements of this title.

\* Sec. 6. AS 28.35.045(c) is amended to read:

(c) A person convicted of negligent driving is guilty of an infraction as defined by sec. 230 of this chapter and is punishable by a fine of not more than \$300, and in addition, the court may limit or suspend his operator's license in accordance with AS 28.15.220(b).

\* Sec. 7. AS 28.35 is amended by adding a new section to read:

Sec. 28.35.135. UNLAWFUL TO KNOWINGLY MAKE FALSE STATEMENT, APPLICATION, OR CERTIFICATION. (a) No person may knowingly make a false affidavit, statement, or representation, or affirm falsely with respect to a matter or fact required to be set out under this title, nor may the person use a name other than his true name. A person convicted of violating this section is guilty of perjury and is punishable as prescribed by law.

(b) A person who has a certification, registration, title, license, or other form issued under this title, or who has applied for a certification, registration, license, or other form, and who changes his name or moves from the address shown on the department's records or forms, shall notify the department in writing of the change in name or address within 30 days.

\* Sec. 8. AS 28.35.150 is repealed and re-enacted to read:

Sec. 28.35.150. UNLAWFUL TO INTERFERE WITH OR DESTROY OFFICIAL TRAFFIC CONTROL DEVICE OR HIGHWAY CONSTRUCTION; ACTION BY STATE FOR DAMAGES. (a) It is unlawful to wilfully alter, deface, injure, knock down, remove or interfere with the effective operation or display of any part of an official traffic control device.

(b) It is unlawful to wilfully injure or destroy a road, bridge, or other highway construction, or part of it, or works, property, or material to be used in the construction or maintenance of a road, bridge, or other highway construction.

(c) The state has a right of action for damage caused by the violation of this section or of the rules and regulations adopted under AS 28.05.100(b)(2). Damages recovered

under this section shall be deposited in the general fund.

\* Sec. 9. AS 28.35 is amended by adding a new section to read:

Sec. 28.35.155. OPERATION OF VEHICLE WITH CERTAIN TIRES PROHIBITED. (a) It is unlawful to operate a motor vehicle with studded tires or tires with chains attached on a paved highway or road from May 1 through September 15, inclusive, north of 60° North Latitude and from April 15 through September 30, inclusive, south of 60° North Latitude. The commissioner of public safety shall by emergency order provide for additional lawful operating periods based on unusual seasonal or weather conditions. An emergency order adopted under this section is not subject to the Administrative Procedure Act (AS 44.62). Upon application a special individual traction permit may be issued allowing the operation of a motor vehicle with studded tires or chains at any time at the discretion of the vehicle owner. The fee for the special individual permit is one-third of the annual license tax applicable to that class of vehicle under AS 28.10.200. The department may provide an appropriate sticker or other device identifying the vehicle to which the permit applies.

(b) In this section "studded tire" means a tire with metal studs or spikes imbedded in the periphery of the tire surface, and protruding not more than one-fourth inch from the tire surface.

\* Sec. 10. AS 28.35.180 is repealed and re-enacted to read:

Sec. 28.35.180. DISOBEDIENCE TO SIGNALS OF OFFICER REGULATING TRAFFIC UNLAWFUL. No driver of a vehicle may refuse to obey a lawful order or direction of a peace officer, fireman, or authorized flagman regulating and directing traffic. A peace officer or fireman regulating or directing traffic shall, upon request of a driver, produce evidence of his authorization unless he is wearing in view his badge or uniform of office.

\* Sec. 11. AS 28.35 is amended by adding a new section to read:

Sec. 28.35.225. ENFORCEMENT. All law enforcement officers in this state shall enforce this title and regulations promulgated under this title. The state troopers shall advise and instruct all other law enforcement officers in the state concerning the requirements of this title and regulations promulgated under this title.

\* Sec. 12. AS 28.35.230 is repealed and re-enacted to read:

Sec. 28.35.230. PENALTY FOR VIOLATIONS OF LAW, REGULATIONS, AND MUNICIPAL ORDINANCES. (a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90

days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation promulgated under this title, or a municipal ordinance regulating vehicles or traffic when the municipal does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) Punishment for an infraction as defined in (c) of this section may not include imprisonment, nor may the commission and conviction of a single infraction result in loss of the privilege to drive or the registration of vehicles; neither does a person cited with an infraction have a right to trial by jury or counsel appointed by court.

(e) In addition to the other provisions of this section, the department may initiate a civil action against a driver or owner of a vehicle in matters pertaining to overweight violations. Overweight penalties shall be imposed at the rate of five cents for each pound of weight over the authorized weight limit for that vehicle.

\* Sec. 13. AS 28.35.260 is repealed and re-enacted to read:

Sec. 28.35.260. DEFINITIONS. Unless otherwise specifically defined or unless the context otherwise requires, in this title,

(1) "commissioner" means the commissioner of public safety, unless otherwise specified;

(2) "department" means the Department of Public Safety, unless otherwise specified;

(3) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(4) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human power;

(5) "municipality" means a home rule or general law borough or city including, but not limited to, a unified municipality organized under AS 29.68;

(6) "roadway" means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively; and

(7) "vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area except devices used exclusively upon stationary rails or

tracks.

- \* Sec. 14. AS 28.35 is amended by adding new sections to read:

Sec. 28.35.265. REGULATIONS. The commissioner shall promulgate regulations to define other terms which are used in this title and in regulations promulgated under this title.

Sec. 28.35.270. SHORT TITLE. This title and the regulations promulgated under it may be cited as the Alaska Uniform Vehicle Code.

- \* Sec. 15. AS 28.10.170 is amended to read:

Sec. 28.10.170. EXPIRATION OF REGISTRATION. Every vehicle registration, every registration card, and every registration plate issued under this chapter expires at midnight on December 31 of each year. However, the department may provide for different expiration dates in accordance with regulations adopted under sec. 172 of this chapter. The owner of a registered vehicle may operate the vehicle under the registration for the preceding year upon displaying the registration plates issued for that year until May 31 of the year for which the registration is required. However, if a system of staggered registration is approved, the provisions of sec. 172 of this chapter apply.

- \* Sec. 16. AS 28.10 is amended by adding a new section to read:

Sec. 28.10.172. EXPIRATION OF REGISTRATION. Beginning with the calendar year 1977, vehicles required to be registered under this chapter may be registered annually under a system of staggered registration as prescribed in regulations promulgated by the department and adopted under the Administrative Procedure Act (AS 44.62). These regulations become effective only if approved by a concurrent resolution adopted by a majority vote of each house of the legislature. Every vehicle registered, every registration card, and every registration plate issued under this chapter expires at midnight on the expiration date set by the department. The owner of a registered vehicle may operate the vehicle under the registration for the preceding year upon displaying the registration plates issued for that year until a period after the appropriate time of registration has passed as prescribed in regulations promulgated by the department.

- \* Sec. 17. AS 28.10.180 is amended to read:

Sec. 28.10.180. RENEWAL OF REGISTRATION. The owner shall renew his vehicle registration upon application and payment of the annual license tax for the vehicle. The department may receive applications for registration or renewal registration and issue new registration cards and plates at any time before expiration of registration, but no person may display the new registration plates on a vehicle before the commencement of the appropriate registration date set by the department for the new registration period.

- \* Sec. 18. AS 29.48.035(a)(1) is amended to read:

(1) vehicle, pedestrian, and other traffic, and licensing and operation of motor vehicles, including snow vehicles and off-highway vehicles, and operators not inconsistent with AS 28.01.010;

\* Sec. 19. AS 44.80.070 is amended to read:

Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the state, or a department or agency of the state, which has control over a highway or vehicular way or area, permits a portion of the highway or vehicular way or area, as defined under AS 28.35.265, to be used for a special purpose, the state shall not be subject to legal action or recovery of damages for injury arising out of, or in any manner connected with the special purpose use.

\* Sec. 20. AS 28.05.080(d) - (e), AS 28.10.080, 28.10.550, 28.10.650(3), (4), (9) and (18), AS 28.15.330, 28.15.360(2), (4), (5) and (9), AS 28.17.010 - 28.17.080, AS 28.20.040, 28.20.630(1), (5) and (15), AS 28.35.010(b), 28.35.170, 28.35.200, 28.35.220, 28.35.250, and AS 44.19.800 - 44.19.850 are repealed.

\* Sec. 21. This Act takes effect immediately in accordance with AS 01.10.070(c).