



LAWS OF ALASKA

1978

Source

FCCS CSSB 471

Chapter No.

178

AN ACT

Relating to miscellaneous taxes, licenses, registration, and their administration; and providing for an effective date.

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

* Section 1. AS 28.01.010(a) is amended to read:

(a) The provisions of this title and the regulations adopted under this title are applicable within all municipalities of the state. No municipality may enact an ordinance which is inconsistent with the provisions of this title or the regulations adopted under this title. A municipality may not incorporate into a publication of traffic ordinances a provision of this title or the regulations adopted under this title without specifically identifying the provision or regulation as a state statute or regulation.

* Sec. 2. AS 28.01.010(b) is amended to read:

(b) A municipality may adopt by reference all or a part of this title and regulations adopted 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.

* Sec. 3. AS 28.01.010(c) is amended to read:

(c) A copy of all traffic ordinances enacted by a municipality shall be forwarded to the commissioner 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

Chapter 178

identifying a particular municipal traffic ordinance shall be the same as the section number identifying a corresponding provision of this title or regulations adopted under this title.

* Sec. 4. AS 28.01.010(f) is amended to read:

(f) Regulations adopted 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 shall offer and receive reasonable assistance in the coordination and adoption of these regulations.

* Sec. 5. AS 28.01.010(g) is amended to read:

(g) Regulations adopted 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. 6. AS 28.05.010 - 28.05.090 are repealed and re-enacted to read:

CHAPTER 5. ADMINISTRATION.
ARTICLE 1. POWERS AND DUTIES OF
DEPARTMENT OF PUBLIC SAFETY.

Sec. 28.05.011. DUTY OF COMMISSIONER TO ADOPT REGULATIONS. The commissioner shall, unless otherwise provided by statute, adopt regulations in compliance with the Administrative Procedure Act (AS 44.62) necessary to carry out the provisions of this title and other statutes the administration of which is vested in the department. The regulations shall include, but not be limited to,

(1) rules of the road relating to the driving, stopping, standing, parking and other conduct of vehicles, to pedestrians and to official traffic control devices;

(2) minimum equipment for vehicles, including, but not limited to, minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;

(3) inspection of vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;

(4) registration, titling, transfer and abandonment of vehicles;

(5) licensing of drivers of vehicles;

(6) financial responsibility relating to vehicles;

(7) management of records of the department required for the administration of this title and regulations adopted under this title, including provisions for insuring the accuracy of information contained in automated and manual information retrieval systems;

(8) the operation of motor vehicle weighing stations and the enforcement of size, weight and load limitations, including the issuing of special permits and prescribing fees for special permits, based upon directives of the Department of Transportation and Public Facilities for prescribing or restricting conditions for the driving of vehicles when necessary to protect against undue damage to the road foundations, surfaces or structures;

(9) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(10) registration of motor vehicle, trailer, and semi-trailer dealers; and

(11) certification and regulation of junk yards.

Sec. 28.05.021. COMMISSIONER TO ENTER COMPACTS AND RECIPROCAL AGREEMENTS. The commissioner may, under terms and conditions best calculated to promote the interests of the state, enter into a compact or agreement with an authorized representative of another jurisdiction in a matter relating to driver licensing, vehicle registration, or other activity authorized under this title. Compacts or agreements affecting state finances or driving privileges must be approved by adoption of a concurrent resolution approved by a majority vote of each house of the legislature before it becomes effective.

Sec. 28.05.031. DEPARTMENT TO PUBLISH STATUTES AND REGULATIONS RELATING TO VEHICLES, VEHICLE USE AND PEDESTRIANS. (a) The department shall publish current state statutes and regulations relating to vehicles and their driving or movement, to drivers of vehicles, and to pedestrians. The cost of publication shall be jointly shared by the department and other state agencies which administer statutes and regulations included in the publication prescribed under this section.

(b) A single copy of a facsimile of the publication prescribed in (a) of this section shall be available to the public without charge at all offices of the department. However, a municipality may request and receive without charge a reasonable number of copies of the publication.

Sec. 28.05.041. COMMISSIONER TO PRESCRIBE FORMS; EXAMINE APPLICATIONS, AND ADMINISTER OATHS. (a) The commissioner shall prescribe and provide suitable application forms, certificates of title and registration, driver's licenses and all other forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the department, including a standard citation form which meets the requirements of sec. 151 of this chapter and which is in a form necessary to identify the offender and the offense and otherwise necessary to meet the needs of the public safety and the administration of justice as required under that section.

(b) The department shall examine and approve or disapprove any application for registration of, or certificate of title for, a vehicle, and for a driver's license and any

other application made to the department. The department may make any investigation it considers necessary and may require additional information before approving an application. The department shall reject an application if it is not satisfied with genuineness, regularity or legality of the application, the truth of a statement contained in it, or the adequacy or sufficiency of information requested by the department. The department shall reject an application when the applicant is not entitled to issuance of the registration, title, license or permit for which he is applying or for any other reason required by law.

(c) The commissioner and officers and employees of the department designated by the commissioner may, for the purpose of administering this title and regulations adopted under this title, administer oaths and acknowledge signatures, and do so without charging a fee.

Sec. 28.05.051. SUSPENDED OR REVOKED DOCUMENTS. (a) When the department suspends or revokes a vehicle registration, certificate of registration, registration plate, permit, or certificate of title or suspends, cancels or revokes a license, the owner or person in possession of the document shall, immediately upon receiving notice of the suspension, revocation or cancellation, mail or deliver the registration, certificate, plate, permit or license to the department.

(b) The commissioner, officers and employees of the department designated by the commissioner, and all peace officers, may take possession of a certificate of title or registration or license issued by this jurisdiction which has been revoked, canceled or suspended, or which is fictitious, stolen or altered.

Sec. 28.05.061. RECORDS OF DEPARTMENT AND CERTIFIED COPIES OF RECORDS. (a) The department shall file, maintain and appropriately index records of

(1) vehicle registrations under AS 28.10.071-
(a) - (c);

(2) stolen, converted, recovered and unclaimed vehicles under AS 28.10.071(d);

(3) titles and documents creating and evidencing liens or encumbrances under AS 28.10.381;

(4) abandoned vehicles under AS 28.11.030(c);
and

(5) driver's license and driving records under AS 28.15.151.

(b) The department may file and maintain any other records considered necessary for the administration of this title and regulations adopted under it.

(c) The commissioner and officers and employees of the department designated by the commissioner shall, upon request, prepare under the seal of the department and deliver, unless otherwise prohibited by law, a certified copy of any record of the department maintained under this title

or regulations adopted under this title, charging a fee for each certified copy. A certified copy is admissible in a proceeding in a court in the same manner as the original document.

Sec. 28.05.071. CHANGE OF NAME OR ADDRESS. A person who has applied for or been issued a certificate, registration, title, license, permit or other form under this title, 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.

ARTICLE 2. VEHICLE EQUIPMENT STANDARDS.

Sec. 28.05.081. APPROVAL OF VEHICLE EQUIPMENT. (a) When the commissioner has reason to believe that vehicle equipment being sold commercially in the state does not comply with the requirements of this title or regulations adopted under this title or other statutes and regulations, he may, after giving 30 days notice to the person holding the certificate of approval for the equipment in this state, conduct a hearing upon the question of compliance of the equipment. After the hearing, the commissioner shall determine whether the equipment is in compliance. If the equipment is not in compliance with the law, the commissioner shall give notice of that fact to the person holding the certificate of approval for the equipment in this state.

(b) If, at the end of 90 days after the notice of noncompliance given under (a) of this section, the person holding the certificate of approval for the vehicle equipment has failed to satisfy the commissioner that the equipment as sold after the 90 days is in compliance with the law, the commissioner shall suspend or revoke the approval issued for the equipment until the equipment is resubmitted to, and retested by, a testing agency approved by the commissioner and is found to be in compliance with the law. The commissioner may, at the time of retest, purchase in the open market and submit to the testing agency one or more sets of the equipment. If the equipment upon retest fails to comply with the law, the commissioner may refuse to renew the certificate of approval of the equipment.

(c) After January 1, 1978, no motorcycle helmet may be manufactured or sold in this state which does not conform to standards established in regulations adopted by the commissioner. These regulations shall provide for helmets that allow normal peripheral vision and hearing and minimize neck injuries to the wearer potentially caused by the helmet. For the purposes of this section and sec. 11(2) of this chapter, a motorcycle helmet is considered to be vehicle equipment.

Sec. 28.05.091. SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE. A motor vehicle which is driven on a highway or vehicular way or area, and which has been determined to be defective in equipment so as to be unsafe for driving, is an unlawful vehicle and may be impounded by a peace officer or an employee of the department officially designated for that purpose. The owner or person in lawful possession of the vehicle shall pay the necessary costs of

impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

- (1) the correction of a defect in the equipment;
- (2) dismantling or wrecking; or
- (3) storage without repair.

ARTICLE 3. SUBPOENAS, NOTICES AND HEARINGS.

Sec. 28.05.111. SUBPOENAS; WITNESSES AND DOCUMENTS.

(a) The commissioner and officers and employees of the department designated by the commissioner may, for good cause, subpoena witnesses to give testimony under oath or to give written deposition upon a matter under the jurisdiction of the department with respect to this title, and regulations adopted under this title. A subpoena issued under this section may require the production of relevant books, papers, documents, records or other tangible things designated in the subpoena.

(b) A subpoena issued under this section shall be served at least five days before the return date, either by personal service made by a peace officer or another person who is not less than 18 years of age or by registered or certified mail. Return acknowledgement is required to prove service by mail. The fees for the attendance and travel of witnesses are the same as for witnesses appearing before the district court.

(c) A subpoena issued under this section may be enforced by the district court.

Sec. 28.05.121. GIVING OF NOTICE. When the department is authorized or required to give notice under this title or regulations adopted under this title, unless a different method of giving notice is otherwise expressly provided, notice shall be given by a qualified person, either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at his address as shown in the records of the department. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

Sec. 28.05.131. OPPORTUNITY FOR HEARING REQUIRED.

(a) Unless otherwise specifically provided, or unless immediate action in suspending, revoking, cancelling, limiting, restricting, denying or impounding is necessary for the protection of the health, safety or welfare of the public, the department shall give notice of the opportunity for an administrative hearing before a license, registration, title, permit or privilege issued or allowed under this title or regulations adopted under this title is sus-

pended, revoked, cancelled, limited, restricted or denied or a vehicle is impounded by the department. If action is required under this section and prior opportunity for a hearing cannot be afforded the department shall promptly give notice of the opportunity for a hearing as soon after the action as possible to the parties concerned.

(b) The notice under this section shall state the reasons for the department's proposed action and provide for a reasonable attendance date of not less than 10 days after service of the notice. If there is no request for a hearing by the attendance date specified in the notice, the hearing is considered to have been waived.

Sec. 28.05.141. HEARINGS AND APPEALS. (a) Unless otherwise specifically provided, all hearings required under this title or regulations adopted under this title shall be conducted by the department under regulations adopted by the commissioner governing practice and procedure and consistent with due process of law. Hearings shall be informal, and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney if he so desires. The hearing officer shall be appointed by the commissioner and may be appointed from the department. A hearing officer need not be an attorney, but must be impartial and may not have participated in the decision which is under review. The hearing officer does not have to file a full opinion or make formal findings of fact or conclusions of law, but he must state the reasons for his determination and indicate the evidence relied upon. The proceedings at the hearing shall be recorded.

(b) A hearing ordered under (a) of this section shall be held at the office of the department nearest to the residence of the person requesting the hearing unless the department and the person agree that the hearing is to be held elsewhere. The department shall grant a hearing delay if the person presents good cause for the delay. If a person fails to appear for the hearing at the time and place stated by the department and if a hearing delay has not been granted, his failure to appear is considered a waiver of the hearing and the department may take appropriate action with respect to the person.

(c) If at the hearing under (a) of this section it appears that the record of the person sustains suspension, revocation, limitation, denial, or other remedial action, the hearing officer shall so order and the department may suspend, revoke, limit, deny, or take other remedial action against that person's license and, if appropriate, the department shall adjust the person's point total accumulated under AS 28.15.231.

(d) A person aggrieved by the decision of the hearing officer may, within 30 days, initiate a proceeding in district court to rescind the department's action by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The court shall conduct a hearing de novo. The decision of the department suspending, revoking, canceling, limiting, restricting or denying a license, registration, title, permit or privilege is stayed and does not take effect during the pendency of an appeal.

ARTICLE 4. DISPOSITION OF CERTAIN
VEHICLE AND TRAFFIC OFFENSES.

Sec. 28.05.151. FORM AND ISSUANCE OF CITATION. (a) When a person is arrested or cited for the commission of a vehicle or traffic offense which is a misdemeanor or an infraction, the arresting or citing officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person arrested or cited. The person receiving the citation may not be required to endorse the citation.

(b) The state supreme court shall determine by rule or order those vehicle and traffic offenses that are amenable to disposition without court appearance and shall establish a schedule of bail amounts, not to exceed fines prescribed by law, for each offense. If the offense for which the citation is issued is one which may be disposed of without court appearance, the citing officer shall write on the citation the amount of bail applicable to the cited offense.

(c) A person cited for a motor vehicle or traffic offense for which a bail amount has been established under (b) of this section may, within five days from the date of the citation, mail or personally deliver to the clerk of the court having jurisdiction over the place where the offense occurred

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation signed by him on an appropriate blank on the citation indicating his waiver of appearance, plea of no contest, and direction to forfeit the bail.

(d) When bail has been forfeited under this section, a judgment of conviction shall be entered. Bail forfeited under this section is a complete satisfaction for the offense, and the offender shall be given a receipt stating that fact.

(e) If the person cited fails to pay the bail amount or appear in court as required, the citation shall be considered a summons as for a charge of a misdemeanor and he shall be proceeded against in the manner prescribed by law. However, the maximum penalty which may be imposed for the original offense may not exceed the bail amount for that offense set out in the schedule of bail amounts as determined by the supreme court under (b) of this section.

(f) A municipality shall adopt a citation form which complies with the requirements of this section and is at least equivalent to that adopted by the commissioner under sec. 41 of this chapter.

* Sec. 7. AS 28.10.010 - 28.10.660 are repealed and re-enacted to read:

CHAPTER 10. VEHICLE REGISTRATION AND TITLE.
ARTICLE 1. REGISTRATION.

Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle in the state shall be registered under this chapter except when the vehicle is

- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in secs. 31 and 181(k) of this chapter;
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under the Soldier's and Sailor's Civil Relief Act (50 U.S.C.A. Appr. 501 et seq.);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under sec. 121 of this chapter;
- (9) a commercial interstate vehicle under sec. 141 of this chapter; or
- (10) transported under a special permit under sec. 151 of this chapter.

Sec. 28.10.021. APPLICATION FOR REGISTRATION. The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under AS 28.05.041. Before the issuance of a certificate of registration by the department, the owner shall pay all registration fees and taxes required under this chapter and Alaska motor freight carrier and bus transportation fees required under AS 42, and comply with any other applicable statutes and regulations.

Sec. 28.10.031. TEMPORARY PERMITS. (a) When application, accompanied by the proper fee and tax, has been made for the registration of a vehicle, the vehicle may be driven pending the issuance of a certificate of registration by displaying a temporary permit issued by the department.

(b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by the dealer a temporary permit to drive the vehicle. A permit is effective for a period not to exceed 30 days. The commissioner shall adopt regulations governing the issuance of permits under this section.

(c) No person may operate a vehicle under an expired permit issued under this section.

Chapter 178

Sec. 28.10.041. GROUNDS FOR REFUSING REGISTRATION.

(a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;
- (7) the required fees, taxes, motor freight carrier fees or bus transportation fees have not been paid;
- (8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing him of his right to a hearing under AS 28.05.131 - 28.05.141.

Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION. The department may suspend or revoke the registration of a vehicle, the certificate of registration or registration plates for a vehicle, or a special permit when

- (1) the department is satisfied that the registration or certificate, plate or permit was fraudulently or erroneously issued;
- (2) the department determines that a registered vehicle is mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state and the vehicle has been seized or impounded under AS 28.05.091;
- (3) a registered vehicle has been scrapped, dismantled or destroyed beyond repair;
- (4) the department determines that a required fee or tax has not been paid and the fee or tax is not paid upon reasonable notice and demand;

(5) a registration plate, permit, or certificate is knowingly displayed upon a vehicle other than the vehicle for which issued;

(6) the department determines that the owner of a vehicle has committed an offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;

(7) the vehicle has been reported to the department as stolen or unlawfully converted; or

(8) the department is otherwise required to do so under the laws of this state.

Sec. 28.10.061. REGISTRATION OF VEHICLES WITH ALTERED OR MISSING IDENTIFICATION NUMBER. When the vehicle identification number required to be registered under this chapter has been altered, removed or defaced, or is not on the vehicle, the owner shall, immediately upon discovery, apply to the department for replacement of the identification number and for a new registration. The department shall search all available sources to determine the identification number originally assigned and, if the number is determined, shall replace it. If efforts to determine the original identification number fail, the owner shall furnish information to show that he is entitled to ownership of the vehicle and have it inspected by the department. The department, when satisfied as to the ownership of the vehicle, shall assign an identification number to the vehicle and have the number placed upon the vehicle to which it is assigned. The vehicle shall then be registered under the replaced or assigned identification number.

Sec. 28.10.071. REGISTRATION RECORDS AND STATISTICS; STOLEN VEHICLES. (a) The department shall review each application for registration received and, when satisfied that it is correct, register the vehicle and keep a record of the registration in suitable books, index cards or electronic or photographic recording and storage media, or in any combination of them. The record is referred to as the "vehicle register" and the vehicles as "registered vehicles". The department may compile a record of the number and types of vehicles registered in this state and may make statistical data available to the public for a fee as prescribed in regulations adopted by the commissioner.

(b) Records under this section shall be maintained

(1) by a distinctive registration number assigned to the vehicle;

(2) by the vehicle identification number, including but not limited to a record of identification numbers replaced or assigned under sec. 61 of this chapter;

(3) by the name and residence and mailing address of the owner; and

(4) as otherwise required by the department.

(c) The department shall keep a record of the registrations of vehicles used in law enforcement work when

secrecy is necessary. This record is separate from the vehicle register required by this section and may be disclosed only to and upon the request of the chief peace officer of a municipality, a state trooper district commander, the chief federal law enforcement officer assigned to the state, or to a court upon an appropriate order.

(d) The department shall maintain and appropriately index cumulative records of stolen, converted, recovered and unclaimed vehicles reported to it. The department may make and distribute weekly lists of these vehicles to peace officers and to other departments upon their request without charge and to the public for a reasonable fee as prescribed by the department.

Sec. 28.10.081. ISSUANCE OF CERTIFICATE OF REGISTRATION; CERTIFICATE TO BE SIGNED, CARRIED AND DISPLAYED. (a) The department shall mail or deliver the certificate of registration to the owner. The certificate of registration shall contain the assigned registration number, the name, the residence and mailing addresses of the owner, the vehicle identification number, the fees paid and as much of the vehicle description appearing on the title as the commissioner considers necessary.

(b) Every certificate of registration shall, except when used to apply for renewal of registration or to transfer the registration, be carried in the vehicle to which it refers. The driver of a vehicle shall display the original certificate of registration or a legible photocopy if the original is on file at the address shown on the certificate of registration to a peace officer or an officer or employee of the department acting in an official capacity upon the request of that officer or employee.

Sec. 28.10.091. LOST OR MUTILATED CERTIFICATES OF REGISTRATION OR REGISTRATION PLATES. If a certificate of registration or a registration plate is lost, stolen, mutilated or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the certificate or plate was issued as shown by the records of the department shall, immediately upon discovering that fact, apply for a duplicate or substitute certificate of registration or registration plate and shall return to the department all parts of the original certificate of registration or registration plates which are in his possession.

Sec. 28.10.101. EXPIRATION OF REGISTRATION. After the effective date of this Act vehicles required to be registered under this chapter shall be registered as follows:

(1) Until December 31, 1978, every vehicle registered and every registration plate issued under this chapter expires at midnight on December 31 of each year. The owner of a registered vehicle may drive the vehicle under the registration for the preceding year until May 31 of the year for which the registration is required.

(2) After December 31, 1978, expiration and renewal shall be as specified in the staggered vehicle registration procedures under secs. 105 and 107 of this chapter.

Sec. 28.10.105. STAGGERED REGISTRATION. (a) Effective January 1, 1979, every vehicle registration, registration card and registration plate expires and must be renewed in accordance with the registration renewal schedule set out in this section.

(b) Effective January 1, 1979, every new or used vehicle subject to registration but not currently registered must be registered in accordance with the registration renewal schedule set out in this section.

(c) Every vehicle registered before January 1, 1979 shall, no later than May 31, 1979, have its registration renewed by application for and payment of the registration fees prescribed in this chapter and, if applicable, the Alaska Transportation Commission fees as prescribed in AS 42.

(d) Vehicles initially assigned to the first through seventh registration periods must be registered and validated through the last day of their respective anniversary periods in 1980.

(e) Vehicles initially assigned to the eighth through tenth registration periods must be registered through the last day of their respective registration renewal periods in 1979, at which time the vehicles must be registered for a full 12-month period through the last day of their respective registration renewal periods in 1980.

(f) Every vehicle registered under this section and sec. 107 of this chapter may, at the option of the owner, have its registration period extended in monthly increments by payment of the proportionate prorated applicable fees to allow annual registration to occur in any month of the owner's choice.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

(h) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section.

(i) The department may adopt regulations implementing staggered vehicle registration only as authorized under the provisions of this section and in accordance with the Administrative Procedure Act (AS 44.62), specifically subject to the legislative annulment procedures as provided in AS 44.62.320 and including notice as provided in AS 44.62.190 and AS 44.62.200 and an opportunity for public comment as provided in AS 44.62.210.

Sec. 28.10.107. STAGGERED REGISTRATION IMPLEMENTATION. (a) Every vehicle subject to registration under secs. 11 and 421(b)(3) and (4) and (c)(1) - (4) of this chapter shall have its initial registration, and may have its annual registration, renewed during the month of December, subject to the provisions of sec. 105(f) of this chapter.

Chapter 178

(b) Every vehicle subject to registration under secs. 181, 411 and 421(d)(3), (6) and (9) of this chapter shall have its initial registration, and may have its annual registration, renewed during the month of January, subject to the provisions of sec. 105(f) of this chapter.

(c) Every vehicle subject to registration except those covered by (a) or (b) of this section shall have its initial registration, and may have its annual registration renewal period related to one of the 10 renewal periods. These vehicles will be initially assigned staggered registration periods in the following manner, subject to the provisions of sec. 105(f) of this chapter:

(1) vehicles registered in Alaska before January 1, 1979 shall be assigned to a registration renewal period related to the last digit of the license assigned to the vehicle and shown upon its current registration card;

(2) vehicles not registered in Alaska as of January 1, 1979 shall be assigned to a registration renewal period related to the month in which the vehicle was first registered in Alaska;

(3) vehicles shall retain the same annual expiration date regardless of the ownership of the vehicle;

(4) the date to which a vehicle is initially stagger-registered will determine its registration renewal period as follows:

Registration between	Anniversary Period
January 1 and January 31	1st
February 1 and February 28/29	1st
March 1 and March 31	2nd
April 1 and April 30	3rd
May 1 and May 31	4th
June 1 and June 30	5th
July 1 and July 31	6th
August 1 and August 31	7th
September 1 and September 30	8th
October 1 and October 31	9th
November 1 and November 30	10th
December 1 and December 31	10th

(d) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(e) The department shall send by United States mail, to the registered owner of record at his recorded mailing address as shown in the records of the department, notification of registration expiration.

(f) Owners of vehicles subject to registration who have received notification under (e) of this section may renew registration of the vehicle by returning by United States mail to the department the notification form and appropriate fees. Registration in this manner shall be post marked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notification form.

(g) The department, upon receipt of a registration renewal application and appropriate fees and taxes, which have been timely mailed in accordance with (f) of this section, shall renew the registration and send to the owner, at his last recorded mailing address as shown upon the department's records, current registration card and registration plates or tabs.

(h) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer.

(i) The purchaser of a vehicle for which registration and taxes have been held in abeyance shall register the vehicle within five working days of purchase and shall pay the prorated fees and taxes required by the department.

(j) The exemption from paying of fees and taxes as set out in (h) of this section applies to dealers only if

- (1) the dealer is registered with the state; and
- (2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

Sec. 28.10.111. RENEWAL OF REGISTRATION. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required registration fee and tax, and any motor freight carrier fee or bus transportation fee required under AS 42.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, no person may display the new registration plates on a vehicle before a date which may be set by the commissioner.

Sec. 28.10.121. VEHICLES OF NONRESIDENTS. (a) A nonresident owner of a noncommercial vehicle registered outside the state is exempt from the registration provisions of this chapter for 90 days after entry into the state if the vehicle at all times when driven in this state is registered in and has displayed upon it a currently valid registration plate issued for it by another jurisdiction. However, if the person becomes gainfully employed in the state or takes action which indicates his intention to acquire residence in the state, he shall comply with the licensing and registration provisions of this chapter within 15 days of commencement of his employment or of his taking action which indicates his intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins in accordance with sec. 141 and other applicable provisions of this chapter.

(b) A vehicle owned by a nonresident and of a type subject to registration under this chapter, which is leased

Chapter 178

or rented to a person having an established place of business, a residence or employment in this state, is subject to registration under this chapter either by the owner or lessee.

(c) A vehicle under (a) of this section which is owned and driven by a full-time student pursuing a course of study beyond the high school level and upon which current, valid registration by another jurisdiction is maintained need not be registered in this state unless the student establishes residence or accepts full-time employment in the state. This exemption applies only to the extent that the jurisdiction in which the vehicle is registered grants the same exemptions and privileges to a vehicle registered in this state.

Sec. 28.10.131. VEHICLES PREVIOUSLY REGISTERED IN OTHER JURISDICTIONS. (a) If a vehicle to be registered under this chapter is previously registered outside the state, the jurisdiction of registry shall be stated in the application, and the owner shall surrender to the department all evidence of out-of-state registration in his possession or control except as provided in sec. 141 of this chapter, and the department may require verification of the vehicle identification number.

(b) If the owner is unable to provide the necessary evidence of ownership, the department, when satisfied that the applicant is the lawfully registered owner of the vehicle, may register the vehicle without issuing a title and shall type or stamp on the face of the State of Alaska certificate of registration "No Title Issued". The issuance of the Alaska certificate of title shall be withheld until the registered or legal owner provides for the surrender of the out-of-state title, or in the case of a non-title state, documents which satisfy the department of ownership and any liens on the vehicle, or until the posting of a vehicle surety bond equal to the market value of the vehicle which bond shall be maintained for two years.

Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course of regular interstate operation in this state of a vehicle registered in another jurisdiction, and it is desirable to retain the registration and title of the vehicle in the other jurisdiction, the owner or his agent shall register the vehicle and pay all required fees and taxes and submit for inspection the certificate of registration issued by that jurisdiction. The department, when satisfied that the applicant is entitled to the exemption from the title requirements of this chapter, shall register the vehicle but may not issue a certificate of title. Notice of the fact that the vehicle is registered in another jurisdiction shall appear on the certificate of registration issued by this state and in the records of the department maintained under sec. 71 of this chapter.

Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS. When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

(1) a vehicle under construction and which is not completed;

(2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department; or

(3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and vehicular ways and areas of the state.

Sec. 28.10.161. REGISTRATION PLATES TO BE FURNISHED BY DEPARTMENT. (a) Except as provided in sec. 181(i) of this chapter, the department, upon registering a vehicle, shall issue the owner one fully reflectorized registration plate for a trailer or a motorcycle and two fully reflectorized registration plates for every other vehicle. Except as specifically provided in sec. 181 of this chapter, the plate or plates shall remain with the vehicle as long as the vehicle is subject to registration under this chapter.

(b) After January 1, 1979, every passenger vehicle registration plate, except as specifically provided in sec. 181 of this chapter, shall have displayed upon it

- (1) the Alaska flag;
- (2) the traditional colors of yellow-gold and blue;
- (3) the slogan "The Last Frontier";
- (4) the registration number assigned to the vehicle for which it is issued;
- (5) the name of this state which may be abbreviated; and
- (6) the registration year number or expiration date for which time it is validated; the registration year number or expiration date may be part of the license plate or contained on a suitable sticker or tab device issued by the department.

(c) The department may not adopt a new or altered passenger vehicle registration plate unless it substantially embodies the specifications of this section.

Sec. 28.10.171. DISPLAY OF REGISTRATION PLATES. (a) When two registration plates are issued for a vehicle, they shall be attached to the vehicle for which issued, one in front and the other in the rear. When one registration plate is issued, it shall be attached to the rear of the vehicle for which issued.

(b) Every registration plate issued under this chapter shall be securely fastened to the vehicle to which it is assigned, with the upper edge of the plate horizontal, at a height of not less than 12 inches from the ground measuring from the bottom of the plate, and maintained in a location and condition so as to be clearly legible. However, when considered necessary to insure legibility, the commissioner may provide by regulation for another method of installation.

Sec. 28.10.181. REGISTRATION OF UNIQUE AND SPECIAL VEHICLES AND VEHICLES USED FOR SPECIAL PURPOSES. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in secs. 421(d), 431 and 441 of this chapter; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) Special request plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) Vehicles owned by disabled veterans and handicapped persons. A person who presents to the department written proof that he is at least 70 per cent disabled or medically handicapped and should be given special consideration by the public with respect to the parking or standing of his vehicle in designated spaces, may register one passenger vehicle without charge. The proof required under this subsection may consist of evidence that the person receives at least 70 per cent disability compensation from a government agency at the time of registration or an affidavit signed by a physician licensed to practice medicine in this state. Upon the request of the applicant the

department shall issue a specially designed registration plate which displays

(1) recognition of the disabled veteran if the applicant's disability originated from his service with the armed forces of the United States; or

(2) the standard handicap symbol (the wheelchair logo).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon its request. The listing shall include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection shall be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society or other entity organized, incorporated or headquartered in the state for educational, cultural, scientific or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during his term of office.

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "cc". However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

(h) Vehicles owned by ranchers, farmers, and dairy-men. A vehicle not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving his primary source of livelihood from the operation of a ranch, farm, or dairy where he maintains his full-time residence, and which vehicle is used exclusively to transport his own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on his ranch, farm or dairy, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates shall be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer; from the retail facility to a trailer space. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

ARTICLE 2. TITLE.

Sec. 28.10.201. TITLE REQUIRED; EXCEPTIONS. (a) Except as otherwise provided in (b) of this section or in secs. 131 - 141 of this chapter, every owner of a vehicle subject to registration in this state shall apply for a certificate of title under this chapter.

(b) The owner of a vehicle described in sec. 11 of this chapter as being exempt from registration and the owner of a snowmobile or off-highway vehicle may not apply for, nor may the department issue, a certificate of title for such a vehicle. However, the department may issue a certificate of title to the owner of a vehicle exempt from registration under sec. 11(6) of this chapter, upon application by that owner.

(c) The certificate of title issued may, when there is more than one owner, state the name of each owner in the conjunctive or in the disjunctive in order to indicate that the owners own the vehicle together or in the alternative.

(d) Except for vehicles registered under secs. 131(b) and 141 of this chapter, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter, or presents satisfactory evidence that a certificate of title was previously issued to him. The department may not accept the application for the original certificate of registration or title to a vehicle unless the vehicle is in the state at the time of application. However, the department may accept an application for

registration and certificate of title for a vehicle which is not in the state when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompanied by a manufacturer's statement of origin, or in the case of a used vehicle, when the application is accompanied by a certificate of title issued in another jurisdiction and a certificate of inspection by a peace officer of that jurisdiction stating that the vehicle has been determined to be the vehicle described in the certificate of title and that the vehicle has not been reported stolen.

Sec. 28.10.211. APPLICATION FOR TITLE. (a) The owner of a vehicle required to be titled under this chapter shall apply for title by properly completing and surrendering the forms prescribed by the commissioner and by complying with all applicable laws and regulations, after which the department shall issue a certificate of title.

(b) An application for title or transfer of title shall contain

(1) the signature in ink of the owner, or if there is more than one owner, the signature in ink of at least one of the owners and the name of each owner stated in the conjunctive or in the disjunctive; and

(2) any other information reasonably required by the department.

(c) When an application for title refers to a new vehicle, the application shall be accompanied by a "manufacturer's statement of origin" and other information reasonably required by the department.

(d) An applicant for title to a vehicle transferred by court action on a lien or encumbrance shall surrender to the department a certified copy of the court order involuntarily transferring the vehicle.

(e) If a vehicle to be titled is a specially constructed or reconstructed vehicle, the fact shall be noted on the application for title. The department may require evidence of prior registration of, or issuance of title for, the vehicle and may require the applicant to furnish additional information as it considers necessary to establish ownership, including bills of sale, invoices for vehicle equipment, or a surety bond.

Sec. 28.10.221. REFUSAL, SUSPENSION, AND REVOCATION OF TITLE. (a) The department may refuse to issue a certificate of title and may suspend or revoke a previously issued certificate of title when

(1) the certificate of title was fraudulently procured or erroneously issued or required information or fees have not been provided;

(2) the vehicle has been scrapped, dismantled or destroyed beyond repair;

(3) the vehicle has been reported to the department as stolen or unlawfully converted, until the department learns of the recovery of the vehicle or that the report of its theft or conversion was false or erroneous; or

(4) authorized by any other provision of law.

(b) Suspension or revocation of a certificate of title under (a) of this section does not affect the rights of a lienholder named on the certificate.

(c) A certificate of title which is suspended or revoked shall be returned immediately to the department by the owner or other person lawfully entitled to possession of the certificate of title.

Sec. 28.10.231. CERTIFICATE OF TITLE CONTENTS. (a) A certificate of title issued by the department shall contain

(1) the date issued;

(2) the name and residence and mailing address of the owner;

(3) the name and address of the primary lienholder, if any;

(4) a description of the vehicle including its make, year of manufacture, identification number; and

(5) other information the department may reasonably require.

(b) The certificate of title shall contain a space for the assignment and warranty of title by the owner or dealer selling the vehicle and a space for the assignment or release of the security interest of a lienholder, and may contain forms for application for title by a transferee, and for the naming of a primary lienholder.

(c) The department may not indicate on a certificate of title more than the primary lienholder and the primary registered owner when indicating lienholders and registered owners.

Sec. 28.10.241. DELIVERY AND EFFECT OF CERTIFICATE OF TITLE. (a) The department shall deliver the certificate of title to the primary lienholder named in the certificate. Otherwise, delivery shall be to the registered owner.

(b) A certificate of title for a vehicle is not subject to attachment, execution or other judicial process, but this section does not prevent a lawful levy upon the vehicle.

Sec. 28.10.251. LOST, STOLEN OR MUTILATED CERTIFICATE OF TITLE. (a) If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the title as shown by the records of the

Chapter 178

department shall apply for and obtain a duplicate title upon furnishing information satisfactory to the department and payment of the prescribed fee. The duplicate title shall indicate that it is a duplicate title, and it shall be mailed or delivered to the first lienholder named in it or, if none, to the registered owner.

(b) A person who recovers an original title for which a duplicate has been issued shall immediately surrender the duplicate to the department.

Sec. 28.10.261. EVIDENCE. (a) In a civil or criminal proceeding, when the title or right to possession of a vehicle is involved, the record of registrations and certificates of title as they appear in the files and records of the department are prima facie evidence of the ownership or right to possession. Proof of ownership or right to possession of a vehicle shall be made by a copy of the record certified by the department or by an original certificate of registration or title issued by the department.

(b) Lien information indicated upon the title shall be accepted as prima facie evidence of legal ownership and the filing of a lien.

ARTICLE 3. TRANSFER OF VEHICLE.

Sec. 28.10.271. TRANSFER OF VEHICLE BY OWNER. (a) When the owner of a registered vehicle transfers or assigns his title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in sec. 181 of this chapter.

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in sec. 291 of this chapter.

(c) The owner shall notify the department of the transfer or assignment of his title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under secs. 321 and 361 of this chapter. The notice form to be provided by the department shall include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment; and
- (4) description and license number of vehicle.

Sec. 28.10.281. TRANSFER TO DEALER. (a) When the owner of a registered vehicle transfers or assigns his title or interest to a vehicle dealer under sec. 271 of this chapter, the dealer is not required to present the certificates of registration and title to the department as

provided in secs. 321 and 361 of this chapter until the vehicle is transferred by the dealer.

(b) A vehicle transferred to a dealer may not be driven unless it is re-registered under this chapter or is driven under dealer registration plates issued under sec. 181(k) of this chapter.

Sec. 28.10.291. TRANSFER FROM DEALER. (a) A vehicle dealer, upon transferring a vehicle, shall execute an assignment and a warranty of title to the transferee as provided in sec. 271 of this chapter and furnish proof of the sale of the vehicle to the transferee.

(b) The dealer shall, within 30 days of the transfer of the vehicle, forward to the department the transferee's completed application for new certificates of title and registration except as provided in (c) of this section. The application shall contain the vehicle dealer's license number and shall be accompanied by any required fees and taxes.

(c) If the transferee indicates in a sworn affidavit that he does not intend to use the vehicle in a manner requiring registration in this state, the dealer may deliver the certificate of title to the transferee directly. The dealer shall mail or deliver the affidavit to the department within five days of the transfer.

Sec. 28.10.301. TRANSFER OF MOTOR VEHICLE TO MINOR.

(a) An agreement for the purchase of a motor vehicle by a minor who has not been emancipated is void unless a parent or guardian of the minor is also a party to the agreement.

(b) For the purposes of this section, "emancipated" means that a minor to whom the term refers is a resident of this state and is at least 16 years of age, is living separate and apart from his parents or guardian, and is capable of self-support and of managing his own financial affairs.

(c) If a vehicle is improperly transferred to a minor, the title to and registration of the vehicle remains with the owner and does not transfer to the minor or his parent or guardian. However, if the certificate of title and registration for the vehicle has been delivered to the minor or his parent or guardian, he shall immediately deliver the certificate of title and registration to the department. The department shall reissue title to the previous owner of record.

Sec. 28.10.311. TRANSFER BY OPERATION OF LAW. (a)

When the title to, or interest in, a registered vehicle passes to another person other than by a voluntary transfer, the registration of that vehicle expires.

(b) A person holding a certificate of title to a vehicle whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificates of title and registration to the department upon request of the department. The delivery of the certificates of title and registration to the department upon its request does not affect the rights of

the person surrendering the certificate of title, and the action of the department in issuing a new certificate of title or registration as provided in this chapter is not conclusive upon the rights of an owner or lienholder named in the surrendered certificate of title.

Sec. 28.10.321. NEW OWNER TO SECURE TRANSFER OF REGISTRATION AND NEW TITLE. (a) Except as provided under secs. 281 - 291 of this chapter, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and motor freight carrier or bus transportation fees, if any, and by the previous certificates of title and registration, if any.

Sec. 28.10.331. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE AND REGISTRATION. The department, upon receipt of the certificate of title properly endorsed, the certificate of registration, the registration plates, if any, the application for new title and registration and all required fees and taxes, shall issue a certificate of title and a certificate of registration to the transferee or the lienholder lawfully entitled to the certificates.

Sec. 28.10.341. DUTY OF LIENHOLDER IN POSSESSION OF TITLE TO TRANSFERRED VEHICLE. Upon request of an owner or transferee, a lienholder in possession of the certificate of title to a transferred vehicle shall, unless the transfer is in breach of a security agreement, deliver the certificate to the transferee. The delivery of the certificate of title does not affect the rights of the lienholder under his security agreement.

Sec. 28.10.351. DISMANTLING OR WRECKING VEHICLE. A person who dismantles, scraps or destroys a registered vehicle shall immediately forward to the department the certificates of title and registration and the registration plates for the vehicle.

Sec. 28.10.361. WHEN TRANSFER EFFECTIVE. A transfer by an owner or dealer is not effective until all applicable provisions of this chapter have been complied with. However, an owner or dealer who has delivered possession of a vehicle to the transferee and has endorsed an assignment and warranty of title on the certificate of title and delivered the certificates of title and registration to the transferee or, in the case of a transfer from a dealer, delivered proof of the sale to the transferee, is not liable as the owner for any liabilities resulting from the driving or movement of the vehicle after the transfer.

ARTICLE 4. FILING DOCUMENTS EVIDENCING LIENS OR ENCUMBRANCES.

Sec. 28.10.371. FILING DOCUMENTS EVIDENCING LIENS OR ENCUMBRANCES. A conditional sales contract, chattel mortgage, or other lien or encumbrance or title retention

Chapter 178

document on a registered vehicle, other than a lien dependent upon possession, is not valid against a vehicle owner's creditor who acquires a lien dependent upon possession, or by levy or attachment, or against a subsequent purchaser or encumbrancer without notice, until the requirements of secs. 371 - 401 of this chapter are satisfied.

Sec. 28.10.381. PROVISIONS FOR FILING AND ISSUANCE OF TITLE. (a) A copy of the document creating and evidencing a lien or encumbrance shall be filed with the department.

(b) If a certificate of title is issued before a lien or encumbrance attaches, the copy of the document creating and evidencing the lien or encumbrance shall be accompanied by the certificate of title issued for the vehicle.

(c) If the vehicle is of a type subject to registration but is not registered and no certificate of title is issued for it, then the certified copy of the document creating and evidencing the lien or encumbrance shall be accompanied by an application from the owner for original certificates of registration and title. When a document creating and evidencing a lien or encumbrance is filed with the department, the lien filing fee required under sec. 441 of this chapter shall be paid.

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance.

Sec. 28.10.391. FILING AND DATE OF NOTICE. (a) The filing of the application and documents under sec. 381 of this chapter and the issuance of a new certificate of title are constructive notice of any liens or encumbrances against the vehicle described in the certificate to a creditor of the owner, or to a subsequent purchaser or encumbrancer. However, a lien or encumbrance on a vehicle for labor, material, transportation, storage or similar activity, whether or not dependent on possession for its validity, is subordinate only to a mortgage, conditional sale contract, or similar lien or encumbrance properly filed on or before the time that the vehicle is subject to, or comes into possession of, the lien or encumbrance claimant for the labor, material, transportation, storage or similar activity.

(b) If the documents referred to in secs. 371 - 401 of this chapter are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and filing of the documents by the department as shown in its endorsement on the documents.

(c) Filing as provided in secs. 371 - 401 of this chapter is the exclusive method of giving constructive notice of a lien or encumbrance on a registered vehicle, except as to a lien dependent upon possession.

(d) A lien or encumbrance, or a document creating and evidencing a lien or encumbrance is exempt from the other provisions of law which require or relate to the recording or filing of a document creating and evidencing a lien or encumbrance upon a vehicle of a type subject to registration under this chapter.

Sec. 28.10.401. ASSIGNMENT OR RELEASE BY LIENHOLDER.

(a) A person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign his title to or interest in the vehicle to a person other than the owner without the consent of the owner and without affecting the interest of the owner or the registration of the vehicle. The person assigning his interest shall give written notice of the assignment to the owner. Upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown on the certificate and the name and address of the assignee, accompanied by the title fee required under sec. 441 of this chapter, the department shall issue a new certificate of title.

(b) A person holding a lien or encumbrance upon a vehicle, as shown on a certificate of title, may release the lien or encumbrance or assign his interest to the owner of the vehicle without affecting the registration of the vehicle. Upon receiving a certificate of title upon which a lienholder has released or assigned his interest to the owner, or upon receipt of a certificate not endorsed but accompanied by a legal release from a lienholder of his interest to a vehicle, and upon payment of the title fee required under sec. 441 of this chapter, the department shall issue a new certificate of title.

ARTICLE 5. FEES AND CHARGES.

Sec. 28.10.411. REGISTRATION FEES LEVIED. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) Motor carrier and bus transportation fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the Alaska Bus Act (AS 42.15) shall be paid to the department at the same time the registration fee is paid.

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. No exemption may be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under sec. 431(b)

of this chapter regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under sec. 421(b)(1), (2), (5), (6) or (d) of this chapter shall include all fees required for entry into and use of a state park or campground.

Sec. 28.10.421. REGISTRATION FEE RATES. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under secs. 101 - 111 of this chapter.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use.....\$30;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use.....\$35;

(3) a taxicab.....\$65;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists.....\$80;

(5) a motorcycle or a motor-driven cycle...\$15;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer.....\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or his representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

(1) up to and including 5,000 pounds.....\$45;

(2) more than 5,000 pounds to and including 12,000 pounds.....\$80;

(3) more than 12,000 pounds to and including 18,000 pounds.....\$150;

(4) more than 18,000 pounds.....\$215.

(d) The special registration fees under this subsection are imposed annually, unless otherwise specified, for:

(1) an historic vehicle (one time only upon initial registration under sec. 181 of this chapter)...\$10;

(2) special request plates.....\$20; plus the fee required for that vehicle under (b)(1) or (2) of this section;

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under sec. 181 of this chapter or a resident 65 years of age or older who complies with sec. 411(c) of this chapter.....none;

(4) a vehicle owned by the state.....none;

(5) a vehicle owned by an elected state official.....the fee required for that vehicle under (b) of this section;

(6) a vehicle owned by a consular officer, unless waived under sec. 181 of this chapter.....\$30;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under sec. 181 of this chapter.....\$30;

(8) a snowmobile or off-highway vehicle.....\$ 5;

(9) an amateur mobile radio station vehicle,

(A) with a transceiver capable of less than 5-band operation.....the fee required for that vehicle under (b) or (c) of this section;

(B) in recognition of his service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands between 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage.....none for a mobile amateur radio station vehicle included in b(1) or (2) of this section;

(10) dealer registration plates,

(A) the initial set of plates.....\$40;

(B) each subsequent set of plates.....\$20;

(11) a vehicle owned by a municipality or charitable organization meeting the requirements of sec. 181(e) of this chapter.....\$ 5.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a

different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the other applicable registration fee is paid.

Sec. 28.10.431. ANNUAL MOTOR VEHICLE REGISTRATION TAX. (a) There is levied a motor vehicle registration tax within each municipality which elects, by passage of an appropriate ordinance, to come under this section. A municipality shall file a written notice of election with the department and may not rescind the notice for a subsequent fiscal year. The notice must be filed on or before January 1 of the year preceding the year election under this section is to become effective. If a municipality has, before the effective date of this Act, levied a motor vehicle registration or ad valorem tax which has been repealed by a vote of the people at any regular or special municipal election, then the election provided for in this subsection is not effective until the ordinance passed by the local governing body has been approved by the people at the next regularly scheduled general or special municipal election.

(b) The tax is levied upon motor vehicles subject to the license tax under secs. 411 and 421 of this chapter, not including mobile homes, and is based upon the age of vehicles as determined by model year according to the following schedule:

		Tax According to Age of Vehicle							
		Since Model Year:							
		1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle									
(1)	motorcycle	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 2
(2)	vehicles specified in sec. 421(b)(1) of this chapter	60	50	40	30	20	15	10	5
(3)	vehicles specified in sec. 421(b)(3) of this chapter	60	50	40	30	20	15	10	5
(4)	vehicles specified in sec. 421(c)(1) - (4) of this chapter 5,000 pounds or less 5,001- 12,000 pounds	60	50	40	30	20	15	10	5
		100	80	60	50	40	30	20	10

	12,001- 18,000 pounds	150	120	100	80	60	40	30	20
	18,001 pounds or over	200	160	130	100	80	60	40	20
(5)	vehicles specified in sec. 421(b)(4) of this chapter	100	80	60	50	40	30	20	10
(6)	vehicles specified in sec. 421(b)(6) of this chapter	8	7	6	5	4	3	2	2
(7)	vehicles specified in sec. 421(d)(9) of this chapter	60	50	40	30	20	15	10	5
(8)	vehicles specified in sec. 421(b)(2) of this chapter	60	50	40	30	20	15	10	5
(9)	vehicles specified in sec. 421(d)(10) of this chapter	40							

(c) The registration tax shall be levied, collected, enforced and otherwise administered in the same manner as provided for the registration fees in this chapter. Only one registration tax may be collected with respect to the same motor vehicle in the year for which the tax is paid.

(d) If a person has paid both the registration fee levied in secs. 411 and 421 of this chapter and the registration tax levied in this section, and the department determines that the payor is entitled to a refund in whole or in part of the registration tax, the department shall make the refund to which the person is entitled. No refund may be made unless application for a refund is filed with the department by December 31 of the year following the year for which the refund is claimed.

(e) The department shall refund money collected under this section, less five per cent as collection costs, to a municipality for which the money was collected, as determined by (1) the address of residence of an individual required to pay the tax, or (2) the situs of the vehicle if the vehicle is not owned by an individual; the tax situs is the location at which the motor vehicle is usually, normally, or regularly kept or used. For the first year in

which the tax is levied within a municipality, the department may retain actual costs of collection of the tax within the municipality as determined by the department.

(f) Money received by an organized borough under this section shall be allocated by the borough by ordinance for city, area outside city, and service area purposes within the borough.

(g) Payment of the registration tax is in lieu of all local use taxes and ad valorem taxes on motor vehicles subject to the tax. No municipality which elects to come under the provisions of this section may levy use or ad valorem taxes on motor vehicles subject to the registration tax during a fiscal year in which the election is in effect.

Sec. 28.10.441. SCHEDULE OF OTHER FEES AND CHARGES. The following fees and charges are imposed by the department for the stated services which it provides:

(1) title fee (including transfer of title).....	\$ 5;
(2) lien filing fee.....	\$ 5;
(3) replacement of any registration plate set, including special request plates.....	\$ 5;
(4) duplicate of original certificate of title.....	\$ 5;
(5) duplicate of certificate of registration.....	\$ 2;
(6) temporary preregistration permit issued under sec. 31 of this chapter.....	none;
(7) special transport permit issued under sec. 151 of this chapter.....	\$ 5;
(8) special permit for vehicle used for transport of disabled or handicapped person as provided in AS 28.10.215.....	none.

ARTICLE 6. REGISTRATION AND TITLE VIOLATIONS.

Sec. 28.10.451. UNLAWFUL TO VIOLATE PROVISIONS REQUIRING REGISTRATION AND TITLE. No person may wilfully attempt to defeat the provisions of this chapter or wilfully fail to title or register a vehicle as required by this chapter, or otherwise wilfully fail to comply with the requirements of this chapter.

Sec. 28.10.461. DRIVING VEHICLE WITHOUT EVIDENCE OF REGISTRATION. Except as otherwise expressly permitted in this chapter, no person may drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle required to be registered under this chapter unless valid registration plates, decals or permits for the current registration period are attached to and displayed on the vehicle in the manner required by this chapter, and unless a valid certificate of registration for the current registration period is carried, as required by this chapter, in the vehicle and is available for inspection by a peace officer or an authorized representative of the department.

Sec. 28.10.471. DRIVING VEHICLE WHEN REGISTRATION SUSPENDED OR REVOKED OR PERMIT EXPIRED. No person may

drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle for which the registration or permit has been suspended or revoked or has expired.

Sec. 28.10.481. IMPROPER USE OF EVIDENCE OF REGISTRATION OR CERTIFICATE OF TITLE. No person may lend to another, or knowingly permit the use by another of, a certificate of registration or title, registration plate, decal, special plate, or permit issued under this chapter if the person to whom it is loaned or whose use is permitted is not entitled to its use, nor may a person display in or upon a vehicle a certificate of registration, registration plate, decal, special plate, or permit not issued for that vehicle or not otherwise lawfully used on that vehicle.

Sec. 28.10.491. FELONIES RELATING TO TITLE, REGISTRATION, IDENTIFICATION NUMBER, AND REMOVAL AND REPRESENTATION OF VEHICLES. (a) Upon conviction, a person is guilty of a felony who

(1) alters, forges or counterfeits a certificate of title or registration, or a registration plate, decal, tab or sticker of this or another jurisdiction;

(2) alters or forges an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title of this or another jurisdiction or on a form the department prescribes;

(3) has possession of or uses a certificate of title or registration, registration plate, decal, tab or sticker of this or another jurisdiction knowing it to have been altered, forged or counterfeited;

(4) wilfully removes or falsifies a vehicle identification number;

(5) wilfully conceals or misrepresents the identity of a vehicle or vehicle equipment;

(6) buys, receives, possesses, sells or disposes of a vehicle or vehicle equipment, knowing that a vehicle identification number or equipment has been unlawfully removed or falsified;

(7) removes from the state a vehicle which is the subject of a security interest created under this title or under AS 45.05, without the written consent of the secured party, and with intent to defraud the secured party or the state; or

(8) represents a motor vehicle or house trailer to be a new vehicle and who sells or procures the sale of that motor vehicle as a new vehicle without presenting a "manufacturer's statement of origin".

(b) A person convicted of an offense under this section is punishable by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both.

ARTICLE 7. GENERAL PROVISIONS.

Sec. 28.10.501. DEFINITIONS. Unless otherwise specifically defined or unless the context otherwise requires, in this chapter and in regulations adopted under this chapter, "dealer" means a person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered under this chapter and who maintains a place of business or by word of mouth, advertising or in any other manner holds himself out to be in the business of buying, selling or exchanging vehicles.

- * Sec. 8. AS 28.11.010(c) is amended to read:

(c) A person who abandons a vehicle in a place specified in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.

- * Sec. 9. AS 28.11.010(d) is amended to read:

(d) Except as otherwise provided in (b) of this section, the lawful owner of a vehicle, as shown by the records of the department, whether or not he has complied with the provisions of AS 28.10.271, is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

(1) the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or

(2) the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.

- * Sec. 10. AS 28.11.020 is repealed and re-enacted to read:

Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway, in excess of 48 hours, or a vehicle left standing or parked on private property in excess of 24 hours or upon other public property for more than 30 days, without the consent of the owner or person in charge of the property, notwithstanding other statutory provisions, may be removed under sec. 30 of this chapter and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before action regarding removal is taken under sec. 30 of this chapter. The department for good cause may make provisions for parking of vehicles on state property other than specified in this section and under the provisions of AS 44.62.

- * Sec. 11. AS 28.11.030 is amended to read:

Sec. 28.11.030. REMOVAL OF ABANDONED VEHICLES. (a) A peace officer or an employee authorized by the state or a municipality may remove or have removed to a place for storage a vehicle abandoned on a highway, on a vehicular way or area, or on private property.

(b) Removal of an abandoned vehicle from private property shall be upon the written request of the owner or

person in lawful possession or control of the property, and on a form prescribed by the department.

(c) A written report of the removal shall be made by the peace officer or employee who removes or has removed a vehicle under this section, and the report shall be sent immediately to the department and a copy of the report shall be given to the person who stores the property. The report shall describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle.

- * Sec. 12. AS 28.11.040 is repealed and re-enacted to read:

Sec. 28.11.040. NOTICE TO OWNERS AND LIENHOLDERS. The person or company who stores an abandoned vehicle at the direction of a peace officer or an employee under sec. 30 of this chapter shall within 30 days give notice, in the manner prescribed for the giving of notice by the department under AS 28.05.121, to the vehicle owner of record and to lienholders of record, stating the grounds for removal and the location of the place of impoundment of the vehicle. If the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice shall be given by publication in the manner prescribed in the rules of the court for service of process by publication.

- * Sec. 13. AS 28.11.050 is amended to read:

Sec. 28.11.050. VESTING OF TITLE. Title to an impounded vehicle not reclaimed by the registered owner, a lienholder, or other person entitled to possession of the vehicle within 30 days from the notice given under sec. 40 of this chapter vests with the state or, if a municipal ordinance is adopted under sec. 100 of this chapter, with the municipality, as appropriate. However, nothing in this section prohibits a lien under sec. 90 of this chapter.

- * Sec. 14. AS 28.11.060 is amended to read:

Sec. 28.11.060. REDEMPTION. A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction under sec. 70(a) of this chapter by paying the charges of towing, storage, notice, other cost of impoundment, and any applicable penalty imposed by law.

- * Sec. 15. AS 28.11.070 is repealed and re-enacted to read:

Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the area or municipality in which the vehicle was found and presumed abandoned. The notice of auction shall describe the vehicle and specify the place, date, and time at which it will be sold. A copy of the notice of auction shall be conveyed to the department.

(b) A vehicle disposed of under this section must be registered and titled under ch. 10 of this title, and may

not be subsequently sold without a certificate of title issued by the department.

(c) Notwithstanding the provisions of this section, a person who disposes of an abandoned vehicle under this section may initiate a civil action against a person named in sec. 10 of this chapter, if liable, for costs exceeding receipts for the disposal of the vehicle.

* Sec. 16. AS 28.11.080(a) is amended to read:

(a) The department may negotiate with an appropriate state or municipal agency in an effort to designate and acquire land for the temporary storage of vehicles before sale under sec. 70 of this chapter, or for the final disposal of unsold abandoned vehicles.

* Sec. 17. AS 28.11.090 is amended to read:

Sec. 28.11.090. TOWING AND STORAGE LIEN ON ABANDONED VEHICLE. A person authorized by contract or other official order to remove an abandoned vehicle has a lien upon a vehicle towed, moved, or stored by him and in his possession in accordance with AS 28.10.502.

* Sec. 18. AS 28.11.100 is repealed and re-enacted to read:

Sec. 28.11.100. MUNICIPAL ABATEMENT PROCEDURE. A municipality may adopt an ordinance establishing procedures for the abatement and removal from private or public property, as a public nuisance or a health or safety hazard, a wrecked, dismantled, or inoperative vehicle or a vehicle otherwise presumed to be abandoned. An ordinance adopted under this section shall contain provisions for (1) notice to owners and lienholders of record and persons known to be lawfully entitled to possession of the vehicles, of their right to a hearing which shall be conducted by the municipality in the manner provided for the department under AS 28.05.131 - 28.05.141; (2) notice to owners and lienholders as provided in sec. 40 of this chapter; and (3) disposal of abandoned vehicles as provided in sec. 70 of this chapter.

* Sec. 19. AS 28.15.010 - 28.15.360 are repealed and re-enacted to read:

CHAPTER 15. DRIVERS' LICENSES.

ARTICLE 1. ISSUANCE, EXPIRATION AND RENEWAL OF LICENSES.

Sec. 28.15.011. DRIVERS MUST BE LICENSED. (a) No person shall be denied the privilege to drive a motor vehicle upon a highway in this state, except as prescribed by law.

(b) Every person exercising his privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in his possession a valid Alaska driver's license issued under the provisions of this chapter for the type or class of vehicle driven, unless expressly exempted by law from this requirement.

(c) A person licensed under the provisions of this chapter may exercise in this state the privilege to drive a motor vehicle and is subject to the restrictions prescribed by this chapter. No municipality may require a person to obtain any other driver's license to drive or operate a motor vehicle in this state.

Sec. 28.15.021. PERSONS EXEMPT FROM DRIVER LICENSING. The following persons are exempt from driver licensing under this chapter:

(1) an employee of the United States government while operating a motor vehicle owned by or leased to the United States government and being operated on official business, unless the employee is required by the United States government or an agency of that government to have a state driver's license;

(2) a nonresident who is at least 16 years of age and who has a valid driver's license issued by another jurisdiction; however, an Alaska driver's license must be obtained by the end of a 90-day period after entry into the state;

(3) a member of the armed forces of the United States who has a valid driver's license issued by another jurisdiction and who maintains his permanent residence in that jurisdiction;

(4) a person when driving an implement of husbandry, as defined by regulation, which is only temporarily driven or moved on a highway.

Sec. 28.15.031. PERSONS NOT TO BE LICENSED. (a) The department shall not issue a driver's license to a person who is under the age of 16 years, except that the department may issue a permit under sec. 51 of this chapter or a restricted license under sec. 121 of this chapter.

(b) The department shall not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver or traffic offense when his appearance is required by statute, regulation or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that he is incapable of safely driving a motor vehicle;

(4) who has previously been adjudged to be afflicted with, or suffering from, a mental disability or a disease and who has not, at the time of application for the license, been restored to competency by the methods provided by law;

(5) when the department, based upon medical evidence, has determined that because of his physical or

Chapter 178

mental disability the person is not able to drive a motor vehicle safely;

(6) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(7) who has knowingly made a false statement in his application for a license or has committed fraud in connection with his application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(8) who is required under ch. 20 of this title to furnish proof of financial responsibility and who has not done so.

Sec. 28.15.041. CLASSIFICATION OF DRIVERS' LICENSES.

(a) The commissioner shall provide by regulation for the classification of drivers' licenses. The regulations shall specify license classifications which are reasonably necessary for the safe operation of the various types, sizes and combinations of motor vehicles. The regulations shall also establish medical standards, standards of driving conduct and proficiency, and other standards governing the issuance, renewal, or denial of these licenses. The department may examine each applicant to determine his qualifications according to the class of license applied for, and upon issuing a driver's license the department shall indicate on the license the classification for which an applicant for a license has qualified by examination. The regulations and any subsequent modifications under this section become effective only if approved by a concurrent resolution adopted by a majority vote of each house of the legislature.

(b) No person may drive a school bus transporting school children, or a bus transporting school-age children or another motor vehicle when in use for the transportation of persons for compensation until he has applied for and has been issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has had at least one year of driving experience, and the department is satisfied as to the applicant's good character, competence and fitness to be licensed; nor may the department issue the license until proper application has been made and all required driving, written, and physical examinations have been successfully completed. A license issued under this subsection expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee.

Sec. 28.15.051. INSTRUCTION PERMIT, TEMPORARY DRIVER'S LICENSE AND SPECIAL DRIVER'S PERMIT. (a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under sec. 81 of this chapter other than the driving test,

issue to the applicant an instruction permit. The permit allows a person, while having the permit in his immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee must be accompanied by a person at least 19 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when he drives a motorcycle. An instruction permit may be renewed.

(b) The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program which includes practice driving and is approved by the department. The restricted instruction permit allows the permittee, when he has the permit in his immediate possession, to drive a specified type or class of motor vehicle; however, an approved instructor must occupy a seat beside the permittee or, if the permittee is driving a motorcycle, he must be accompanied by and under the immediate supervision of an approved instructor.

(c) The department may issue a temporary driver's license to an applicant for a driver's license permitting him to drive a specified type or class of motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's eligibility to receive a driver's license. The temporary license must be in the applicant's immediate possession while he is driving a motor vehicle. A temporary driver's license is invalid when the applicant's license has been issued or has been refused for good cause.

(d) The department may issue a special driver's permit to a person who is at least 14 years of age with the consent of his parents or guardians for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality which by ordinance prohibits the driving of a motor-driven cycle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.33.250 - 29.33.290.

(e) Notwithstanding other provisions of this chapter, the department may issue a special driver's license to a person who is under the age of 16 years because of the circumstances of hardship. Special licenses to be issued because of hardship shall be determined on an individual basis by the commissioner.

Sec. 28.15.061. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION PERMIT; NOTICE OF ANATOMICAL GIFT PROCEDURE.

(a) Application for an instruction permit or for a driver's license must be made on a form furnished by the department and must be accompanied by the fee required under sec. 271 of this chapter.

Chapter 178

(b) An application under (a) of this section shall

(1) contain the applicant's full name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal; and

(4) contain other information which the department may reasonably require to determine the applicant's identity, competency, and eligibility.

(c) When an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the applicant's driving record from the other jurisdiction. Upon receipt of that record by the department, it becomes a part of the driver's record in this state with the same effect as if the record originated in this state.

(d) The department shall, by placement of posters and brochures in the office where the application is taken, make known to the applicant the procedure necessary to complete a document of gift under the Uniform Anatomical Gifts Act (AS 13.50).

Sec. 28.15.071. APPLICATION OF MINORS. (a) The application of a person under the age of 18 years for an instruction permit or driver's license must be signed by the father, mother or guardian, or if there is no parent or guardian then by another responsible adult who is willing to assume the obligation imposed under this section upon a person signing the application. The application must be signed and verified before a person authorized to administer oaths, or be signed in the presence of an authorized representative of the department.

(b) Any negligence or wilful misconduct of a person under the age of 18 years when driving a motor vehicle in this state is imputed to the person who signed the application of the person for a permit or license, and that person is jointly and severally liable for damage caused by the negligence or wilful misconduct of the person under the age of 18 years, except as provided in (c) of this section.

(c) If a minor deposits, or there is deposited on his behalf, proof of financial responsibility for his driving of a motor vehicle, in the form and amount required in ch. 20 of this title, then the department may accept the application of the minor signed as required under (a) of this section, and, while proof of financial responsibility is maintained, the parent, guardian or other responsible adult is not subject to the liability imposed under (b) of this section.

(d) A person who signs the application of a minor for a driver's license may file with the department a verified written request that the license of the minor be canceled. When the license is canceled, the person who signed the application is relieved from liability under (b) of this section.

Sec. 28.15.081. EXAMINATION OF APPLICANTS. (a) The department shall examine every applicant for a driver's license. The examination shall include a test of the applicant's eyesight, his ability to read and understand official traffic control devices, his knowledge of safe driving practices and the traffic laws and regulations of this state, and may include a demonstration of ability to exercise ordinary and reasonable control in the driving of a motor vehicle of the type and general class of vehicles for which the applicant seeks a license. However, an applicant who has not been previously issued a driver's license by this or another jurisdiction must demonstrate his ability, and must present medical information which the department reasonably requires to determine his fitness to safely drive a motor vehicle of the type and general class of vehicles for which he seeks a license.

(b) The commissioner shall adopt regulations under the procedures established by AS 44.62 necessary to implement this section and the department may obtain the services of, and consult with, medical authorities whose specialities relate to driving abilities for the purpose of making the medical determinations necessary under this section or sec. 91 or 101 of this chapter. Regulations adopted under this section must be approved by a concurrent resolution adopted by majority vote of each house of the legislature before becoming effective. The requirements of the eyesight test under this section may also be satisfied by presenting the current certification of a licensed physician or optometrist that the applicant's vision meets or exceeds the standards established by the department. The commissioner shall request and receive assistance from the commissioner of health and social services in implementing this section.

(c) A requirement for a medical examination under this chapter is satisfied if the applicant is the holder of a current and valid first- or second-class medical certificate issued under federal aviation regulations and has satisfied any applicable requirement of the Department of Education relating to tests for tuberculosis if applicable.

(d) The department may enter into agreements with other state agencies, municipalities, or qualified persons for the purpose of conducting the examinations required under this chapter.

Sec. 28.15.091. DEPARTMENT MAY REQUIRE RE-EXAMINATION. If the department has good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, it may upon written notice of at least 10 days to the licensee require him to submit to an examination. Upon conclusion of the examination, the department shall take action as may be appropriate and may cancel the license of the person, or may issue a restricted license under sec. 121 of this chapter, or restrict the type or

class of vehicles that the person may drive. If the licensee refuses or neglects to submit to examination, the department may suspend his license until he complies with the requirements of re-examination.

Sec. 28.15.101. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE: RE-EXAMINATION. (a) Unless otherwise provided in this chapter, a driver's license expires on the licensee's date of birth in the fifth year following issuance of the license. A license is renewable within one year of its expiration upon proper application, successful completion of a test of the licensee's eyesight, and payment of the required fee.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions which the department shall prescribe by regulation.

Sec. 28.15.111. LICENSES ISSUED TO DRIVERS; ANATOMICAL GIFT DOCUMENT. (a) Upon successful completion of the application and all required examinations, and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license indicating the type or general class of vehicles which the licensee may drive. The license shall display

(1) a distinguishing number assigned to the license;

(2) the licensee's full name, address, date of birth, brief physical description, and color photograph; and

(3) either a facsimile of the signature of the licensee or a space upon which the licensee must write his usual signature with pen and ink. No license is valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph".

(b) The department shall provide, at the time that an operator's license is issued, a form for a document by which the owner of a license may make an anatomical gift under AS 13.50.010 - 13.50.090. The document (1) may not be larger than an operator's license, (2) shall contain sufficient space for the signature of two witnesses to the donor's act of execution of the document, and (3) shall provide a means by which the donor may cancel the gift. If the document making an anatomical gift is executed by the applicant, it shall be sealed in plastic and attached to the license. A symbol indicating the existence of the anatomical gift document shall be displayed in the lower right-hand corner on the face of the driver's license.

Sec. 28.15.121. RESTRICTED DRIVER'S LICENSE. (a) The department, upon issuing a driver's license, may for good cause impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee drives. The department may impose other restrictions applicable to the licensee that it determines to be

appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may issue a special restricted license or may set out restrictions on the usual license form.

(c) The department may, upon receiving satisfactory evidence of a violation of the restrictions on a license restricted or issued under this section, suspend the restricted license for a period not to exceed 30 days.

(d) No person may drive a motor vehicle in violation of the restrictions imposed on a restricted license.

Sec. 28.15.131. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND. Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle, and shall present for inspection his license upon the demand of a peace officer or other authorized representative of the department who identifies himself as such. However, a person charged with violating this section may not be convicted if he produces in court or in the office of the arresting or citing officer, a driver's license previously issued to him which was valid at the time of his arrest or citation.

Sec. 28.15.141. DUPLICATE DRIVER'S LICENSE. If a valid driver's license issued under this chapter is lost or destroyed, the person to whom the license was issued may, upon payment of the required fee, obtain a duplicate license. A person who recovers an original license for which a duplicate has been issued shall immediately surrender the duplicate to the department.

Sec. 28.15.151. RECORDS TO BE KEPT BY THE DEPARTMENT.

(a) The department may maintain a file of

(1) every driver's license application, license or permit and duplicate driver's license issued by it;

(2) every license which has been suspended, revoked, canceled, limited, restricted, or denied, and the reasons for those actions; and

(3) all accident reports required to be forwarded to the department under ch. 26 of this title.

(b) The department may also maintain a file of all accident reports, abstracts of court records of convictions of vehicle, driver and traffic offenses, and other information which the department considers necessary to carry out the purposes of this chapter.

(c) The department shall, upon request, subject to the applicable provisions of AS 12.62 and (f) of this section and without charging a fee, furnish a municipal, state or federal administrative or judicial agency with a certified abstract of the driving record of a driver. The abstract shall include a listing of accidents in which the driver has been determined by the department or a court of competent jurisdiction to have been liable, convictions of

Chapter 178

vehicle, driver and traffic offenses, any actions taken upon his license, and information relating to financial responsibility.

(d) The department shall, upon request and payment of a fee determined by the commissioner, furnish a driver with an abstract of the driver's record as provided in (c) of this section.

(e) An insurance carrier may not require a person to furnish an abstract of his driving record to the carrier as a condition for providing the person with motor vehicle insurance.

(f) Except as provided otherwise in this section, information and records under this section are declared confidential and private.

ARTICLE 2. CANCELLATION, SUSPENSION, REVOCATION OR LIMITATION OF DRIVERS' LICENSES.

Sec. 28.15.161. CANCELLATION OF DRIVER'S LICENSE.

(a) The department shall cancel a driver's license upon determination that

(1) the licensee is not medically or otherwise entitled to the issuance or retention of the license, or has been adjudged incompetent to drive a motor vehicle;

(2) there is an error or defect in the license;
or

(3) the licensee failed to give the required or correct information in his application; or

(4) the license was obtained fraudulently.

(b) The licensee may apply for a new license at any time after cancellation upon removal of the cause for the cancellation.

Sec. 28.15.171. SUSPENDING PRIVILEGES OF A PERSON LICENSED IN ANOTHER JURISDICTION; REPORTING CONVICTIONS, SUSPENSIONS, AND REVOCATIONS. (a) The privilege of driving a motor vehicle on a highway or vehicular way or area of this state given to a person licensed in another jurisdiction is subject to suspension or revocation by the department in the same manner and for the same reasons as a driver's license issued under this chapter.

(b) The department may, upon receiving the record of a conviction of a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this state, or upon suspending or revoking the person's driving privilege, forward a copy of the record or suspension or revocation to the motor vehicle administrator for the jurisdiction in which the person convicted has his driver's license.

Sec. 28.15.181. COURT SUSPENSIONS, REVOCATIONS, AND LIMITATIONS. (a) The following are grounds for the immediate suspension or revocation of a driver's license:

(1) manslaughter or negligent homicide resulting from the driving of a motor vehicle;

(2) a felony in the commission of which a motor vehicle is used;

(3) failure to stop and give aid as required under the laws of this state when a motor vehicle accident results in the death or personal injury of another;

(4) perjury or the making of a false affidavit or statement under oath to the department under a law relating to motor vehicles;

(5) driving or operating a motor vehicle while under the influence of alcohol or another drug;

(6) reckless driving; or

(7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer.

(b) A court convicting a person of an offense under (a)(1) - (7) of this section shall revoke that person's driver's license for a period of not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under sec. 201 of this chapter can be placed on the license which will enable the person to earn a livelihood without excessive risk or danger to the public. If a court limits a person's license under this subsection, it shall do so for a period of not less than 30 days. Upon a subsequent conviction of a person for any offense under (a) of this section, the court shall revoke the person's license and may not grant him any limited license privileges for the following periods:

(1) not less than one year for the second conviction; and

(2) not less than three years for a third or subsequent conviction.

Sec. 28.15.191. COURT REPORTS TO DEPARTMENT. (a) A court which convicts a person of an offense under this title or a regulation adopted under this title, or another law or regulation of this state, or a municipal ordinance which regulates the driving of vehicles, shall forward a record of the conviction to the department. A conviction of a standing or parking offense need not be reported.

(b) A conviction on a plea of nolo contendere accepted by the court or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court which has not been vacated is equivalent to a conviction for purposes of this chapter.

(c) A court which suspends, revokes, or limits a driver's license shall require the surrender of the license, and shall immediately forward it to the department with the record of conviction and notification of the

effective date of the suspension, revocation or limitation as determined under sec. 211(b) of this chapter.

(d) A court which limits a driver's license, in addition to the actions required under (c) of this section, shall issue to the licensee a form specifying the court's limitations imposed upon a person's driver's license, and shall immediately forward to the department a copy of the limitations imposed upon the license.

(e) A court shall report to the department every change of name authorized by it, and the name, address, age, description, and driver's license number if available, of every person adjudged to be afflicted with or suffering from a mental disability or disease, or to be an habitual user of alcohol or another drug. The department shall prescribe and furnish the forms for making these reports.

Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of competent jurisdiction may, for good cause, impose limitations upon the driver's license of a person which will enable the person to earn a livelihood without excessive risk or danger to the public. However, no limitation may be placed upon a driver's license until after a review has been made of the person's driving record and other relevant information, nor may a limitation be imposed when a statute specifically prohibits the limitation of a license for a violation of its provisions.

(b) A court imposing a limitation under this section shall require the surrender of the driver's license and shall issue to the licensee a certificate valid for the duration of the limitation.

(c) After the termination of a limitation as shown on the certificate issued under (b) of this section, a person on whom a limitation was imposed is no longer bound by the limitation and may apply for a duplicate license under sec. 141 of this chapter.

Sec. 28.15.211. PERIODS OF LIMITATION, SUSPENSION OR REVOCATION; OPPORTUNITY FOR HEARING AND SURRENDER OF LICENSE. (a) Except for a point system suspension or revocation under secs. 221 - 241 of this chapter and unless provided otherwise by law, and unless the suspension or revocation was for a cause which has been removed, a person whose driver's license or privilege to drive a motor vehicle in this state has been suspended or revoked may not apply for a new license nor may his driving privilege be restored until the expiration of

(1) one month from the date on which the license was suspended or revoked for a first conviction of the particular offense from which the suspension or revocation resulted;

(2) three months from the date on which the license was suspended or revoked for a second conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted;

(3) one year from the date on which the license was suspended or revoked for a third or subsequent

conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted; or

(4) three months from the date on which the license was revoked for refusal to submit to a chemical test as required in AS 28.35.032; however, if the person who refuses to submit to the chemical test, within two years previous to his arrest, has been convicted in this or another jurisdiction of driving a motor vehicle while intoxicated, the period of revocation for his license of privilege to drive is one year.

(b) A limitation, suspension, or revocation of a driver's license imposed by a court takes effect on the date of final judgment, except that if another limitation, suspension, or revocation of license is in effect on the date of final judgment, the effective date of the last imposed limitation, suspension, or revocation is at the end of the last day of the previous limitation, suspension, or revocation unless the court specifies otherwise.

(c) At the end of a period of suspension or limitation, the person whose license has been suspended or limited may apply to the department and, upon payment of the proper fee, be issued a duplicate driver's license if he is otherwise entitled to the license under this title.

(d) At the end of a period of revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination and pay all required fees.

(e) At the end of a period of limitation, suspension or revocation under this chapter, the department may not issue a driver's license or a duplicate driver's license to the licensee until he has complied with ch. 20 of this title relating to proof of financial responsibility.

(f) Unless otherwise provided by law, periods of limitation shall be made at the discretion of the court.

ARTICLE 3. POINT SYSTEM.

Sec. 28.15.221. POINT SYSTEM. (a) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, the commissioner shall adopt regulations establishing a uniform system for the suspension, revocation, limitation or denial of a driver's license or driving privilege by assigning demerit points for convictions for violations of traffic laws which are required to be reported to the department under sec. 191 of this chapter.

(b) The regulations adopted under (a) of this section shall include a designated level of point accumulation which identifies drivers who are habitually reckless or negligent or who are habitual or frequent violators of traffic laws, so as to show a disrespect for traffic laws and a disregard for the safety of other persons. In formulating the point system authorized by this section, the commissioner shall, in the interest of interstate uniformity, provide for suspension, revocation or denial of a driver's license or privilege for an accumulation of 12 or

more points as a result of offenses committed during any consecutive 12-month period or 18 or more points as a result of offenses committed during any 24-month period.

Sec. 28.15.231. ASSESSMENT OF POINTS, DRIVER IMPROVEMENT INTERVIEW. (a) Notice of each assessment of points may be given, but notice shall be given when the point accumulation reaches 50 per cent of the number at which suspension, revocation or denial is required under sec. 221(b) of this chapter, and a driver who has reached that level of point accumulation shall be identified as a problem driver. The department may require a problem driver to appear for a driver improvement interview. The purpose of that interview is to assist the person who is identified as a problem driver in overcoming substandard driving habits. An interview under this subsection is to be conducted in an informal manner. A driver must comply with any reasonable recommendations designed to improve his driving abilities which are made to him during the interview.

(b) No points may be assessed for violating a provision of a state law or regulation or a municipal ordinance regulating standing, parking, equipment, size or weight; nor may points be assessed for violations by pedestrians, passengers or bicycle riders, or for violations of provisions relating to the preservation of the condition of traffic-control devices on the highways. Points shall be assessed for violations of oversize or overweight permits relating only to restrictions upon speed or hours of operation.

(c) If a licensee is convicted of two or more traffic violations committed on a single occasion, the licensee shall be assessed points for one offense only, and if the offenses involved have different point values, the licensee shall be assessed for the offense having the greater point value.

(d) The time periods provided for in this section for the accumulation of points shall be based upon the date of violation, but points may not be assessed until after conviction, either upon a plea of guilty, nolo contendere, or a forfeiture of bail, or as a result of a trial, for violation of the traffic laws.

(e) The points assessed and the application of them against the licensee by the department under this section are in addition to, and not in substitution for, other provisions of this chapter and are not a substitute for any penalty imposed by a court.

Sec. 28.15.241. REDUCTION OF POINTS. (a) Two points shall be deducted from a licensee's assessed total if he has not been convicted of a violation of traffic laws which occurred during the 12-month period after the date of the last violation of which he was convicted.

(b) In addition to (a) of this section, two points shall be deducted from the assessed total upon the driver's furnishing to the department adequate proof of successful completion within 12 months of the date of his last violation of a driver improvement course approved by the

department. No more than one course may be used to obtain a reduction in points in any 12-month period.

(c) From January 1, 1975, one point shall accumulate to the driver's benefit for each year of licensed, violation-free driving.

Sec. 28.15.251. SUSPENSION, REVOCATION, LIMITATION, DENIAL. (a) The department shall suspend, revoke, limit, deny, or initiate other remedial action against the driver's license of a person, upon his failure to

(1) appear for a driver improvement interview under sec. 231(a) of this chapter; or

(2) comply with reasonable recommendations designed to improve his driving abilities which are made to him during the driver improvement interview.

(b) The department shall suspend, revoke, or deny a driver's license of a person who has been identified through his point accumulation as an habitual or frequent violator under sec. 221 of this chapter.

(c) No suspension, revocation, limitation, or denial of, or other action against, a driver's license under secs. 221 - 261 of this chapter may be for more than one year.

(d) If a driver's license is suspended or revoked upon the accumulation of the number of points which require that action under secs. 221 - 261 of this chapter and regulations adopted under those sections, no limited license may be issued to that person during the period of suspension or revocation.

(e) Except for immediate action under sec. 181 of this chapter, when the department proposes to take action against a driver's license under (b) of this section, it shall notify the licensee that the proposed action shall become effective 30 days from the date of the notice, except that the licensee shall have the right, within the 30-day period, to make an oral or written answer or statement in which he may controvert any point or issue and he may present evidence and arguments for the consideration of the department pertinent to the action to be taken or the grounds for the action.

(f) Upon receipt of an oral or written answer or statement from the licensee, the department shall make findings on the matter under consideration and shall notify the person involved of its decision in writing by registered mail. If the department's decision is to sustain an action against the licensee's driver's license, the department shall notify the licensee of his opportunity for a hearing under AS 28.05.121 - 28.05.141.

Sec. 28.15.261. DEFINITIONS. In secs. 221 - 261 of this chapter (1) "traffic laws" means statutes, regulations, and municipal ordinances governing the driving or movement of vehicles; (2) "licensee" includes, but is not limited to an applicant for a new driver's license if his license was revoked under secs. 221 - 261 of this chapter.

ARTICLE 4. FEES.

Sec. 28.15.271. FEES. The fees for drivers' licenses and permits, including but not limited to renewals, are as follows:

- (1) all classes of drivers' licenses\$ 5;
- (2) motor-driven cycles.....\$ 2;
- (3) instruction permit\$ 1;
- (4) duplicate of driver's license or instruction permit.....\$ 2;
- (5) temporary license and renewal of permit.....\$ 1;
- (6) school bus driver's permit.....\$ 2.

ARTICLE 5. DRIVER LICENSE VIOLATIONS.

Sec. 28.15.281. UNLAWFUL USE OF LICENSE; PERMITTING UNAUTHORIZED PERSON TO DRIVE. (a) No person may

(1) display, cause or permit to be displayed, or have in his possession a canceled, suspended, revoked, fictitious or unlawfully altered driver's license;

(2) display or represent as his own a driver's license not issued to him;

(3) display or present a driver's license other than an Alaska driver's license to a peace officer or to the department when that person has been licensed under this chapter; or

(4) lend his driver's license to another person or knowingly permit the use of his license by another.

(b) No person may authorize or knowingly permit a motor vehicle owned by him or under his control to be driven in this state by a person who is not validly licensed.

Sec. 28.15.291. DRIVING WHILE LICENSE CANCELED, SUSPENDED, REVOKED OR IN VIOLATION OF LIMITATION. (a) No person may drive a motor vehicle on a highway or vehicular way or area in this state at a time when his driver's license, or privilege to drive in this state if he is licensed in another jurisdiction, has been canceled, suspended or revoked, or when he is driving in violation of a limitation placed upon his license, even when he is driving under a license issued in another jurisdiction. Upon conviction of a violation of this section, the court shall impose a minimum sentence of imprisonment of not less than 10 days. The execution of sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this section has been served; nor may imposition of sentence be suspended, except upon the condition that the defendant be imprisoned for no less than the minimum period provided for in this section. In addition, his license or privilege to drive shall be revoked, and he may not be issued a new license nor may his privilege to drive be restored for an additional period of one year after the date that he would have been entitled to restoration of his driving privileges.

(b) When a person's license is canceled, limited, suspended or revoked, he shall be informed by the department or the court which takes the action at the time of the action that, upon a conviction of driving on a highway or vehicular way or area in this state at a time when his driver's license or privilege to drive in this state has been canceled, suspended or revoked, or upon a conviction of driving in violation of a limitation of his license, he will be subject to the mandatory 10-day imprisonment under (a) of this section.

* Sec. 20. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151.

* Sec. 21. AS 28.10 is amended by adding a new section to read:

Sec. 28.10.502. TOWING AND STORAGE LIEN. (a) A person engaged in the business of towing motor vehicles, who tows, transports or stores a motor vehicle, has a possessory lien on the vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person, and the vehicle may be sold, as provided in (c) of this section, to pay the charges for towing, transportation or storage.

(b) A lien under this section is limited to towing and storage charges assessed according to the tariff filed by the carrier with the Alaska Transportation Commission; however, in the absence of a filed tariff, the towing or storage charge shall be the same as the lowest similar charge in the other filed tariffs covering the same service or route. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the Department of Public Safety or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

(c) If the motor vehicle remains unclaimed for a period of 30 days in the possession of the person who performed the towing, transportation or storage, it shall be sold on giving 20 days notice of the sale. The notice shall be delivered to the proper officer and personally served on the registered owner and all lienholders, if any, of the motor vehicle in the same manner as provided by law for service of summons. If either of these persons cannot be located and served personally, notice of the sale shall be forwarded to him at his last known address by certified

mail, return receipt requested. This notice shall contain a description of the motor vehicle, including its registration plate number and vehicle identification number, together with the time and place of sale, a statement of the amount due, and the name and address of the person to whom the charges are due.

(d) The money realized from a sale made under this section shall be applied first to the payment of costs and expenses of the sale and secondly to the lawful charges of the person having a lien on the motor vehicle under this section. Remaining proceeds from the sale shall be retained by the Department of Public Safety to be distributed to the registered and legal owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of a titled motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien.

* Sec. 22. AS 28.11.010(d) is amended to read:

(d) Except as otherwise provided in (b) of this section, the lawful owner of a vehicle, as shown by the records of the department, whether or not he has complied with the provisions of AS 28.10.271, is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

(1) the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or

(2) the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.

* Sec. 23. AS 42.10.020(3) is amended to read:

(3) motor vehicles not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving his primary source of livelihood from the operation of a ranch, farm, or dairy and which vehicle is used exclusively to transport his own ranch, farm, or dairy products to and from the market or to transport supplies, commodities, or equipment to be used on his ranch, farm, or dairy; motor vehicles driven under this classification shall be identified as farm vehicles in accordance with regulations adopted by the commissioner of public safety.

* Sec. 24. AS 28.10 is amended by adding a new section to rt. 7 to read:

Sec. 28.10.495. PARKING PERMIT FOR VEHICLE TRANSPORTING DISABLED PERSON. (a) When the owner or person in lawful possession of a vehicle presents to the department written proof, in the form of an affidavit, that he is primarily responsible for the transportation of a disabled or medically handicapped person, the department shall issue to the applicant, without charge, a special permit bearing the applicant's name, address, driver's license number, and the registration plate numbers of the vehicles to be used for that transportation. The permit issued under this section, when displayed in the front windshield of a parked

or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle which is not registered in the name of the disabled or medically handicapped person, but which is used for the primary transportation of that person.

(b) No person is entitled to use the special permit provided for in (a) of this section except

- (1) the driver named on the permit;
- (2) when in a vehicle having its registration number on the permit; and
- (3) only when providing transportation for the disabled or handicapped person with respect to whom the permit was issued.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be provided as specified in sec. 181(d) of this chapter.

* Sec. 25. EXTENSION OF INDUSTRIAL INCENTIVE TAX CREDIT. When determining the tax liability of a person holding an industrial incentive tax credit granted under color of AS 43.26, the Department of Revenue shall determine that liability in accordance with the terms of that tax credit for the level of taxation in effect at the time the person commenced operation of the business, if the person has, no later than September 1, 1978, commenced operation of the business of which the credit was granted.

* Sec. 26. RETROACTIVITY. The tax credit ratified in sec. 25 of this Act shall be applied retroactively to taxes which, but for this credit, would otherwise have accrued since January 1, 1976.

* Sec. 27. Sections 25 and 26 of this Act take effect immediately in accordance with AS 01.10.070(c).