



LAWS OF ALASKA

1979

Source

SCS CSHB 147(Finance) am S

Chapter No.

54

AN ACT

Amending the motor vehicle code; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 6, 1979. Actual Effective Dates:
Sec. 1 effective May 7, 1979, retroactive to October 18, 1978;
Secs 2, 3, 5, 6 & 7 effective January 1, 1980;
Sec. 4 effective May 7, 1979, retroactive to January 1, 1979;
Secs 8, 9 & 10 effective May 7, 1979.

AN ACT

Amending the motor vehicle code; and providing for an effective date.

* Section 1. AS 28.10.011 is amended to read:

Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

- (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 AS 28.10.031 and 28.10.181(j);
- (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. App. [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 AS 28.10.-121;
- (9) a commercial interstate vehicle under AS 28.10.141; [OR]
- (10) transported under a special permit under AS 28.10.151;
- (11) driven or moved on a highway or vehicular way not

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1 connected to the state highway system established under AS 19.10.020.

2 * Sec. 2. AS 28.10.181 is amended by adding a new subsection to read:

3 (k) Occasional users of highways. The department may issue a
4 license to the owner of a vehicle which is only occasionally used on a
5 highway. The applicant must show to the satisfaction of the department
6 that the vehicle to be licensed under this subsection will travel upon
7 state highways less than five per cent of its total hours of operation.
8 The department may not issue more than two licenses under this subsec-
9 tion to a single person.

10 * Sec. 3. AS 28.10 is amended by adding new sections to read:

11 Sec. 28.10.216. INADEQUATE EVIDENCE OF OWNERSHIP. (a) When the
2 department is not satisfied as to the ownership of a vehicle or believes
3 that there may be undisclosed security interests in it, the department
4 may register the vehicle but shall either

5 (1) withhold issuance of a certificate of title until the
6 applicant presents documents sufficient to satisfy the department

7 (A) as to the ownership of the vehicle by applicant, and

8 (B) that there are no undisclosed security interests in
9 the vehicle; or

0 (2) require the applicant, as a condition of the issuance of
1 a certificate of title, to file with the department either

2 (A) a bond in the form prescribed by the department and
3 executed by the applicant, or

4 (B) a deposit of cash.

5 (b) A bond or cash deposit filed under (a)(2) of this section
6 shall be equal in amount to one and one-half times the value of the
7 vehicle as determined by the department and be conditioned to indemnify
8 former owners, secured parties, and subsequent purchasers of the vehicle
9 and their successors against loss resulting from a defect in or undis-

1 closed security interest on the title of the applicant. An injured
2 party may sue on the bond for a breach of its conditions, but the lia-
3 bility of the surety or the department may not exceed the amount of the
4 bond or deposit.

5 (c) The bond or deposit shall be returned (A) at the end of three
6 years from its filing, or (B) when the vehicle is no longer registered
7 in the state if (B) is earlier and if the certificate of title is
8 surrendered to the department. Service on the department of notice that
9 action is pending to recover on the bond or the deposit extends the
0 periods established in this subsection until 45 days after a final
1 decision in the action on the bond or on the deposit.

2 Sec. 28.10.493. MISDEMEANORS RELATING TO TRANSFERS. (a) The
3 owner of a vehicle who transfers a vehicle and fails to comply with the
4 requirements of AS 28.10.271 is guilty of a class B misdemeanor.

5 (b) A vehicle dealer who transfers a vehicle and fails to comply
6 with the requirements of AS 28.10.291 is guilty of a class B misde-
7 meanor.

8 * Sec. 4. AS 28.10.421(d)(2) is amended to read:

9 (2) special request plates.....\$20;
10 plus the fee required for that vehicle under (b)(1) or (2) of this
11 section; the fee required by this paragraph shall be collected only on
12 the first issuance and on the replacement of special request plates;

13 * Sec. 5. AS 28.10.421(d) is amended by adding a new paragraph to read:

14 (12) an occasional use vehicle under AS 28.10.181(k)...\$15.

15 * Sec. 6. AS 28.10.491(a) is amended by adding a new paragraph to read:

16 (9) makes a false statement or otherwise conceals or with-
17 holds a material fact in an application for registration or certificate
18 of title or falsely affirms with respect to a matter required to be
19 sworn to, affirmed, or furnished under AS 28.10 or regulations adopted

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1 under AS 28.10.

2 * Sec. 7. AS 28.35.225 is amended to read:

3 Sec. 28.35.225. ENFORCEMENT. All law enforcement officers in this
4 state and employees of the department designated by the commissioner
5 shall enforce this title and regulations promulgated under this title.
6 The state troopers shall advise and instruct all other law enforcement
7 officers in the state concerning the requirements of this title and
8 regulations promulgated under this title.

9 * Sec. 8. A person who paid a fee in 1979 for special request plates
10 other than the fee authorized under AS 28.10.421(d)(2) in sec. 4 of this Act
11 is entitled to a refund of the amount collected in excess of the fee author-
12 ized under that section.

13 * Sec. 9. Refunds due under sec. 4 of this Act shall be paid on or before
14 July 1, 1979.

15 * Sec. 10. Section 4 of this Act is retroactive to January 1, 1979.

16 * Sec. 11. Section 1 of this Act takes effect immediately in accordance
17 with AS 01.10.070(c) and is retroactive to October 18, 1978. Sections 2, 3,
18 5, 6 and 7 of this Act take effect January 1, 1980.

19 * Sec. 12. Sections 4, 8, 9 and 10 of this Act take effect immediately in
20 accordance with AS 01.10.070(c).