

STATE OF ALASKA

EXECUTIVE ORDER NO. 99

1997



1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
2 with AS 24.08.210, I order the following:

3 * **Section 1. FINDINGS.** (a) As governor, I find that it would be in the best interests of
4 efficient administration to transfer the responsibility for the administration of most of the
5 statutes in AS 28, regarding motor vehicles, and other statutory functions relating to motor
6 vehicles and other vehicles, from the Department of Public Safety to the Department of
7 Administration. The primary functions transferred by this Order relate to title issuance and
8 registration of motor vehicles and to licensing of drivers. Closely related functions also being
9 transferred include driver counseling, licensing of commercial driver training schools, and
10 enforcement of the Motor Vehicle Safety Responsibility Act and the Alaska Mandatory
11 Automobile Insurance Act. These functions, generally performed by the division of motor
12 vehicles in the Department of Public Safety, are more akin to functions performed by the
13 Department of Administration than to the other functions of the Department of Public Safety.

14 (b) Under this Order, certain functions relating directly to the public safety will remain
15 with the Department of Public Safety. Among these functions are the inspection and approval
16 of vehicle equipment.

17 * **Sec. 2.** AS 05.30.010 is amended to read:

18 **Sec. 05.30.010. Unlawful to operate unregistered vehicle.** Except for
19 operation on the owner's private property, a person may not operate a snow vehicle

1 unless the snow vehicle has been registered with the Department of Administration
2 [PUBLIC SAFETY] under this chapter.

3 * **Sec. 3.** AS 05.30.050 is amended to read:

4 **Sec. 05.30.050. Transfer of ownership.** The Department of Administration
5 [PUBLIC SAFETY] shall adopt regulations to accomplish transfer of ownership of
6 snow vehicles.

7 * **Sec. 4.** AS 08.66.010 is amended to read:

8 **Sec. 08.66.010. Dealers to register.** A dealer in motor vehicles, trailers, or
9 semi-trailers shall, as a condition to engaging in business in the state, register
10 biennially with the Department of Administration [PUBLIC SAFETY].

11 * **Sec. 5.** AS 08.66.030 is amended to read:

12 **Sec. 08.66.030. Form of application.** The Department of Administration
13 [PUBLIC SAFETY] shall prescribe and furnish the form of application for dealer
14 registration. The application must contain

15 (1) the name under which the business is conducted;

16 (2) the location of business;

17 (3) the name and address of all persons having an interest in the
18 business and, in the case of a corporation, the application shall contain the name and
19 address of the two principal officers;

20 (4) the name and make of all vehicles handled;

21 (5) whether or not used vehicles are handled;

22 (6) a statement that the applicant is a bona fide dealer in motor
23 vehicles, trailers, or semi-trailers with an established business at the location given;

24 (7) if the applicant sells a motor vehicle as a new or current model
25 motor vehicle having a manufacturer's warranty, the name of the manufacturer of the
26 motor vehicle and the date and duration of the applicant's sales and service agreement
27 with the manufacturer;

28 (8) other information the Department of Administration [PUBLIC
29 SAFETY] requires to administer AS 08.66.010 - 08.66.090.

30 * **Sec. 6.** AS 08.66.040 is amended to read:

31 **Sec. 08.66.040. Filing application for registration.** The application shall be

1 filed with the Department of Administration [PUBLIC SAFETY]. Upon receipt of
2 the application the department shall examine it and may make an investigation of the
3 information in it. If the department is satisfied that the dealer is entitled to
4 registration, and the fees have been paid and a bond filed, the department shall assign
5 a distinctive registration number to the dealer and file the dealer's application and
6 index it alphabetically and numerically. A dealer is registered when the department
7 assigns a registration number.

8 * Sec. 7. AS 08.66.060 is amended to read:

9 **Sec. 08.66.060. Bond.** (a) An applicant for dealer registration or for renewal
10 of dealer registration shall file with the application or request for renewal, and shall
11 maintain in force while registered, a bond in favor of the state, executed by an
12 authorized corporate surety approved by the commissioner of administration [PUBLIC
13 SAFETY], in the amount of \$10,000, except that a dealer who sells only motorcycles
14 shall maintain in force while registered a bond in favor of the state, executed and
15 approved in the same manner as bonds required of other dealers under this section, in
16 the amount of \$3,000. Instead of a corporate surety bond the commissioner may, in
17 the commissioner's sole discretion, accept a bond in the same amount with at least two
18 individual sureties, each justifying with real property in twice the amount of the bond.
19 The commissioner shall make the investigation necessary to determine the actual
20 financial responsibility of the individual sureties. The condition of the bond shall be
21 that the applicant will conduct business in accordance with this chapter and will not
22 commit fraud or make fraudulent representations in the course of business.

23 (b) The bond shall be filed in the office of the commissioner of
24 administration [PUBLIC SAFETY]. A surety may cancel the bond upon 30 days
25 advance notice in writing filed with the commissioner. However, cancellation does not
26 relieve a surety of liability arising on the bond from a sale made by the bonded dealer
27 before cancellation or a liability which has accrued upon the bond before cancellation.
28 The commissioner shall retain the canceled bond on file and may not relieve a surety
29 of a liability arising before cancellation.

30 * Sec. 8. AS 08.66.200 is amended to read:

31 **Sec. 08.66.200. Registration of buyer's agent.** A person may not do business

1 in the state by negotiating on behalf of a buyer the purchase of a motor vehicle from
2 a motor vehicle dealer unless the person is registered with the Department of
3 Administration [PUBLIC SAFETY].

4 * **Sec 9.** AS 08.66.350(2) is amended to read:

5 (2) "department" means the Department of Administration [PUBLIC
6 SAFETY];

7 * **Sec. 10.** AS 09.05.020(a) is amended to read:

8 (a) The operation of a motor vehicle by a nonresident, or owned by a
9 nonresident and operated by the express or implied consent of the owner, in the state
10 is considered equivalent to an appointment of the commissioner of administration
11 [PUBLIC SAFETY] by the nonresident as the nonresident's attorney. The summons
12 may be served on the commissioner in an action against the nonresident growing out
13 of an accident or collision in which the vehicle is involved while being so operated.
14 This operation is considered a signification of the nonresident's agreement that a
15 summons against the nonresident which is so served has the same legal force as if
16 served on the nonresident personally in the state.

17 * **Sec. 11.** AS 09.05.020(b) is amended to read:

18 (b) Service of the summons is made by leaving a copy of it with the
19 commissioner of administration [PUBLIC SAFETY] or the designee of the
20 commissioner. The commissioner or a designee shall keep a record of each such
21 process and the day and hour of service. This service is sufficient service on the
22 nonresident.

23 * **Sec. 12.** AS 09.05.030(a) is amended to read:

24 (a) The death of a nonresident does not revoke the appointment of the
25 commissioner of administration [PUBLIC SAFETY] by the nonresident as attorney
26 under AS 09.05.020. If the nonresident dies, an action growing out of the accident or
27 collision may be begun or prosecuted against an executor or administrator duly
28 appointed by the state, territory, or district of the United States or foreign country
29 where the nonresident is domiciled at the time of death. Service of the summons shall
30 be made on the commissioner of administration [PUBLIC SAFETY]. Notice of the
31 service and the copy of the process shall be given to the nonresident's executor or

1 administrator in like manner, with the same force as service on a living nonresident.

2 * Sec. 13. AS 09.20.050(b) is amended to read:

3 (b) The jury list shall be based on a list prepared by the Department of
4 Revenue of all persons who filed an application for a distribution of Alaska permanent
5 fund income under AS 43.23 during the current calendar year that shows an Alaskan
6 address, and of all persons who volunteer for jury duty under (d) of this section. If
7 considered necessary by the administrative director of the Alaska Court System, the
8 jury list shall incorporate a list prepared by the Department of Administration
9 [PUBLIC SAFETY] of all persons who hold a valid Alaska driver's license. The
10 departments shall submit their respective lists to the Alaska Court System not later
11 than September 30 of each year. To the extent that it is available, the departments
12 shall include on the lists they submit the following information for each person: first
13 name, middle initial, and last name; mailing address, including the zip code; and birth
14 date. The lists shall be recorded on magnetic tape compatible with Alaska Court
15 System data processing equipment.

16 * Sec. 14. AS 15.07.055(a) is amended to read:

17 (a) The following agencies are designated voter registration agencies:

18 (1) the administrative component of the Department of
19 Administration that administers motor vehicle and driver's license laws
20 [DEPARTMENT OF PUBLIC SAFETY, DIVISION OF MOTOR VEHICLES];

21 (2) divisions of the Department of Health and Social Services that
22 provide public assistance through the food stamp program, Medicaid program, Special
23 Supplemental Food Program for Women, Infants, and Children (WIC), and aid to
24 families with dependent children (AFDC) program;

25 (3) the division of the Department of Community and Regional Affairs
26 that is responsible for municipal and regional assistance programs; and

27 (4) all recruitment offices of the armed forces of the United States
28 located in Alaska.

29 * Sec. 15. AS 18.65.310(a) is amended to read:

30 (a) Upon payment of a \$10 fee, the department [DEPARTMENT OF
31 PUBLIC SAFETY] shall issue a card identical to the motor vehicle operator's license

1 provided for in AS 28.15.111, except that the card shall be of a different color and
2 shall state in bold type letters across the face of it that it is for identification purposes
3 only.

4 * Sec. 16. AS 18.65 is amended by adding a new section to article 3 to read:

5 **Sec. 18.65.330. Definition.** In AS 18.65.310 - 18.65.330, "department" means
6 the Department of Administration.

7 * Sec. 17. AS 21.89.025(a) is amended to read:

8 (a) An insurer shall provide an appropriate reduction in the premium charged
9 for a personal motor vehicle liability insurance policy when the principal operator of
10 the motor vehicle covered by the insurance policy

11 (1) is 55 years of age or older;

12 (2) at renewal requests the insurer to provide the reduction;

13 (3) has had no chargeable accidents as set by established underwriting
14 guidelines in use by the insurer or moving motor vehicle citations within three years
15 preceding the request for the discount;

16 (4) provides the insurer with proof satisfactory to the director that the
17 operator has within the three years before requesting the reduction taken and
18 successfully completed a motor vehicle accident prevention course approved by the
19 Department of Administration [PUBLIC SAFETY] under AS 28.05.035; and

20 (5) did not take and complete the accident prevention course described
21 in (4) of this subsection as a result of an order or sentence imposed by a court.

22 * Sec. 18. AS 22.15.100 is amended to read:

23 **Sec. 22.15.100. Functions and powers of district judge and magistrate.**

24 Each district judge and magistrate has the power

25 (1) to issue writs of habeas corpus for the purpose of inquiring into the
26 cause of restraint of liberty, returnable before a judge of the superior court, and the
27 same proceedings shall be had on the writ as if it had been granted by the superior
28 court judge under the laws of the state in such cases;

29 (2) of a notary public;

30 (3) to issue marriage licenses and to solemnize marriages;

31 (4) to issue warrants of arrest, summons, and search warrants according

1 to manner and procedure prescribed by law and the supreme court;

2 (5) to act as an examining judge or magistrate in preliminary
3 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
4 release of defendants under bail;

5 (6) to act as a referee in matters and actions referred to the judge or
6 magistrate by the superior court, with all powers conferred upon referees by laws;

7 (7) of the superior court in all respects including but not limited to
8 contempts, attendance of witnesses, and bench warrants;

9 (8) to order the temporary detention of a minor, or take other action
10 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
11 47.10.142 or AS 47.12, when the minor is in a condition or surrounding dangerous or
12 injurious to the welfare of the minor or others that requires immediate action; the
13 action may be continued in effect until reviewed by the superior court in accordance
14 with rules of procedure governing these cases;

15 (9) to issue a protective order in cases involving domestic violence as
16 provided in AS 18.66.100 - 18.66.180;

17 (10) to review an administrative revocation of a person's driver's
18 license or nonresident privilege to drive, and an administrative refusal to issue an
19 original license, when designated as a hearing officer by the commissioner of
20 administration [PUBLIC SAFETY] and with the consent of the administrative director
21 of the state court system;

22 (11) to establish the fact of death or inquire into the death of a person
23 in the manner prescribed under AS 09.55.020 - 09.55.069.

24 * Sec. 19. AS 23.20.200(b) is amended to read:

25 (b) The claim becomes a lien when the department records a notice of the lien
26 with the recording officer of the recording district in which the property is located.
27 The claim becomes a lien on a motor vehicle when the department files a notice of the
28 lien in the office of the commissioner of administration [PUBLIC SAFETY]. Filing
29 or recording of the notice of lien is constructive notice of the lien against the property
30 described in the notice to creditors of the owner, and to subsequent purchasers and
31 encumbrancers.

1 * Sec. 20. AS 25.27.246(n)(1) is amended to read:

2 (1) "department" means the Department of Administration [PUBLIC
3 SAFETY];

4 * Sec. 21. AS 28.01.010(b) is amended to read:

5 (b) A municipality may adopt by reference all or a part of this title and
6 regulations adopted under this title, and may request and shall receive from the
7 Department of [DEPARTMENTS OF PUBLIC SAFETY AND] Community and
8 Regional Affairs and, as appropriate, either the Department of Administration or
9 the Department of Public Safety, assistance in the drafting of model ordinances for
10 adoption by reference. Notwithstanding (a) of this section, a municipality may enact
11 necessary ordinances to meet specific local requirements.

12 * Sec. 22. AS 28.01.010(c) is amended to read:

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

19 * Sec. 23. AS 28.01.010(f) is amended to read:

20 (f) Regulations adopted pertaining to a matter partially or wholly governed by
21 this title must be mutually consistent and compatible, and must complement each other,
22 as far as practicable. For the purpose of uniformity, the Department of
23 Administration or the Department of Public Safety, whichever is appropriate,
24 [DEPARTMENT] shall offer and receive reasonable assistance in the coordination and
25 adoption of these regulations.

26 * Sec. 24. AS 28.05.011 is amended to read:

27 **Sec. 28.05.011. Duty of commissioners [COMMISSIONER] to adopt**
28 **regulations.** The commissioner of public safety shall, unless otherwise provided by
29 statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act)
30 necessary to carry out the provisions of this title and other statutes whose [THE]
31 administration [OF WHICH] is vested in the Department of Public Safety

1 [DEPARTMENT]. The regulations must include, but are not limited to:

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

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

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

9 (4) [REGISTRATION, TITLING, TRANSFER, AND] abandonment of
10 vehicles;

11 (5) [LICENSING OF DRIVERS OF VEHICLES AND PROCEDURES
12 FOR OBTAINING LIMITED LICENSE PRIVILEGES;

13 (6)] financial responsibility relating to commercial motor vehicles;

14 (6) [(7)] management of records of the Department of Public Safety
15 [DEPARTMENT] required for that department's [THE] administration of this title
16 and its regulations adopted under this title, including provisions for ensuring the
17 accuracy of information contained in automated and manual information retrieval
18 systems;

19 (7) [(8)] definitions of words and phrases used in this title and in
20 regulations adopted under this title unless otherwise provided by statute;

21 (8) [(9)] REGISTRATION OF MOTOR VEHICLE, TRAILER, AND
22 SEMI-TRAILER DEALERS;

23 (10)] certification and regulation of junk yards;

24 (9) [(11)] regulations necessary to implement a commercial motor
25 vehicle safety inspection program [, A COMMERCIAL MOTOR VEHICLE
26 DRIVER'S LICENSING PROGRAM,] and other requirements imposed by federal law
27 or regulation that relate to commercial motor vehicles and that are needed to avoid loss
28 or withholding of federal highway money, other than requirements relating to a
29 commercial motor vehicle driver's licensing program.

30 * Sec. 25. AS 28.05.011 is amended by adding a new subsection to read:

31 (b) The commissioner of administration shall, unless otherwise provided by

1 statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act)
2 necessary to carry out the provisions of this title whose administration is vested in the
3 Department of Administration. The regulations must include, but are not limited to:

- 4 (1) registration, titling, and transfer of vehicles;
- 5 (2) licensing of drivers of vehicles and procedures for obtaining limited
6 license privileges;
- 7 (3) financial responsibility relating to vehicles other than commercial
8 motor vehicles;
- 9 (4) management of records of the Department of Administration
10 required for that department's administration of this title and its regulations adopted
11 under this title, including provisions for ensuring the accuracy of information contained
12 in automated and manual information retrieval systems;
- 13 (5) definitions of words and phrases used in this title and in regulations
14 adopted under this title unless otherwise provided by statute;
- 15 (6) registration of motor vehicle, trailer, and semi-trailer dealers;
- 16 (7) regulations necessary to implement a commercial motor vehicle
17 driver's licensing program.

18 * Sec. 26. AS 28.05.021(a) is amended to read:

19 (a) The commissioner of administration may, under terms and conditions best
20 calculated to promote the interests of the state, enter into a compact or agreement with
21 an authorized representative of another jurisdiction in a matter relating to driver
22 licensing, vehicle registration, or other activity authorized under this title, the
23 administration of which is vested in the Department of Administration. The
24 commissioner of public safety may, under the same terms and conditions, enter
25 into a compact or agreement with an authorized representative of another
26 jurisdiction in a matter relating to an activity authorized under this title, the
27 administration of which is vested in the Department of Public Safety. A compact
28 or agreement affecting state finances or driving privileges must be approved by
29 adoption of a concurrent resolution approved by a majority vote of each house of the
30 legislature before it becomes effective.

31 * Sec. 27. AS 28.05.031 is amended to read:

1 **Sec. 28.05.031. Department of Public Safety to publish statutes and**
2 **regulations relating to vehicles, vehicle use, and pedestrians.** (a) The **Department**
3 **of Public Safety** [DEPARTMENT] shall publish current state statutes and regulations
4 relating to vehicles and their driving or movement, to drivers of vehicles, and to
5 pedestrians. The cost of publication shall be jointly shared by **that** [THE] department
6 and other state agencies that administer statutes and regulations included in the
7 publication prescribed under this section.

8 (b) A single copy of a facsimile of the publication prescribed in (a) of this
9 section shall be available to the public without charge **at all offices of the**
10 **Department of Administration that administer the statutes in this title and** at all
11 offices of the **Department of Public Safety** [DEPARTMENT]. However, a
12 municipality may request and receive without charge a reasonable number of copies
13 of the publication.

14 * **Sec. 28.** AS 28.05.041 is amended to read:

15 **Sec. 28.05.041. Commissioners** [COMMISSIONER] **to prescribe forms,**
16 **examine applications, and administer oaths.** (a) The commissioner **of**
17 **administration** shall prescribe and provide suitable application forms, certificates of
18 title and registration, driver's licenses, and all other forms necessary to carry out the
19 provisions of this title and regulations adopted under this title, the administration of
20 which is vested in the **Department of Administration. The commissioner of public**
21 **safety shall prescribe and provide suitable forms necessary to carry out the**
22 **provisions of this title and regulations adopted under this title, the administration**
23 **of which is vested in the Department of Public Safety** [DEPARTMENT], including
24 a standard citation form that meets the requirements of AS 12.25.200 and that is in a
25 form necessary to identify the offender and the offense and otherwise necessary to
26 meet the needs of the public safety and the administration of justice as required under
27 that section.

28 (b) The **Department of Administration** [DEPARTMENT] shall examine and
29 approve or disapprove any application for registration of, or certificate of title for, a
30 vehicle, and for a driver's license and any other application made to the department.
31 The department may make any investigation it considers necessary and may require

1 additional information before approving an application. The department shall reject
2 an application if it is not satisfied with the genuineness, regularity, or legality of the
3 application, the truth of a statement contained in it, or the adequacy or sufficiency of
4 information requested by the department. The department shall reject an application
5 when the applicant is not entitled to issuance of the registration, title, license, or permit
6 for which the person is applying or for any other reason required by law.

7 (c) The commissioner of public safety and officers and employees of the
8 Department of Public Safety [DEPARTMENT] designated by that [THE]
9 commissioner, and the commissioner of administration and officers and employees
10 of the Department of Administration designated by that commissioner, may, for
11 the purpose of administering this title and regulations adopted under this title,
12 administer oaths and acknowledge signatures, and do so without charging a fee.

13 * Sec. 29. AS 28.05.045 is amended to read:

14 Sec. 28.05.045. **Voter registration.** The administrative component of the
15 department that administers motor vehicle and driver's license laws [DIVISION
16 OF MOTOR VEHICLES] shall comply with AS 15.07.055 to serve as a voter
17 registration agency to the extent required by state and federal law, including 42 U.S.C.
18 1973gg (National Voter Registration Act of 1993) and this section. A state resident,
19 who will be 18 years of age or older within 90 days, who applies in an office of the
20 department [DIVISION OF MOTOR VEHICLES] for a driver's license, identification
21 card issued under AS 18.65.310, or vehicle registration under AS 28.10 shall at the
22 time of application be advised by the division that the resident may also register to
23 vote. The application submitted by the resident shall serve as an application for voter
24 registration unless the resident fails to sign the voter registration portion of the
25 application. The department [DIVISION OF MOTOR VEHICLES] shall forward
26 completed voter registration forms to the division of elections. The department
27 [DIVISION OF MOTOR VEHICLES] shall prominently display notice of the right to
28 apply for voter registration at each place that the public may apply for a driver's
29 license, identification card, or vehicle registration.

30 * Sec. 30. AS 28.05.061 is amended to read:

31 Sec. 28.05.061. **Records of departments** [DEPARTMENT] and certified

1 **copies of records.** (a) The **Department of Administration** [DEPARTMENT] shall
2 file, maintain, and appropriately index records of

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

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

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

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

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

10 (b) The **Department of Administration and the Department of Public**
11 **Safety each** [DEPARTMENT] may file and maintain any other records considered
12 necessary for the **respective department's** administration of this title and regulations
13 adopted **by that department** under it.

14 (c) Records maintained by the **Department of Administration or the**
15 **Department of Public Safety** [DEPARTMENT] under this title or regulations adopted
16 under this title may be stored in any reasonable manner, including electronic data
17 storage. The commissioner **of each of those departments** and officers and employees
18 of **those departments** [THE DEPARTMENT] designated by the **respective**
19 commissioner shall, upon request, prepare under the seal of the **respective** department
20 and deliver, unless otherwise prohibited by law, a certified copy of any record of **that**
21 [THE] department maintained under this title or regulations adopted under this title,
22 charging a fee for each certified copy. A certified copy of the record stored under this
23 section is admissible in an administrative proceeding or in a court in the same manner
24 as the original document.

25 * Sec. 31. AS 28.05.071 is amended to read:

26 **Sec. 28.05.071. Change of name or address.** A person who has applied for
27 or been issued a certificate, registration, title, license, permit, or other form under this
28 title, and who changes the person's name or moves from the address shown on the
29 [DEPARTMENT'S] records or forms **of the Department of Administration or the**
30 **Department of Public Safety**, shall notify the **appropriate** department in writing of
31 the change in name or address within 30 days.

1 * **Sec. 32.** AS 28.05.081 is amended by adding a new subsection to read:

2 (d) In this section, "commissioner" means the commissioner of public safety.

3 * **Sec. 33.** AS 28.05.091 is amended to read:

4 **Sec. 28.05.091. Impoundment of unlawful vehicles.** A motor vehicle that is
5 driven on a highway or vehicular way or area, and that has been determined to be
6 defective in equipment so as to be unsafe for driving, or on which the vehicle
7 identification number has been removed, defaced, or otherwise altered, is an unlawful
8 vehicle and may be impounded by a peace officer or an employee of the **Department**
9 **of Public Safety** [DEPARTMENT] officially designated for that purpose. The owner
10 or person in lawful possession of a vehicle that is driven on a highway or vehicular
11 way or area and that is so defective in equipment as to be unsafe for driving shall pay
12 the necessary costs of impounding and storing the vehicle. The impounding of a
13 vehicle is in addition to any other penalty. Nothing in this section prevents the driving
14 or moving of a defective vehicle in the manner directed by the peace officer or
15 employee to a place for

16 (1) the correction of a defect in the equipment;

17 (2) dismantling or wrecking; or

18 (3) storage without repair.

19 * **Sec. 34.** AS 28.05.096 is amended to read:

20 **Sec. 28.05.096. Exemptions and alternative safety devices.** (a) The
21 commissioner **of public safety** may adopt regulations to exempt a person or a class
22 of persons from the requirements of AS 28.05.095 if the commissioner determines that
23 the use of a safety belt or child safety device is impractical because of physical or
24 medical conditions of the person or class of persons.

25 (b) The commissioner **of public safety** shall specify alternative means of
26 protection for children exempted under this section.

27 * **Sec. 35.** AS 28.05.097(a) is amended to read:

28 (a) There is established a child safety device loan program in the
29 [DEPARTMENT'S] highway safety planning agency **in the Department of Public**
30 **Safety**.

31 * **Sec. 36.** AS 28.05.106(b) is amended to read:

1 (b) Notwithstanding any other provisions of this title or regulations adopted
2 under this title, the Department of Public Safety [DEPARTMENT] may not require
3 a custom collector vehicle to be equipped with a bumper, hood, or fenders.

4 * Sec. 37. AS 28.05.111(a) is amended to read:

5 (a) The commissioner of public safety and officers and employees of the
6 Department of Public Safety [DEPARTMENT] designated by that [THE]
7 commissioner, and the commissioner of administration and officers and employees
8 of the Department of Administration designated by that commissioner, may, for
9 good cause, subpoena witnesses to give testimony under oath or to give written
10 deposition upon a matter under the jurisdiction of the appropriate department with
11 respect to this title and regulations adopted under this title. A subpoena issued under
12 this section may require the production of relevant books, papers, documents, records,
13 or other tangible things designated in the subpoena.

14 * Sec. 38. AS 28.05.121 is amended to read:

15 **Sec. 28.05.121. Giving of notice.** When the Department of Public Safety
16 or the Department of Administration [DEPARTMENT] is authorized or required to
17 give notice under this title or regulations adopted under this title, unless a different
18 method of giving notice is otherwise expressly provided, notice shall be given by a
19 qualified person, either by personal delivery to the person to be notified or by
20 registered or certified mail, return receipt requested, addressed to the person at the
21 address of the person as shown in the records of the appropriate department. The
22 giving of notice by mail is considered complete upon the return of the receipt or upon
23 return of the notice as undeliverable, refused, or unclaimed. Proof of the giving of
24 notice in either manner may be made by the affidavit of the person giving the notice
25 by personal delivery or by mail, naming the person to whom the notice was given and
26 specifying the time, place, and manner of giving the notice.

27 * Sec. 39. AS 28.05.131 is amended to read:

28 **Sec. 28.05.131. Opportunity for hearing required.** (a) Unless otherwise
29 specifically provided, or unless immediate action in suspending, revoking, canceling,
30 limiting, restricting, denying, or impounding is necessary for the protection of the
31 health, safety, or welfare of the public, the Department of Public Safety or the

1 **Department of Administration, as appropriate,** [DEPARTMENT] shall give notice
2 of the opportunity for an administrative hearing before a license, registration, title,
3 permit, or privilege issued or allowed under this title or regulations adopted under this
4 title is suspended, revoked, cancelled, limited, restricted, or denied or a vehicle is
5 impounded by **that** [THE] department. If action is required under this section and
6 prior opportunity for a hearing cannot be afforded, the **appropriate** department shall
7 promptly give notice of the opportunity for a hearing as soon after the action as
8 possible to the parties concerned.

9 (b) The notice under this section must state the reasons for the
10 [DEPARTMENT'S] proposed action **of the Department of Public Safety or of the**
11 **Department of Administration,** and **must** provide for a reasonable attendance date
12 of not less than 10 days after service of the notice. If there is no request for a hearing
13 by the attendance date specified in the notice, the hearing is considered to have been
14 waived.

15 * **Sec. 40.** AS 28.05.141 is amended to read:

16 **Sec. 28.05.141. Hearings and appeals.** (a) Unless otherwise specifically
17 provided, all hearings required under this title or regulations adopted under this title
18 shall be conducted by the **Department of Public Safety or the Department of**
19 **Administration, as appropriate,** [DEPARTMENT] under regulations adopted by the
20 **appropriate** commissioner governing practice and procedure and consistent with due
21 process of law. Hearings must be informal, and technical rules of evidence do not
22 apply. A person who requests a hearing may retain an attorney. The hearing officer
23 shall be appointed by the **appropriate** commissioner and may be appointed from the
24 department **conducting the hearing.** A hearing officer need not be an attorney, but
25 must be impartial and may not have participated in the decision that is under review.
26 The hearing officer does not have to file a full opinion or make formal findings of fact
27 or conclusions of law, but the hearing officer must state the reasons for the
28 determination and indicate the evidence relied upon. The proceedings at the hearing
29 shall be recorded.

30 (b) A hearing ordered under (a) of this section must be held by telephone
31 unless the hearing officer finds that a telephonic hearing would substantially prejudice

1 the rights of the person involved in the hearing or that an in-person hearing is
2 necessary to decide the issues to be presented in the hearing. An in-person hearing
3 must be held at the office of the Department of Public Safety or of the Department
4 of Administration [DEPARTMENT] nearest to the residence of the person involved
5 in the hearing unless the appropriate department and the person agree that the hearing
6 is to be held elsewhere. The appropriate department shall grant a hearing delay if the
7 person presents good cause for the delay. If a person fails to attend or appear for the
8 hearing at the time and place stated by the appropriate department and if a hearing
9 delay has not been granted, the person's failure to attend or appear is considered a
10 waiver of the hearing and the appropriate department may take appropriate action
11 with respect to the person.

12 (c) If at a a [THE] hearing conducted by the Department of Administration
13 under (a) of this section it appears that the record of the person sustains suspension,
14 revocation, limitation, denial, or other remedial action, the hearing officer shall so
15 order and the Department of Administration [DEPARTMENT] may suspend, revoke,
16 limit, deny, or take other remedial action against that person's license, registration, or
17 title and, if appropriate, the department shall adjust the person's point total
18 accumulated under AS 28.15.231.

19 (d) A person aggrieved by the decision of the hearing officer may, within 30
20 days after a decision is mailed or delivered to the person, file an appeal in superior
21 court for judicial review of the hearing officer's decision. The judicial review shall
22 be on the record. The court may reverse the [DEPARTMENT'S] determination of the
23 Department of Public Safety or of the Department of Administration if the court
24 finds that the department making the determination misinterpreted the law, acted in
25 an arbitrary and capricious manner, or made a determination unsupported by the
26 evidence in the record. The respective department's decision [OF THE
27 DEPARTMENT] suspending, revoking, canceling, limiting, restricting, or denying a
28 license, registration, title, permit, or privilege is stayed and does not take effect during
29 the pendency of an appeal.

30 * Sec. 41. AS 28.10.051(a) is amended to read:

31 (a) The department may suspend or revoke the registration of a vehicle, the

1 certificate of registration or registration plates for a vehicle, or a special permit when

2 (1) the department determines that the registration or certificate, plate,
3 or permit was fraudulently procured or erroneously issued;

4 (2) the department determines that a registered vehicle is mechanically
5 unsafe to be driven or moved on a highway, vehicular way or area, or other public
6 property in this state and the vehicle has been seized or impounded under
7 AS 28.05.091;

8 (3) a registered vehicle has been scrapped, dismantled, or destroyed
9 beyond repair;

10 (4) the department determines that a required fee or tax has not been
11 paid and the fee or tax is not paid upon reasonable notice and demand;

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

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

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

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

21 (9) the department determines that the vehicle owner has violated the
22 requirements of AS 28.10.146 or 28.10.147;

23 (10) the department determines that a repair to a commercial motor
24 vehicle, ordered by the Department of Public Safety [DEPARTMENT] under
25 regulations adopted under AS 28.05.011, was not completed after the owner or
26 operator represented to the Department of Public Safety or the Department of
27 Administration [DEPARTMENT] that the repair had been completed; or

28 (11) the owner or operator of a commercial motor vehicle has placed
29 a commercial motor vehicle back in service after it has been placed out of service by
30 the Department of Public Safety [DEPARTMENT] without having it reinspected as
31 required under regulations adopted under AS 28.05.011.

1 * **Sec. 42.** AS 28.10.461 is amended to read:

2 **Sec. 28.10.461. Driving vehicle without evidence of registration.** Except as
3 otherwise expressly permitted in this chapter, a person may not drive or move, nor
4 may an owner knowingly permit to be driven or moved, on a highway or vehicular
5 way or area, a vehicle required to be registered under this chapter unless valid
6 registration plates, decals, or permits for the current registration period are attached to
7 and displayed on the vehicle in the manner required by this chapter, and unless a valid
8 certificate of registration for the current registration period is carried, as required by
9 this chapter, in the vehicle and is available for inspection by a peace officer or an
10 authorized representative of the **Department of Public Safety** [DEPARTMENT].

11 * **Sec. 43.** AS 28.10.502(b) is amended to read:

12 (b) A lien under this section is limited to towing and storage charges. Storage
13 charges cease to be part of the lien after 60 days unless the registered owner or
14 primary lienholder, if any, has been given actual notice of the possessory lien within
15 that time or unless a certified letter has been mailed within that time to the owner and
16 primary lienholder, if any, at their addresses of record with the **department**
17 [DEPARTMENT OF PUBLIC SAFETY] or the corresponding office in another
18 jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

19 * **Sec. 44.** AS 28.10.502(d) is amended to read:

20 (d) The money realized from a sale made under this section shall be applied
21 first to the payment of costs and expenses of the sale and secondly to the lawful
22 charges of the person having a lien on the motor vehicle under this section.
23 Remaining proceeds from the sale shall be retained by the **department**
24 [DEPARTMENT OF PUBLIC SAFETY] to be distributed to the registered and legal
25 owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of
26 a titled motor vehicle sold under this section takes the motor vehicle free of any rights
27 of prior lien.

28 * **Sec. 45.** AS 28.11.025(c) is amended to read:

29 (c) In this section, "vehicle" means a
30 (1) passenger car, motor home, bus, truck, truck-tractor, motorcycle,
31 motorbike, or similar motor vehicle that is designed for use primarily to transport a

1 person or to transport or draw property on a highway or vehicular way; and

2 (2) snowmobile, three-wheeler, four-wheeler, or a similar off-highway
3 motor vehicle designed or adapted for cross-country operation over unimproved terrain,
4 ice, or snow and that has been declared by its owner at the time of registration and
5 determined by the **Department of Public Safety** [DEPARTMENT] to be unsuitable
6 for general highway use, although the vehicle may make incidental use of a highway
7 as provided in this title, but not including implements of husbandry or special mobile
8 equipment, such as construction machinery or earthmoving equipment.

9 * **Sec. 46.** AS 28.15.131 is amended to read:

10 **Sec. 28.15.131. License to be carried and exhibited on demand.** A licensee
11 shall have the licensee's driver's license in immediate possession at all times when
12 driving a motor vehicle, and shall present the license for inspection upon the demand
13 of a peace officer or other authorized representative of the **Department of Public**
14 **Safety** [DEPARTMENT] identified as such to the licensee by the officer or
15 representative. However, a person charged with violating this section may not be
16 convicted if the person produces in court or in the office of the arresting or citing
17 officer, a driver's license previously issued to the person that was valid at the time of
18 the person's arrest or citation.

19 * **Sec. 47.** AS 28.17.041(a) is amended to read:

20 (a) The commissioner of **administration** [PUBLIC SAFETY] shall adopt
21 regulations necessary to carry out the provisions of this chapter, and may call upon the
22 commissioner of education for assistance in formulating these regulations.

23 * **Sec. 48.** AS 28.20.560(a) is amended to read:

24 (a) A person whose license or registration is suspended under any provision
25 of this chapter, or whose policy of insurance or bond, when required under this
26 chapter, is canceled or terminated, shall immediately return the person's license or
27 registration to the department. If a person fails to return the license or registration to
28 the department, the department, **through the commissioner of public safety**, shall
29 immediately direct a peace officer to obtain possession of it and to return it to the
30 department.

31 * **Sec. 49.** AS 28.32.010(b) is amended to read:

1 (b) A peace officer, or an employee of the Department of Public Safety
2 [DEPARTMENT] who is authorized by the commissioner of that department to
3 enforce both hazardous materials and commercial vehicle safety regulations, may issue
4 a citation under AS 12.25.180 - 12.25.230 to a person who violates a regulation
5 adopted under AS 28.05.011(a)(2) [AS 28.05.011(2)]. An employee of the
6 Department of Public Safety [DEPARTMENT] who is authorized by the
7 commissioner of public safety to enforce both hazardous materials and commercial
8 vehicle safety regulations may not take a person into custody under AS 12.25.180(b).

9 * Sec. 50. AS 28.32.040(c) is amended to read:

10 (c) If a certificate is revoked or suspended under (b) of this section the
11 division shall give a commercial motor vehicle inspector a hearing within 10 days after
12 the receipt of a written request filed with the commissioner of public safety within 30
13 days after revocation or suspension.

14 * Sec. 51. AS 28.33.010(b) is amended to read:

15 (b) Evidence of security required under (a) of this section shall be filed with
16 the Department of Public Safety [DEPARTMENT] and must be

17 (1) a policy or certificate of insurance issued by an insurer acceptable
18 to that [THE] department;

19 (2) a bond of a surety company licensed to write surety bonds in the
20 state;

21 (3) evidence accepted by that [THE] department, showing ability to
22 self-insure; or

23 (4) other security approved by that [THE] department.

24 * Sec. 52. AS 28.33.010(c) is amended to read:

25 (c) The Department of Public Safety [DEPARTMENT] may authorize
26 [DEPARTMENT] personnel of that department to enforce this section and may adopt
27 procedural regulations necessary to implement this section.

28 * Sec. 53. AS 28.33.010(d) is amended to read:

29 (d) A policy of insurance, surety bond, or other form of security may not be
30 cancelled on less than 30 days' written notice to the Department of Public Safety
31 [DEPARTMENT]. This requirement must be clearly stated in the policy or

1 endorsement for an insurance policy submitted as proof of financial responsibility
2 under (b)(1) of this section. The 30-day notice period is measured from the date on
3 which the Department of Public Safety [DEPARTMENT] receives notice.

4 * Sec. 54. AS 28.33.130(c) is amended to read:

5 (c) A person who is ordered out of service

6 (1) may not operate a commercial motor vehicle or be on-duty for 24
7 hours following issuance of the out of service order; and

8 (2) shall report that fact, in writing,

9 (A) within 24 hours to the person's employer; and

10 (B) within 30 days to the department [DIVISION OF MOTOR
11 VEHICLES] if the person possesses a commercial motor vehicle license.

12 * Sec. 55. AS 28.35.024(c) is amended to read:

13 (c) Every person renting a motor vehicle shall keep a record of the registration
14 number of the vehicle rented, the name, address and license number of the person to
15 whom the vehicle is rented, and the date and place when and where the license of the
16 intended driver was issued. The record shall be open to inspection by a peace officer
17 or employee of the Department of Public Safety [DEPARTMENT] acting in an
18 official capacity.

19 * Sec. 56. AS 28.35.036(e) is amended to read:

20 (e) If not released under AS 28.35.037, a motor vehicle forfeited under this
21 section may be disposed of at the discretion of the Department of Public Safety
22 [DEPARTMENT].

23 * Sec. 57. AS 28.35.080(b) is amended to read:

24 (b) The driver of a vehicle involved in an accident resulting in bodily injury
25 to or death of a person or total property damage to an apparent extent of \$2,000 or
26 more shall, within 10 days after the accident, forward a written report of the accident
27 to the Department of Administration [PUBLIC SAFETY] and to the local police
28 department if the accident occurs within a municipality. A report is not required under
29 this subsection if the accident is investigated by a peace officer.

30 * Sec. 58. AS 28.35.080(d) is amended to read:

31 (d) The Department of Administration [PUBLIC SAFETY] may require the

1 driver of a vehicle involved in an accident of which a report must be made to file
2 supplemental reports whenever the original report is insufficient in the opinion of that
3 [THE] department.

4 * Sec. 59. AS 28.35.080(e) is amended to read:

5 (e) Every law enforcement officer who, in the regular course of duty,
6 investigates a motor vehicle accident for which a report must be made, either at the
7 time of and at the scene of the accident or thereafter by interviewing the participants
8 or witnesses, shall, within 24 hours after completing the investigation, forward a
9 written report of the accident to the Department of Administration [PUBLIC
10 SAFETY].

11 * Sec. 60. AS 28.35.100(b) is amended to read:

12 (b) Every accident report required to be made in writing shall be made on the
13 appropriate form approved by the Department of Public Safety [DEPARTMENT] and
14 must contain all of the information required unless not available.

15 * Sec. 61. AS 28.35.155(a) is amended to read:

16 (a) It is unlawful to operate a motor vehicle with studded tires or tires with
17 chains attached on a paved highway or road from May 1 through September 15,
18 inclusive, north of 60 North Latitude and from April 15 through September 30,
19 inclusive, south of 60 North Latitude, except that at any latitude on a paved portion
20 of the Sterling Highway a person may not operate a motor vehicle with studded tires
21 or tires with chains attached from May 1 through September 15, inclusive. The
22 commissioner of public safety shall by emergency order provide for additional lawful
23 operating periods based on unusual seasonal or weather conditions. An emergency
24 order adopted under this section is not subject to AS 44.62 (Administrative Procedure
25 Act). Upon application, a special individual traction permit may be issued by the
26 Department of Administration allowing the operation of a motor vehicle with
27 studded tires or chains at any time at the discretion of the vehicle owner. The fee for
28 the special individual permit is one-third of the biennial registration fee applicable to
29 that class of vehicle under AS 28.10.421. The department may provide an appropriate
30 sticker or other device identifying the vehicle to which the permit applies.

31 * Sec. 62. AS 28.35.225 is amended to read:

1 **Sec. 28.35.225. Enforcement.** All law enforcement officers in this state and
2 employees of the **Department of Public Safety** [DEPARTMENT] designated by **that**
3 **department's** [THE] commissioner shall enforce this title and regulations adopted
4 under this title. The state troopers shall advise and instruct all other law enforcement
5 officers in the state concerning the requirements of this title and regulations adopted
6 under this title.

7 * **Sec. 63.** AS 28.35.251(a) is amended to read:

8 (a) A person may not drive a motor vehicle loaded with sand, gravel, rock, or
9 similar materials on a highway unless

10 (1) the load is contained or confined to prevent the load from dropping,
11 shifting, leaking, or escaping, except that sand or other substances may be dropped,
12 sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or
13 providing traction; and

14 (2) the load is subjected to treatment by methods, approved by the
15 commissioner **of public safety** by regulation, designed to settle the load or remove
16 loose material before the vehicle is driven on the highway.

17 * **Sec. 64.** AS 28.37.020 is amended to read:

18 **Sec. 28.37.020. Licensing authority.** In this chapter the term "licensing
19 authority" with reference to this state means the **entity in the Department of**
20 **Administration that administers AS 28.15.011 - 28.15.151** [DIVISION OF MOTOR
21 VEHICLES IN THE DEPARTMENT OF PUBLIC SAFETY]. The department shall
22 furnish to the appropriate authority of another party state the information or documents
23 reasonably necessary to facilitate the administration of AS 28.37.130 - 28.37.150.

24 * **Sec. 65.** AS 28.40.100(a)(4) is amended to read:

25 (4) "commissioner" means the commissioner of **administration**
26 [PUBLIC SAFETY];

27 * **Sec. 66.** AS 28.40.100(a)(6) is amended to read:

28 (6) "department" means the Department of **Administration** [PUBLIC
29 SAFETY];

30 * **Sec. 67.** AS 28.40.100(a)(17) is amended to read:

31 (17) "revoke" means the termination, by formal action of the

1 Department of Public Safety or the Department of Administration
2 [DEPARTMENT] or by formal action of a court, of a certification, registration,
3 license, permit, or privilege issued or allowed under this title or regulations adopted
4 under this title; the certification, registration, license, permit, or privilege may not be
5 reissued, renewed, or restored during the time for which revoked; however, after that
6 time, an application for a new certificate, registration, license, permit, or privilege may
7 be made;

8 * Sec. 68. AS 28.40.100(a)(20) is amended to read:

9 (20) "suspend" means the temporary withdrawal, by formal action of
10 the Department of Public Safety or the Department of Administration
11 [DEPARTMENT] or by formal action of a court, of a certificate, registration, license,
12 permit, or privilege issued or allowed under this title or regulations adopted under this
13 title, effective for a period of time which must be specifically designated by the
14 appropriate department or by the court;

15 * Sec. 69. AS 28.40.100(a)(24) is amended to read:

16 (24) "vehicular way or area" means a way, path, or area, other than a
17 highway or private property, that is designated by official traffic control devices or
18 customary usage and that is open to the public for purposes of pedestrian or vehicular
19 travel, and which way or area may be restricted in use to pedestrians, bicycles, or other
20 specific types of vehicles as determined by the Department of Public Safety
21 [DEPARTMENT] or other agency having jurisdiction over the way, path, or area.

22 * Sec. 70. AS 28.40.100(b) is amended to read:

23 (b) The commissioner of public safety or the commissioner of
24 administration, as appropriate, shall adopt regulations to define other terms that are
25 used in this title and in regulations adopted under this title.

26 * Sec. 71. AS 29.45.030(j) is amended to read:

27 (j) One motor vehicle per household owned by a resident 65 years of age or
28 older on January 1 of the assessment year is exempt either from taxation on its
29 assessed value or from the registration tax under AS 28.10.431. An exemption may
30 be granted under this subsection only upon written application on a form prescribed
31 by the Department of Administration [PUBLIC SAFETY].

1 * Sec. 72. AS 45.75.131(a) is amended to read:

2 (a) A peace officer or an employee of the Department of Commerce and
3 Economic Development who is authorized by the commissioner of commerce and
4 economic development to enforce this chapter may issue a citation to a person who

5 (1) violates a weight, size, or load limitation adopted by the Department
6 of Transportation and Public Facilities under AS 19.10.060;

7 (2) violates the terms of an overweight or oversize vehicle permit
8 issued under AS 44.33.020(25);

9 (3) violates a regulation adopted under AS 28.05.011(a)(2)
10 [AS 28.05.011(2)] or under AS 44.33.020(25) and AS 45.75.050(b)(5); or

11 (4) commits a violation identified under AS 45.75.380.

12 * Sec. 73. AS 46.06.060 is amended to read:

13 **Sec. 46.06.060. Litter bags.** The department may design and have produced
14 a litter bag bearing the state anti-litter symbol and a statement of the penalties for
15 littering in the state. The department may make litter bags available for this purpose
16 to the administrative component of the Department of Administration that
17 administers motor vehicle and driver's license laws [DIVISION OF MOTOR
18 VEHICLES IN THE DEPARTMENT OF PUBLIC SAFETY FOR THIS PURPOSE].
19 That component [THE DIVISION OF MOTOR VEHICLES] may distribute one litter
20 bag to each person who applies for registration or reregistration of a motor vehicle and
21 shall notify the person of the person's responsibilities under the law. The department
22 may make litter bags available to all vehicle and vessel operators entering the state.
23 The commissioner shall designate distribution points for the broadest possible
24 distribution of litter bags to persons entering the state by vehicle or vessel.

25 * Sec. 74. AS 46.14.510(c) is amended to read:

26 (c) The department shall consult with the Department of Administration
27 [PUBLIC SAFETY] regarding implementation of the motor vehicle pollution control
28 program. The Department of Administration [PUBLIC SAFETY] shall cooperate
29 with the department in implementing the program.

30 * Sec. 75. AS 46.14.510(d) is amended to read:

31 (d) If the department adopts regulations requiring the maintenance of air

1 pollution control systems or mechanisms in motor vehicles to control emissions from
2 the vehicle, a motor vehicle subject to those regulations may not be issued a certificate
3 of inspection unless the required air pollution control system or mechanism has been
4 inspected in accordance with the standards, testing techniques, and instructions
5 furnished by the department and the motor vehicle has been found to meet those
6 standards. A valid certificate of inspection for the emission control system, if required
7 by the department, must be presented to the Department of Administration [PUBLIC
8 SAFETY] before that department may register a motor vehicle.

9 * **Sec. 76.** AS 47.12.300(b) is amended to read:

10 (b) The court shall forward a record of adjudication of a violation of an
11 offense listed in AS 28.15.185(a) to the Department of Administration [PUBLIC
12 SAFETY] if the court imposes a license revocation under AS 28.15.185.

13 * **Sec. 77.** TRANSITION. (a) Litigation, hearings, investigations, and other proceedings
14 pending under a law amended or repealed by this Order, or in connection with functions
15 transferred by this Order, continue in effect and may be continued and completed
16 notwithstanding a transfer or amendment provided for in this Order.

17 (b) Contracts, rights, liabilities, and obligations created by or under a law amended
18 or repealed by this Order, and in effect on March 15, 1997, remain in effect notwithstanding
19 this Order's taking effect. Records, equipment, appropriations, and other property of agencies
20 of the state whose functions are transferred under this Order shall be transferred to implement
21 the provisions of this Order.

22 (c) The regulations adopted by the Department of Public Safety that relate to functions
23 transferred by this Order remain in effect and may be implemented and enforced by the
24 Department of Administration until that department adopts its own regulations under
25 AS 05.30, AS 08.66, or AS 28, or other authorizing statute and those regulations take effect.

26 * **Sec. 78.** This Order takes effect March 16, 1997.

DATED: January 13, 1997

/s/ Tony Knowles
Tony Knowles
Governor