

Introduced in the House: 1/13/97
Referred: Judiciary, State Affairs, Finance

Introduced in the Senate: 1/13/97
Referred: Transportation, State Affairs, Judiciary, Finance

EXECUTIVE ORDER NO. 99

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
 15 remain with the Department of Public Safety. Among these functions are the inspection and
 16 approval 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
 20 unless the snow vehicle has been registered with the Department of **Administration**
 21 **[PUBLIC SAFETY]** under this chapter.

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

23 **Sec. 05.30.050. Transfer of ownership.** The Department of **Administration**
 24 **[PUBLIC SAFETY]** shall adopt regulations to accomplish transfer of ownership of
 25 snow vehicles.

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

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

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

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

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

10 (2) the location of business;

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

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

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

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

18 (7) if the applicant sells a motor vehicle as a new or current model
19 motor vehicle having a manufacturer's warranty, the name of the manufacturer of the
20 motor vehicle and the date and duration of the applicant's sales and service agreement
21 with the manufacturer;

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

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

25 **Sec. 08.66.040. Filing application for registration.** The application shall be
26 filed with the Department of Administration [PUBLIC SAFETY]. Upon receipt of
27 the application the department shall examine it and may make an investigation of the
28 information in it. If the department is satisfied that the dealer is entitled to
29 registration, and the fees have been paid and a bond filed, the department shall assign
30 a distinctive registration number to the dealer and file the dealer's application and
31 index it alphabetically and numerically. A dealer is registered when the department

1 assigns a registration number.

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

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

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

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

26 **Sec. 08.66.200. Registration of buyer's agent.** A person may not do
 27 business in the state by negotiating on behalf of a buyer the purchase of a motor
 28 vehicle from a motor vehicle dealer unless the person is registered with the
 29 Department of **Administration** [PUBLIC SAFETY].

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

31 (2) "department" means the Department of **Administration** [PUBLIC

1 SAFETY];

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

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

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

13 (b) Service of the summons is made by leaving a copy of it with the
14 commissioner of **administration** [PUBLIC SAFETY] or the designee of the
15 commissioner. The commissioner or a designee shall keep a record of each such
16 process and the day and hour of service. This service is sufficient service on the
17 nonresident.

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

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

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

29 (b) The jury list shall be based on a list prepared by the Department of
30 Revenue of all persons who filed an application for a distribution of Alaska permanent
31 fund income under AS 43.23 during the current calendar year that shows an Alaskan

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

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

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

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

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

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

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

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

25 (a) Upon payment of a \$10 fee, the **department** [DEPARTMENT OF
 26 PUBLIC SAFETY] shall issue a card identical to the motor vehicle operator's license
 27 provided for in AS 28.15.111, except that the card shall be of a different color and
 28 shall state in bold type letters across the face of it that it is for identification purposes
 29 only.

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

31 **Sec. 18.65.330. Definition.** In AS 18.65.310 - 18.65.330, "department" means

1 the Department of Administration.

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

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

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

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

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

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

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

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

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

19 Each district judge and magistrate has the power

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

24 (2) of a notary public;

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

26 (4) to issue warrants of arrest, summons, and search warrants
27 according to manner and procedure prescribed by law and the supreme court;

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

31 (6) to act as a referee in matters and actions referred to the judge or

1 magistrate by the superior court, with all powers conferred upon referees by laws;

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

4 (8) to order the temporary detention of a minor, or take other action
5 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
6 47.10.142 or AS 47.12, when the minor is in a condition or surrounding dangerous
7 or injurious to the welfare of the minor or others that requires immediate action; the
8 action may be continued in effect until reviewed by the superior court in accordance
9 with rules of procedure governing these cases;

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

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

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

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

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

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

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

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

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

1 regulations adopted under this title, and may request and shall receive from the
2 **Department of** [DEPARTMENTS OF PUBLIC SAFETY AND] Community and
3 Regional Affairs **and, as appropriate, either the Department of Administration or**
4 **the Department of Public Safety,** assistance in the drafting of model ordinances for
5 adoption by reference. Notwithstanding (a) of this section, a municipality may enact
6 necessary ordinances to meet specific local requirements.

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

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

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

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

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

23 **Sec. 28.05.011. Duty of commissioners [COMMISSIONER] to adopt**
24 **regulations.** The commissioner **of public safety** shall, unless otherwise provided by
25 statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act)
26 necessary to carry out the provisions of this title and other statutes **whose** [THE]
27 administration [OF WHICH] is vested in the **Department of Public Safety**
28 [DEPARTMENT]. The regulations must include, but are not limited to:

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

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

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

6 (4) [REGISTRATION, TITLING, TRANSFER, AND] abandonment
 7 of vehicles;

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

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

11 **(6)** [(7)] management of records of the **Department of Public Safety**
 12 [DEPARTMENT] required for **that department's** [THE] administration of this title
 13 and **its** regulations adopted under this title, including provisions for ensuring the
 14 accuracy of information contained in automated and manual information retrieval
 15 systems;

16 **(7)** [(8)] definitions of words and phrases used in this title and in
 17 regulations adopted under this title unless otherwise provided by statute;

18 **(8)** [(9) REGISTRATION OF MOTOR VEHICLE, TRAILER, AND
 19 SEMI-TRAILER DEALERS;

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

21 **(9)** [(11)] regulations necessary to implement a commercial motor
 22 vehicle safety inspection program [, A COMMERCIAL MOTOR VEHICLE
 23 DRIVER'S LICENSING PROGRAM,] and other requirements imposed by federal law
 24 or regulation that relate to commercial motor vehicles and that are needed to avoid
 25 loss or withholding of federal highway money, **other than requirements relating to**
 26 **a commercial motor vehicle driver's licensing program.**

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

28 (b) The commissioner of administration 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 whose administration is vested in the
 31 Department of Administration. The regulations must include, but are not limited to:

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

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

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

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

29 **Sec. 28.05.031. Department of Public Safety to publish statutes and**
30 **regulations relating to vehicles, vehicle use, and pedestrians.** (a) The **Department**
31 **of Public Safety** [DEPARTMENT] shall publish current state statutes and regulations

1 relating to vehicles and their driving or movement, to drivers of vehicles, and to
 2 pedestrians. The cost of publication shall be jointly shared by that [THE] department
 3 and other state agencies that administer statutes and regulations included in the
 4 publication prescribed under this section.

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

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

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

25 (b) The Department of Administration [DEPARTMENT] shall examine and
 26 approve or disapprove any application for registration of, or certificate of title for, a
 27 vehicle, and for a driver's license and any other application made to the department.
 28 The department may make any investigation it considers necessary and may require
 29 additional information before approving an application. The department shall reject
 30 an application if it is not satisfied with the genuineness, regularity, or legality of the
 31 application, the truth of a statement contained in it, or the adequacy or sufficiency of

1 information requested by the department. The department shall reject an application
 2 when the applicant is not entitled to issuance of the registration, title, license, or
 3 permit for which the person is applying or for any other reason required by law.

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

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

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

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

28 **Sec. 28.05.061. Records of departments** [DEPARTMENT] **and certified**
 29 **copies of records.** (a) The Department of Administration [DEPARTMENT] shall
 30 file, maintain, and appropriately index records of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **Sec. 28.05.131. Opportunity for hearing required.** (a) Unless otherwise
26 specifically provided, or unless immediate action in suspending, revoking, canceling,
27 limiting, restricting, denying, or impounding is necessary for the protection of the
28 health, safety, or welfare of the public, the Department of Public Safety or the
29 Department of Administration, as appropriate, [DEPARTMENT] shall give notice
30 of the opportunity for an administrative hearing before a license, registration, title,
31 permit, or privilege issued or allowed under this title or regulations adopted under this

1 title is suspended, revoked, cancelled, limited, restricted, or denied or a vehicle is
2 impounded by **that** [THE] department. If action is required under this section and
3 prior opportunity for a hearing cannot be afforded, the **appropriate** department shall
4 promptly give notice of the opportunity for a hearing as soon after the action as
5 possible to the parties concerned.

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

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

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

27 (b) A hearing ordered under (a) of this section must be held by telephone
28 unless the hearing officer finds that a telephonic hearing would substantially prejudice
29 the rights of the person involved in the hearing or that an in-person hearing is
30 necessary to decide the issues to be presented in the hearing. An in-person hearing
31 must be held at the office of the **Department of Public Safety or of the Department**

1 **of Administration** [DEPARTMENT] nearest to the residence of the person involved
 2 in the hearing unless the **appropriate** department and the person agree that the
 3 hearing is to be held elsewhere. The **appropriate** department shall grant a hearing
 4 delay if the person presents good cause for the delay. If a person fails to attend or
 5 appear for the hearing at the time and place stated by the **appropriate** department and
 6 if a hearing delay has not been granted, the person's failure to attend or appear is
 7 considered a waiver of the hearing and the **appropriate** department may take
 8 appropriate action with respect to the person.

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

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

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

28 (a) The department may suspend or revoke the registration of a vehicle, the
 29 certificate of registration or registration plates for a vehicle, or a special permit when
 30 (1) the department determines that the registration or certificate, plate,
 31 or permit was fraudulently procured or erroneously issued;

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 28.10.461. Driving vehicle without evidence of registration.** Except
31 as otherwise expressly permitted in this chapter, a person may not drive or move, nor

1 may an owner knowingly permit to be driven or moved, on a highway or vehicular
2 way or area, a vehicle required to be registered under this chapter unless valid
3 registration plates, decals, or permits for the current registration period are attached
4 to and displayed on the vehicle in the manner required by this chapter, and unless a
5 valid certificate of registration for the current registration period is carried, as required
6 by this chapter, in the vehicle and is available for inspection by a peace officer or an
7 authorized representative of the **Department of Public Safety** [DEPARTMENT].

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

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

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

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

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

26 (c) In this section, "vehicle" means a

27 (1) passenger car, motor home, bus, truck, truck-tractor, motorcycle,
28 motorbike, or similar motor vehicle that is designed for use primarily to transport a
29 person or to transport or draw property on a highway or vehicular way; and

30 (2) snowmobile, three-wheeler, four-wheeler, or a similar off-highway
31 motor vehicle designed or adapted for cross-country operation over unimproved

1 terrain, ice, or snow and that has been declared by its owner at the time of registration
2 and determined by the Department of Public Safety [DEPARTMENT] to be
3 unsuitable for general highway use, although the vehicle may make incidental use of
4 a highway as provided in this title, but not including implements of husbandry or
5 special mobile equipment, such as construction machinery or earthmoving equipment.

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

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

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

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

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

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

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

29 (b) A peace officer, or an employee of the Department of Public Safety
30 [DEPARTMENT] who is authorized by the commissioner of that department to
31 enforce both hazardous materials and commercial vehicle safety regulations, may issue

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

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

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

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

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

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

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

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

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

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

22 (c) The **Department of Public Safety** [DEPARTMENT] may authorize
23 [DEPARTMENT] personnel **of that department** to enforce this section and may
24 adopt procedural regulations necessary to implement this section.

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

26 (d) A policy of insurance, surety bond, or other form of security may not be
27 cancelled on less than 30 days' written notice to the **Department of Public Safety**
28 [DEPARTMENT]. This requirement must be clearly stated in the policy or
29 endorsement for an insurance policy submitted as proof of financial responsibility
30 under (b)(1) of this section. The 30-day notice period is measured from the date on
31 which the **Department of Public Safety** [DEPARTMENT] receives notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) The Department of **Administration** [PUBLIC SAFETY] may require the
30 driver of a vehicle involved in an accident of which a report must be made to file
31 supplemental reports whenever the original report is insufficient in the opinion of **that**

1 [THE] department.

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

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

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

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

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

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

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

30 **Sec. 28.35.225. Enforcement.** All law enforcement officers in this state and
31 employees of the **Department of Public Safety** [DEPARTMENT] designated by **that**

1 **department's** [THE] commissioner shall enforce this title and regulations adopted
 2 under this title. The state troopers shall advise and instruct all other law enforcement
 3 officers in the state concerning the requirements of this title and regulations adopted
 4 under this title.

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

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

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

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

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

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

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

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

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

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

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

30 (17) "revoke" means the termination, by formal action of the
 31 **Department of Public Safety or the Department of Administration**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) If the department adopts regulations requiring the maintenance of air
 31 pollution control systems or mechanisms in motor vehicles to control emissions from

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

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

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

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

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

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

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

DATED: _____

Tony Knowles
 Governor