

HOUSE BILL NO. 95

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GREEN, Bunde, Rokeberg, Cowdery

Introduced: 1/29/97

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to motor vehicle registration, licensing, and insurance; and
2 providing for an effective date."

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

4 * **Section 1.** AS 21.89 is amended by adding a new section to read:

5 **Sec. 21.89.022. Reporting of motor vehicle insurance.** (a) An insurer that
6 issues an automobile liability insurance policy in this state shall, before the seventh
7 day of each calendar month, provide to the Department of Public Safety a record of
8 each motor vehicle insurance policy issued by the insurer that was in effect as of the
9 previous month. This subsection does not preclude more frequent reporting by an
10 insurer.

11 (b) The record required under (a) of this section must include the

12 (1) name, date of birth, and driver license number of each insured;

13 (2) make, year, and vehicle identification number of each insured

14 vehicle; and

1 (3) policy number, effective date, and expiration date of each insurance
2 policy.

3 (c) An insurer shall provide the information required under this section in the
4 form required by the Department of Public Safety.

5 (d) In addition to any other penalty provided under this title, the director may,
6 after the director has provided the insurer with the opportunity for a hearing as
7 provided under AS 21.06.170 - 21.06.230, suspend or revoke the license of an insurer
8 who fails to comply with this section.

9 * **Sec. 2.** AS 28.10.021(a) is amended to read:

10 (a) The owner of a vehicle subject to registration shall apply for registration
11 under this chapter by properly completing the form prescribed by the commissioner
12 under AS 28.05.041. Before the issuance of a certificate of registration by the
13 department, the owner shall

14 (1) pay all registration fees and taxes required under this chapter and
15 federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code
16 of 1954);

17 (2) unless the owner qualifies as a self-insurer under AS 28.20.400,
18 [OR] is exempted from obtaining liability insurance under AS 28.22.011, **or the**
19 **department electronically verifies the existence of a motor vehicle liability policy**
20 **that complies with AS 28.22.011, provide evidence** [CERTIFY] to the department
21 **of** the existence of a motor vehicle liability policy that complies with AS 28.22.011
22 for the vehicle being registered; in this paragraph, "**evidence** [CERTIFY]" means **a**
23 **copy of the owner's valid insurance policy, binder notice, or renewal notice; a**
24 **card issued by an insurer as evidence of insurance required by AS 28.22.011; or**
25 **a letter from an insurance agent or insurer verifying insurance required by this**
26 **chapter** [TO INDICATE BY CHECK-OFF ON THE VEHICLE REGISTRATION
27 FORM PRESCRIBED BY THE DEPARTMENT THE EXISTENCE OF A POLICY
28 OF INSURANCE, IF A POLICY IS REQUIRED AT THAT TIME, AND THE
29 INTENTION TO CONTINUE THE POLICY OR OBTAIN A POLICY
30 AS REQUIRED BY THIS SUBSECTION]; and

31 (3) comply with other applicable statutes and regulations.

1 * **Sec. 3.** AS 28.10.041(a)(11) is amended to read:

2 (11) the applicant fails to **provide proof** [CERTIFY] to the department
 3 **of** the existence of a motor vehicle liability policy that complies with AS 28.22.101
 4 for the vehicle being registered unless the owner of the vehicle qualifies as a self-
 5 insurer under AS 28.20.400, [OR] is exempted from obtaining liability insurance under
 6 **AS 28.22.011, or the department electronically verifies the existence of a motor**
 7 **vehicle policy that complies with AS 28.22.011.**

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

9 (a) Unless otherwise provided by law,

10 (1) the fees prescribed in this section shall be paid to the department at
 11 the times provided under AS 28.10.108 and 28.10.111; [AND]

12 (2) an additional fee of \$10 shall be added to the registration fee set out
 13 in this section for registration not conducted by mail or not conducted at an emissions
 14 inspection station or contract office offering vehicle registration services; the
 15 department may waive this additional fee for a good cause based on criteria established
 16 in regulations adopted by the department; **and**

17 **(3) at the time a person applies for registration or renewal of**
 18 **registration of a motor vehicle under this chapter, the applicant shall pay an**
 19 **insured motorist identification fee of \$1 for each motor vehicle being registered;**
 20 **a motor vehicle exempt from registration under another provision of this title is**
 21 **also exempt from the fee required under this paragraph.**

22 * **Sec. 5.** AS 28.15.255(a) is amended to read:

23 (a) The department may not reinstate a driver's license that has been revoked
 24 or suspended under AS 28.15.221 - 28.15.261 until the person whose license has been
 25 revoked or suspended provides proof of financial responsibility for the future **or the**
 26 **department electronically verifies the existence of motor vehicle liability insurance**
 27 **required by AS 28.22.011.**

28 * **Sec. 6.** AS 28.20 is amended by adding a new section to read:

29 **Sec. 28.20.395. Proof by electronic verification.** Proof of financial
 30 responsibility may be made by the department by electronic verification.

31 * **Sec. 7.** AS 28.22.021 is amended to read:

Sec. 28.22.021. Requirement of proof of motor vehicle liability insurance.

Except as provided under (b) of this section, the [THE] owner or operator of a motor vehicle required to have motor vehicle liability insurance that complies with this chapter or a certificate of self-insurance that complies with AS 28.20.400 [,] shall show proof of this insurance when that person is involved in an accident that results in bodily injury to or death of a person, or damage to the property of a person exceeding \$501.

* **Sec. 8.** AS 28.22.021 is amended by adding a new subsection to read:

(b) A peace officer who responds to an accident that results in bodily injury, death, or property damage that exceeds \$501 may electronically verify that the person who is an owner or operator of a motor vehicle involved in the accident is insured as required by this chapter. If the peace officer electronically verifies that the person is insured as required by this chapter or the person displays a certificate of self-insurance that complies with AS 28.20.400, the person is not required to show proof of insurance as required under (a) of this section. It is an affirmative defense to a citation or charge for a violation of this section that the person being cited or charged was insured as required by this chapter at the time the person was cited or charged.

* **Sec. 9.** AS 28.35 is amended by adding new sections to read:

Article 7. Insured Motorist Identification Program.

Sec. 28.35.300. Insured motorist identification program. (a) There is created in the department the insured motorist identification program. The program is created for the purpose of verifying compliance with the mandatory motor vehicle insurance provisions of AS 28.22. The department shall, subject to appropriation, contract with a third-party agent to establish an insured motorist data base and to track compliance with the mandatory insurance provisions of AS 28.22.

(b) The data base required under (a) of this section must be developed and maintained as required by the department and must be designed to allow efficient access by state and municipal law enforcement agencies. The third-party agent selected by the department shall, at least monthly,

(1) update the data base; and

(2) compare all current motor vehicle registrations against the data

1 base.

2 **Sec. 28.35.310. Notice of noncompliance.** If the department determines that
3 a motor vehicle is not insured as required by AS 28.22 for a period of three
4 consecutive months, the department may require the third-party agent to provide notice
5 to the owner of the motor vehicle that, within 45 days, the owner must provide proof
6 of insurance as required under AS 28.22 or proof of exemption from the requirements
7 of AS 28.22. If the owner fails to provide proof as required under this section, the
8 department may require the third-party agent to provide further notices of
9 noncompliance.

10 **Sec. 28.35.320. Nondisclosure of data base information.** Information in a
11 data base established under AS 28.35.300 may not be disclosed by the third-party
12 agent or the department except as permitted under AS 28.10.505.

13 * **Sec. 10.** This Act takes effect July 1, 1997.