

**HOUSE BILL NO. 433**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE CRAWFORD**

**Introduced: 2/15/02**

**Referred: Transportation, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to proof of motor vehicle insurance; and providing for an effective**  
2 **date."**

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

4 **\* Section 1.** AS 28.10.021(a) is amended to read:

5 (a) The owner of a vehicle subject to registration shall apply for registration  
6 under this chapter by properly completing the form prescribed by the commissioner  
7 under AS 28.05.041. Before the issuance of a certificate of registration by the  
8 department, the owner shall

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

12 (2) unless the owner qualifies as a self-insurer under AS 28.20.400 or  
13 is exempted from obtaining liability insurance under AS 28.22.011, **present proof**  
14 **[CERTIFY TO THE DEPARTMENT THE EXISTENCE]** of a motor vehicle liability

1 policy that complies with AS 28.22.011 for the vehicle being registered; in this  
 2 paragraph, "**proof**" ["CERTIFY"] means **a copy of the insurance policy that is in**  
 3 **effect or written certification from an insurance company, insurance agent,**  
 4 **insurance broker, or surplus lines broker that a policy that complies with**  
 5 **AS 28.22.011 is in effect** [TO INDICATE BY CHECK-OFF ON THE VEHICLE  
 6 REGISTRATION FORM PRESCRIBED BY THE DEPARTMENT THE  
 7 EXISTENCE OF A POLICY OF INSURANCE, IF A POLICY IS REQUIRED AT  
 8 THAT TIME, AND THE INTENTION TO CONTINUE THE POLICY OR OBTAIN  
 9 A POLICY AS REQUIRED BY THIS SUBSECTION]; and

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

11 \* **Sec. 2.** AS 28.10.041(a) is amended to read:

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

13 (1) the application contains a false or fraudulent statement;

14 (2) the applicant fails to furnish information required by the  
 15 department;

16 (3) the applicant is not entitled to the issuance of a certificate of title or  
 17 registration under this chapter;

18 (4) the vehicle is determined to be mechanically unsafe to be driven or  
 19 moved on a highway, vehicular way or area, or other public property in the state;

20 (5) the department has reasonable grounds to believe that the vehicle  
 21 was stolen or fraudulently acquired or that the granting of registration would be a  
 22 fraud against the rightful owner or other person having a valid lien upon the vehicle;

23 (6) the registration of the vehicle has been suspended or revoked for  
 24 any reason under the laws of the state;

25 (7) the required fees or taxes have not been paid;

26 (8) the vehicle or applicant fails to comply with this chapter or  
 27 regulations implementing this section;

28 (9) the vehicle is without a certificate of inspection required under  
 29 AS 19.10.310;

30 (10) except for a vehicle to be registered under AS 28.10.152, the  
 31 vehicle is subject to a state-approved emission inspection program adopted under

1 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that  
 2 program, unless the vehicle uses a fuel source that does not primarily emit carbon  
 3 monoxide;

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

9 \* **Sec. 3.** AS 28.10.491(a) is amended to read:

10 (a) Upon conviction, a person is guilty of a felony who

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

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

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

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

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

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

25 (7) removes from the state a vehicle that is the subject of a security  
 26 interest created under AS 28.01 - 28.35 or under AS 45.01 - 45.08, AS 45.12,  
 27 AS 45.14, and AS 45.29 without the written consent of the secured party, and with  
 28 intent to defraud the secured party or the state;

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

1                   (9) makes a false statement or otherwise conceals or withholds a  
 2 material fact in an application for registration or certificate of title or falsely affirms  
 3 with respect to a matter required to be sworn to, affirmed, or furnished under this  
 4 chapter or regulations adopted under this chapter; except that a person who with  
 5 criminal negligence as defined in AS 11.81.900, falsely **presents proof** [CERTIFIES]  
 6 to the department **of** the existence of a motor vehicle liability insurance policy under  
 7 AS 28.10.021(a)(2), is guilty of a class A misdemeanor.

8 \* **Sec. 4.** AS 28.22 is amended by adding a new section to read:

9                   **Sec. 28.22.019. Proof of insurance to be carried and exhibited on demand.**

10 A person shall have proof of motor vehicle liability insurance in the person's  
 11 immediate possession at all times when driving a motor vehicle, and shall present the  
 12 proof for inspection upon the demand of a peace officer or other authorized  
 13 representative of the Department of Public Safety. However, a person charged with  
 14 violating this section may not be convicted if the person produces in court or in the  
 15 office of the arresting or citing officer proof of motor vehicle liability insurance  
 16 previously issued to the person that was valid at the time of the person's arrest or  
 17 citation. In this section, "proof" has the meaning given in AS 28.10.021(a).

18 \* **Sec. 5.** This Act takes effect July 1, 2002.