

CS FOR HOUSE BILL NO. 347(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/10/06

Referred: Rules

Sponsor(s): REPRESENTATIVES GARA AND LYNN, Elkins

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to mandatory motor vehicle insurance, license suspensions, mandatory**
2 **impoundments of vehicles used in certain offenses, and notices relating to motor vehicles**
3 **and driver's licenses."**

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

5 *** Section 1.** AS 28.05.071 is amended by adding a new subsection to read:

6 (b) A person convicted of a violation of (a) of this section is guilty of an
7 infraction punishable by a fine not to exceed \$300.

8 *** Sec. 2.** AS 28.15.291 is amended by adding a new subsection to read:

9 (d) It is an affirmative defense to a prosecution under (a) of this section that
10 the person's license was suspended under AS 28.22.041 and the person provides proof
11 of liability insurance meeting the requirements of AS 28.22 and proof that the
12 insurance was in effect at the time of the accident that led to the suspension.

13 *** Sec. 3.** AS 28.22.019 is amended by adding a new subsection to read:

14 (d) A person convicted under this section is guilty of a class B misdemeanor

1 and may be punished as provided in AS 12.55, except that a fine of at least \$500 must
2 be imposed.

3 * **Sec. 4.** AS 28.22.041(f) is amended to read:

4 (f) The department shall notify the licensee that the suspension becomes
5 effective 30 days from the date of the notice and that the licensee has the right, within
6 the 30-day period, to make an oral or written answer controverting any point or issue,
7 or to present evidence and arguments for the consideration of the department.

8 **Notwithstanding AS 28.05.121, the department shall provide this notice to the**
9 **address that appears to be the most recently provided from among the following:**

10 **(1) the address the department has for the person;**

11 **(2) the address shown on the report of the accident.**

12 * **Sec. 5.** AS 28.40 is amended by adding a new section to read:

13 **Sec. 28.40.080. Impoundment of motor vehicle when arrested for certain**
14 **offenses.** On the arrest of a person for a violation of AS 28.15.291; AS 28.33.030,
15 28.33.031; AS 28.35.030 or 28.35.032, the motor vehicle used in the commission of
16 the offense shall be impounded. The cost of towing and storage of the vehicle is a lien
17 on the vehicle. If another person claims an ownership or security interest in the motor
18 vehicle and establishes that the interest predated the offense and was acquired by the
19 other person in good faith, the vehicle may be released to that other person if the
20 person pays the accrued cost of towing and storage of the vehicle.