

HOUSE BILL NO. 440

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ANDERSON

Introduced: 2/10/06

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to requiring motor vehicle insurers to submit insurance information to**
2 **the Department of Administration to monitor compliance with mandatory motor vehicle**
3 **insurance requirements; setting a fee for administration of the program; limiting the use**
4 **of information provided; and establishing penalties."**

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 PURPOSE. The purpose of this Act is to help reduce the uninsured motorist
9 population in the state and to increase compliance with the mandatory motor vehicle
10 insurance statute.

11 * **Sec. 2.** AS 28.10 is amended by adding a new section to read:

12 **Sec. 28.10.424. Mandatory motor vehicle insurance identification database**
13 **fee.** (a) In addition to the biennial registration fee specified under AS 28.10.421, a \$2
14 fee is imposed on every vehicle registered in the state, to be collected at the same time

1 and in the same manner as the registration fee, for administration of the mandatory
 2 motor vehicle insurance identification database program established under
 3 AS 28.22.302.

4 (b) The following vehicles are exempt from the registration fee levied under
 5 (a) of this section:

6 (1) a self-insured vehicle under AS 28.20.400; and

7 (2) a truck or truck tractor owned by a farmer or rancher used
 8 commercially for transporting

9 (A) agricultural products or livestock produced by the farmer
 10 or rancher to market or storage; or

11 (B) commodities and livestock used in farming or ranching
 12 operations.

13 * **Sec. 3.** AS 28.22 is amended by adding a new section to read:

14 **Sec. 28.22.302. Mandatory motor vehicle insurance identification database**
 15 **reporting.** (a) Within the department, the division responsible for administration of
 16 this title shall establish and maintain a mandatory motor vehicle insurance computer
 17 database program.

18 (b) An insurer issuing a motor vehicle liability policy under AS 28.20.440
 19 shall provide to the division on a monthly basis a record of each motor vehicle liability
 20 policy that is in effect. The record shall include, in a form acceptable to the director,

21 (1) the name, date of birth, driver's license number, and address of
 22 each named insured owner or operator;

23 (2) the make, year, and vehicle identification number of each insured
 24 motor vehicle;

25 (3) the motor vehicle liability policy number, policy limits, effective
 26 date, and expiration date; and

27 (4) the number and value of uninsured or underinsured motorist claims
 28 made during the period without disclosing personal information related to the claim.

29 (c) The division may use the information provided only to verify compliance
 30 with the mandatory motor vehicle laws of the state, for law enforcement, and to track
 31 the number and amount of uninsured or underinsured insurance claims.

1 Notwithstanding AS 28.10.505, the information provided by insurers shall remain
2 confidential and may not be disclosed except

3 (1) to a state or local governmental agency investigating, litigating, or
4 enforcing a person's compliance with this chapter;

5 (2) the division may disclose whether an owner has the required
6 insurance

7 (A) at the request of the owner;

8 (B) at the request of the parent or legal guardian of an
9 unemancipated minor;

10 (C) under the terms of a valid power of attorney or release; or

11 (D) at the request of a person suffering loss or injury in a motor
12 vehicle accident, but only as a part of an accident report prepared by a
13 government agency.

14 (d) If the database information shows that a motor vehicle has not been
15 insured for three consecutive months, the division shall notify the owner to provide
16 proof of compliance with coverage requirements under AS 28.22.101 or the self-
17 insurance requirements under AS 28.22.400 within 45 days after the notice. If an
18 owner fails to comply with AS 28.22.101 or 28.22.400 or provide evidence of the
19 applicability of an exemption within 45 days after notice, the commissioner's designee
20 or director of the division shall suspend or revoke the registration of the owner's
21 vehicle under AS 28.10.051(b).

22 (e) The state is not liable to a person for gathering, managing, or using
23 information in the database under this section.

24 (f) An insurer is not liable to a person for performing the insurer's duties under
25 this section unless the insurer commits a wilful act or omission.

26 (g) The commissioner may adopt regulations to implement this section.