

CS FOR HOUSE BILL NO. 184(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/27/07

Referred: Rules

Sponsor(s): REPRESENTATIVES ROSES, Lynn, Dahlstrom, Gara, Johnson, Seaton, Olson, Fairclough

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a commemorative troops license plate and to license plates available**
2 **to disabled veterans; relating to mandatory motor vehicle insurance, license suspensions,**
3 **mandatory impoundments of vehicles used in certain offenses, and notices relating to**
4 **motor vehicles and driver's licenses; relating to registration of vehicles for disabled**
5 **persons; and providing for an effective date."**

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

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

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

10 *** Sec. 2.** AS 28.10.181(d) is amended to read:

11 (d) Vehicles owned by veterans with disabilities, including persons disabled in
12 the line of duty while serving in the Alaska Territorial Guard, or other persons with
13 disabilities. Upon the request of a person with a disability that limits or impairs the

1 ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one
 2 motor vehicle in the name of the person without charge; and (2) issue a specially
 3 designed registration plate that displays (A) recognition of the disabled veteran if the
 4 applicant's disability originated from the applicant's service with the Alaska Territorial
 5 Guard or the armed forces of the United States; (B) the international symbol of
 6 accessibility (the wheelchair logo); and (C) if the applicant is a veteran, the Alaska and
 7 United States flags and red, white, and blue colors. A person who is not otherwise
 8 qualified under this subsection, but who meets the qualifications of a disabled veteran
 9 under AS 29.45.030(i), may register one motor vehicle without charge, and the
 10 department shall issue a specially designed registration plate that displays recognition
 11 of the disabled veteran that does not display the international symbol of accessibility
 12 and does not carry with it special parking privileges. **A disabled veteran who**
 13 **otherwise qualifies for a registration plate under this subsection may elect to**
 14 **receive a plate under (p) or (q) of this section for which the person is otherwise**
 15 **qualified that does not display the international symbol of accessibility and does**
 16 **not carry with it special parking privileges. A disabled person who otherwise**
 17 **qualifies for a registration plate under (2)(B) of this subsection may elect to**
 18 **receive a plate under another provision of this section for which the person is**
 19 **otherwise qualified that does not display the international symbol of accessibility**
 20 **and does not carry with it special parking privileges.** For purposes of this
 21 subsection, proof of disability may be provided by a person licensed as a physician or
 22 physician assistant under AS 08.64 or as an advanced nurse practitioner under
 23 AS 08.68.

24 * **Sec. 3.** AS 28.10.181 is amended by adding a new subsection to read:

25 (x) Special request plates commemorating and supporting troops. Upon
 26 application by the owner of a motor vehicle, the department may issue registration
 27 plates commemorating and supporting troops. The commissioner, in consultation with
 28 Support Our Troops, Inc. shall determine the design and color of the plates. The
 29 department may disapprove the issuance of registration plates under this subsection
 30 when the requested plates are a duplication of an existing registration. "Support Our
 31 Troops" shall appear at the bottom of the plate and may be alternated with "Support

1 Our Heroes" if Support Our Troops, Inc., agrees to be responsible for any costs
2 incurred from lack of sale of plates.

3 * **Sec. 4.** AS 28.10.411(f) is amended to read:

4 (f) A resident 65 years of age or older on January 1 of the year the vehicle is
5 registered or a resident with a disability that limits or impairs the ability to walk
6 and who provides proof of that disability as provided in 23 C.F.R. 1235.2 is
7 entitled to an exemption from the registration fee required under this section for one
8 vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption
9 may not be granted except upon written application for the exemption on a form
10 prescribed by the department.

11 * **Sec. 5.** AS 28.10.421(d) is amended by adding a new paragraph to read:

12 (17) special request plates commemorating and supporting troops
13 \$40
14 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$40
15 fee required by this paragraph shall be collected on issuance and biennial renewal in
16 the same manner as the fee required under (b), (c), (h), or (i) of this section; the
17 commissioner of administration shall separately account for the fees received under
18 this paragraph that the department deposits in the general fund; notwithstanding (g) of
19 this section, the annual estimated balance in the account that is in excess of the cost of
20 issuing special request plates may be appropriated by the legislature solely for the
21 purpose of providing benefits within the State of Alaska to troops and their families.

22 * **Sec. 6.** AS 28.15.291 is amended by adding a new subsection to read:

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

27 * **Sec. 7.** AS 28.22.019 is amended by adding a new subsection to read:

28 (d) A person convicted under this section is guilty of a class B misdemeanor
29 and may be punished as provided in AS 12.55, except that a fine of at least \$500 must
30 be imposed.

31 * **Sec. 8.** AS 28.22.041(f) is amended to read:

1 (f) The department shall notify the licensee that the suspension becomes
2 effective 30 days from the date of the notice and that the licensee has the right, within
3 the 30-day period, to make an oral or written answer controverting any point or issue,
4 or to present evidence and arguments for the consideration of the department.
5 **Notwithstanding AS 28.05.121, the department shall provide this notice to the**
6 **address that appears to be the most recently provided from among the following:**

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

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

9 * **Sec. 9.** AS 28.40 is amended by adding a new section to read:

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

18 * **Sec. 10.** Sections 2 - 5 of this Act take effect July 1, 2007.