

1 IN THE HOUSE

BY MR. MEEKINS

2 HOUSE BILL NO. 173

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Motor Vehicle  
7 Act; amending Subsec. (12) of Sec. 1, Ch.  
8 124, SLA 1951; amending Subsec. (2) of Sec.  
9 3, Ch. 124, SLA 1951 as amended by Ch. 50,  
10 SLA 1952 and Ch. 120, SLA 1957; amending  
11 Subsec. (3) of Sec. 3, Ch. 124, SLA 1951 as  
12 amended by Ch. 73, SLA 1953; amending Subsec.  
13 (3) of Sec. 3, Ch. 124, SLA 1951; amending  
14 Sec. 5, Ch. 124, SLA 1951 as amended by Ch.  
15 73, SLA 1953 and Ch. 95, SLA 1957; amending  
16 Sec. 6, Ch. 124, SLA 1951; and providing for  
17 an effective date."

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

19 Section 1. Subsec. (12) of Sec. 1, Ch. 124, SLA 1951 is  
20 hereby amended to read as follows:

21 (12) "Legal owner", where legal title and the  
22 right to possession are in different persons, means the holder  
23 of legal title to a vehicle. "Owner", where legal title and  
24 the right to possession are in different persons, means the  
25 person having the lawful use or control of a vehicle under a  
26 contract or lease. [ "OWNER" SHALL BE TAKEN TO MEAN AND IN-  
27 CLUDE A PERSON WHO HOLDS THE LEGAL TITLE OF A VEHICLE. IN THE  
28 EVENT A VEHICLE IS THE SUBJECT OF AN AGREEMENT FOR THE CON-  
29 DITIONAL SALE OR LEASE THEREOF WITH THE RIGHT OF PURCHASE

1 UPON PERFORMANCE OF THE CONDITIONS STATED IN THE AGREEMENT  
2 AND WITH AN IMMEDIATE RIGHT OF POSSESSION VESTED IN THE CON-  
3 DITIONAL VENDEE OR LESSEE, OR IN THE EVENT A MORTGAGOR OF A  
4 VEHICLE IS ENTITLED TO POSSESSION, THEN SUCH CONDITIONAL  
5 VENDEE OR LESSEE OR MORTGAGOR SHALL BE DEEMED THE OWNER FOR  
6 THE PURPOSES OF THIS ACT.7

7 Sec. 2. Subsec. (2) of Sec. 3, Ch. 124, SLA 1951 as amended  
8 by Sec. 2, Ch. 50, SLA 1953 and as amended by Sec. 1, Ch. 120, SLA  
9 1957 is hereby amended to read as follows:

10 (2) APPLICATION FOR REGISTRATION. Every owner of  
11 a vehicle subject to registration hereunder shall make appli-  
12 cation to the department for the registration thereof for  
13 such vehicle upon the appropriate form or forms furnished by  
14 the department, and every such application shall bear the  
15 signature of the owner and shall contain:

16 (a) The name, bona fide residence, and  
17 business address of the owner and the legal owner;

18 (b) A description of the vehicle, including  
19 the make, model, type of body, the serial number, the  
20 engine or other number of the vehicle, and whether new or  
21 used, and if a new vehicle, the date of sale by the manu-  
22 facturer or dealer to the person intending to operate such  
23 vehicle  AND ANY LIEN OR ENCUMBRANCE AND THE AMOUNT  
24 THEREOF.7

25 (c) In the event that the vehicle to be regis-  
26 tered should be a specially constructed, reconstructed,  
27 or foreign vehicle, such fact shall be stated in the  
28 application.

29 (d) Such further information as the commis-

1 sioner may reasonably require in order to enable him to  
2 determine whether the vehicle is lawfully entitled to  
3 registration.

4 (e) An application for mobile amateur radio  
5 station plates shall include: satisfactory proof that  
6 the owner holds an unexpired Federal Communications  
7 Commission amateur radio operator's license; that the  
8 vehicle contains or carries an amateur radio trans-  
9 mitting and receiving unit; and the call letters of the  
10 owner.

11 (f) An application for the registration of a  
12 new vehicle purchased from a dealer shall be accom-  
13 panied by a "Statement of Motor Vehicle Sale" upon a  
14 form approved by the Department, which statement shall  
15 include the following information: name and address of  
16 dealer; name and address of purchaser; make, body style,  
17 year, engine number, and model or series number of the  
18 vehicle; whether the vehicle is new or a demonstrator;  
19 an itemized breakdown of the price charged the pur-  
20 chaser to clearly reflect the separate charges for  
21 taxes, transportation, accessories, license, transfer,  
22 title fees, and all other charges; the total cash  
23 delivered price; a clear and concise description of all  
24 credits against the purchase price by payment or trade-  
25 in or otherwise; if the vehicle shall be sold on a time  
26 contract the statement shall include an itemized break-  
27 down of all finance, insurance and other charges made  
28 by the dealer to arrive at the true balance. Such  
29 statement shall be subscribed and sworn to before a

1 notary public by a duly authorized representative of  
2 the dealer. A copy of such statement shall be fur-  
3 nished to the purchaser by the dealer prior to the  
4 consummation ~~CONSUMATION~~ of the sale.

5 Sec. 3. Subsec. (3) of Sec. 3, Ch. 124, SLA 1951 as  
6 amended by Sec. 1, Ch. 73, SLA 1953 is hereby amended to read as  
7 follows:

8 (3) VEHICLES REGISTERED ELSEWHERE. Upon the  
9 registration of every foreign vehicle subject to registra-  
10 tion under this Act, which has been registered heretofore in  
11 any other state or country, the applicant for registration  
12 under this Act shall surrender to the commissioner ~~COM-~~  
13 ~~MISSIONER~~ all certificates or registration, or other evi-  
14 dences of such former registration as may be in such appli-  
15 cant's possession or control; provided, however, that where  
16 in the course of interstate operation of a vehicle regis-  
17 tered in another state it is desirable to retain registra-  
18 tion of said vehicle in such other state, such applicant  
19 need not surrender but shall submit for inspection such  
20 evidences of such foreign registration, and the commissioner  
21 upon a proper showing shall register said vehicle in this  
22 state ~~TERRITORY~~ but shall not issue a certificate of title  
23 for such vehicle. It is further provided that in the event  
24 the ~~REGISTERED OR LEGAL~~ owner cannot surrender the out-of-  
25 state title, or registration certificate in the case of non-  
26 title states, because of encumbrances or otherwise, the  
27 motor vehicle shall be registered in the usual manner and  
28 the Alaskan registration certificate shall be marked "No  
29 Alaska Title Issued".

1       Sec. 4. Subsec. (8) of Sec. 3, Ch. 124, SLA 1951 is hereby  
2 amended to read as follows:

3               (8) REGISTRATION CARD. Upon a vehicle being  
4 registered, the commissioner shall issue to the owner there-  
5 of a registration card which shall contain upon the face  
6 thereof the following data: the registration number assigned  
7 to the vehicle and date of issuance; the owner's name and  
8 post office address; the legal owner's name, residence and  
9 business address; the make, model and serial number of the  
10 vehicle; the engine serial number;  AND LIEN, IF ANY,  and  
11 Certificate of Ownership number, and such other matters as  
12 the commissioner may require. The registration card shall  
13 contain a blank space for the signature of the registered  
14 owner, and shall be signed with ink by such owner immedi-  
15 tely upon receipt thereof. Every such registration card  
16 shall at all times be carried in the vehicle to which it  
17 refers or shall be carried by the person driving or in con-  
18 trol of such vehicle who shall display the same upon demand  
19 of a peace officer or the commissioner  COMMISSION  or his  
20 authorized deputies or agents. Every owner of a motor  
21 vehicle, trailer or semi-trailer used or designed for use in  
22 the transportation of persons for hire or transportation of  
23 property shall enclose the registration card for such  
24 vehicle in a metal or other durable container with trans-  
25 parent covering so as to permit inspection of contents of  
26 said card, and shall cause said card to be affixed in plain  
27 sight to such vehicle or carry it in a tool bag or other  
28 convenient receptacle attached to such vehicle.

29       Sec. 5. Sec. 5, Ch. 124, SLA 1951 as amended by Sec. 2, Ch.

1 73, SLA 1953 and as amended by Sec. 3, Ch. 25, SLA 1957 is here-  
2 by amended to read as follows:

3 Section 5. CERTIFICATES OF TITLE. No vehicle subject  
4 to registration under this Act, except foreign vehicles pro-  
5 vided for in section 3 (3), shall be registered by the  
6 department unless the applicant for such registration at the  
7 same time makes application for and obtains an official  
8 certificate of title of such vehicle, or shall present  
9 satisfactory evidence that such certificate of title has  
10 been previously issued to such applicant. The department  
11 shall not accept the application for the original regis-  
12 tration or certificate of title or any vehicle in this state  
13 ~~TERRITORY~~, unless the vehicle at the time of the applica-  
14 tion is within the state ~~TERRITORY~~, except that the  
15 department shall accept an application for temporary regis-  
16 tration as provided in Section 4 hereof for a motor vehicle  
17 which is not within the state ~~TERRITORY~~ when the applica-  
18 tion is accompanied by an affidavit by both the seller and  
19 purchaser, giving the name and address of each, a descrip-  
20 tion of the vehicle, and a statement of the weight thereof  
21 with reference to any vehicle subject to fees based upon the  
22 weight. With the exception of foreign vehicles provided for  
23 in section 3 (3), it shall be unlawful for any person to  
24 drive or move, or for an owner knowingly to permit to be  
25 driven or moved, upon any highway in the state ~~TERRITORY~~  
26 any vehicle of the type required to be registered hereunder  
27 for which a certificate of title has not been issued.

28 (1) APPLICATION FOR CERTIFICATE OF TITLE. Every  
29 owner of a vehicle subject to registration under this act

1 shall make application to the department for the issuance of  
2 a certificate of title for such vehicle upon the appropriate  
3 form or forms furnished by the department, and every such  
4 application shall bear the signature of the owner and shall  
5 contain:

6 (a) The name, bona fide residence, business  
7 address and post office address of the owner and the  
8 legal owner;

9 (b) A description of the vehicle, including  
10 the make, model, type of body, the serial number, the  
11 engine or other number of the vehicle, and whether new  
12 or used, and if a new vehicle, the date of sale by the  
13 manufacturer or dealer to the person intending to  
14 operate such vehicle;

15 (c) A statement of the applicant's title  
16 AND OF ANY LIENS OR OTHER ENCUMBRANCES UPON SAID  
17 VEHICLE;

18 (d) Such further information as the commis-  
19 sioner may reasonably require.

20 (2) FOREIGN VEHICLE. No certificate of title  
21 shall be issued by the commissioner for a foreign vehicle,  
22 unless with the application for such certificate of title  
23 there is surrendered to the commissioner the certificate of  
24 title issued by such other state, if said state requires  
25 certificates of title, and if said state does not require  
26 the same, then upon the surrender of the registration card  
27 or plates or other evidences of such foreign registration  
28 as may be in the applicant's possession or control.

29 (3) TEMPORARY PERMIT. The commissioner in his

1 discretion may grant a temporary permit to operate a vehicle  
2 for which application for registration and issuance of certi-  
3 ficate of title has been made, where such application is  
4 accompanied by a fee of \$1.00 pending action upon said  
5 application.

6 (4) UNLAWFUL TO MAKE FALSE STATEMENTS IN APPLICA-  
7 TION. It shall be unlawful for any applicant for a certifi-  
8 cate of title for any vehicle hereunder to knowingly make any  
9 false statement or representation with respect to any of the  
10 facts required to be set forth in such application, or to use  
11 a name other than the true name of such applicant.

12 (5) GROUNDS FOR REFUSING CERTIFICATE OF TITLE. The  
13 commissioner shall refuse issuance of a certificate of title  
14 upon any of the grounds justifying his refusal of registra-  
15 tion under section 3 (7) of this act.

16 (6) ISSUANCE OF CERTIFICATE OF TITLE. Upon  
17 satisfactory application being made and upon payment of a fee  
18 of \$2.00, the commissioner shall issue to the applicant there-  
19 for a certificate of title. Such certificate shall contain  
20 upon its face the identical information required upon the  
21 face of the registration card, and in addition thereto, a  
22 statement of the owner's title and of all liens and encumb-  
23 rances upon the vehicle therein described, and whether pos-  
24 session is held by the owner under a lease, contract of con-  
25 ditional sale, or other like agreement. Such certificate  
26 shall contain upon the reverse side a space for the signature  
27 of the owner, and the owner shall write his name with pen and  
28 ink in such space upon receipt of the certificate. Such  
29 certificate shall also contain upon the reverse side forms

1 for assignment of title or interest and warranty thereof by  
2 the owner with space for notation of liens and encumbrances  
3 upon the vehicle at the time of transfer. The commissioner  
4 may, in his discretion, require that other matters also be  
5 shown on such certificate.

6 (7) DELIVERY OF CERTIFICATE. The certificate of  
7 title shall be delivered to the legal owner or mortgagee, if  
8 any, otherwise to the applicant /PERSON HOLDING THE LEGAL  
9 TITLE THEREOF IN THE EVENT NO LIEN OR ENCUMBRANCE APPEARS  
10 THEREON. OTHERWISE THE CERTIFICATE OF TITLE SHALL BE DE-  
11 LIVERED TO THE PERSON HOLDING THE FIRST LIEN OR ENCUMBRANCE  
12 UPON THE VEHICLE AS SHOWN IN THE CERTIFICATE/.

13 (8) LOST OR DAMAGED CERTIFICATE OF TITLE. In the  
14 event any certificate of title is lost, mutilated, or because  
15 illegible, the legal owner or legal representative or succes-  
16 sor in interest of the legal owner of the vehicle for which  
17 the same was issued, as shown by the records of the depart-  
18 ment, shall immediately make application for and may obtain a  
19 duplicate upon the applicant furnishing information satis-  
20 factory to the commissioner, and upon the payment of a fee of  
21 \$2.00. Any certificate of title issued pursuant to this sub-  
22 section shall have printed or stamped in ink upon its face the  
23 words "duplicate certificate" and, in the event that more than  
24 one duplicate certificate shall be issued, this fact shall  
25 likewise be made to appear upon the face of said duplicate  
26 certificate.

27 Sec. 6. Sec. 6, Ch. 124, SLA 1951 is hereby amended to read  
28 as follows:

29 Section 6. TRANSFERS OF TITLE OR INTEREST.

1                   (1) TRANSFER BY OWNER. Whenever the owner other  
2 than the legal owner or mortgagee of a registered vehicle  
3 transfers or assigns his title or interest thereto, the  
4 registration of said vehicle shall expire. However the  
5 registration plates shall remain on the vehicle. The owner  
6 shall endorse as assignment and warranty of title upon the  
7 certificate of title for such vehicle with a statement of all  
8 liens or encumbrances AND HE SHALL DELIVER THE CERTIFICATE  
9 OF TITLE AND CERTIFICATE OF REGISTRATION TO THE TRANSFEREE  
10 AT THE TIME OF DELIVERING THE VEHICLE, EXCEPT AS HEREINAFTER  
11 PROVIDED IN SUB-SECTION (4) OF THIS SECTION.

12                   (2) NEW OWNER TO SECURE TRANSFERS. Except as pro-  
13 vided in subsection (5) hereof, the transferee shall sign the  
14 certificate in the space provided thereon. The transferee and  
15 the holder of the certificate before operating or permitting  
16 the operation of such vehicle on any highway shall present the  
17 certificate or registration and certificate of title, properly  
18 endorsed, accompanied by a fee of \$2.00, to the department  
19 within 20 days following transfer of ownership, and shall  
20 apply for and obtain a new certificate of title and new  
21 registration for such vehicle, except as permitted in sub-  
22 section (5) of this section.

23                   (3) ISSUANCE OF NEW REGISTRATION AND CERTIFICATE  
24 OF TITLE. The commissioner, upon receipt of a properly  
25 endorsed certificate of title and certificate of registration  
26 and proper application for registration, accompanied by the  
27 required fee, and when satisfied as to the genuineness and  
28 regularity of such transfer and right of the transferee to a  
29 certificate of title, shall re-register the vehicle in the

1 name of the new owner and issue a new certificate of regis-  
2 tration and a certificate of title. The certificate of title  
3 shall be delivered to the legal owner or mortgagee if there  
4 is a legal owner or mortgagee, otherwise to the transferee.

5 Until the commissioner shall have issued such new certificate  
6 of registration and certificate of ownership, delivery of any  
7 vehicle required to be registered under this act shall be  
8 deemed not to have been made and title thereto shall be deemed  
9 not to have passed, and such intended transfer shall be deemed  
10 to be incomplete and ~~not to be valid~~ or effective for any  
11 purpose.

12 (4) TRANSFER BY DEALER OF UNREGISTERED VEHICLE.

13 Upon the transfer by a dealer of any vehicle required to be  
14 registered under this act, if such vehicle is not registered  
15 such dealer shall forthwith file with the department upon a  
16 blank to be furnished by the commissioner, a notice, statement  
17 or report containing the date of such transfer, a description  
18 of such vehicle, the name and post office address of the  
19 transferee, together with such other information as the com-  
20 missioner may require.

21 (5) TRANSFER TO DEALER. Whenever the owner of a

22 vehicle registered hereunder transfers or assigns his title,  
23 or interest therein, to a dealer, the transferor shall merely  
24 endorse the certificate of title, and the dealer shall not be  
25 required to present the certificate of registration or certi-  
26 ficate of title to the department, as provided in sub-section  
27 (2) of this section, until such time as the said vehicle has  
28 been transferred by such dealer; provided, however, that such  
29 dealer shall immediately notify the department that such

1 vehicle has been transferred to him.

2 (6) TRANSFER BY DEALER OF REGISTERED VEHICLE.

3 Upon the transfer by a dealer of any vehicle mentioned in  
4 sub-section (5) of this section, such dealer shall deliver to  
5 the transferee the assigned certificate of title received by  
6 such dealer from his transferor, which certificate shall be  
7 forwarded to the commissioner, as hereinbefore provided in  
8 sub-section (2) of this section, together with a fee of \$2.00.  
9 The commissioner shall thereupon issue a new certificate of  
10 registration and deliver it to the transferee and shall issue  
11 a new certificate of title as provided in sub-section (3) of  
12 this section, and shall deliver the same to the legal owner or  
13 mortgagee, if there is a legal owner or mortgagee, otherwise  
14 to the transferee /SUCH TRANSFEREE OF THE DEALER, SUBJECT,  
15 HOWEVER, TO THE PROVISIONS OF SECTION 5 (7) OF THIS ACT/.

16 (7) TRANSFER BY OPERATION OF LAW. Whenever the  
17 title or interest of an owner in or to a registered vehicle  
18 shall pass to another, otherwise than by voluntary transfer,  
19 the registration thereof shall expire, and the vehicle shall  
20 not be operated upon a highway unless and until the person  
21 entitled to possession of such vehicle shall apply for and  
22 obtain the registration thereof. Upon any such transfer a  
23 new owner may either secure a new registration and certificate  
24 of title on proper application, upon presentation of such  
25 instruments or documents of authority or certified copies  
26 thereof as may be sufficient or required by law to evidence  
27 or effect a transfer of title or interest in or to such  
28 vehicle in such case, or such new owner, upon transferring  
29 his title or interest to another person shall execute and

1 acknowledge an assignment and warranty of title and deliver  
2 the same, together with the documents of authority or certi-  
3 fied copies thereof as aforesaid, to the person to whom such  
4 transfer is made.

5 (3) ASSIGNMENT BY LEGAL OWNER OR LIEN HOLDER. The  
6 legal owner or any ~~ANY~~ person holding a lien or encumbrance  
7 upon a vehicle, other than a lien dependent solely upon pos-  
8 session, may assign his title or interest in or to such  
9 vehicle to a person other than the owner without the consent  
10 of and without effecting the interest of such owner or the  
11 registration of such vehicle, but in such event shall give to  
12 the owner written notice of such assignment. The department,  
13 upon receiving a certificate of title assigned by the legal  
14 owner or holder of a lien or encumbrance shown thereon and  
15 giving the name and address of the assignee, accompanied by a  
16 fee of \$2.00, shall issue a new certificate of title to such  
17 assignee.

18 (9) RELEASE BY LIEN HOLDER TO OWNER. A person  
19 holding a lien or encumbrance as shown upon a certificate of  
20 title upon a vehicle may release such lien or encumbrance or  
21 assign his interest to the owner without affecting the regis-  
22 tration of such vehicle. The department, upon receiving a  
23 certificate of title upon which a lien holder has released or  
24 assigned his interest to the owner, or upon receipt of a  
25 certificate of title not so endorsed but accompanied by a  
26 legal release from a lien holder of his interest in or to a  
27 vehicle, and upon receipt of a fee of \$2.00, shall issue a  
28 new certificate of title.

29 (10) OWNER DISMANTLING OR WRECKING VEHICLE. Any

1 owner dismantling or wrecking any registered vehicle shall  
2 immediately forward to the department the certificate of title  
3 and registration card last issued for such vehicle.

4 (11) UNLAWFUL FOR FAILURE TO ENDORSE AND DELIVER  
5 CERTIFICATE. It shall be unlawful for any person to fail or  
6 neglect to properly endorse and deliver a certificate of  
7 title to a transferee or owner lawfully entitled thereto.

8 Sec. 7. This Act shall take effect immediately upon its  
9 passage and approval or upon its becoming law without such  
10 approval.

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