

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 395

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act increasing the penalty for driving  
7 a vehicle without the owner's consent and  
8 providing for a civil action for damages  
9 in certain cases; and providing for an  
10 effective date."

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

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Section 1. Sec. 50-5-1(a), ACLA 1949, as last amended by

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Ch. 42, SLA 1955, is amended to read:

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(a) (1) Any person who drives, tows away, or otherwise

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takes a vehicle not his own without the consent of the owner,

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with intent temporarily to deprive the owner of his possession

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of the [SUCH] vehicle, or any person who is a party or

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accessory to or an accomplice in any such driving or un-

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authorized taking is guilty of a misdemeanor, and upon

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conviction shall be punished by imprisonment for not more

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than two years [ONE YEAR], or by a fine of not more than

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\$2,000.00 [\$1,000.00], or by both [SUCH] fine and imprison-

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ment. The consent of the owner of a vehicle to its driving,

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towing away, or otherwise taking shall not in any case be

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presumed or implied because of the [SUCH] owner's consent on

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a previous occasion or occasions to the driving, towing away

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or otherwise taking of the [SUCH] vehicle by the same or a

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different person. Persons taking vehicles under the pro-

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visions of other laws or pursuant to rights granted in any

1 lawful contract are not subject to this subsection.

2 (2) If an unemancipated minor violates subsection  
3 (a) (1) of this section, the owner of the vehicle is entitled  
4 to recover, in a civil action, damages resulting from the  
5 violation, from either or both parents or from the guardian  
6 or legal custodian of the minor. A state agency or its  
7 agent, including a person working in or responsible for the  
8 operation of a foster, receiving or detention home or  
9 children's institution and non-profit religious, charitable,  
10 or educational children's institutions, are not liable for a  
11 minor's violation of subsection (a) (1) of this section. A  
12 parent whose parental rights over and responsibilities for  
13 a minor have been terminated by court order is not liable  
14 under this subdivision for the minor's violations of sub-  
15 section (a) (1) of this section after the court order is  
16 effective.

17 Sec. 2. This Act takes effect on the day after its passage  
18 and approval or on the day it becomes law without such approval.  
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