

BY SENATORS B. PHILLIPS
POLLOCK AND V. PHILLIPS

1 IN THE SENATE

2 SENATE BILL NO. 258

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

A BILL

6 For an Act entitled: "An Act relating to licensing and regulating
7 the business of motor vehicle wrecking."

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

9 Section 1. No person may carry on or conduct in this state
10 the business of wrecking, dismantling, permanently disassembling
11 or substantially altering the form of a motor vehicle, unless he
12 has a license from the Department of Public Safety authorizing
13 him to carry on or conduct the business. The department shall
14 issue annual licenses, effective from July 1 of each year.

15 Sec. 2. Each motor vehicle wrecker shall annually apply
16 for a license on forms prescribed and furnished by the department,
17 verified by the applicant, and containing

18 (1) the name of the applicant and his business and
19 residence addresses;

20 (2) if the applicant is a firm or partnership, the
21 name of the firm or partnership and the names and residences of
22 all its members;

23 (3) if the applicant is a corporation, the names of
24 the principal officers and their residences, the state of
25 incorporation, and the place of business in the state;

26 (4) other relevant information required by the depart-
27 ment.

28 Sec. 3. (a) When an applicant applies, he shall pay the
29 department an annual license fee of \$25 if application is made

SB #258

-1-

1 before July 1 or a fee of \$10 if application is made on July 1
2 or after, and deliver to the department a written recommendation
3 executed by the city or borough council, if the business is or
4 will be carried on within an incorporated city or borough, or
5 by the commissioner of public safety if the business is or will
6 be carried on outside a city or borough.

7 (b) Before the license may be issued, the applicant must
8 deliver to the department a bond with two or more personal
9 sureties, or with a corporate surety licensed to transact business
10 within this state. The bond shall be executed to the State of
11 Alaska in the sum of \$1,000, be approved as to form by the
12 attorney general, and be conditioned that the applicant, if a
13 license is issued to him, shall conduct his business without
14 violating the provisions of this Act.

15 Sec. 4. A person suffering loss or damage because a motor
16 vehicle wrecker violated a section of this Act has a cause of
17 action against the motor vehicle wrecker and his surety.

18 Sec. 5. A motor vehicle wrecker shall conduct his business
19 in an enclosed building, or on premises enclosed by a view
20 obscuring, firm and substantial fence or a solid wall, at least
21 eight feet high. No motor vehicle wrecker may park, store, or
22 display a motor vehicle or part of a motor vehicle acquired or
23 purchased in the course of his business outside a building,
24 fence or wall.

25 Sec. 6. The fence or wall mentioned in Sec. 5 of this Act
26 may not have more than one opening onto a public way. The
27 opening may not be more than 20 feet wide, and shall have a
28 substantial, tight gate or door of the same height as the fence
29 or wall. The gate shall open in or slide parallel to the fence.

1 Sec. 7. Premises which do not conform with Sec. 5 or Sec.
2 6 of this Act, but at which the business of a motor vehicle
3 wrecker is being conducted on the effective date of this Act,
4 shall conform within 90 days after the effective date.

5 Sec. 8. Motor vehicles, parts of motor vehicles, and other
6 material within a building or premises where the business of a
7 motor vehicle wrecker is conducted shall be arranged so as to
8 allow reasonable access to all parts of the premises and so
9 as to permit convenient inspection of the premises. Nothing
10 within the premises may be placed nearer than one foot to an
11 enclosing fence or wall.

12 Sec. 9. Every motor vehicle wrecker shall clearly, legibly
13 and consecutively mark with a number each motor vehicle acquired
14 or purchased by him at the time the motor vehicle is placed on
15 premises at which he is licensed to engage in business as a
16 motor vehicle wrecker.

17 Sec. 10. Every motor vehicle wrecker shall keep, at a
18 location designated by him in his license application, a record
19 of every acquisition or purchase of a motor vehicle or a part
20 of a motor. The record shall include

21 (1) the purchase or acquisition date;

22 (2) the number placed on the motor vehicle;

23 (3) the certificate of title number of the motor
24 vehicle if registered in a title state, the registration number
25 if registered in a nontitle state, or a comparable identification
26 if registered elsewhere;

27 (4) the name of the state where the motor vehicle
28 was last registered and the license number of the motor vehicle,
29 or comparable information if the motor vehicle was last

1 registered outside a state;

2 (5) a description of the motor vehicle, including
3 make, year, model, body type, identification number and motor
4 number; and

5 (6) the name, age, street address, and general
6 description, including dress, complexion, color of hair and
7 facial appearance of the person with whom the transaction is
8 made.

9 Sec. 11. Every motor vehicle wrecker shall deliver to the
10 local office of the state police, each business day, a copy of
11 the record of transactions for the preceding day.

12 Sec. 12. The state police may enter and inspect the
13 premises or anything on the premises of a motor vehicle wrecker
14 and may inspect the records of a motor vehicle wrecker, at any
15 reasonable time.

16 Sec. 13. A motor vehicle wrecker shall hold a motor vehicle
17 or part acquired or purchased by him 10 days before disassembling
18 it or offering it for sale, unless he is authorized to disassemble
19 it or offer it for sale sooner by the state police.

20 Sec. 14. No person may purchase a motor vehicle or a part
21 of a motor vehicle from a minor under the age of 19 years,
22 without receiving written authority from the person owning the
23 motor vehicle or part, authorizing the minor to sell it. The
24 written authority shall be placed on file by the person buying
25 the motor vehicle or part.

26 Sec. 15. No motor vehicle wrecker may cause, suffer or
27 allow another person to use premises on which he is licensed to
28 do business as a motor vehicle wrecker to dismantle or cut up
29 a motor vehicle or part of a motor vehicle which is not owned

1 by the motor vehicle wrecker.

2 Sec. 16. No motor vehicle wrecker may park, store or
3 display or cause, suffer or allow a person to park, store or
4 display a motor vehicle for sale as a used car on any premises
5 at which he is licensed to engage in business as a motor
6 vehicle wrecker.

7 Sec. 17. A person who violates Sec. 13, Sec. 14, Sec. 15,
8 or Sec. 16 of this Act is guilty of a misdemeanor and upon
9 conviction is punishable by a fine of not more than \$500 or by
10 imprisonment for not more than 60 days or both.

11 Sec. 18. "Motor vehicle wrecker" means a person engaged
12 in the business of buying, acquiring or dealing in motor vehicles
13 of a type usually licensed by the state, which he intends to
14 wreck, dismantle or disassemble; or a person who maintains or
15 uses a building, premises, or place, to wreck, dismantle, or
16 disassemble motor vehicles and who possesses for sale, offers
17 to sell or sells parts of motor vehicles wrecked, dismantled
18 or disassembled at the building, premises or place; or a
19 person who stores, or who causes, suffers or allows to remain
20 on a lot or parcel of land three or more motor vehicles of a
21 type usually licensed under the laws of the state, and from
22 which parts have been, or are to be removed, or which for more
23 than 30 days have not been operational.

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