

Introduced: 2/22/63
Referred: Judiciary

1 IN THE HOUSE

BY MR. SMITH

2 HOUSE BILL NO. 99

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 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 in
9 certain cases."

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

11 * Section 1. AS 28.35.010 is amended to read:

12 Sec. 28.35.010. DRIVING A VEHICLE WITHOUT OWNER'S CON-
13 SENT. (a) A person who drives, tows away, or takes a
14 vehicle not his own without the consent of the owner, with
15 intent temporarily to deprive the owner of possession of the
16 vehicle, or a person who is a party or accessory to or an
17 accomplice in the driving or unauthorized taking is guilty of
18 a felony [MISDEMEANOR], and upon conviction is punishable by
19 imprisonment for not more than two years [ONE YEAR], or by a
20 fine of not more than \$2,000 [\$1,000], or by both. The con-
21 sent of the owner of a vehicle to its driving, towing away,
22 or taking shall not be presumed or implied because of the
23 owner's consent on previous occasions to the driving, towing
24 away or taking of the vehicle by the same or a different
25 person.

26 (b) If an unemancipated person under the age of 19
27 years violates (a) of this section, the owner of the vehicle
28 is entitled to recover, in a civil action, damages and court
29 costs resulting from the violation from either or both

HB #99

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parents or from the guardian or legal custodian of the minor.
The court shall make a finding of whether a person is
unemancipated under the facts of each case.

(c) A parent whose parental rights over and responsi-
bilities for a minor have been terminated by court order is
not liable under this section for the minor's violation of
(a) of this section after the court order is effective.

(d) A state agency or its agent, including a person
working in or responsible for the operation of a foster,
receiving or detention home or children's institution, is not
liable for a minor's violation of (a) of this section.

(e) [(B)] The word "vehicle" as used in this section
means a device in, upon or by which a person or property is
or may be transported or drawn upon a public highway, except
a device moved by human power.

(f) [(C)] The word "person" as used in this section
does not include a United States marshal or his deputy, a
state policeman, or any other peace officer who drives, tows
away, or otherwise takes a vehicle with authority under law
to do so.