

Introduced: 3/5/71
Referred: State Affairs;
Judiciary

1 IN THE SENATE

BY MERDES AND MILLER

2 SENATE BILL NO. 148

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to priority of liens on motor
7 vehicles."

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

9 * Section 1. AS 28.10.510 is amended to read:

10 Sec. 28.10.510. FILING EFFECTIVE TO GIVE NOTICE. The filing and
11 the issuance of a new certificate of title is constructive notice of
12 all liens and encumbrances against the vehicle described in the certi-
13 ficate to creditors of the owner, or to subsequent purchasers and
14 encumbrancers. However, an encumbrance or lien on a vehicle for
15 [WORK, LABOR, MATERIAL,] transportation, storage, or similar activity,
16 whether or not dependent on possession for its validity, is subordinate
17 only to mortgages, conditional sales contracts, or similar encumbrances
18 or liens properly filed on or before the time that the vehicle is
19 subject to, or comes into possession of, the encumbrance or lien
20 claimant. An encumbrance or lien on a vehicle for labor or material
21 is subordinate only to existing encumbrances or liens of which the
22 person performing the labor or furnishing the material had actual
23 notice.

24 * Sec. 2. AS 34.35.200(2) is amended to read:

25 (2) a lien, mortgage, or other encumbrance which attaches
26 before that time, when the person furnishing the material or performing
27 the services did not have actual notice of the prior lien, mortgage,
28 or encumbrance [, OR THE PRIOR LIEN, MORTGAGE, OR ENCUMBRANCE WAS NOT
29 RECORDED OR FILED IN THE MANNER PROVIDED BY LAW].