

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/25/74
For Calendar 3/26/74

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 645

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle safety responsi-
7 bility; and providing for an effective date."

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

9 * Section 1. AS 28.20.030 is amended to read:

10 Sec. 28.20.030. COURT REVIEW. An order or act of the department
11 is subject to review by appeal to the district [SUPERIOR] court [IN
12 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62)].

13 * Sec. 2. AS 28.20.050(a) is amended to read:

14 (a) The provisions of this chapter requiring deposit of security
15 and suspension for failure to deposit security apply to the driver and
16 owner of a vehicle subject to registration under the laws of this
17 state which is involved in any manner in an accident in this state
18 resulting in bodily injury to or death of a person or damage to the
19 property of any one person exceeding \$400 [\$200].

20 * Sec. 3. AS 28.20.050(d) is amended to read:

21 (d) Within 30 days after receipt of report of an accident and
22 upon determining the amount of security to be required of any person
23 involved in the accident or to be required of the owner of any vehicle
24 involved in the accident, the department shall give written notice to
25 every person of the amount of security required to be deposited by him
26 and stating that an order of suspension will be made upon the expira-
27 tion of 10 days after the notice is sent unless within that time
28 security is deposited as required. No license may be suspended unless
29 the licensee is afforded a hearing by the department at which it is

1 determined that there is a reasonable possibility of a judgment holding
2 him liable being rendered. Hearings required by this chapter shall be
3 presided over by the commissioner or his designee; however, the com-
4 missioner's designee may not be a peace officer. Hearings required by
5 this chapter shall be recorded. The district court's review shall be
6 on the record of the hearing, except that the court may augment the
7 hearing record.

8 * Sec. 4. AS 28.20.100(c) is amended to read:

9 (c) If the department evaluates the injuries or damage to a minor
10 in an amount not more than \$400 [\\$200], the department may accept, for
11 the purposes of this chapter only, evidence of a release from liability
12 executed by a natural or legal guardian on behalf of the minor without
13 court approval.

14 * Sec. 5. AS 28.20.230(a) is amended to read:

15 (a) The provisions of this chapter requiring the deposit of proof
16 of financial responsibility for the future apply to persons who are
17 convicted of or forfeit bail for certain offenses under motor vehicle
18 laws or who, by ownership or operation of a vehicle of a type subject
19 to registration under the motor vehicle laws of this state, are involved
20 in an accident in this state which results in bodily injury or death of
21 a person or damage to the property of any one person exceeding \$400
22 [\\$200].

23 * Sec. 6. AS 28.20.260(a) is amended to read:

24 (a) Upon receipt by the department of the report of an accident
25 resulting in bodily injury or death, or property damage to the extent
26 of \$400 [\\$200] or more, the department shall suspend the license of the
27 operator of a motor vehicle involved in the accident unless the opera-
28 tor or owner

29 (1) has previously furnished or immediately furnishes

1 security required by this chapter, or is excepted from furnishing
2 security under sec. 60 of this chapter, and

3 (2) maintains proof of financial responsibility for three
4 years following the accident.

5 * Sec. 7. AS 28.20.620 is repealed.

6 * Sec. 8. AS 28.35.080 (a) and (b) are amended to read:

7 (a) The driver of a vehicle involved in an accident resulting in
8 bodily injury to or death of a person or total property damage to an
9 apparent extent of \$200 [\$100] or more shall immediately by the quickest
10 means of communication give notice of the accident to the local police
11 department if the accident occurs within a municipality, otherwise to
12 the Department of Public Safety.

13 (b) The driver of a vehicle involved in an accident resulting in
14 bodily injury to or death of a person or total property damage to an
15 apparent extent of \$200 [\$100] or more shall, within two days after the
16 accident, forward a written report of the accident to the Department of
17 Public Safety and to the local police department if the accident occurs
18 within a municipality.

19 * Sec. 9. AS 44.62.330(a)(23) is repealed.

20 * Sec. 10. This Act takes effect on the day after its passage and approval
21 or on the day it becomes law without approval.