

Introduced: 3/25/74
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 816

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 vehicle dismantlers; and providing
7 for an effective date."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 67. VEHICLE DISMANTLERS.

11 Sec. 08.67.010. VEHICLE DISMANTLERS TO BE LICENSED. (a) Before
12 engaging in the business of dismantling vehicles in the state, a
13 person shall procure a license to dismantle vehicles from the Department
14 of Revenue.

15 (b) Each application for a vehicle dismantler's license shall be
16 filed with the Department of Revenue and be accompanied by an initial
17 investigation fee of \$50, a license fee of \$25, payable annually, and
18 a bond as required in sec. 40 of this chapter.

19 (c) Licenses shall be renewed annually before January 1 of each
20 year, and application for renewal shall be submitted no sooner than
21 December 1 of the year before expiration.

22 Sec. 08.67.020. FORM OF APPLICATION FOR LICENSE. The Department
23 of Revenue shall prescribe and furnish the form of application for the
24 license required under sec. 10 of this chapter. The application shall
25 contain

- 26 (1) the name under which the business is conducted;
27 (2) the location of the business;
28 (3) the name and address of all persons having an interest
29 in the business, and, if it is a corporation, the application shall

1 contain the name and address of the two principal officers of the
2 corporation;

3 (4) a statement that the applicant will carry on his business
4 from the established place of business given, in conformity with
5 AS 19.27;

6 (5) any other information the Department of Revenue requires.

7 Sec. 08.67.030. LICENSE ISSUANCE. Upon receipt of the application
8 filed under sec. 10 of this chapter, the department shall examine it and
9 may investigate information contained in it. If the department deter-
10 mines that the person complies with the provisions of this chapter, it
11 shall issue the license and license number to the vehicle dismantler.
12 The application shall be filed and indexed alphabetically and numeri-
13 cally. A vehicle dismantler is considered licensed when he is issued
14 a license number by the department.

15 Sec. 08.67.040. BOND. (a) With each application for a vehicle
16 dismantler's license or for renewal of a vehicle dismantler's license,
17 a bond shall be filed in favor of the state, executed by a corporate
18 surety approved by the commissioner of revenue, in the amount of
19 \$5,000. The bond shall be maintained while the license is in effect.
20 However, instead of a corporate surety bond, the commissioner may, in
21 his discretion, accept a bond in the same amount with at least two
22 individual sureties, each guaranteeing real property in value equal to
23 twice the amount of the bond. The commissioner shall investigate the
24 financial responsibility of the individual sureties. The condition of
25 the bond shall be that the applicant will conduct his business in
26 accordance with this chapter.

27 (b) The bond shall be filed with the commissioner of revenue. A
28 surety may cancel the bond upon 30 days advance notice in writing
29 filed with the commissioner; however, cancellation does not relieve

1 a surety of liability arising on the bond from a sale made by the
2 bonded vehicle dismantler before cancellation, or for liability which
3 has accrued upon the bond before cancellation. The commissioner shall
4 retain the cancelled bond on file with the department.

5 Sec. 08.67.050. ESTABLISHED PLACE OF BUSINESS. (a) No vehicle
6 dismantler's license may be issued to a person who does not have an
7 established place of business, as specified under guidelines established
8 by the department. If the licensee changes his established place of
9 business, he shall immediately notify the department. If a licensee
10 ceases to remain in possession of the established place of business,
11 he shall immediately notify the department and deliver to the depart-
12 ment, upon request, the special license plates issued under sec. 70 of
13 this chapter and all reports, forms and other materials provided by
14 the department that are in his possession.

15 (b) The certificate of license or a copy of it issued by the
16 department showing the name and address of the licensee shall be posted
17 at the licensee's established place of business as well as at all other
18 sites or locations operated and maintained by him. The established
19 place of business required under this section shall include a storage
20 area for vehicles and a permanent enclosed building or structure large
21 enough to accommodate storage of business records. The established
22 place of business shall comply with AS 19.27.

23 Sec. 08.67.060. DENIAL, CANCELLATION, SUSPENSION OR REVOCATION
24 OF LICENSE. (a) The application for a vehicle dismantler's license
25 or for renewal of a vehicle dismantler's license may be denied for
26 cause, in the determination of the commissioner, in accordance with
27 the Administrative Procedure Act (AS 44.62).

28 (b) The commissioner may cancel, suspend, or revoke a vehicle
29 dismantler's license, in accordance with the Administrative Procedure

1 Act (AS 44.62), if he determines that the

2 (1) license was erroneously issued;

3 (2) licensee has used or allowed another to use a special
4 license plate issued to him in violation of a provision of this chapter;

5 (3) licensee has made false statements knowingly in the
6 procurement of a license or concealed a material fact in an application
7 or other document filed with the department;

8 (4) licensee has acquired or disposed of a vehicle or a
9 part of a vehicle knowing the vehicle to be stolen or appropriated
10 without the consent of the owner;

11 (5) licensee has been convicted of a felony, or a fraudulent
12 or dishonest act or commission; or

13 (6) licensee has failed to comply with the requirements
14 imposed under this chapter for the issuance of a vehicle dismantler's
15 license.

16 Sec. 08.67.070. ISSUANCE OF LICENSE AND SPECIAL LICENSE PLATES.

17 (a) After an application for a vehicle dismantler's license is approved
18 by the department, a license shall be issued to the applicant. The
19 license shall contain the applicant's name, business address, and the
20 general distinguishing number assigned to the applicant.

21 (b) With the license issued by the department, the department
22 shall issue renewable special license plates which expire on December 31
23 of the year for which they are issued and which show the general
24 distinguishing number assigned to the applicant. Each plate shall
25 also contain a number or symbol identifying it from other plates
26 bearing a like general distinguishing number.

27 Sec. 08.67.080. PENALTIES. A vehicle dismantler who fails to
28 file a bond as required under this chapter before January 1 of each
29 year, in addition to being subject to sec. 60 of this chapter, shall

1 pay a penalty of \$100 to the department. A vehicle dismantler who
2 wilfully violates a provision of this chapter is guilty of a mis-
3 demeanor and upon conviction is punishable by a fine of not more than
4 \$300.

5 Sec. 08.67.090. OPERATION OF VEHICLES UNDER SPECIAL PLATES. A
6 vehicle dismantler owning or moving a vehicle required to be licensed
7 in the state may operate it without a license solely for the purpose
8 of moving it from its location to the vehicle dismantler's established
9 place of business, if the special plates issued to the vehicle dismantler
10 are displayed on the vehicle. This section applies only to vehicles
11 moved from one location to another for the purpose of dismantling and
12 not to service or work vehicles.

13 Sec. 08.67.100. RECORDS. (a) A vehicle dismantler shall main-
14 tain a record of the following on forms prescribed by the Department
15 of Revenue:

16 (1) all motor vehicles, trailers, or semi-trailers bought
17 or otherwise acquired for the purpose of dismantling or other disposal;

18 (2) all abandoned motor vehicles transported, taken into
19 custody, stored, sold, dismantled, wrecked, destroyed or otherwise
20 disposed of;

21 (3) all motor vehicles, trailers, semi-trailers bought or
22 exchanged by the licensee or which are otherwise received or accepted
23 by the licensee for sale or exchange; and

24 (4) all used parts or used accessories which are bought or
25 otherwise acquired, having a known or estimated market value greater
26 than \$20.

27 (b) All records maintained under this section shall be available
28 for inspection during reasonable business hours by a peace officer or
29 an authorized employee of the Department of Revenue.

1 Sec. 08.67.110. DEFINITIONS. In this chapter, "vehicle dismantler"
2 means a person engaged in whole or in part in the business of buying,
3 selling or dealing in vehicles subject to licensure in the state, for
4 the purpose of dismantling, wrecking, or substantially changing the
5 form of the vehicle, or who buys and sells used integral parts and
6 components of the vehicles, or who otherwise commercially deals in
7 used parts of vehicles.

8 * Sec. 2. AS 28.10 is amended by adding new sections to read:

9 Sec. 28.10.252. SPECIAL TAX ON DISMANTLERS. Upon application for
10 the first vehicle dismantler's license under AS 08.67.010, the tax for
11 the special license plates is \$40, and for each additional set, \$20.

12 Sec. 28.10.405. TRANSFER TO DISMANTLER. When the owner of a
13 registered vehicle transfers or assigns his title or interest to a
14 licensed vehicle dismantler or a vehicle dismantler acquires ownership
15 of a vehicle for towing or storage liens, the dismantler is not required
16 to present the registration or certificate of title as provided in
17 sec. 360 of this chapter; however, the dismantler shall endorse the
18 certificate or other documentation of ownership indicating that the
19 vehicle has been dismantled, wrecked or made otherwise inoperable, and
20 forward it to the department.

21 * Sec. 3. This Act takes effect December 1, 1974.
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