

Introduced: 3/11/74
Referred: Finance

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 469

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 registration; and
7 providing for an effective date."

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

9 * Section 1. AS 28.10 is amended by adding a new section to read:

10 Sec. 28.10.541. RECIPROCITY. (a) The department may enter
11 into agreements or arrangements with authorities of other jurisdictions,
12 provinces, or countries granting exemption from the licensing and
13 registration provisions of this chapter to commercial vehicles which
14 are properly registered or licensed or for which fees have been paid
15 in the jurisdictions, and upon which evidence of registration or
16 payment of fees is conspicuously displayed.

17 (b) Agreements or arrangements made under this section shall
18 contain provisions by which owners of or persons entitled to the
19 possession of or right to operate a commercial vehicle registered or
20 licensed or upon which fees have been paid in this state who operate
21 vehicles of the same type upon the highways of one of the other
22 jurisdictions shall receive substantially equivalent exemptions as one
23 extended to persons or owners of vehicles of the same type from the
24 other jurisdictions in this state.

25 (c) The department shall, wherever practicable, enter into
26 agreements or arrangements for the proportionate registration and
27 licensing of vehicles or payment of fees under sec. 546 of this chapter.

28 (d) Agreements or arrangements made under this section shall
29 authorize owners of or persons entitled to the possession of or right

1 to operate commercial vehicles who are residents of other jurisdictions
2 which are parties to the agreement or arrangement to register or
3 license the vehicles in the other jurisdiction. Vehicles registered
4 or licensed in one of the jurisdictions under the agreement or
5 arrangement shall be exempt from registration or licensing requirements
6 in the other jurisdictions which are parties to the agreement or
7 arrangement and shall be entitled to the exemptions granted to other
8 vehicles registered or licensed in the other jurisdiction.

9 (e) Agreements or arrangements made under this section may deny
10 exemption to a person who violates the conditions stated or who
11 violates the rules and regulations for the administration of reciprocal
12 exemptions issued by the department.

13 (f) The department may examine the legal requirements or motor
14 vehicle registration, license and weight fee statutes of other juris-
15 dictions which grant reciprocal privileges to out-of-state owners
16 or persons but which do not authorize negotiation or execution of
17 agreements by administrative officials and the department may
18 determine and declare the extent and nature of the reciprocal exemptions
19 to which owners of commercial vehicles or other persons from other
20 jurisdictions shall be entitled under the laws of this state.

21 (g) All agreements, arrangements, and declarations made under
22 this section shall be in writing and shall be approved as to form by
23 the attorney general at which time they will become effective, and
24 shall remain in effect until revoked by act of the department. Original
25 copies of such agreements, arrangements, and declarations shall be
26 filed in the department with copies available to the public upon request.

27 * Sec. 2. AS 28.10 is amended by adding a new section to read:

28 Sec. 28.10.545. PROPORTIONATE REGISTRATION AND LICENSING. (a)
29 The legislature declares that in enacting this section, it adheres

1 to the principle that each state should have the freedom to develop
2 the kind of highway user tax structure that it determines to be
3 most appropriate to itself, that the method of taxation of interstate
4 vehicles should not be a determining factor in developing its user tax
5 structure, and that annual taxes or other taxes of the fixed fee type
6 which are not imposed on a basis that reflects the amount of highway
7 use should be apportioned among the states, within limits of practi-
8 cality, on the basis of vehicle miles traveled within each of the
9 states. In the event the department determines that apportionment of
10 taxes on the basis of vehicle miles for a particular fleet of
11 vehicles is impractical, the department may require the taxes on such
12 fleet to be apportioned on an equivalent basis other than miles, as
13 determined by the department.

14 (b) A person engaged in operating fleets of three or more
15 commercial vehicles in this state in interstate commerce, may, in
16 place of registration of the vehicles under other provisions of this
17 chapter register and license each fleet for operation in this state
18 by filing an application with the department.

19 (c) The application shall declare the total fleet miles or the
20 equivalent when required by the department, of each fleet of vehicles
21 in all other jurisdictions and the total fleet miles, or equivalent
22 as required, operated by each fleet in this state during the preceding
23 calendar year, or a preceding 12-month period as determined by the
24 department, and shall describe and identify each vehicle in each
25 fleet to be operated in this state during the following license year.

26 (d) "Total fleet miles" for the purposes of this section includes
27 total fleet miles in this state, in other jurisdictions having
28 proportionate registration and licensing provisions, in jurisdictions
29 with which this state has reciprocity, either by law or under a

1 reciprocal agreement, arrangement or declaration, and in other
2 jurisdictions which the department determines should be included under
3 the circumstances in order to protect or promote the interests of
4 this state.

5 (e) Mileage proportions, or their equivalents when required,
6 for interstate fleets not operated in this state during the preceding
7 year shall be determined by the department upon an application
8 on forms to be supplied by the department, upon request, which will
9 show the operations of the preceding year in other jurisdictions and
10 the estimated operation in this state. If no operations were conducted
11 for the previous year a full statement of the proposed method of
12 operation shall accompany the application.

13 (f) Applications under which fees are due and payable on or
14 before January 31 may be filed with the department on or after
15 November 1.

16 (g) The department shall register and issue distinctive
17 stickers or other suitable devices for every vehicle described and
18 identified in the application, identifying it as an interstate fleet
19 vehicle which shall be exempt from all further license and registra-
20 tion fee requirements of this state for any type of movement or
21 operation if each of the vehicles is properly and duly licensed and
22 registered in another jurisdiction unless the department determines
23 that such licensing and registration would be contrary to the pro-
24 tection or promotion of the interests of this state.

25 (h) The provisions of this section apply to vehicles added to a
26 fleet and operated in this state during the license year.

27 (i) A person complying with the provisions of this section
28 shall preserve the records on which the application is based for a
29 period of four full years following the year upon which the application

1 is based, and the applicant shall make the records available to the
2 department at its request and at its designated office for audit as
3 to accuracy of computation and payments.

4 (j) If the department determines that the applicant should have
5 registered more vehicles in this state under provisions of this
6 section or paid additional fees, it may deny him the right of any
7 further benefits by reason of any reciprocal agreement or declaration
8 until the fees, including those for the additional vehicles which
9 should have been registered, have been paid.

10 (k) The fees determined to be due and owing under this section
11 are a lien upon all vehicles of the applicant of a type subject to
12 registration under this chapter.

13 * Sec. 2. AS 28.10.540(b) - (c) are repealed.

14 * Sec. 3. This Act takes effect on the day after its passage and
15 approval or on the day it becomes law without approval.