

Original Sponsor: Huber

Offered: 5/27/76  
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1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 26

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: An Act relating to motor vehicles; and providing for an effective date."

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

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\* Section 1. AS 28.01.010(b) and (c) are repealed and re-enacted to read:

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(b) A municipality may adopt by reference all or a part of this title and regulations promulgated under this title, and may request and shall receive from the Departments of Public Safety and Community and Regional Affairs assistance in the drafting of model ordinances for adoption by reference. Notwithstanding (a) of this section, a municipality may enact necessary ordinances to meet specific local requirements.

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\* Sec. 2. AS 28.01.010 is amended by adding new subsections to read:

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(f) Regulations promulgated pertaining to a matter partially or wholly governed by this title shall be mutually consistent and compatible, and shall complement each other, as far as practicable. For the purpose of uniformity, the Department of Public Safety shall offer and receive reasonable assistance in the coordination and promulgation of

1 these regulations.

2 (g) The provisions of this title and the regulations promulgated  
3 under this title shall, as far as practicable, conform to the recommen-  
4 dations of the current edition of the Uniform Vehicle Code adopted by  
5 the National Committee on Uniform Traffic Laws and Ordinances.

6 \* Sec. 3. AS 28.01 is amended by adding a new section to read:

7 Sec. 28.01.020. SHORT TITLE. This chapter may be cited as the  
8 Alaska Uniform Traffic Laws Act.

9 \* Sec. 4. AS 28.15.300(a) is amended to read:

10 (a) A person who drives a motor vehicle on a public highway in  
11 this state at a time when his privilege to do so has been cancelled,  
12 suspended or revoked [BY A COURT OF COMPETENT JURISDICTION] is guilty of  
13 a misdemeanor, and, upon conviction, the court shall impose a minimum  
14 sentence of not less than 10 days. The execution of sentence may not  
15 be suspended nor may probation or parole be granted until the minimum  
16 imprisonment provided in this section has been served, nor may imposi-  
17 tion of sentence be suspended, except upon the condition that the defen-  
18 dant be imprisoned for no less than the minimum period provided for in  
19 this section, nor may the punishment provided for in this section be  
20 reduced under AS 11.05.150.

21 \* Sec. 5. AS 28.17 is amended by adding new sections to read:

22 Sec. 28.17.011. LICENSE REQUIRED. No person may operate a com-  
23 mercial driver training school or act as an instructor of a commercial  
24 driver training school unless licensed by the department as provided  
25 in this chapter.

26 Sec. 28.17.021. EXEMPTIONS. A driver education course or training  
27 which is approved by the department or the Department of Education with  
28 the concurrence of the department, or is taught at an accredited college  
29 or university, is exempt from the provisions of this chapter, but an

1 instructor employed by such a school or institution is exempt only to  
2 the extent that his activities are as an agent of the school or insti-  
3 tution.

4 Sec. 28.17.031. ISSUANCE AND EXPIRATION OF LICENSES; FEES. (a)  
5 The department shall issue a school or instructor license to an appli-  
6 cant who has complied with the provisions of this chapter and regulations  
7 promulgated under this chapter. All licenses issued under this section  
8 expire on the last day of each calendar year.

9 (b) Every application for an original or renewed school license  
10 shall be accompanied by a fee of \$25, and each application for an  
11 original or renewed instructor license shall be accompanied by a fee of  
12 \$5. No fee specified in this section may be refunded if a license is  
13 refused, suspended or revoked.

14 Sec. 28.17.041. AUTHORITY OF COMMISSIONER TO ADOPT REGULATIONS.

15 (a) The commissioner of public safety shall promulgate regulations  
16 necessary to carry out the provisions of this chapter, and may call  
17 upon the commissioner of education for assistance in formulating these  
18 regulations.

19 (b) Regulations promulgated under this section shall state the  
20 requirements for a school license, including requirements concerning  
21 manner and form of application, location, place of business, facilities,  
22 records, equipment, courses and standards of instruction, instructors,  
23 previous records of the school and instructors, financial statements,  
24 schedule of fees and charges, character and reputation of the operators  
25 and instructors, vehicle equipment and condition, inspection during  
26 reasonable business hours, insurance or bonds in the sum and with the  
27 provisions the commissioner considers necessary, and other matters the  
28 commissioner may prescribe for the protection of the public.

29 (c) Regulations promulgated under this section shall state the

1 requirements for an instructor's license, including requirements con-  
2 cerning manner and form of application, moral character, reputation,  
3 physical condition, knowledge of the courses of instruction and traffic  
4 laws and safety principles and practices, driving record, driving  
5 ability, previous personal and employment record, and other matters the  
6 commissioner may prescribe for the protection of the public.

7 Sec. 28.17.051. REFUSAL, SUSPENSION, OR REVOCATION OF LICENSE.

8 (a) The department may refuse to issue or renew or may suspend or  
9 revoke a license issued under this chapter when it finds that the  
10 applicant or licensee has violated or failed to comply with a provision  
11 of this chapter or a regulation promulgated under this chapter.

12 (b) Upon suspending, revoking, or refusing to issue or renew a  
13 license, the department shall immediately notify the applicant or  
14 licensee stating the reasons for the action and the right to appeal  
15 the department's action to the district court. The suspension or  
16 revocation may not become effective until the licensee has been afforded  
17 a reasonable opportunity for a court hearing. Upon the conclusion of  
18 a hearing, the department shall take appropriate action.

19 (c) A suspended or revoked license shall be returned immediately  
20 to the department by the licensee.

21 Sec. 28.17.061. PENALTIES. A person who violates a provision of  
22 this chapter or a regulation promulgated under this chapter is guilty  
23 of a misdemeanor and upon conviction is punishable by a fine of not more  
24 than \$100, or by imprisonment for not more than 30 days, or by both.

25 Sec. 28.17.071. DEFINITIONS. As used in this chapter and regula-  
26 tions promulgated under this chapter, unless the context otherwise  
27 requires,

28 (1) "commercial driver training school" or "school" means a  
29 business or nonprofit enterprise for the education and training of

1 persons, either practically or theoretically, or both, in the driving  
2 of motor vehicles, for which a consideration or tuition is charged;

3 (2) "instructor" means a person, whether acting for himself  
4 as operator of a school or acting for a school for compensation, who  
5 teaches, conducts classes of, gives demonstrations to, or supervises  
6 practice of, persons in the driving of motor vehicles.

7 \* Sec. 6. AS 28.35 is amended by adding new sections to read:

8 Sec. 28.35.015. TAMPERING WITH OR DAMAGING A VEHICLE. No person,  
9 without the right to do so, may tamper with a vehicle, set or attempt  
10 to set a vehicle in motion, or damage a part or component of a vehicle.

11 Sec. 28.35.024. RENTING A MOTOR VEHICLE. (a) No person may rent  
12 a motor vehicle to a person unless the person renting the vehicle is  
13 properly licensed under this title or, if a nonresident, the vehicle is  
14 properly licensed under the laws of the jurisdiction of his residence.

15 (b) No person may rent a motor vehicle until he has inspected the  
16 license of the person to whom the vehicle is to be rented, and has  
17 verified the identification of the licensee.

18 (c) Every person renting a motor vehicle shall keep a record of  
19 the registration number of the vehicle rented, the name, address and  
20 license number of the person to whom the vehicle is rented, and the  
21 date and place when and where the license of the intended driver was  
22 issued. The record shall be open to inspection by a peace officer or  
23 employee of the department acting in an official capacity.

24 (d) Every person renting a motor vehicle shall comply with the  
25 financial responsibility requirements of this title.

26 \* Sec. 7. AS 28.35.045(c) is amended to read:

27 (c) A person convicted of negligent driving is guilty of an  
28 infraction as defined by sec. 230 of this chapter [A MISDEMEANOR] and  
29 is punishable by a fine of not more than \$300, and in addition, the

1 court may limit or suspend his operator's license in accordance with  
2 AS 28.15.220(b).

3 \* Sec. 8. AS 28.35 is amended by adding new sections to read:

4 Sec. 28.35.135. UNLAWFUL TO KNOWINGLY MAKE FALSE STATEMENT, APPLI-  
5 CATION, OR CERTIFICATION. (a) No person may knowingly make a false  
6 affidavit, statement, or representation, or affirm falsely with respect  
7 to a matter or fact required to be set out under this title, nor may  
8 the person use a name other than his true name. A person convicted of  
9 violating this section is guilty of perjury and is punishable as pre-  
10 scribed by law.

11 (b) A person who has a certification, registration, title, license,  
12 or other form issued under this title, or who has applied for a certi-  
13 fication, registration, license, or other form, and who changes his name  
14 or moves from the address shown on the department's records or forms,  
15 shall notify the department in writing of the change in name or address  
16 within 10 days.

17 Sec. 28.35.145. APPLICATION OF LAW TO PERSONS WORKING ON HIGHWAY.  
18 Unless specifically made applicable by statute, regulation, or municipal  
19 ordinance, regulations promulgated by the commissioner under 13 AAC 02,  
20 and corresponding municipal ordinances, do not apply to a person while  
21 lawfully engaged in construction, installation, maintenance, or repair  
22 work upon a highway; however, such provisions do apply to the person  
23 so engaged when traveling to or from the work site.

24 \* Sec. 9. AS 28.35.150 is repealed and re-enacted to read:

25 Sec. 28.35.150. UNLAWFUL TO INTERFERE WITH OR DESTROY OFFICIAL  
26 TRAFFIC CONTROL DEVICE OR HIGHWAY CONSTRUCTION; ACTION BY STATE FOR  
27 DAMAGES. (a) It is unlawful to wilfully alter, deface, injure, knock  
28 down, remove or interfere with the effective operation or display of  
29 any part of an official traffic control device.

1 (b) It is unlawful to wilfully injure or destroy a road, bridge,  
2 or other highway construction, or part of it, or works, property, or  
3 material to be used in the construction or maintenance of a road,  
4 bridge, or other highway construction.

5 (c) The state has a right of action for damage caused by the  
6 violation of this section or of the rules and regulations adopted under  
7 AS 28.05.100(b)(2). Damages recovered under this section shall be  
8 deposited in the general fund.

9 \* Sec. 10. AS 28.35 is amended by adding a new section to read:

10 Sec. 28.35.155. OPERATION OF VEHICLE WITH CERTAIN TIRES PROHIBITED.

11 (a) It is unlawful to operate a motor vehicle with studded tires or  
12 tires with chains attached on a paved highway or road from May 1 through  
13 September 15, inclusive, north of 60° North Latitude and from April 15  
14 through September 30, inclusive, south of 60° North Latitude. The  
15 commissioner of public safety may by emergency order provide for  
16 additional lawful operating periods based on unusual seasonal or weather  
17 conditions. An emergency order adopted under this section is not  
18 subject to the Administrative Procedure Act (AS 44.62). Upon appli-  
19 cation a special individual traction permit may be issued allowing the  
20 operation of a motor vehicle with studded tires or chains at any time at  
21 the discretion of the commissioner. The department may provide an  
22 appropriate sticker or other device identifying the vehicle to which the  
23 permit applies.

24 (b) In this section "studded tire" means a tire with metal studs  
25 or spikes imbedded in the periphery of the tire surface, and protruding  
26 not more than one-fourth inch from the tire surface.

27 \* Sec. 11. AS 28.35.180 is repealed and re-enacted to read:

28 Sec. 28.35.180. DISOBEDIENCE TO SIGNALS OF OFFICER REGULATING  
29 TRAFFIC UNLAWFUL. No driver of a vehicle may refuse to obey a lawful

1 order or direction of a peace officer, fireman, or authorized flagman  
2 regulating and directing traffic. A peace officer or fireman regulat-  
3 ing or directing traffic shall, upon request of a driver, produce evi-  
4 dence of his authorization unless he is wearing in view his badge or  
5 uniform of office.

6 \* Sec. 12. AS 28.35 is amended by adding a new section to read:

7 Sec. 28.35.225. ENFORCEMENT. All law enforcement officers in this  
8 state shall enforce this title and regulations promulgated under this  
9 title. The state troopers shall advise and instruct all other law  
10 enforcement officers in the state concerning the requirements of this  
11 title and regulations promulgated under this title.

12 \* Sec. 13. AS 28.35.230 is repealed and re-enacted to read:

13 Sec. 28.35.230. PENALTY FOR VIOLATIONS OF LAW, REGULATIONS, AND  
14 MUNICIPAL ORDINANCES. (a) It is a misdemeanor for a person to violate  
15 a provision of this title unless the violation is by this title or  
16 other law declared to be a felony or an infraction.

17 (b) A person convicted of a misdemeanor for a violation of a  
18 provision of this title for which another penalty is not specifically  
19 provided is punishable by a fine of not more than \$500, or by imprison-  
20 ment for not more than 90 days, or by both. In addition, the privilege  
21 to drive or the registration of vehicles may be suspended or revoked.

22 (c) Unless otherwise specified by law a person convicted of a  
23 violation of a regulation promulgated under this title, or a municipal  
24 ordinance regulating vehicles or traffic when the municipal does not  
25 correspond to a provision of this title, is guilty of an infraction and  
26 is punishable by a fine not to exceed \$300.

27 (d) Punishment for an infraction as defined in (c) of this section  
28 may not include imprisonment, nor may the commission and conviction of  
29 a single infraction result in loss of the privilege to drive or the

1 registration of vehicles; neither does a person cited with an infraction  
2 have a right to trial by jury or counsel appointed by court.

3 (e) In addition to the other provisions of this section, the  
4 department may initiate a civil action against a driver or owner of a  
5 vehicle in matters pertaining to overweight violations. Overweight  
6 penalties shall be imposed at the rate of five cents for each pound of  
7 weight over the authorized weight limit for that vehicle.

8 \* Sec. 14. AS 28.35.260 is repealed and re-enacted to read:

9 Sec. 28.35.260. DEFINITIONS. Unless otherwise specifically de-  
10 fined or unless the context otherwise requires, in this title,

11 (1) "commissioner" means the commissioner of public safety,  
12 unless otherwise specified;

13 (2) "department" means the Department of Public Safety, unless  
14 otherwise specified;

15 (3) "highway" means the entire width between the boundary  
16 lines of every way that is publicly maintained when a part of it is open  
17 to the public for purposes of vehicular travel, including but not  
18 limited to every street and the Alaska state marine highway system but  
19 not vehicular ways or areas;

20 (4) "motor vehicle" means a vehicle which is self-propelled  
21 except a vehicle moved by human power;

22 (5) "municipality" means a home rule or general law borough  
23 or city including, but not limited to, a unified municipality organized  
24 under AS 29.68;

25 (6) "roadway" means that portion of a highway designed or  
26 ordinarily used for vehicular travel, exclusive of the sidewalk, berm,  
27 or shoulder, even though the sidewalk, berm, or shoulder is used by  
28 persons riding bicycles or other human powered vehicles; and in the  
29 event that a highway includes two or more separate roadways, the term

1 refers to each roadway separately but not to all such roadways col-  
2 lectively; and

3 (7) "vehicle" means a device in, upon, or by which a person or  
4 property may be transported or drawn upon or immediately over a highway  
5 or vehicular way or area except devices used exclusively upon stationary  
6 rails or tracks.

7 \* Sec. 15. AS 28.35 is amended by adding new sections to read:

8 Sec. 28.35.265. REGULATIONS. The commissioner shall promulgate  
9 regulations to define other terms which are used in this title and in  
10 regulations promulgated under this title.

11 Sec. 28.35.270. SHORT TITLE. This title and the regulations pro-  
12 mulgated under it may be cited as the Alaska Uniform Vehicle Code.

13 \* Sec. 16. AS 29.48.035(a)(1) is amended to read:

14 (1) vehicle, [AND] pedestrian, and other traffic, and licen-  
15 sing and operation of motor vehicles, including snow vehicles and off-  
16 highway [, OTHER HIGHWAY] vehicles, and operators not inconsistent with  
17 AS 28.01.010;

18 \* Sec. 17. AS 44.80.070 is amended to read:

19 Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the  
20 state or a department or agency of the state, which has control over a  
21 [PUBLIC] highway or vehicular way or area, permits a portion of the  
22 highway or vehicular way or area, as defined pursuant to AS 28.35.260,  
23 to be used for a special purpose, the state shall not be subject to  
24 legal action or recovery of damages for injury arising out of, or in  
25 any manner connected with the special purpose use.

26 \* Sec. 18. AS 28.10.080, 28.10.550, 28.10.650(3), (4), (9) and (18),  
27 AS 28.15.330, 28.15.360(2), (4), (5) and (9), AS 28.17.010 - 28.17.080,  
28 AS 28.20.630(1), (5) and (15), AS 28.35.010(b), 28.35.170, 28.35.200,  
29 28.35.220, 28.35.250, and AS 44.19.800 - 44.19.850 are repealed.

1 \* Sec. 19. This Act takes effect immediately in accordance with AS 01.10.  
2 070(c).

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