

1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR CS FOR SENATE BILL NO. 26

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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 AS 28.01.010(b) and (c) are repealed and re-enacted to read:

10 (b) A municipality may adopt by reference all or a part of this
11 title and regulations promulgated under this title, and may request and
12 shall receive from the Departments of Public Safety and Community and
13 Regional Affairs assistance in the drafting of model ordinances for
14 adoption by reference. Notwithstanding (a) of this section, a munici-
15 pality may enact necessary ordinances to meet specific local require-
16 ments.

17 (c) A copy of all traffic ordinances enacted by a municipality
18 shall be forwarded to the commissioner of public safety, and specific
19 notice of any inconsistent ordinances shall be given by the municipality
20 when the copy of the ordinances is forwarded. So far as practicable,
21 the section number identifying a particular municipal traffic ordinance
22 shall be the same as the section number identifying a corresponding pro-
23 vision of this title or regulations promulgated under this title.

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

25 (f) Regulations promulgated pertaining to a matter partially or
26 wholly governed by this title shall be mutually consistent and compa-
27 tible, and shall complement each other, as far as practicable. For the
28 purpose of uniformity, the Department of Public Safety shall offer and
29 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 28.17 is amended by adding new sections to read:

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

14 Sec. 28.17.021. EXEMPTIONS. A driver education course or training
15 which is approved by the department or the Department of Education with
16 the concurrence of the department, or is taught at an accredited college
17 or university, is exempt from the provisions of this chapter, but an
18 instructor employed by such a school or institution is exempt only to
19 the extent that his activities are as an agent of the school or insti-
20 tution.

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

26 (b) Every application for an original or renewed school license
27 shall be accompanied by a fee of \$25, and each application for an
28 original or renewed instructor license shall be accompanied by a fee of
29 \$5. No fee specified in this section may be refunded if a license is

1 refused, suspended or revoked.

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

3 (a) The commissioner of public safety shall promulgate regulations
4 necessary to carry out the provisions of this chapter, and may call
5 upon the commissioner of education for assistance in formulating these
6 regulations.

7 (b) Regulations promulgated under this section shall state the
8 requirements for a school license, including requirements concerning
9 manner and form of application, location, place of business, facilities,
10 records, equipment, courses and standards of instruction, instructors,
11 previous records of the school and instructors, financial statements,
12 schedule of fees and charges, character and reputation of the operators
13 and instructors, vehicle equipment and condition, inspection during
14 reasonable business hours, insurance or bonds in the sum and with the
15 provisions the commissioner considers necessary, and other matters the
16 commissioner may prescribe for the protection of the public.

17 (c) Regulations promulgated under this section shall state the
18 requirements for an instructor's license, including requirements con-
19 cerning manner and form of application, moral character, reputation,
20 physical condition, knowledge of the courses of instruction and traffic
21 laws and safety principles and practices, driving record, driving
22 ability, previous personal and employment record, and other matters the
23 commissioner may prescribe for the protection of the public.

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

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

29 (b) Upon suspending, revoking, or refusing to issue or renew a

1 license, the department shall immediately notify the applicant or
2 licensee stating the reasons for the action and the right to appeal
3 the department's action to the district court. The suspension or
4 revocation may not become effective until the licensee has been afforded
5 a reasonable opportunity for a court hearing. Upon the conclusion of
6 a hearing, the department shall take appropriate action.

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

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

13 Sec. 28.17.071. DEFINITIONS. As used in this chapter and regula-
14 tions promulgated under this chapter, unless the context otherwise
15 requires,

16 (1) "commercial driver training school" or "school" means a
17 business or nonprofit enterprise for the education and training of
18 persons, either practically or theoretically, or both, in the driving
19 of motor vehicles, for which a consideration or tuition is charged;

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

24 * Sec. 5. AS 28.35 is amended by adding new sections to read:

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

28 Sec. 28.35.024. RENTING A MOTOR VEHICLE. (a) No person may rent
29 a motor vehicle to a person unless the person renting the vehicle is

1 properly licensed under this title or, if a nonresident, the person is
2 properly licensed under the laws of the jurisdiction of his residence.

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

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

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

14 * Sec. 6. AS 28.35.045(c) is amended to read:

15 (c) A person convicted of negligent driving is guilty of an
16 infraction as defined by sec. 230 of this chapter [A MISDEMEANOR] and
17 is punishable by a fine of not more than \$300, and in addition, the
18 court may limit or suspend his operator's license in accordance with
19 AS 28.15.220(b).

20 * Sec. 7. AS 28.35 is amended by adding a new section to read:

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

28 (b) A person who has a certification, registration, title, license,
29 or other form issued under this title, or who has applied for a certi-

1 fication, registration, license, or other form, and who changes his name
2 or moves from the address shown on the department's records or forms,
3 shall notify the department in writing of the change in name or address
4 within 30 days.

5 * Sec. 8. AS 28.35.150 is repealed and re-enacted to read:

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

11 (b) It is unlawful to wilfully injure or destroy a road, bridge,
12 or other highway construction, or part of it, or works, property, or
13 material to be used in the construction or maintenance of a road,
14 bridge, or other highway construction.

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

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

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

21 (a) It is unlawful to operate a motor vehicle with studded tires or
22 tires with chains attached on a paved highway or road from May 1 through
23 September 15, inclusive, north of 60° North Latitude and from April 15
24 through September 30, inclusive, south of 60° North Latitude. The
25 commissioner of public safety shall by emergency order provide for
26 additional lawful operating periods based on unusual seasonal or weather
27 conditions. An emergency order adopted under this section is not
28 subject to the Administrative Procedure Act (AS 44.62). Upon appli-
29 cation a special individual traction permit may be issued allowing the

1 operation of a motor vehicle with studded tires or chains at any time at
2 the discretion of the vehicle owner. The fee for the special individual
3 permit is one-third of the annual license tax applicable to that class
4 of vehicle under AS 28.10.200. The department may provide an appro-
5 priate sticker or other device identifying the vehicle to which the
6 permit applies.

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

10 * Sec. 10. AS 28.35.180 is repealed and re-enacted to read:

11 Sec. 28.35.180. DISOBEDIENCE TO SIGNALS OF OFFICER REGULATING
12 TRAFFIC UNLAWFUL. No driver of a vehicle may refuse to obey a lawful
13 order or direction of a peace officer, fireman, or authorized flagman
14 regulating and directing traffic. A peace officer or fireman regulat-
15 ing or directing traffic shall, upon request of a driver, produce evi-
16 dence of his authorization unless he is wearing in view his badge or
17 uniform of office.

18 * Sec. 11. AS 28.35 is amended by adding a new section to read:

19 Sec. 28.35.225. ENFORCEMENT. All law enforcement officers in this
20 state shall enforce this title and regulations promulgated under this
21 title. The state troopers shall advise and instruct all other law
22 enforcement officers in the state concerning the requirements of this
23 title and regulations promulgated under this title.

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

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

29 (b) A person convicted of a misdemeanor for a violation of a

1 provision of this title for which another penalty is not specifically
2 provided is punishable by a fine of not more than \$500, or by imprison-
3 ment for not more than 90 days, or by both. In addition, the privilege
4 to drive or the registration of vehicles may be suspended or revoked.

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

10 (d) Punishment for an infraction as defined in (c) of this section
11 may not include imprisonment, nor may the commission and conviction of
12 a single infraction result in loss of the privilege to drive or the
13 registration of vehicles; neither does a person cited with an infraction
14 have a right to trial by jury or counsel appointed by court.

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

20 * Sec. 13. AS 28.35.260 is repealed and re-enacted to read:

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

23 (1) "commissioner" means the commissioner of public safety,
24 unless otherwise specified;

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

27 (3) "highway" means the entire width between the boundary
28 lines of every way that is publicly maintained when a part of it is open
29 to the public for purposes of vehicular travel, including but not

1 limited to every street and the Alaska state marine highway system but
2 not vehicular ways or areas;

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

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

8 (6) "roadway" means that portion of a highway designed or
9 ordinarily used for vehicular travel, exclusive of the sidewalk, berm,
10 or shoulder, even though the sidewalk, berm, or shoulder is used by
11 persons riding bicycles or other human powered vehicles; and in the
12 event that a highway includes two or more separate roadways, the term
13 refers to each roadway separately but not to all such roadways col-
14 lectively; and

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

19 * Sec. 14. AS 28.35 is amended by adding new sections to read:

20 Sec. 28.35.265. REGULATIONS. The commissioner shall promulgate
21 regulations to define other terms which are used in this title and in
22 regulations promulgated under this title.

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

25 * Sec. 15. AS 28.10.170 is amended to read:

26 Sec. 28.10.170. EXPIRATION OF REGISTRATION. Every vehicle regis-
27 tration, every registration card, and every registration plate issued
28 under this chapter expires at midnight on December 31 of each year.

29 However, the department may provide for different expiration dates in

1 accordance with regulations adopted under sec. 172 of this chapter. [,]

2 The owner of a registered vehicle may operate the vehicle under the
3 registration for the preceding year upon displaying the registration
4 plates issued for that year until May 31 of the year for which the
5 registration is required. However, if a system of staggered registra-
6 tion is approved, the provisions of sec. 172 of this chapter apply.

7 * Sec. 16. AS 28.10 is amended by adding a new section to read:

8 Sec. 28.10.172. EXPIRATION OF REGISTRATION. Beginning with the
9 calendar year 1977, vehicles required to be registered under this chap-
10 ter may be registered annually under a system of staggered registration
11 as prescribed in regulations promulgated by the department and adopted
12 under the Administrative Procedure Act (AS 44.62). These regulations
13 become effective only if approved by a concurrent resolution adopted by
14 a majority vote of each house of the legislature. Every vehicle regis-
15 tered, every registration card, and every registration plate issued
16 under this chapter expires at midnight on the expiration date set by the
17 department. The owner of a registered vehicle may operate the vehicle
18 under the registration for the preceding year upon displaying the regis-
19 tration plates issued for that year until a period after the appropriate
20 time of registration has passed as prescribed in regulations promulgated
21 by the department.

22 * Sec. 17. AS 28.10.180 is amended to read:

23 Sec. 28.10.180. RENEWAL OF REGISTRATION. The owner shall renew
24 his vehicle registration upon application and payment of the annual
25 license tax for the vehicle. The department may receive applications
26 for registration or renewal registration and issue new registration
27 cards and plates at any time before expiration of registration, but no
28 person may display the new registration plates on a vehicle before the
29 commencement of the appropriate registration date set by the department

1 for the new registration period [JANUARY 1 OF THE YEAR FOR WHICH THE
2 PLATES ARE ISSUED].

3 * Sec. 18. AS 29.48.035(a)(1) is amended to read:

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

8 * Sec. 19. AS 44.80.070 is amended to read:

9 Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the
10 state, or a department or agency of the state, which has control over a
11 [PUBLIC] highway or vehicular way or area, permits a portion of the
12 highway or vehicular way or area, as defined under AS 28.35.265, to be
13 used for a special purpose, the state shall not be subject to legal
14 action or recovery of damages for injury arising out of, or in any
15 manner connected with the special purpose use.

16 * Sec. 20. AS 28.05.080(d) - (e), AS 28.10.080, 28.10.550, 28.10.650(3),
17 (4), (9) and (18), AS 28.15.330, 28.15.360(2), (4), (5) and (9), AS 28.17.-
18 010 - 28.17.080, AS 28.20.040, 28.20.630(1), (5) and (15), AS 28.35.010(b),
19 28.35.170, 28.35.200, 28.35.220, 28.35.250, and AS 44.19.800 - 44.19.850 are
20 repealed.

21 * Sec. 21. This Act takes effect immediately in accordance with AS 01.10.
22 070(c).