

Introduced: 3/13/75
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 266 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act transferring those functions of the Department
7 of Revenue relating to motor vehicles to the Depart-
8 ment of Public Safety; and providing for an effective
9 date."

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

11 * Section 1. AS 05.30.010 is amended to read:

12 Sec. 05.30.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE.

13 Except for operation on the owner's private property, no person may
14 operate a snow vehicle which has not been registered with the Department
15 of Public Safety [REVENUE] as provided in this chapter.

16 * Sec. 2. AS 05.30.050 is amended to read:

17 Sec. 05.30.050. TRANSFER OF OWNERSHIP. The Department of Public
18 Safety [REVENUE] shall promulgate regulations to accomplish transfer
19 of ownership of snow vehicles.

20 * Sec. 3. AS 08.66.010 is amended to read:

21 Sec. 08.66.010. DEALERS TO REGISTER. Every dealer in motor
22 vehicles, trailers or semi-trailers shall, as a condition to engaging
23 in business in this state, register annually with the Department of
24 Public Safety [REVENUE].

25 * Sec. 4. AS 08.66.030 is amended to read:

26 Sec. 08.66.030. FORM OF APPLICATION. The Department of Public
27 Safety [REVENUE] shall prescribe and furnish the form of application
28 for dealer registration. The application shall contain

29 (1) the name under which the business is conducted;

1 (2) the location of business;

2 (3) the name and address of all persons having an interest
3 in the business, and in the case of a corporation the application
4 shall contain the name and address of the two principal officers;

5 (4) the name and make of all vehicles handled;

6 (5) whether or not used vehicles are handled;

7 (6) a statement that the applicant is a bona fide dealer in
8 motor vehicles, trailers, or semi-trailers with an established business
9 at the location given;

10 (7) such other information as the Department of Public
11 Safety [REVENUE] requires to administer this chapter.

12 * Sec. 5. AS 08.66.040 is amended to read:

13 Sec. 08.66.040. FILING APPLICATION FOR REGISTRATION. The appli-
14 cation shall be filed with the Department of Public Safety [REVENUE].
15 Upon receipt of the application the department shall examine it and
16 may make an investigation of the information in it. If the department
17 is satisfied that the dealer is entitled to registration, and the fees
18 have been paid and a bond filed, the department shall assign a distinc-
19 tive registration number to the dealer and file his application and
20 index it alphabetically and numerically. A dealer is registered when
21 the department assigns a registration number.

22 * Sec. 6. AS 08.66.060 is amended to read:

23 Sec. 08.66.060. BOND. (a) Every applicant for dealer registration
24 or for renewal of dealer registration shall file with the application
25 or request for renewal, and shall maintain in force while registered,
26 a bond in favor of the state, executed by an authorized corporate
27 surety approved by the commissioner of public safety [REVENUE], in the
28 amount of \$10,000. Instead of a corporate surety bond the commissioner
29 may, in his sole discretion, accept a bond in the same amount with at

1 least two individual sureties, each justifying with real property in
2 twice the amount of the bond. The commissioner shall make the investi-
3 gation necessary to determine the actual financial responsibility of
4 the individual sureties. The condition of the bond shall be that the
5 applicant will conduct his business in accordance with secs. 10 - 90
6 of this chapter and will not commit fraud or make fraudulent representa-
7 tions in the course of business.

8 (b) The bond shall be filed in the office of the commissioner of
9 public safety [REVENUE]. A surety may cancel the bond upon 30 day's
10 advance notice in writing filed with the commissioner. However,
11 cancellation does not relieve a surety of liability arising on the
12 bond from a sale made by the bonded dealer before cancellation or a
13 liability which has accrued upon the bond before cancellation. The
14 commissioner shall retain the cancelled bond on file and may not
15 relieve a surety of a liability arising before cancellation.

16 * Sec. 7. AS 09.05.020(a) is amended to read:

17 (a) The operation of a motor vehicle by a nonresident, or owned
18 by a nonresident and operated by his express or implied consent, in
19 the state is considered equivalent to an appointment of the commissioner
20 of public safety [REVENUE] by the nonresident as his attorney. The
21 summons may be served on the commissioner in an action against the
22 nonresident growing out of an accident or collision in which the
23 vehicle is involved while being so operated. This operation is con-
24 sidered a signification of the nonresident's agreement that a summons
25 against him which is so served has the same legal force as if served
26 on him personally in the state.

27 * Sec. 8. AS 09.05.020(b) is amended to read:

28 (b) Service of the summons is made by leaving a copy of it with
29 the commissioner of public safety [REVENUE] or his designee. The

1 commissioner or his designee shall keep a record of each such process
2 and the day and hour of service. This service is sufficient service
3 on the nonresident.

4 * Sec. 9. AS 09.05.030(a) is amended to read:

5 (a) The death of a nonresident does not revoke the appointment
6 of the commissioner of public safety [REVENUE] by the nonresident as
7 his attorney under sec. 20 of this chapter. If the nonresident dies,
8 an action growing out of the accident or collision may be begun or
9 prosecuted against his executor or administrator duly appointed by the
10 state, territory, or district of the United States or foreign country
11 where the nonresident is domiciled when he dies. Service of the
12 summons shall be made on the commissioner of public safety [REVENUE].
13 Notice of the service and the copy of the process shall be given to
14 the nonresident's executor or administrator in like manner, with the
15 same force as service on a living nonresident.

16 * Sec. 10. AS 28.05.050 is amended to read:

17 Sec. 28.05.050. DEPARTMENT OF PUBLIC SAFETY TO PUBLISH REGULATIONS
18 AND LAWS RELATING TO VEHICLES. The Department of Public Safety shall
19 publish in pamphlet form the rules and regulations adopted under
20 authority of secs. 10 - 50 of this chapter, traffic laws governing the
21 operation of motor vehicles, driver's licensing and motor vehicle
22 licensing and dealer laws, and accident reporting and safety responsi-
23 bility statutes. These rules, regulations, and laws shall be distri-
24 buted free of charge to the motoring public through officers or agencies
25 designated for the purpose. The cost of producing the pamphlets shall
26 be jointly shared by the Department of Highways [, THE DEPARTMENT OF
27 REVENUE,] and the Department of Public Safety.

28 * Sec. 11. AS 28.10.127(a) is amended to read:

29 (a) Upon application by the owner and under regulations adopted

1 by the commissioner of public safety [REVENUE], the department shall
2 issue a license to the owner of a vehicle used in relation to fishing,
3 mining, hunting, or farming operations and used only occasionally upon
4 a highway.

5 * Sec. 12. AS 28.10.515(c) is amended to read:

6 (c) The money realized from a sale made under this section shall
7 be applied first to the payment of costs and expenses of the sale and,
8 secondly to the lawful charges of the person having a lien on the
9 motor vehicle under this section. Remaining proceeds from the sale
10 shall be retained by the Department of Public Safety [REVENUE] to be
11 distributed to the registered and legal owner or lien holder entitled
12 to the remaining proceeds. A purchaser in good faith of a motor
13 vehicle sold under this section takes the motor vehicle free of any
14 rights of prior lien.

15 * Sec. 13. AS 28.10.530(c) is amended to read:

16 (c) [WHEREVER IN THE UNIFORM CONDITIONAL SALES ACT, SECS. 29-2-1
17 -- 29-2-30, ACIA 1949, THE WORDS "FILING OFFICER" ARE USED THEY REFER
18 FOR PURPOSES OF THIS CHAPTER TO THE COMMISSIONER OF REVENUE AND WHENEVER
19 IN THOSE SECTIONS THE WORDS "DISTRICT," "FILING DISTRICT," OR "PROPER
20 DISTRICT" ARE USED THEY REFER FOR THE PURPOSES OF THIS CHAPTER TO ONLY
21 ONE "DISTRICT" WHICH IS THE STATE.] The liens, or documents evidencing
22 liens, are exempt from the other provisions of law which require or
23 relate to the recording or filing of instruments creating or evidencing
24 title retention or other liens or encumbrances upon vehicles of a type
25 subject to registration under this chapter.

26 * Sec. 14. AS 28.10.650(3) is amended to read:

27 (3) "department" means the Department of Public Safety
28 [REVENUE];

29 * Sec. 15. AS 28.20.490 is amended to read:

1 Sec. 28.20.490. MONEY OR SECURITIES AS PROOF. Proof of financial
2 responsibility may be evidenced by the deposit of [A CERTIFICATE FROM
3 THE DEPARTMENT OF REVENUE THAT THE PERSON NAMED IN THE CERTIFICATE HAS
4 DEPOSITED WITH IT] \$25,000 in cash, or securities which are legal
5 investments for savings banks or trust funds having a market value of
6 \$25,000. The department [DEPARTMENT OF REVENUE] shall not accept a
7 deposit [AND ISSUE A CERTIFICATE AND THE DEPARTMENT SHALL NOT ACCEPT
8 THE CERTIFICATE] unless accompanied by evidence that there are no
9 unsatisfied judgments of any character against the depositor in the
10 recording district where the depositor resides.

11 * Sec. 16. AS 28.20.510 is amended to read:

12 Sec. 28.20.510. SUBSTITUTION OF PROOF. The department shall
13 consent to the cancellation of a bond or certificate of insurance, or
14 the department shall [DIRECT AND THE DEPARTMENT OF REVENUE SHALL]
15 return money or securities to the person entitled to it, upon the
16 substitution and acceptance of other adequate proof of financial
17 responsibility under this chapter.

18 * Sec. 17. AS 28.20.530 is amended to read:

19 Sec. 28.20.530. APPLICATION OF DEPOSIT. The department [DEPART-
20 MENT OF REVENUE] shall hold the deposit to satisfy, in accordance with
21 this chapter, any execution on a judgment issued against the person
22 making the deposit for damages, including damages for care and loss of
23 services because of bodily injury to or death of any person, or for
24 damages because of injury to or destruction of property, including the
25 loss of use of it, resulting from the ownership, maintenance, use or
26 operation of of a vehicle subject to registration under the laws of
27 this state after the deposit is made. Money or securities deposited
28 are not subject to attachment or execution unless the attachment or
29 execution arises out of a suit for damages specified in this section.

1 * Sec. 18. AS 28.20.540(a) is amended to read:

2 (a) The department shall, upon request, consent to the immediate
3 cancellation of a bond or certificate of insurance, or shall [DIRECT
4 AND THE DEPARTMENT OF REVENUE SHALL] return to the person entitled to
5 it money or securities deposited as proof of financial responsibility,
6 or shall waive the requirement of filing proof, in any of the following
7 events:

8 (1) at any time after three years from the date proof is
9 required when, during the three year period preceding the request, the
10 department has not received record of a conviction or a forfeiture of
11 bail which would require or permit the suspension or revocation of the
12 license or registration of the person by or for whom the proof was
13 furnished; or

14 (2) upon the death of the person on whose behalf the proof
15 was filed or the permanent incapacity of the person to operate a motor
16 vehicle; or

17 (3) if the person who has given proof surrenders his license
18 to the department.

19 * Sec. 19. AS 28.31.010(c) is amended to read:

20 (c) A peace officer or an authorized employee of a general law
21 municipality in the case of a general law municipality bound by the
22 procedure specified in this chapter, who reasonably believes that a
23 vehicle has been abandoned may have the vehicle removed to the nearest
24 garage or other place for impoundment and storage. Removal of an
25 abandoned vehicle from private property shall be on the written request,
26 on a form prescribed by the Department of Public Safety [REVENUE], of
27 the owner or person in lawful possession or control of the property.
28 A written report of the removal shall be sent immediately to the
29 Department of Public Safety [REVENUE], describing the vehicle, the

1 date, time and place of removal, the grounds for removal, and place of
2 impoundment of the vehicle. Upon receipt of the removal report, the
3 Department of Public Safety [REVENUE] shall provide written notification
4 by certified mail to the vehicle owner of record and to lien holders
5 of records, stating the grounds for removal and the name of the place
6 of impoundment of the vehicle; however, notice is not required if the
7 retail value of an abandoned vehicle is \$200 or less. If the vehicle
8 is not registered in the state, the Department of Public Safety [REVENUE]
9 shall make a reasonable effort to notify the registered owner or any
10 lien holder of removal and the place of impoundment of the vehicle.
11 The Department of Public Safety [REVENUE] shall forward a copy of the
12 notice to the owner or person in charge of the place of impoundment.

13 * Sec. 20. AS 28.31.040(b) is amended to read:

14 (b) Title to a vehicle disposed of under (a) of this section
15 shall be conveyed by a bill of sale issued by the state or local
16 governing body, as appropriate, on a form prescribed by the Department
17 of Public Safety [REVENUE]. A copy of the bill of sale shall be
18 forwarded to the Department of Public Safety [REVENUE] by the purchaser
19 within 10 days.

20 * Sec. 21. AS 28.31.040(c) is amended to read:

21 (c) Any subsequent sale of a vehicle sold under (a) of this
22 section is prohibited without a certificate of title issued by the
23 Department of Public Safety [REVENUE] under AS 28.10.

24 * Sec. 22. AS 28.31.050(a) is amended to read:

25 (a) The [DEPARTMENT OF REVENUE, IN CONJUNCTION WITH THE] Depart-
26 ment of Public Safety[,] shall, if necessary, negotiate with other
27 appropriate state agencies in an effort to designate and acquire cen-
28 trally located state land for the disposal of abandoned vehicles.
29 These areas may be for the temporary holding of vehicles before sale

1 as prescribed in sec. 40 of this chapter, or for the final disposal of
2 unsold abandoned vehicles.

3 * Sec. 23. AS 28.31.060(b) is amended to read:

4 (b) The [DEPARTMENT OF REVENUE AND THE] Department of Public
5 Safety shall assist general law municipalities which elect to adopt
6 their own procedures for the removal and impoundment of vehicles
7 within their boundaries.

8 * Sec. 24. AS 28.31.065 is amended to read:

9 Sec. 28.31.065. ABANDONED MOTOR VEHICLE FUND. There is created
10 within the Department of Public Safety [REVENUE] an abandoned motor
11 vehicle fund, to be composed of appropriations by the legislature and
12 proceeds from the sale of abandoned motor vehicles.

13 * Sec. 25. AS 28.31.070 is amended to read:

14 Sec. 28.31.070. DISPOSITION OF PROCEEDS OF PUBLIC AUCTION. (a)
15 The proceeds from the sale of abandoned motor vehicles under sec. 40
16 of this chapter, if any, after deducting the cost of impounding the
17 vehicle, and advertising and selling it, shall be deposited in an
18 abandoned motor vehicle fund within the Department of Public Safety
19 [REVENUE]. The Department of Public Safety [REVENUE] shall prorate
20 the money in the fund to each general law municipality bound by the
21 procedure specified in this chapter in proportion to the number of
22 abandoned vehicles disposed of within its boundaries.

23 (b) If available, money in the abandoned vehicle fund shall be
24 disbursed by [FROM THE DEPARTMENT OF REVENUE TO] the Department of
25 Public Safety to provide for the removal of abandoned vehicles in
26 areas outside general law municipalities.

27 * Sec. 26. AS 28.31.075 is amended to read:

28 Sec. 28.31.075. REGULATIONS. The [DEPARTMENT OF REVENUE, IN
29 CONJUNCTION WITH THE] Department of Public Safety[,] shall promulgate

1 regulations necessary to implement secs. 10 - 80 of this chapter.

2 * Sec. 27. AS 42.10.240(c) is amended to read:

3 (c) Weight fees on motor vehicles regularly licensed and regis-
4 tered in the state shall be paid to the commissioner of public safety
5 [REVENUE] at the same time that the regular annual license fee is
6 paid. Weight fees on motor vehicles not otherwise licensed in the
7 state shall be paid to the commission.

8 * Sec. 28. AS 42.15.331(c) is amended to read:

9 (c) Weight fees on vehicles regularly licensed and registered in
10 the state shall be paid to the commissioner of public safety [REVENUE]
11 at the same time that the regular annual license fee is paid. Weight
12 fees on vehicles not otherwise licensed in the state shall be paid to
13 the commission.

14 * Sec. 29. AS 28.10.530(b), and 28.10.580 are repealed.

15 * Sec. 30. AS 28.15.250(b) is repealed and re-enacted to read:

16 (b) The department shall require the re-examination of a licensed
17 operator who is 70 years of age or older. The licensee may be re-
18 examined at the time he renews his license every two years, or as often
19 as the department considers necessary. The re-examination shall be
20 limited to a test of the applicant's eyesight and an actual demonstra-
21 tion of ability to exercise ordinary and reasonable control in the
22 operation of a motor vehicle.

23 * Sec. 31. This Act takes effect July 1, 1975.
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