

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/30/77

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR SENATE BILL NO. 75

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles."

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

8 * Section 1. AS 08.66.060(a) is amended to read:

9 (a) Every applicant for dealer registration or for renewal of
10 dealer registration shall file with the application or request for
11 renewal, and shall maintain in force while registered, a bond in favor
12 of the state, executed by an authorized corporate surety approved by the
13 commissioner of public safety, in the amount of \$10,000, except that a
14 dealer who sells only motorcycles shall maintain in force while regis-
15 tered a bond in favor of the state, executed and approved in the same
16 manner as bonds required of other dealers under this section, in the
17 amount of \$3,000. Instead of a corporate surety bond the commissioner
18 may, in his sole discretion, accept a bond in the same amount with at
19 least two individual sureties, each justifying with real property in
20 twice the amount of the bond. The commissioner shall make the investi-
21 gation necessary to determine the actual financial responsibility of the
22 individual sureties. The condition of the bond shall be that the appli-
23 cant will conduct his business in accordance with secs. 10 - 90 of this
24 chapter and will not commit fraud or make fraudulent representations in
25 the course of business.

26 * Sec. 2. AS 11.20.590 is amended by adding a new subsection to read:

27 (f) The state has a right of action for damages caused by a viola-
28 tion of this section. Damages recovered under this section shall be
29 deposited in the general fund.

1 * Sec. 3. AS 12.25.180 is amended to read:

2 Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON BE-
3 FORE JUDGE OR MAGISTRATE. When a person is stopped or contacted by a
4 peace officer for the commission of a misdemeanor or an infraction or
5 the violation of a municipal ordinance, he may, in the discretion of the
6 contacting peace officer, be issued a citation instead of being taken
7 before a judge or magistrate under sec. 150 of this chapter, unless

8 (1) the person does not furnish satisfactory evidence of
9 identity [OR THE CONTACTING OFFICER HAS REASONABLE AND PROBABLE CAUSE TO
10 BELIEVE THE PERSON WILL DISREGARD A WRITTEN PROMISE TO APPEAR IN COURT];

11 (2) the contacting officer has reasonable and probable cause
12 to believe the person is a danger to himself or others;

13 (3) the crime for which the person is contacted is one in-
14 volving violence or harm to another person or to property; or

15 (4) the person asks to be taken before a judge or magistrate
16 under sec. 150 of this chapter.

17 * Sec. 4. AS 12.25.190(c) is amended to read:

18 (c) The person cited for the crime shall give his written promise
19 to appear in court by signing at least one copy of the written citation
20 prepared by the peace officer and the officer shall deliver a copy of
21 the citation to the person. The written promise requirement of this
22 subsection does not apply to motor vehicle and traffic citations under
23 AS 28.05.080.

24 * Sec. 5. AS 12.25.230 is amended to read:

25 Sec. 12.25.230. FAILURE TO OBEY CITATION. A person who fails
26 [VIOLATES HIS WRITTEN PROMISE] to appear in court to answer the citation
27 [GIVEN TO A PEACE OFFICER UPON THE ISSUANCE OF A CITATION UNDER SECS.
28 180 - 220 OF THIS CHAPTER], regardless of the disposition of the charge
29 for which the citation was issued, is guilty of a misdemeanor and upon

1 conviction is punishable by a fine of not more than \$1,000, or by im-
2 prisonment for not more than one year, or by both.

3 * Sec. 6. AS 28.05.080(c) is amended to read:

4 (c) If the offense for which the citation is issued is one for
5 which a fine may be paid without a court appearance, the person to whom
6 it is issued may plead guilty to the offense by signing an appropriate
7 blank on the citation and paying the fine specified on the citation,
8 either in person or by mail within five days from the date of arrest,
9 to the clerk of the district court having jurisdiction over the place
10 where the offense occurred. Acceptance and payment of the prescribed
11 fine is a complete monetary satisfaction for the offense, and the of-
12 fender shall be given a receipt which so states.

13 * Sec. 7. AS 28.10.100 is amended to read:

14 Sec. 28.10.100. GROUNDS FOR REFUSING REGISTRATION. The department
15 may [SHALL] refuse registration, or a transfer of registration, upon any
16 of the following grounds:

17 (1) that the application contains a false or fraudulent
18 statement, or that the applicant has failed to furnish required infor-
19 mation or reasonable additional information requested by the department,
20 or that the applicant is not entitled to the issuance of a certificate
21 of registration of the vehicle;

22 (2) that the department has reasonable ground to believe that
23 the vehicle is a stolen or embezzled vehicle, or that the granting of
24 registration would constitute a fraud against the rightful owner or
25 other person having a lien upon the vehicle;

26 (3) that the registration of the vehicle stands suspended or
27 revoked for any reason provided by law;

28 (4) that the required license and registration taxes have not
29 been paid.

1 * Sec. 8. AS 28.10.310 is amended to read:

2 Sec. 28.10.310. GROUNDS FOR REFUSAL TO ISSUE CERTIFICATE OF TITLE.

3 The department may [SHALL] refuse to issue a certificate of title upon
4 any ground justifying refusal of registration under sec. 100 of this
5 chapter.

6 * Sec. 9. AS 28.10.350(b) is amended to read:

7 (b) The owner shall [MAY] notify the department of the transfer or
8 assignment of his title or interest in the vehicle within 10 days fol-
9 lowing transfer or assignment. This notification shall constitute a
10 valid transfer under sec. 370 of this chapter. The notice form to be
11 provided by the department shall include the following information:

- 12 (1) name and address of owner;
13 (2) name and address of transferee;
14 (3) date of transfer or assignment;
15 (4) description and license number of vehicle.

16 * Sec. 10. AS 28.10.360 is amended to read:

17 Sec. 28.10.360. NEW OWNER TO SECURE TRANSFERS. The transferee
18 shall present the certificate of registration and certificate of title,
19 properly endorsed, accompanied by a fee of \$5, to the department within
20 30 days following transfer of ownership, and shall apply for a new
21 certificate of title and obtain a new registration for the vehicle,
22 except as permitted in sec. 390 of this chapter. [THERE IS A \$25
23 PENALTY FOR THE VIOLATION OF THE 30-DAY PROVISION OF THIS SECTION.]

24 * Sec. 11. AS 28.20.050(a) is amended to read:

25 (a) The provisions of this chapter requiring deposit of security
26 and suspension for failure to deposit security apply to the driver and
27 owner of a vehicle subject to registration under the laws of this state
28 which is involved in any manner in an accident in this state resulting
29 in bodily injury to or death of a person or damage to the property of

1 any one person exceeding \$500 [\$200].

2 * Sec. 12. AS 28.20.070(b) is amended to read:

3 (b) No policy or bond is effective under sec. 60 of this chapter
4 with respect to a vehicle not registered in this state or a vehicle
5 which was registered in another jurisdiction [ELSEWHERE THAN IN THIS
6 STATE] at the effective date of the policy or bond or the most recent
7 renewal of it, unless the insurance [COMPANY] or surety company issuing
8 the policy or bond is authorized to do business in this state, or if the
9 company is not authorized to do business in this state, unless it exe-
10 cutes a power of attorney authorizing the director of the division of
11 insurance [COMMISSIONER OF COMMERCE] to accept service on its behalf of
12 notice or process in an action upon the policy or bond arising out of
13 the accident.

14 * Sec. 13. AS 28.20.100(c) is amended to read:

15 (c) If the department evaluates the injuries or damage to a minor
16 in an amount not more than \$500 [\$200], the department may accept, for
17 the purposes of this chapter only, evidence of a release from liability
18 executed by a natural or legal guardian on behalf of the minor without
19 court approval.

20 * Sec. 14. AS 28.20.230(a) is amended to read:

21 (a) The provisions of this chapter requiring the deposit of proof
22 of financial responsibility for the future apply to persons who are
23 convicted of or forfeit bail for certain offenses under motor vehicle
24 laws or who, by ownership or operation of a vehicle of a type subject
25 to registration under ch. 10 of this title [THE MOTOR VEHICLE LAWS OF
26 THIS STATE], are involved in an accident in this state which results in
27 bodily injury or death of a person or damage to the property of any one
28 person exceeding \$500 [\$200].

29 * Sec. 15. AS 28.20.260(a) is amended to read:

1 (a) Upon receipt by the department of the report of an accident
2 resulting in bodily injury or death, or property damage to any one per-
3 son exceeding \$500 [TO THE EXTENT OF \$200 OR MORE], the department shall
4 suspend the license of the driver [OPERATOR] of a motor vehicle involved
5 in the accident unless the driver [OPERATOR] or owner

6 (1) has previously furnished or immediately furnishes secur-
7 ity required by this chapter, or is excepted from furnishing security
8 under sec. 60 of this chapter, and

9 (2) maintains proof of financial responsibility for three
10 years following the accident.

11 * Sec. 16. AS 28.20.580 is amended to read:

12 Sec. 28.20.580. ASSIGNED RISK PLANS. After consultation with the
13 insurance companies authorized to issue motor vehicle [AUTOMOBILE]
14 liability policies in this state, the director of the division of in-
15 surance [COMMISSIONER OF COMMERCE] shall approve a reasonable plan, fair
16 to the insurers and equitable to their policyholders, for the apportion-
17 ment among these companies of applicants for motor vehicle policies and
18 other vehicle coverages [FOR MOTOR VEHICLE LIABILITY POLICIES] who are
19 in good faith entitled to but are unable to procure policies through
20 ordinary methods. When a plan is approved, all the insurance companies
21 shall subscribe to it and participate in it. An applicant for an
22 assigned risk policy, a person insured under an assigned risk plan, and
23 an insurance company affected may appeal to the commissioner of commerce
24 and economic development from a ruling or decision of the authority
25 designated to operate the plan. Failure to adopt an assigned risk plan
26 does not relieve any person from responsibility under this chapter.

27 * Sec. 17. AS 28.35.020 is amended to read:

28 Sec. 28.35.020. CONVICTION IN LARCENY PROSECUTION. In a criminal
29 prosecution for larceny of a vehicle, as the term "vehicle" is defined

1 in sec. 260(7) [10] of this chapter, if the facts do not warrant a
2 conviction of the defendant for larceny, he may, nevertheless, be
3 convicted of a violation of sec. 10 of this chapter if the facts war-
4 rant.

5 * Sec. 18. AS 28.35.026(a) is amended to read:

6 (a) A person in possession of a motor vehicle under an agreement
7 in writing which requires him to return the vehicle to a particular
8 place or at a particular time who refuses or wilfully neglects to return
9 it to the place and at the time specified in the agreement in writing
10 with the intent to deprive the owner of the vehicle or to convert it to
11 his own use, or who secretes, converts, sells or attempts to sell the
12 vehicle or any part of it is, upon conviction, punishable by imprison-
13 ment for not more than five years, or by a fine of not more than \$1,000,
14 or by both.

15 * Sec. 19. AS 28.35.045(c) is amended to read:

16 (c) A person convicted of negligent driving is guilty of an in-
17 fraction as provided under [DEFINED BY] sec. 230 of this chapter [AND IS
18 PUNISHABLE BY A FINE OF NOT MORE THAN \$300], and in addition, the court
19 may limit or suspend his driver's [OPERATOR'S] license under [IN ACCOR-
20 DANCE WITH] AS 28.15.220(b).

21 * Sec. 20. AS 28.35.080(a) and (b) are amended to read:

22 (a) The driver of a vehicle involved in an accident resulting in
23 bodily injury to or death of a person or total property damage to an
24 apparent extent of \$500 [\$100] or more shall immediately by the quickest
25 means of communication give notice of the accident to the local police
26 department if the accident occurs within a municipality, otherwise to
27 the Department of Public Safety.

28 (b) The driver of a vehicle involved in an accident resulting in
29 bodily injury to or death of a person or total property damage to an

1 apparent extent of \$500 [\$100] or more shall, within 10 [TWO] days after
2 the accident, forward a written report of the accident to the Department
3 of Public Safety and to the local police department if the accident
4 occurs within a municipality. No report is required under this subsec-
5 tion if the accident is investigated by a peace officer.

6 * Sec. 21. AS 45.45.240(2) is amended to read:

7 (2) "motor vehicle" or "vehicle" means a motor vehicle as
8 defined in AS 28.35.260 [AS 28.10.650] which is required to be regis-
9 tered [WITH THE DEPARTMENT OF PUBLIC SAFETY] under AS 28.10 [.040], or
10 with a governmental agency of another jurisdiction [STATE] performing a
11 similar function;

12 * Sec. 22. AS 28.35.230(e) is repealed and re-enacted to read:

13 (e) Notwithstanding the maximum fine provided for infractions
14 under (c) of this section, for the violation of regulations or special
15 permits issued governing vehicle weight limits, overweight penalties
16 shall be imposed at the rate of five cents for each pound of weight over
17 the authorized weight limit for that vehicle.

18 * Sec. 23. AS 28.35.230(d) is amended to read:

19 (d) An [PUNISHMENT FOR AN] infraction, as provided for [DEFINED]
20 in (c) of this section, is not considered a criminal offense and may
21 not result in [INCLUDE] imprisonment, nor is a fine imposed for the
22 commission of an infraction considered a penal or criminal punishment;
23 nor may the commission [AND CONVICTION] of a single infraction result in
24 the loss of a driver's license or [THE] privilege to drive in this state
25 except as may result from the accumulation of points under AS 28.15.-
26 282 - 28.15.288, or the registration of vehicles; nor [NEITHER] does a
27 person cited with an infraction have a right to trial by jury or to
28 court-appointed counsel [APPOINTED BY COURT].

29 * Sec. 24. AS 44.80.070 is amended to read:

1 Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the
2 state, or a department or agency of the state, which has control over a
3 highway or vehicular way or area, permits a portion of the highway or
4 vehicular way or area, as defined under AS 28.35.260 [AS 28.35.265], to
5 be used for a special purpose, the state is [SHALL] not [BE] subject to
6 legal action or recovery of damages for injury arising out of, or in any
7 manner connected with the special purpose use.

8 * Sec. 25. The following laws are repealed: AS 19.10.060(2); AS 28.10.-
9 300; AS 28.15.140; AS 28.35.025; 28.35.150; and 28.35.160.

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