

1 IN THE SENATE

BY HUBER

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 212

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 vehicle crimes."

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

8 * Section 1. AS 11.20 is amended by adding new sections to read:

9 Sec. 11.20.141. UNAUTHORIZED USE, POSSESSION OR DISPOSAL OF MOTOR
10 VEHICLE. (a) A person who drives, tows away, or otherwise takes a
11 motor vehicle not his own, or a person who is an accessory to or an
12 accomplice in the driving or unauthorized taking of a motor vehicle,
13 without the consent of the owner or other person in lawful possession of
14 the vehicle is guilty of a felony and upon conviction is punishable by
15 imprisonment for not less than 90 days nor more than three years and by
16 a fine of not more than \$5,000.

17 (b) A person not entitled to the possession of a motor vehicle who
18 receives, possesses, conceals, sells or disposes of it, knowing it to be
19 stolen or converted under circumstances constituting a crime, is guilty
20 of a felony and upon conviction is punishable by imprisonment for not
21 less than 90 days nor more than five years and by a fine of not more
22 than \$10,000.

23 (c) The consent of the owner or person in lawful possession of a
24 motor vehicle to its driving, towing away, or taking may not be presumed
25 or implied under (a) of this section because of that person's consent on
26 previous occasions to the driving, towing away, or taking of the motor
27 vehicle by the same or a different person.

28 (d) When a minor is accused of a second or subsequent violation
29 under (a) of this section, he shall be charged, prosecuted, and

1 sentenced in the same manner as an adult, except that a parent, guardian
2 or legal custodian shall be present at all proceedings against the
3 minor.

4 (e) In this section,

5 (1) "motor vehicle" means a motor vehicle as defined in AS
6 28.35.260;

7 (2) "person" does not include a federal, state, or municipal
8 peace officer who drives, tows away, or otherwise takes a motor vehicle
9 with authority under law to do so, or a person authorized by a peace
10 officer to do so.

11 Sec. 11.20.142. OBTAINING RENTAL VEHICLE WITH INTENT TO DEFRAUD;
12 FAILURE TO RETURN VEHICLE. (a) No person, with intent to defraud, may
13 obtain possession of a motor vehicle from its owner or a person who has
14 lawful possession of the vehicle by agreeing in writing to pay a rental
15 for the use of the vehicle based in whole or in part on the length of
16 time and distance the vehicle is driven.

17 (b) Obtaining possession of the vehicle by means of trick, false
18 or fraudulent representation, by false impersonation of another, or by
19 giving a bad or worthless check for a deposit or for rental in connec-
20 tion with obtaining possession of the vehicle is prima facie evidence of
21 a violation of (a) of this section.

22 (c) No person in possession of a motor vehicle under an agreement
23 in writing which requires him to return the vehicle to a particular
24 place or at a particular time may refuse or wilfully neglect to return
25 it to the place or at the time specified in the agreement in writing
26 with the intent to deprive the owner of the vehicle or to convert it to
27 his own use, or secrete, convert, sell or attempt to sell the vehicle or
28 any part of the vehicle.

29 (d) Upon conviction, a person who is guilty of violating this

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section is punishable by imprisonment for not more than five years, or by a fine of not more than \$1,000, or by both.

(c) As used in this section, "wilfully neglects" means omits, fails, or forbears, with a conscious purpose to injure, or without regard for the rights of the owner, or with indifference as to whether a wrong is done to the owner or not.

* Sec. 2. AS 28.35.010, 28.35.020, 28.35.025 and 28.35.026 are repealed.