

Introduced: 4/14/77
Referred: State Affairs

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE
BY REQUEST

2 *CS* SENATE BILL NO. 321

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 vehicles."

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

8 * Section 1. AS 28.01.010(a) is amended to read:

9 (a) The provisions of this title and the regulations adopted
10 [PROMULGATED] under this title are applicable within all municipalities
11 of the state. No municipality may enact an ordinance which is inconsis-
12 tent with the provisions of this title or the regulations adopted [PRO-
13 MULGATED] under this title. A municipality may not incorporate into a
14 publication of traffic ordinances a provision of this title or the
15 regulations adopted [PROMULGATED] under this title without specifically
16 identifying the provision or regulation as a state statute or regulation.

17 * Sec. 2. AS 28.01.010(b) is amended to read:

18 (b) A municipality may adopt by reference all or a part of this
19 title and regulations adopted [PROMULGATED] under this title, and may
20 request and shall receive from the Departments of Public Safety and
21 Community and Regional Affairs assistance in the drafting of model
22 ordinances for adoption by reference. Notwithstanding (a) of this sec-
23 tion, a municipality may enact necessary ordinances to meet specific
24 local requirements.

25 * Sec. 3. AS 28.01.010(c) is amended to read:

26 (c) A copy of all traffic ordinances enacted by a municipality
27 shall be forwarded to the commissioner [OF PUBLIC SAFETY,] and specific
28 notice of any inconsistent ordinances shall be given by the municipality
29 when the copy of the ordinances is forwarded. So far as practicable,

1 the section number identifying a particular municipal traffic ordinance
2 shall be the same as the section number identifying a corresponding
3 provision of this title or regulations adopted [PROMULGATED] under this
4 title.

5 * Sec. 4. AS 28.01.010(f) is amended to read:

6 (f) Regulations adopted [PROMULGATED] pertaining to a matter par-
7 tially or wholly governed by this title shall be mutually consistent and
8 compatible, and shall complement each other, as far as practicable. For
9 the purpose of uniformity, the department [OF PUBLIC SAFETY] shall offer
10 and receive reasonable assistance in the coordination and adoption [PRO-
11 MULGATION] of these regulations.

12 * Sec. 5. AS 28.01.010(g) is amended to read:

13 (g) Regulations adopted [THE PROVISIONS OF THIS TITLE AND THE
14 REGULATIONS PROMULGATED] under this title shall, as far as practicable,
15 conform to the recommendations of the current edition of the Uniform
16 Vehicle Code adopted by the National Committee on Uniform Traffic Laws
17 and Ordinances.

18 * Sec. 6. AS 28.05.010 - 28.05.090 are repealed and re-enacted to read:

19 CHAPTER 5. ADMINISTRATION.

20 ARTICLE 1. DEPARTMENT OF PUBLIC SAFETY.

21 Sec. 28.05.011. DUTY OF COMMISSIONER TO ADOPT REGULATIONS. The
22 commissioner shall adopt regulations in compliance with the Administra-
23 tive Procedure Act (AS 44.62) necessary to carry out the provisions of
24 this title and other statutes the administration of which is vested in
25 the department. The regulations shall include, but not be limited to,

26 (1) rules of the road relating to the driving, stopping,
27 standing, parking and other conduct of vehicles, to pedestrians and to
28 official traffic control devices;

29 (2) minimum equipment for vehicles, including, but not

1 limited to, minimum standards of compliance to be met by manufacturers
2 and vehicle sales and repairs businesses;

3 (3) inspection of vehicles, and the removal of vehicles from
4 areas of public use when they are found to be in a defective or unsafe
5 condition;

6 (4) registration, titling, transfer and abandonment of ve-
7 hicles;

8 (5) licensing of drivers of vehicles;

9 (6) financial responsibility relating to vehicles;

10 (7) management of records of the department required for the
11 administration of this title and regulations adopted under this title,
12 including provisions for insuring the accuracy of information contained
13 in automated and manual information retrieval systems; and

14 (8) the operation of motor vehicle weighing stations and the
15 enforcement of size, weight and load limitations, including the issuing
16 of special permits and prescribing fees for special permits, based upon
17 directives of the Department of Highways for prescribing or restricting
18 conditions for the driving of vehicles when necessary to protect against
19 undue damage to the road foundations, surfaces or structures.

20 Sec. 28.05.021. DEPARTMENT TO PUBLISH STATUTES AND REGULATIONS
21 RELATING TO VEHICLES, VEHICLE USE AND PEDESTRIANS. (a) The department
22 shall publish current state statutes and regulations relating to ve-
23 hicles and their driving or movement, to drivers of vehicles, and to
24 pedestrians. The cost of publication shall be jointly shared by the
25 department and other state agencies which administer statutes and regu-
26 lations included in the publication under this section.

27 (b) Copies of the publication specified in (a) of this section
28 shall be available for public inspection at all offices of the depart-
29 ment. The publication may be distributed to each person applying for or

1 receiving an original or renewed motor vehicle registration or driver's
2 license upon that person's request and payment of the cost of publica-
3 tion as determined by the department. However, a municipality may
4 request and receive without charge a reasonable number of copies of the
5 publication.

6 Sec. 28.05.031. COMMISSIONER TO PRESCRIBE FORMS, ADMINISTER OATHS
7 AND CERTIFY COPIES OF RECORDS. (a) The commissioner shall prescribe
8 and provide suitable application forms, certificates of title and regis-
9 tration, driver's licenses and all other forms necessary to carry out
10 the provisions of this title and regulations adopted under this title,
11 the administration of which is vested in the department, including a
12 standard citation form which meets the requirements of sec. 221 of this
13 chapter and which is in a form necessary to identify the offender and
14 the offense and otherwise necessary to meet the needs of the public
15 safety and the administration of justice as required under that section.

16 (b) The commissioner and officers and employees of the department
17 designated by the commissioner may, for the purpose of administering
18 this title and regulations adopted under this title, administer oaths
19 and acknowledge signatures, and do so without charging a fee.

20 (c) The commissioner and officers and employees of the department
21 designated by the commissioner shall, upon request, prepare under the
22 seal of the department and deliver, unless otherwise prohibited by law,
23 a certified copy of any record of the department maintained under this
24 title or regulations adopted under this title, charging a fee for each
25 certified copy. A certified copy is admissible in a proceeding in a
26 court in the same manner as the original document.

27 Sec. 28.05.041. RECORDS OF DEPARTMENT. (a) The department shall
28 file, maintain and appropriately index records of

29 (1) vehicle registrations under AS 28.10.071(a) - (c);

1 (2) stolen, converted, recovered and unclaimed vehicles under
2 AS 28.10.071(d);

3 (3) titles and documents creating and evidencing liens or
4 encumbrances under AS 28.10.461;

5 (4) abandoned vehicles under AS 28.11.030(c); and

6 (5) driver's license and driving records under AS 28.15.151.

7 (b) The department may file and maintain any other records consi-
8 dered necessary for the administration of this title and regulations
9 adopted under it.

10 Sec. 28.05.051. APPROVAL OR REJECTION OF APPLICATIONS AND SEIZURE
11 OF DOCUMENTS AND PLATES. (a) The department shall examine and deter-
12 mine the genuineness, regularity and legality of every application for
13 registration of, or certificate of title for, a vehicle, and for a
14 driver's license and any other application made to the department. The
15 department may make any investigation it considers necessary and may
16 require additional information before approving an application. The
17 department shall reject an application if not satisfied with the genu-
18 ineness, regularity or legality of the application, or the truth of a
19 statement contained in it, or the adequacy or sufficiency of information
20 requested by the department. The department shall reject an application
21 when the applicant is not entitled to issuance of the registration,
22 title, license or permit for which he is applying or for any other
23 reason when required by law.

24 (b) The commissioner, officers and employees of the department
25 designated by the commissioner, and all peace officers may take posses-
26 sion of a certificate of title or registration or license issued by this
27 or another jurisdiction which has been revoked, canceled or suspended,
28 or which is fictitious, stolen or altered.

29 Sec. 28.05.061. SUBPOENAS; WITNESSES AND DOCUMENTS. (a) The

1 commissioner and officers and employees of the department designated by
2 the commissioner may subpoena witnesses to give testimony under oath or
3 to give written deposition upon a matter under the jurisdiction of the
4 department with respect to this title, and regulations adopted under
5 this title. A subpoena issued under this section may require the pro-
6 duction of relevant books, papers, documents, records or other tangible
7 things designated in the subpoena.

8 (b) A subpoena issued under this section shall be served at least
9 five days before the return date, either by personal service made by a
10 peace officer or another person who is not less than 18 years of age or
11 by registered or certified mail. Return and acknowledgement is required
12 to prove service by mail. Failure to obey a subpoena served under this
13 section is a misdemeanor. The fees for the attendance and travel of
14 witnesses are the same as for witnesses appearing before the district
15 court.

16 (c) A subpoena issued under this section may be enforced by the
17 district court.

18 Sec. 28.05.071. GIVING OF NOTICE. When the department is autho-
19 rized or required to give notice under this title or regulations adopted
20 under this title, unless a different method of giving notice is other-
21 wise expressly provided, notice shall be given by a person 18 years of
22 age or older, either by personal delivery to the person to be notified
23 or by registered or certified mail, return receipt requested, addressed
24 to the person at his address as shown in the records of the department.
25 The giving of notice by mail is considered complete upon the return of
26 the receipt or upon return of the notice as undeliverable. Proof of the
27 giving of notice in either manner may be made by the affidavit of the
28 person giving the notice by personal delivery or by mail, naming the
29 person to whom the notice was given and specifying the time, place, and

1 manner of giving the notice.

2 Sec. 28.05.081. OPPORTUNITY FOR HEARING REQUIRED. Unless other-
3 wise specifically provided, the department shall give notice of the
4 opportunity for an administrative hearing before a license, registra-
5 tion, title or permit issued under this title or regulations adopted
6 under this title is suspended, revoked, canceled, limited, restricted or
7 denied by the department, unless immediate action in suspending, re-
8 voking, canceling, limiting, restricting or denying is necessary for the
9 protection of the health, safety or welfare of the public. The notice
10 under this section shall state the reasons for the department's proposed
11 action and provide for a reasonable return date. If there is no request
12 for a hearing by the return date specified in the notice, the hearing is
13 considered to have been waived. This section does not apply to point
14 system procedures under AS 28.15.301 - 28.15.351.

15 Sec. 28.05.091. HEARINGS AND APPEALS. (a) Unless otherwise
16 specifically provided, all hearings required under this title or regu-
17 lations adopted under this title shall be conducted by the department
18 under regulations adopted by the commissioner governing practice and
19 procedure and consistent with due process of law. Hearings shall be
20 informal, and technical rules of evidence do not apply. A person who
21 requests a hearing may retain an attorney if he so desires. The hearing
22 officer shall be appointed by the commissioner and may be appointed from
23 the department. A hearing officer need not be an attorney, but must be
24 impartial and may not have participated in the decision which is under
25 review. The hearing officer does not have to file a full opinion or
26 make formal findings of fact or conclusions of law, but he must state
27 the reasons for his determination and indicate the evidence relied upon.
28 The proceedings at the hearing shall be recorded.

29 (b) A person aggrieved by the decision of the hearing officer may

1 initiate a proceeding in district court to rescind the department's
2 action by filing a notice of appeal in accordance with the applicable
3 rules of court governing appeals in civil matters. The court shall hear
4 the appeal on the record of the administrative hearing except that the
5 court may augment the hearing record. The scope of review applied in a
6 determination under this section shall be as provided in AS 44.62.570(b)
7 and (c). The decision of the department suspending, revoking, can-
8 celing, limiting, restricting or denying a license, registration, title
9 or permit is stayed and does not take effect during the pendency of an
10 appeal to the court.

11 (c) This section does not apply to point system procedures under
12 AS 28.15.301 - 28.15.351.

13 Sec. 28.05.101. APPROVAL OF VEHICLE EQUIPMENT. (a) When the
14 commissioner has reason to believe that vehicle equipment being sold
15 commercially in the state does not comply with the requirements of this
16 title or regulations adopted under this title or other statutes and
17 regulations, he may, after giving 30 days notice to the person holding
18 the certificate of approval for the equipment in this state, conduct a
19 hearing upon the question of compliance of the equipment. After the
20 hearing, the commissioner shall determine whether the equipment is in
21 compliance. If the equipment is not in compliance with the law, the
22 commissioner shall give notice of that fact to the person holding the
23 certificate of approval for the equipment in this state.

24 (b) If, at the end of 90 days after the notice of noncompliance
25 given under (a) of this section, the person holding the certificate of
26 approval for the vehicle equipment has failed to satisfy the commis-
27 sioner that the equipment as sold after the 90 days is in compliance
28 with the law, the commissioner shall suspend or revoke the approval
29 issued for the equipment until the equipment is resubmitted to, and

1 retested by, a testing agency approved by the commissioner and is found
2 to be in compliance with the law. The commissioner may, at the time of
3 retest, purchase in the open market and submit to the testing agency one
4 or more sets of the equipment. If the equipment upon retest fails to
5 comply with the law, the commissioner may refuse to renew the certifi-
6 cate of approval of the equipment.

7 (c) After January 1, 1978, no motorcycle helmet may be manufac-
8 tured or sold in this state which does not conform to standards estab-
9 lished in regulations adopted by the commissioner. These regulations
10 shall provide for helmets that allow normal peripheral vision and hear-
11 ing and minimize neck injuries to the wearer potentially caused by the
12 helmet. For the purposes of this section and sec. 11(2) of this chapter,
13 a motorcycle helmet is considered to be vehicle equipment.

14 Sec. 28.05.111. SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE.
15 A motor vehicle which is driven on a highway or vehicular way or area,
16 and which has been determined to be defective in equipment so as to be
17 unsafe for driving, is an unlawful vehicle and may be impounded by a
18 peace officer or an employee of the department officially designated for
19 that purpose. The owner or person in lawful possession of the vehicle
20 shall pay the necessary costs of impounding and storing the vehicle.
21 The impounding of a vehicle is in addition to any other penalty. The
22 vehicle shall remain legally impounded until the defect is corrected.
23 This section does not prevent the driving or moving of a defective ve-
24 hicle in the manner directed by the peace officer or employee to a place
25 for

- 26 (1) the correction of a defect in the equipment;
- 27 (2) dismantling or wrecking; or
- 28 (3) storage without repair.

29 ARTICLE 2. POWERS AND DUTIES OF OTHER DEPARTMENTS.

1 Sec. 28.05.141. DUTIES OF COMMISSIONER OF HIGHWAYS. (a) The
2 commissioner of highways shall adopt regulations under the Administra-
3 tive Procedure Act (AS 44.62) necessary to carry out the provisions of
4 this section. The commissioner of highways shall

5 (1) adopt and designate a uniform standard for the manufac-
6 ture, display, erection and location of all official traffic control
7 devices and have erected and maintained on highways and vehicular ways
8 and areas those devices he considers necessary for the safe and orderly
9 guidance of traffic;

10 (2) order a highway or vehicular way or area, or portion of a
11 highway or vehicular way or area, closed entirely or closed as to cer-
12 tain classes of vehicles when for any reason the use or continued use of
13 the highway or vehicular way or area would cause damage to it or be
14 dangerous to the traveling public, and, when practicable, reasonable
15 notice of an order closing or restricting a highway or vehicular way or
16 area shall be given to the traveling public before the order becomes
17 effective; and

18 (3) adopt regulations

19 (A) preventing the restriction, obstruction, or stoppage
20 of normal traffic on a highway or vehicular way or area;

21 (B) prohibiting a person from committing a wilful or
22 careless act causing injury or damage to a highway or vehicular way
23 or area;

24 (C) governing the size, weight and load limits of all
25 vehicles driven on highways and vehicular ways and areas or a por-
26 tion of a highway or vehicular way or area; and

27 (D) limiting or prescribing the conditions of driving
28 vehicles when necessary to protect against undue damage to a high-
29 way, its foundations, surfaces or structures, and a vehicular way

1 or area.

2 (b) Nothing in this section may be considered to

3 (1) prohibit the commissioner of public safety and law en-
4 forcement and other personnel as he may designate from restricting
5 travel upon a highway or vehicular way or area in the interest of the
6 safety of the public when conditions on the highway or vehicular way or
7 area make necessary the restriction;

8 (2) prohibit the commissioner of public safety from adopting
9 regulations relating to the stopping, standing or parking of vehicles on
10 a highway or vehicular way or area.

11 (c) The state has a right of action for damages caused by a viola-
12 tion of AS 11.20.590 or regulations adopted under (a)(3) of this sec-
13 tion. Damages recovered under this section shall be deposited in the
14 general fund.

15 Sec. 28.05.151. DUTIES OF COMMISSIONER OF HEALTH AND SOCIAL SER-
16 VICES. The commissioner of health and social services shall adopt
17 regulations under the Administrative Procedure Act (AS 44.62) necessary
18 to carry out the provisions of this section. The commissioner of health
19 and social services shall

20 (1) assist the commissioner of public safety in the admini-
21 stration of this title concerning medical and health-related aspects of
22 driver licensing and the driving of motor vehicles;

23 (2) approve methods of chemical analysis and approve methods
24 and standards of training for persons who conduct the chemical analyses
25 under ch. 36 of this title; and

26 (3) report monthly to the commissioner of public safety all
27 motor vehicle accident fatalities as required under AS 28.26.110.

28 ARTICLE 3. DUTIES OF THE PUBLIC.

29 Sec. 28.05.181. SUSPENDED OR REVOKED DOCUMENTS. When the

1 department suspends or revokes a vehicle registration, certificate of
2 registration, registration plate, permit, or certificate of title or
3 suspends, cancels or revokes a license, the owner or person in posses-
4 sion of the document shall, immediately upon receiving notice of the
5 suspension, revocation or cancellation, mail or deliver the registra-
6 tion, certificate, plate, permit or license to the department.

7 Sec. 28.05.191. CHANGE OF NAME OR ADDRESS. A person who has
8 applied for or been issued a certificate, registration, title, license,
9 permit or other form under this title, and who changes his name or moves
10 from the address shown on the department's records or forms, shall
11 notify the department in writing of the change in name or address within
12 30 days.

13 ARTICLE 4. DISPOSITION OF CERTAIN
14 VEHICLE AND TRAFFIC OFFENSES.

15 Sec. 28.05.221. FORM AND ISSUANCE OF CITATION. (a) When a person
16 is arrested or cited for the commission of a vehicle or traffic offense
17 which is a misdemeanor or an infraction, the arresting or citing officer
18 shall, except when otherwise required by law or the immediate circum-
19 stances, issue a citation to the person arrested or cited.

20 (b) The state supreme court shall determine by rule or order those
21 vehicle and traffic offenses that are amenable to disposition without
22 court appearance and shall establish a schedule of bail amounts, not to
23 exceed fines prescribed by law, for each offense. If the offense for
24 which the citation is issued is one which may be disposed of without
25 court appearance, the citing officer shall write on the citation the
26 amount of bail applicable to the cited offense.

27 (c) A person cited for a motor vehicle or traffic offense for
28 which a bail amount has been established under (b) of this section may,
29 within five days from the date of the citation, mail or personally

1 deliver to the clerk of the court having jurisdiction over the place
2 where the offense occurred

3 (1) the amount of bail indicated on the citation for that
4 offense; and

5 (2) a copy of the citation signed by him on an appropriate
6 blank on the citation indicating his waiver of appearance, plea of no
7 contest, and direction to forfeit the bail.

8 (d) When bail has been forfeited under this section, a judgment of
9 conviction shall be entered. Bail forfeited under this section is a
10 complete satisfaction for the offense, and the offender shall be given a
11 receipt stating that fact.

12 (e) If the person cited fails to pay the bail amount or appear in
13 court as required, the citation shall be considered a summons as for a
14 charge of a misdemeanor and he shall be proceeded against in the manner
15 prescribed by law. However, the maximum penalty which may be imposed
16 for the original offense may not exceed the bail amount for that offense
17 set out in the schedule of bail amounts as determined by the supreme
18 court under (b) of this section.

19 (f) A municipality shall adopt a citation form which complies with
20 the requirements of this section and is at least equivalent to that
21 adopted by the commissioner under sec. 21 of this chapter.

22 * Sec. 7. AS 28.10.101 - 28.10.660 are repealed and re-enacted to read:

23 CHAPTER 10. VEHICLE REGISTRATION AND TITLE.

24 ARTICLE 1. REGISTRATION.

25 Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle
26 in the state shall be registered under this chapter except when the
27 vehicle is

28 (1) driven or moved on a highway only for the purpose of
29 crossing the highway from one private property to another, including an

1 implement of husbandry as defined by regulation;

2 (2) driven or moved on a highway under a dealer's plate or
3 temporary permit as provided for in secs. 201(1) and 211 of this chap-
4 ter;

5 (3) special mobile equipment as defined by regulation;

6 (4) owned by the United States;

7 (5) moved by human or animal power;

8 (6) exempt under the Soldier's and Sailor's Civil Relief Act
9 (50 U.S.C.A. Appr. 501 et seq.);

10 (7) driven only on private property;

11 (8) the vehicle of a nonresident as provided under sec. 121
12 of this chapter;

13 (9) driven under a reciprocal agreement under sec. 141 of
14 this chapter;

15 (10) a commercial interstate vehicle under sec. 161 of this
16 chapter; or

17 (11) transported under a special permit under sec. 171 of this
18 chapter.

19 Sec. 28.10.021. APPLICATION FOR REGISTRATION. The owner of a
20 vehicle subject to registration shall apply for registration under this
21 chapter by properly completing the form prescribed by the commissioner
22 under AS 28.05.031. Before the issuance of a certificate of registra-
23 tion by the department, the owner shall pay all registration fees and
24 taxes required under this chapter and Alaska motor freight carrier and
25 bus transportation fees required under AS 42, and comply with any other
26 applicable statutes and regulations.

27 Sec. 28.10.031. TEMPORARY PERMITS BEFORE REGISTRATION. When
28 application, accompanied by the proper fee and tax, has been made for
29 the registration of a vehicle, the vehicle may be driven pending the

1 issuance of a certificate of registration by displaying a temporary
2 permit issued by the department.

3 Sec. 28.10.041. GROUNDS FOR REFUSING REGISTRATION. (a) The de-
4 partment shall refuse to register a vehicle if

5 (1) the application contains a false or fraudulent statement;

6 (2) the applicant fails to furnish information required by
7 the department;

8 (3) the applicant is not entitled to the issuance of a
9 certificate of title or registration under this chapter;

10 (4) the vehicle is determined to be mechanically unsafe to be
11 driven or moved on a highway, vehicular way or area, or other public
12 property in this state;

13 (5) the department has reasonable grounds to believe that the
14 vehicle was stolen or fraudulently acquired or that the granting of
15 registration would be a fraud against the rightful owner or other person
16 having a valid lien upon the vehicle;

17 (6) the registration of the vehicle has been suspended or
18 revoked for any reason under the laws of this state;

19 (7) the required fees, taxes, motor freight carrier fees or
20 bus transportation fees have not been paid;

21 (8) the vehicle or applicant fails to comply with this chap-
22 ter or regulations adopted under this chapter.

23 (b) When the department refuses to register a vehicle, it shall
24 immediately notify the applicant stating the reasons for the action and
25 informing him of his right to a hearing under AS 28.05.081 - 28.05.091.

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

27 (a) The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle, or
29 a special permit when

1 (1) the department is satisfied that the registration or
2 certificate, plate or permit was fraudulently or erroneously issued;

3 (2) the department determines that a registered vehicle is
4 mechanically unsafe to be driven or moved on a highway, vehicular way or
5 area, or other public property in this state and the vehicle has been
6 seized or impounded under AS 28.05.111;

7 (3) a registered vehicle has been dismantled or wrecked;

8 (4) the department determines that a required fee or tax has
9 not been paid and the fee or tax is not paid upon reasonable notice and
10 demand;

11 (5) a registration plate, permit, or certificate is knowingly
12 displayed upon a vehicle other than the vehicle for which issued;

13 (6) the department determines that the owner of a vehicle has
14 committed an offense under this chapter involving the registration or
15 the certificate, plate, or permit to be suspended or revoked;

16 (7) the vehicle has been reported to the department as stolen
17 or unlawfully converted; or

18 (8) the department is otherwise required to do so under the
19 laws of this state.

20 (b) When the department suspends or revokes the registration,
21 certificate of registration or registration plates for a vehicle, or a
22 special permit issued under this chapter, it shall immediately notify
23 the owner or permittee stating the reasons for the action and informing
24 him of his right to a hearing under AS 28.05.081 - 28.05.091.

25 (c) The suspended or revoked certificate of registration, regis-
26 tration plates or permit shall be returned immediately to the department
27 by the owner or permittee.

28 Sec. 28.10.061. REGISTRATION OF VEHICLES WITH ALTERED OR MISSING
29 IDENTIFICATION NUMBER. When the vehicle identification number required

1 to be registered under this chapter has been altered, removed or de-
2 faced, or is not on the vehicle, the owner shall, immediately upon
3 discovery, apply to the department for replacement of the identification
4 number and for a new registration. The department shall search all
5 available sources to determine the identification number originally
6 assigned and, if the number is determined, shall replace it. If efforts
7 to determine the original identification number fail, the owner shall
8 furnish information to show that he is entitled to ownership of the
9 vehicle and have it inspected by the department. The department, when
10 satisfied as to the ownership of the vehicle, shall assign an identi-
11 fication number to the vehicle and have the number placed upon the
12 vehicle to which it is assigned. The vehicle shall then be registered
13 under the replaced or assigned identification number.

14 Sec. 28.10.071. REGISTRATION RECORDS AND STATISTICS; STOLEN
15 VEHICLES. (a) The department shall review each application for regis-
16 tration received and, when satisfied that it is correct, register the
17 vehicle and keep a record of the registration in suitable books, index
18 cards or electronic or photographic recording and storage media, or in
19 any combination of them. The record is referred to as the "vehicle
20 register" and the vehicles as "registered vehicles". The department may
21 compile a record of the number and types of vehicles registered in this
22 state and may make statistical data available to the public for a fee as
23 prescribed in regulations adopted by the commissioner.

24 (b) Records under this section shall be maintained
25 (1) by a distinctive registration number assigned to the
26 vehicle;
27 (2) by the vehicle identification number, including but not
28 limited to a record of identification numbers replaced or assigned under
29 sec. 61 of this chapter;

1 (3) by the name and residence and mailing address of the
2 owner; and

3 (4) as otherwise required by the department.

4 (c) The department shall keep a record of the registrations of
5 vehicles used in law enforcement work when secrecy is necessary. This
6 record is separate from the vehicle register required by this section
7 and may be disclosed only to and upon the request of the chief peace
8 officer of a municipality, a state trooper district commander, the chief
9 federal law enforcement officer assigned to the state, or to a court
10 upon an appropriate order.

11 (d) The department shall maintain and appropriately index cumula-
12 tive records of stolen, converted, recovered and unclaimed vehicles
13 reported to it. The department may make and distribute weekly lists of
14 these vehicles to peace officers and to other departments upon their
15 request without charge and to the public for a reasonable fee as pre-
16 scribed by the department.

17 Sec. 28.10.081. ISSUANCE OF CERTIFICATE OF REGISTRATION; CERTIFI-
18 CATE TO BE SIGNED, CARRIED AND DISPLAYED. (a) The department shall
19 mail or deliver the certificate of registration to the owner. The
20 certificate of registration shall contain the assigned registration
21 number, the name, the residence and mailing addresses of the owner, the
22 vehicle identification number, the fees paid and as much of the vehicle
23 description appearing on the title as the commissioner considers neces-
24 sary. A vehicle owner, upon receipt of his certificate of registration,
25 shall write his signature on the certificate with pen and ink in the
26 space provided.

27 (b) Every certificate of registration shall, except when used to
28 apply for renewal of registration or to transfer the registration, be
29 carried in the vehicle to which it refers. The driver of a vehicle

1 shall display the certificate of registration to a peace officer or an
2 officer or employee of the department acting in an official capacity
3 upon the request of that officer or employee.

4 Sec. 28.10.091. LOST OR MUTILATED CERTIFICATES OF REGISTRATION OR
5 REGISTRATION PLATES. If a certificate of registration or a registration
6 plate is lost, stolen, mutilated or becomes illegible, the owner or
7 legal representative or successor in interest of the owner of the
8 vehicle for which the certificate or plate was issued as shown by the
9 records of the department shall, immediately upon discovering that fact,
10 apply for a duplicate or substitute certificate of registration or
11 registration plate and shall return to the department all parts of the
12 original certificate of registration or registration plates which are in
13 his possession.

14 Sec. 28.10.101. EXPIRATION OF REGISTRATION. (a) Vehicles re-
15 quired to be registered under this chapter may be registered annually
16 under a system of staggered registration as prescribed in regulations
17 adopted by the commissioner. These regulations become effective only if
18 approved by a concurrent resolution adopted by a majority vote of each
19 house of the legislature. Every vehicle registered, every certificate
20 of registration, and every registration plate issued under this chapter
21 expires at midnight on the expiration date set by the commissioner. The
22 owner of a registered vehicle may drive the vehicle under the registra-
23 tion for the preceding year upon displaying the registration plates
24 issued for that year until a period after the appropriate time of
25 registration has passed as prescribed in regulations adopted by the
26 commissioner.

27 (b) Every vehicle registration 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 (a) of this section. The
2 owner of a registered vehicle may drive the vehicle under the registra-
3 tion for the preceding year until May 31 of the year for which the
4 registration is required unless a system of staggered registration is
5 approved, in which case the provisions adopted under (a) of this section
6 apply.

7 Sec. 28.10.111. RENEWAL OF REGISTRATION. (a) Application for the
8 renewal of vehicle registration shall be made by completing the proper
9 form and paying any required registration fee and tax, and any motor
10 freight carrier fee or bus transportation fee required under AS 42.

11 (b) The department may receive an application for the renewal of
12 vehicle registration and issue a new certificate of registration at any
13 time before the expiration of the annual registration as prescribed in
14 regulations adopted by the commissioner. However, no person may display
15 the new registration plates on a vehicle before the appropriate regis-
16 tration date set by the commissioner for the new registration period.

17 Sec. 28.10.121. VEHICLES OF NONRESIDENTS. (a) A nonresident
18 owner of a noncommercial vehicle registered outside the state is exempt
19 from the registration provisions of this chapter for 90 days after entry
20 into the state if the vehicle at all times when driven in this state is
21 registered in and has displayed upon it a registration plate issued for
22 it by another jurisdiction. This exemption does not apply if the person
23 becomes gainfully employed in the state or takes action which indicates
24 his intention to acquire residence in the state. If the vehicle is a
25 commercial vehicle, the vehicle must be registered when its commercial
26 use begins in accordance with this chapter and the provisions of any
27 applicable interstate agreement under secs. 141 and 151 of this chapter.

28 (b) A vehicle owned by a nonresident and of a type subject to
29 registration under this chapter, which is leased or rented to a person

1 having an established place of business, a residence or employment in
2 this state, is subject to registration under this chapter either by the
3 owner or lessee.

4 (c) A vehicle under (a) of this section which is owned and driven
5 by a full-time student pursuing a course of study beyond the high school
6 level and upon which current, valid registration by another jurisdiction
7 is maintained need not be registered in this state unless the student
8 establishes residence or accepts full-time employment in the state.
9 This exemption applies only to the extent that the jurisdiction in which
10 the vehicle is registered grants the same exemptions and privileges to a
11 vehicle registered in this state.

12 Sec. 28.10.131. VEHICLES PREVIOUSLY REGISTERED IN OTHER JURIS-
13 DICTIONS. (a) If a vehicle to be registered under this chapter is
14 previously registered outside the state, the jurisdiction of registry
15 shall be stated in the application, and the owner shall surrender to the
16 department all evidence of out-of-state registration in his possession
17 or control except as provided in sec. 161 of this chapter, and have the
18 vehicle identification number verified by the department.

19 (b) If the owner is unable to provide the necessary evidence of
20 ownership, the department, when satisfied that the applicant is the
21 lawfully registered owner of the vehicle, may register the vehicle with-
22 out issuing a title and shall mark the State of Alaska certificate of
23 registration "no title issued" or "NTI". The issuance of the Alaska
24 certificate of title shall be withheld until the registered or legal
25 owner provides for the surrender of the out-of-state title, or in the
26 case of a nontitle state, documents which satisfy the department of
27 ownership and any liens on the vehicle, or until the posting of a
28 vehicle surety bond equal to the market value of the vehicle which bond
29 shall be maintained for three years.

1 Sec. 28.10.141. RECIPROCAL AGREEMENTS. (a) The department may,
2 under terms and conditions best calculated to promote the interests of
3 the state, enter into agreements or arrangements with authorized repre-
4 sentatives of another jurisdiction providing for mutual and substan-
5 tially equivalent exemptions, benefits, and privileges to owners of, or
6 persons entitled to the possession of, or right to drive commercial
7 vehicles which are properly registered or for which fees and taxes have
8 been paid, and upon which evidence of registration or payment of fees
9 and taxes is conspicuously displayed. Agreements or arrangements made
10 under this section may deny exemptions, benefits and privileges to a
11 person who violates stated conditions or who violates regulations
12 adopted by the commissioner for the administration of reciprocal exemp-
13 tions, benefits and privileges.

14 (b) The department may determine the extent and nature of the
15 reciprocal exemptions, benefits and privileges to which persons from
16 other jurisdictions are entitled under the laws of this state.

17 (c) All agreements and arrangements under this section shall be in
18 writing and remain in effect until revoked by an act of the department.
19 Original copies of all agreements and arrangements shall be filed with
20 the commissioner who shall make copies available to the public upon
21 request and payment of a reasonable fee.

22 Sec. 28.10.151. PROPORTIONATE REGISTRATION. (a) The legislature
23 declares that in enacting this section it adheres to the principle that
24 each state should have the freedom to develop the kind of highway user
25 fee and tax structure that it determines to be most appropriate to
26 itself. that the method of imposition of fees and taxes of interstate
27 vehicles should not be a determining factor in developing its use fee
28 and tax structure, and that annual fees and taxes or other fees and
29 taxes of the fixed fee type which are not imposed on a basis that

1 reflects the amount of highway use should be apportioned among the
2 states, within limits of practicality, on the basis of vehicle miles
3 traveled in each of the states. If the department determines that
4 apportionment of fees and taxes on the basis of vehicle miles for a
5 particular fleet of vehicles is impractical, it may require the fees and
6 taxes on the fleet to be apportioned on an equivalent basis other than
7 miles, as determined by the department.

8 (b) A person engaged in operating a fleet of one or more commer-
9 cial vehicles in this state in interstate commerce may, instead of
10 registering the separate vehicles under this chapter, register the fleet
11 for operation in the state upon application to the department. An
12 application for the registration of a fleet shall declare the total
13 mileage operated with each fleet of vehicles in this state and in all
14 other jurisdictions, and other information as required by the depart-
15 ment, for the preceding calendar year, or a preceding 12-month period as
16 determined by the department, and shall describe and identify each
17 vehicle in each fleet to be driven in the state during the following
18 license year. The provisions of this section also apply to vehicles
19 added to a fleet and driven in this state during the license year.

20 (c) The department shall, when practicable, enter into agreements
21 or arrangements, in compliance with sec. 141 of this chapter, for the
22 proportionate registration of vehicles and the payment of fees and taxes
23 under this section.

24 (d) Mileage proportions and other information required by the
25 department for interstate fleets not operated in the state during the
26 preceding year shall be determined by the department on the basis of an
27 application by the fleet operator which shows the operations of the
28 preceding year in other jurisdictions and the estimated operation for
29 the next year in this state. If no operations were conducted during the

1 previous year, a full statement of the proposed method of operation must
2 accompany the application.

3 (e) Applications under this section, with which fees and taxes are
4 due, are payable on or before January 31 of each year, but may be filed
5 with the department on or after November 1 of the preceding year.

6 (f) A person complying with the provisions of this section shall
7 preserve the records on which application is based for a period of four
8 calendar years following the year upon which the application is based.
9 The applicant shall make the records available to the department upon
10 its request at a designated office for audit as to the accuracy of
11 computation and payments, or the applicant shall pay the costs of an
12 audit by the department or its authorized representative at the appli-
13 cant's home office.

14 (g) If the department determines that an applicant should have
15 registered more vehicles in this state under this section than he has
16 registered or that he should pay additional fees and taxes, it may deny
17 him any further benefits under the reciprocal agreement or arrangement
18 until the fees and taxes, including fees and taxes for additional
19 vehicles, are paid.

20 (h) The fees and taxes due under this section are a lien on all
21 fleet vehicles subject to registration under this section for which the
22 fees and taxes have not been paid.

23 (i) The department may issue distinctive stickers or other suit-
24 able devices for every vehicle registered under this section identifying
25 the vehicle as an interstate fleet vehicle which is exempt from the
26 registration and registration fee and tax requirements of this state for
27 any type of movement or operation, if each of the vehicles is properly
28 registered in another jurisdiction, unless the department determines
29 that the registration in another jurisdiction would be contrary to the

1 protection or promotion of the interests of this state.

2 (j) "Total fleet miles", for the purposes of this section, in-
3 cludes total fleet miles in this state, in other jurisdictions with
4 which this state has reciprocal agreements or arrangements, and in other
5 jurisdictions which the department determines should be included to
6 protect or promote the interests of this state.

7 Sec. 28.10.161. INTERSTATE USE OF VEHICLES. When, in the course
8 of regular interstate operation in this state of a vehicle registered in
9 another jurisdiction, it is desirable to retain the registration and
10 title of the vehicle in that jurisdiction, the owner or his agent shall
11 register the vehicle and pay all required fees and taxes and submit for
12 inspection the certificate of registration issued by that jurisdiction.
13 The department, when satisfied that the applicant is entitled to the
14 exemption from the title requirements of this chapter, shall register
15 the vehicle but may not issue a certificate of title. Notice of the
16 fact that the vehicle is registered in another jurisdiction shall appear
17 on the certificate of registration issued by this state and in the
18 records of the department maintained under sec. 71 of this chapter.

19 Sec. 28.10.171. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS. When
20 moved or driven under a special permit to be designed and issued by the
21 department, the registration required by this chapter is not required of

22 (1) a vehicle under construction and which is not completed;

23 (2) a vehicle while being moved from one place to another for
24 the purpose of inspection, weighing, or meeting other requirements of
25 the department; or

26 (3) a vehicle while being moved or driven from one location
27 to another for the purpose of dismantling and permanently removing the
28 vehicle from the highways and vehicular ways and areas of the state.

29 Sec. 28.10.181. REGISTRATION PLATES TO BE FURNISHED BY DEPARTMENT.

1 (a) Except as provided in secs. 151(i) and 201(j) of this chapter, the
2 department, upon registering a vehicle, shall issue the owner one fully
3 reflectorized registration plate for a trailer or a motorcycle and two
4 fully reflectorized registration plates for every other vehicle. Except
5 as specifically provided in sec. 201 of this chapter, the plate or
6 plates shall remain with the vehicle as long as the vehicle is subject
7 to registration under this chapter.

8 (b) After January 1, 1979, every passenger vehicle registration
9 plate, except as specifically provided in sec. 201 of this chapter,
10 shall have displayed upon it

11 (1) the Alaska flag;

12 (2) the traditional colors of yellow-gold and blue;

13 (3) the registration number assigned to the vehicle for which
14 it is issued;

15 (4) the name of this state which may be abbreviated; and

16 (5) the registration year number or expiration date for which
17 time it is validated; the registration year number or expiration date
18 may be part of the license plate or contained on a suitable sticker or
19 tab device issued by the department.

20 (c) The commissioner shall sponsor a contest to select a slogan
21 for passenger vehicle registration plates among Alaska's school children
22 in grades 7 through 12 and shall select the slogan that best represents
23 Alaska's history and hopes for the future. The commissioner shall re-
24 ward the winner of the contest with a scholarship in the amount of \$500.

25 (d) The department may not adopt a new or altered passenger
26 vehicle registration plate unless it substantially embodies the speci-
27 fications of this section.

28 Sec. 28.10.191. DISPLAY OF REGISTRATION PLATES. (a) When two
29 registration plates are issued for a vehicle, they shall be attached to

1 the vehicle for which issued, one in front and the other in the rear.
2 When one registration plate is issued, it shall be attached to the rear
3 of the vehicle for which issued.

4 (b) Every registration plate issued under this chapter shall be
5 securely fastened to the vehicle to which it is assigned to prevent the
6 plate from swinging, with the upper edge of the plate horizontal, at a
7 height of not less than 12 inches from the ground measuring from the
8 bottom of the plate, and maintained in a location and condition so as to
9 be clearly legible. However, when considered necessary to insure legi-
10 bility, the commissioner may provide by regulation for another method of
11 installation.

12 Sec. 28.10.201. REGISTRATION OF UNIQUE AND SPECIAL VEHICLES AND
13 VEHICLES USED FOR SPECIAL PURPOSES. (a) The department shall register
14 unique and special vehicles and vehicles used for special purposes and
15 issue registration plates as provided in this section. Notwithstanding
16 other provisions of this chapter, registration plates issued under this
17 section remain with the person or organization to whom they are issued
18 when vehicle ownership is transferred or title or interest in the
19 vehicle is assigned, except for plates issued under (b), (i) and (j) of
20 this section. Registration plates issued under this section may not be
21 used on, or transferred to, a vehicle other than the vehicle for which
22 the plates are issued without the approval of the department and payment
23 of any required fees and taxes prescribed in secs. 521(d) and 531 of
24 this chapter; however, if the plates issued under (c), (g) and (k) of
25 this section are transferred to a vehicle for which the registration fee
26 is more than the fee for the vehicle from which the plates are trans-
27 ferred, the owner shall pay the difference between the two fees. Re-
28 gistration plates issued under this section to which a person is no
29 longer entitled or the transfer of the plates to another vehicle which

1 the department does not approve shall be returned immediately to the
2 department by the person or organization to whom the plates were ori-
3 ginally issued.

4 (b) Historic vehicles. The owner of an historic vehicle may make
5 application for special registration under this subsection. The depart-
6 ment, when satisfied that the vehicle meets the requirements for his-
7 toric vehicle registration under regulations adopted by the commis-
8 sioner, shall register the vehicle and issue two permanent registration
9 plates of distinctive design and color bearing no date. These plates
10 remain with the vehicle as long as it is registered under this subsec-
11 tion. Vehicles qualifying for registration under this subsection shall
12 be issued registration plates numbered in a separate numerical series
13 beginning with "Historic Vehicle No. 1."

14 (c) Special request plates. Upon application by the owner of a
15 passenger vehicle, noncommercial van or pick-up truck, or motor home,
16 the department may design and issue registration plates containing a
17 series of not more than six letters or numbers or combination of letters
18 and numbers as requested by the owner. The department may, in its
19 discretion, disapprove the issuance of registration plates under this
20 subsection when the requested symbols are a duplication of an existing
21 registration or when the symbols are considered unacceptable by the
22 department.

23 (d) Vehicles owned by disabled veterans. A veteran of the armed
24 forces of the United States who is at least 70 per cent disabled because
25 of a service connected disability may register one passenger vehicle
26 each year under this subsection. An application under this subsection
27 must be supported by evidence that the veteran is receiving at least 70
28 per cent disability compensation from a government agency at the time of
29 application. The department may design and issue special registration

1 plates for the vehicles registered under this subsection, and these
2 plates shall provide the special consideration specified in (e) of this
3 section. However, if the veteran requests, the special registration
4 plate shall be replaced by the regular registration plates.

5 (e) Vehicles owned by handicapped persons. A person who presents
6 written proof, in the form of an affidavit signed by a physician li-
7 censed to practice medicine in this state, that he is at least 70 per
8 cent medically handicapped or that he is disabled to the extent that
9 special consideration should be given by the public with respect to the
10 parking or standing in designated spaces of a vehicle which he regis-
11 ters, may register one vehicle under this subsection and receive from
12 the department a special registration plate for that vehicle which
13 displays the standard handicap symbol (the wheelchair logo).

14 (f) Vehicles owned by the state, municipalities, and charitable
15 organizations of the state. Every certificate of registration and
16 registration plate issued to the state, a municipality or charitable
17 organization of the state is in effect until the vehicle for which the
18 registration certificate and plate were issued is no longer owned and
19 operated by the state, the municipality or the charitable organization
20 of the state or until the department, in its discretion, declares its
21 expiration. The state, municipality or charitable organization of the
22 state shall maintain a current listing of all vehicles registered to it
23 in the order of the registration number assigned to each vehicle, and
24 shall provide a copy of the listing to the department upon its request.
25 The listing shall include a description of each vehicle and other
26 identifying information required by the department. Registration plates
27 issued under this subsection shall be of a distinctive design and num-
28 bering system. For the purposes of this subsection, "charitable organi-
29 zation" means a nonprofit association, corporation, society or other

1 entity organized, incorporated or headquartered in the state for edu-
2 cational, cultural, scientific or other charitable purposes, as pre-
3 scribed in regulations of the department.

4 (g) Vehicles owned by elected state officials. The department may
5 issue special registration plates to each incumbent elected state offi-
6 cial for display on noncommercial motor vehicles owned and driven by the
7 official. The department shall number or design the plates so that
8 registration by an elected state official is indicated upon the plates.
9 The registration plates issued under this subsection remain with the
10 owner of the vehicle only during his term of office.

11 (h) Vehicles owned by consular officers of foreign governments.
12 A vehicle owned by a consular officer of a foreign government shall be
13 issued registration plates displaying the title "consular corps" or
14 "cc". However, the commissioner may waive the registration of consular
15 vehicles and the payment of fees and taxes when consistent with inter-
16 national treaties or agreements.

17 (i) Vehicles owned by ranchers, farmers, and dairymen. A vehicle
18 not exceeding an unladen total gross weight of 16,000 pounds, owned by a
19 person deriving his primary source of livelihood from the operation of a
20 ranch, farm, or dairy where he maintains his full-time residence, and
21 which vehicle is used exclusively to transport his own ranch, farm, or
22 dairy products to and from the market or to transport supplies, com-
23 modities or equipment to be used on his ranch, farm or dairy, may be
24 registered under this subsection and may be issued registration plates
25 of a distinctive design or system of numbering.

26 (j) Snowmobiles and off-highway vehicles. Unless driven solely on
27 private property, snowmobiles and off-highway vehicles shall be regis-
28 tered annually and the department shall issue a certificate of regis-
29 tration and two numbered, colored decals containing the registration

1 number of the vehicle. The decals shall be displayed and maintained on
2 each side of the vehicle so as to be clear and visible from the sides of
3 the vehicle.

4 (k) Amateur mobile radio station vehicles. A valid general class
5 equivalent or higher class licensed amateur radio operator who is per-
6 mitted by law to operate a fixed station in this state may register one
7 amateur mobile radio station vehicle for each radio license issued by
8 the federal government and may receive for the vehicle distinctive
9 registration plates instead of regular registration plates. The number
10 on the plates shall be the radio letter sign of the owner.

11 (l) Vehicles owned by dealers. A registered and bonded vehicle
12 dealer may apply for dealer registration plates. A plate issued under
13 this subsection may be used only for the purpose of demonstrating a
14 vehicle for sale, or for transporting an unregistered vehicle from a
15 port of entry to the dealer's facilities or from one dealer to another
16 or, in the case of a house trailer, from the retail facility to a
17 trailer space. If the dealer sells or transfers the vehicle, the dealer
18 plates may be used on the vehicle by the new owner or transferee for a
19 period of not more than five days after the sale or transfer. The
20 department may seize the dealer plates if it has reason to believe that
21 the plates are being used to defeat the purposes of, or are in violation
22 of, this chapter.

23 Sec. 28.10.211. VEHICLE DEALERS AUTHORIZED TO ISSUE TEMPORARY
24 PERMITS. (a) A licensed vehicle dealer may issue to the purchaser of a
25 vehicle sold by the dealer a temporary permit to drive the vehicle. A
26 permit is effective for a period not to exceed 30 days. The commis-
27 sioner shall adopt regulations governing the issuance of permits under
28 this section.

29 (b) The vehicle dealer is responsible for the registration fee and

1 tax, if any, motor carrier fees, and other fees, payable on the vehicle
2 for which a permit is issued.

3 (c) No person may drive a motor vehicle under an expired permit
4 issued under this section.

5 Sec. 28.10.221. VEHICLES USED FOR TRANSPORT OF DISABLED PERSONS.

6 (a) When the owner or person in lawful possession of a vehicle presents
7 to the department written proof, in the form of an affidavit, that he is
8 primarily responsible for the transportation of a disabled or medically
9 handicapped person, the department shall issue to the applicant, without
10 charge, a special permit bearing the applicant's name, address, driver's
11 license number, and the registration plate numbers of the vehicles to be
12 used for that transportation. The permit issued under this section,
13 when displayed in the front windshield of a parked or standing vehicle,
14 shall provide for special consideration by the public with respect to
15 the parking or standing in designated spaces of a vehicle which is not
16 registered in the name of the disabled or medically handicapped person,
17 but which is used for the primary transportation of that person.

18 (b) Proof of disablement or medical handicap, for the purpose of
19 this section, shall be provided as specified in sec. 201(d) and (e) of
20 this chapter.

21 ARTICLE 2. TITLE.

22 Sec. 28.10.251. TITLE REQUIRED; EXCEPTIONS. (a) Except as other-
23 wise provided in (b) of this section or in secs. 131 - 161 of this
24 chapter, every owner of a vehicle subject to registration in this state
25 shall apply for a certificate of title under this chapter.

26 (b) The owner of a vehicle described in sec. 11 of this chapter
27 as being exempt from registration and the owner of a snowmobile or off-
28 highway vehicle may not apply for, nor may the department issue, a
29 certificate of title for such a vehicle. However, the department may

1 issue a certificate of title to the owner of a vehicle exempt from
2 registration under sec. 11(6) of this chapter, upon application by that
3 owner.

4 (c) The certificate of title issued may, when there is more than
5 one owner, state the name of each owner in the conjunctive or in the
6 disjunctive in order to indicate that the owners own the vehicle to-
7 gether or in the alternative.

8 (d) Except for vehicles registered under secs. 131(b) and 161 of
9 this chapter, the department may not register a vehicle unless the
10 applicant for registration at the same time applies for and obtains a
11 certificate of title under this chapter, or presents satisfactory evi-
12 dence that a certificate of title was previously issued to him. The
13 department may not accept the application for the original certificate
14 of registration or title to a vehicle unless the vehicle is in the state
15 at the time of application. However, the department may accept an
16 application for registration and certificate of title for a vehicle
17 which is not in the state when the application is made by a registered
18 and bonded dealer or by a resident of the state when the application is
19 accompanied by a manufacturer's statement of origin, or in the case of a
20 used vehicle, when the application is accompanied by a certificate of
21 title issued in another jurisdiction and a certificate of inspection by
22 a peace officer of that jurisdiction stating that the vehicle has been
23 determined to be the vehicle described in the certificate of title and
24 that the vehicle has not been reported stolen.

25 Sec. 28.10.261. APPLICATION FOR TITLE; REFUSAL, SUSPENSION AND
26 REVOCATION OF TITLE. (a) The owner of a vehicle required to be titled
27 under this chapter shall apply for title by properly completing and
28 surrendering the forms prescribed by the commissioner and by complying
29 with all applicable laws and regulations, after which the department

1 shall issue a certificate of title.

2 (b) An application for title or transfer of title shall contain

3 (1) the signature in ink of the owner, or if there is more
4 than one owner, the signature in ink of at least one of the owners and
5 the name of each owner stated in the conjunctive or in the disjunctive;
6 and

7 (2) any other information reasonably required by the depart-
8 ment.

9 (c) When an application for title refers to a new vehicle, the
10 application shall be accompanied by a "manufacturer's statement of
11 origin" and other information reasonably required by the department.

12 (d) An applicant for title to a vehicle transferred by court
13 action on a lien or encumbrance shall surrender to the department a
14 certified copy of the court order involuntarily transferring the ve-
15 hicle.

16 (e) If a vehicle to be titled is a specially constructed or re-
17 constructed vehicle, the fact shall be noted on the application for
18 title. The department may require evidence of prior registration of, or
19 issuance of title for, the vehicle and may require the applicant to
20 furnish additional information as it considers necessary to establish
21 ownership, including bills of sale, invoices for vehicle equipment, or a
22 surety bond.

23 (f) The department shall refuse to issue a certificate of title
24 and shall suspend or revoke a previously issued certificate of title
25 when

26 (1) the certificate of title was fraudulently procured or
27 erroneously issued or required information or fees have not been pro-
28 vided;

29 (2) the vehicle has been scrapped, dismantled or destroyed;

1 (3) the vehicle has been reported to the department as stolen
2 or unlawfully converted, until the department learns of the recovery of
3 the vehicle or that the report of its theft or conversion was false or
4 erroneous; or

5 (4) authorized by any other provision of law.

6 (g) Suspension or revocation of a certificate of title under (f)
7 of this section does not affect the rights of a lienholder named on the
8 certificate.

9 (h) When the department refuses to issue, or suspends or revokes,
10 a certificate of title, it shall immediately notify the applicant or
11 owner stating the reasons for its action and informing him of his right
12 to a hearing under AS 28.05.081 - 28.05.091.

13 (i) A certificate of title which is suspended or revoked shall be
14 returned immediately to the department by the owner or other person
15 lawfully entitled to possession of the certificate of title.

16 Sec. 28.10.271. CERTIFICATE OF TITLE CONTENTS. (a) A certificate
17 of title issued by the department shall contain

18 (1) the date issued;

19 (2) the name and residence and mailing address of the owner;

20 (3) the name and address of the primary lienholder, if any;

21 (4) a description of the vehicle including its make, year of
22 manufacture, identification number; and

23 (5) other information the department may reasonably require.

24 (b) The certificate of title shall contain a space for the assign-
25 ment and warranty of title by the owner or dealer selling the vehicle
26 and a space for the assignment or release of the security interest of a
27 lienholder, and may contain forms for application for title by a trans-
28 feree, and for the naming of a primary lienholder.

29 (c) The department may not indicate on a certificate of title more

1 than the primary lienholder and the primary registered owner when in-
2 dicating lienholders and registered owners.

3 Sec. 28.10.281. DELIVERY AND EFFECT OF CERTIFICATE OF TITLE. (a)

4 The department shall deliver the certificate of title to the primary
5 lienholder named in the certificate if the lien instrument states that
6 he is entitled to possession of the title. Otherwise, delivery shall be
7 to the registered owner.

8 (b) A certificate of title for a vehicle is not subject to attach-
9 ment, execution or other judicial process, but this section does not
10 prevent a lawful levy upon the vehicle.

11 Sec. 28.10.291. LOST, STOLEN OR MUTILATED CERTIFICATE OF TITLE.

12 (a) If a certificate of title is lost, stolen, mutilated, destroyed or
13 becomes illegible, the first lienholder or, if none, the owner or legal
14 representative of the owner named in the title as shown by the records
15 of the department shall apply for and obtain a duplicate title upon
16 furnishing information satisfactory to the department and payment of the
17 prescribed fee. The duplicate title shall indicate that it is a dupli-
18 cate title, and it shall be mailed or delivered to the first lienholder
19 named in it or, if none, to the registered owner.

20 (b) A person who recovers an original title for which a duplicate
21 has been issued shall immediately surrender the duplicate to the depart-
22 ment.

23 Sec. 28.10.301. EVIDENCE. (a) In a civil or criminal proceeding,

24 when the title or right to possession of a vehicle is involved, the
25 record of registrations and certificates of title as they appear in the
26 files and records of the department are prima facie evidence of the
27 ownership or right to possession. Proof of ownership or right to pos-
28 session of a vehicle shall be made by a copy of the record certified by
29 the department or by an original certificate of registration or title

1 issued by the department.

2 (b) Lien information indicated upon the title shall be accepted as
3 prima facie evidence of legal ownership and the filing of a lien.

4 ARTICLE 3. TRANSFER OF VEHICLE.

5 Sec. 28.10.331. TRANSFER OF VEHICLE BY OWNER. (a) When the owner
6 of a registered vehicle transfers or assigns his title or interest in
7 the vehicle, the registration of the vehicle expires; however, the
8 registration plates remain on the vehicle except as otherwise provided
9 in sec. 201 of this chapter.

10 (b) The owner shall, at the time of delivery of the vehicle,
11 endorse an assignment and warranty of title to the transferee in the
12 space provided on the certificate of title. The owner shall deliver the
13 certificates of title and registration to the transferee at the time of
14 delivery of the vehicle, except as otherwise provided in sec. 351 of
15 this chapter.

16 Sec. 28.10.341. TRANSFER TO DEALER. (a) When the owner of a
17 registered vehicle transfers or assigns his title or interest to a
18 vehicle dealer under sec. 331 of this chapter, the dealer is not re-
19 quired to present the certificates of registration and title to the
20 department as provided in sec. 381 of this chapter until the vehicle is
21 transferred by the dealer.

22 (b) A vehicle transferred to a dealer may not be driven unless it
23 is re-registered under this chapter or is driven under dealer regis-
24 tration plates issued under sec. 201(1) of this chapter.

25 Sec. 28.10.351. TRANSFER FROM DEALER. (a) A vehicle dealer, upon
26 transferring a vehicle, shall execute an assignment and a warranty of
27 title to the transferee as provided in sec. 331 of this chapter and
28 furnish proof of the sale of the vehicle to the transferee.

29 (b) The dealer shall, within five days of the transfer of the

1 vehicle, forward to the department the transferee's completed appli-
2 cation for new certificates of title and registration except as provided
3 in (c) of this section. The application shall contain the vehicle
4 dealer's license number and shall be accompanied by any required fees
5 and taxes.

6 (c) If the transferee indicates in a sworn affidavit that he does
7 not intend to use the vehicle in a manner requiring registration in this
8 state, the dealer may deliver the certificate of title to the transferee
9 directly. The dealer shall mail or deliver the affidavit to the depart-
10 ment within five days of the transfer.

11 Sec. 28.10.361. TRANSFER OF MOTOR VEHICLE TO MINOR. (a) An
12 agreement for the purchase of a motor vehicle by a minor who has not
13 been emancipated is void unless a parent or guardian of the minor is
14 also a party to the agreement.

15 (b) For the purposes of this section, "emancipated" means that a
16 minor to whom the term refers is a resident of this state and is at
17 least 16 years of age, is living separate and apart from his parents or
18 guardian, and is capable of self-support and of managing his own finan-
19 cial affairs.

20 Sec. 28.10.371. TRANSFER BY OPERATION OF LAW. (a) When the title
21 to, or interest in, a registered vehicle passes to another person other
22 than by a voluntary transfer, the registration of that vehicle expires.

23 (b) A person holding a certificate of title to a vehicle whose
24 interest in the vehicle has been extinguished or transferred other than
25 by voluntary transfer shall mail or deliver the certificates of title
26 and registration to the department upon request of the department. The
27 delivery of the certificates of title and registration to the department
28 upon its request does not affect the rights of the person surrendering
29 the certificate of title, and the action of the department in issuing

1 a new certificate of title or registration as provided in this chapter
2 is not conclusive upon the rights of an owner or lienholder named in the
3 surrendered certificate of title.

4 (c) The person acquiring title by other than a voluntary transfer
5 shall immediately remove the registration plates from the vehicle and
6 shall, within five days of the transfer, deliver them to the department,
7 together with notification of the transfer and proof that the interest
8 of the previous owner was lawfully terminated.

9 Sec. 28.10.381. NEW OWNER TO SECURE TRANSFER OF REGISTRATION AND
10 NEW TITLE. (a) Except as provided under secs. 341 - 351 of this chap-
11 ter, the new owner shall, within 30 days, present the certificates of
12 title and registration properly endorsed to the department, apply for a
13 new title, and register the vehicle as upon an original registration.

14 (b) An application for certificates of title and registration
15 shall be accompanied by any required registration fees and taxes, trans-
16 fer of title and lien fees, and motor freight carrier or bus transpor-
17 tation fees, if any, and by the previous certificates of title and
18 registration, if any.

19 Sec. 28.10.391. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE AND
20 REGISTRATION. The department, upon receipt of the certificate of title
21 properly endorsed, the certificate of registration, the registration
22 plates, if any, the application for new title and registration and all
23 required fees and taxes, shall issue a certificate of title and a
24 certificate of registration to the transferee or the lienholder lawfully
25 entitled to the certificates.

26 Sec. 28.10.401. DUTY OF LIENHOLDER IN POSSESSION OF TITLE TO
27 TRANSFERRED VEHICLE. Upon request of an owner or transferee, a lien-
28 holder in possession of the certificate of title to a transferred
29 vehicle shall, unless the transfer is in breach of a security agreement,

1 deliver the certificate to the transferee. The delivery of the certi-
2 ficate of title does not affect the rights of the lienholder under his
3 security agreement.

4 Sec. 28.10.411. DISMANTLING OR WRECKING VEHICLE. A person who
5 dismantles, scraps or destroys a registered vehicle shall immediately
6 forward to the department the certificates of title and registration and
7 the registration plates for the vehicle.

8 Sec. 28.10.421. WHEN TRANSFER EFFECTIVE. A transfer by an owner
9 or dealer is not effective until all applicable provisions of this
10 chapter have been complied with. However, an owner or dealer who has
11 delivered possession of a vehicle to the transferee and has endorsed an
12 assignment and warranty of title on the certificate of title and de-
13 livered the certificates of title and registration to the transferee or,
14 in the case of a transfer from a dealer, delivered proof of the sale to
15 the transferee, is not liable as the owner for any liabilities resulting
16 from the driving or movement of the vehicle after the transfer.

17 ARTICLE 4. FILING DOCUMENTS EVIDENCING

18 LIENS OR ENCUMBRANCES.

19 Sec. 28.10.451. FILING DOCUMENTS EVIDENCING LIENS OR ENCUMBRANCES.
20 A conditional sales contract, chattel mortgage, or other lien or encum-
21 brance or title retention document on a registered vehicle, other than a
22 lien dependent upon possession, is not valid against a vehicle owner's
23 creditor who acquires a lien dependent upon possession, or by levy or
24 attachment, or against a subsequent purchaser or encumbrancer without
25 notice, until the requirements of secs. 451 - 481 of this chapter are
26 satisfied.

27 Sec. 28.10.461. PROVISIONS FOR FILING AND ISSUANCE OF TITLE. (a)
28 A copy of the document creating and evidencing a lien or encumbrance
29 shall be filed with the department. The document shall be executed in

1 the manner required by law, with a certificate of a notary or other
2 person authorized by law to administer oaths stating that it is a true
3 and correct copy of the original.

4 (b) If a certificate of title is issued before a lien or encum-
5 brance attaches, the copy of the document creating and evidencing the
6 lien or encumbrance shall be accompanied by the certificate of title
7 issued for the vehicle.

8 (c) If the vehicle is of a type subject to registration but is not
9 registered and no certificate of title is issued for it, then the certi-
10 fied copy of the document creating and evidencing the lien or encum-
11 brance shall be accompanied by an application from the owner for origi-
12 nal certificates of registration and title. When a document creating
13 and evidencing a lien or encumbrance is filed with the department, the
14 lien filing fee required under sec. 531 of this chapter shall be paid.

15 (d) Upon receipt of the application and documents, the department
16 shall endorse on them the date of receipt at the central office of the
17 department and file them. If the department is satisfied as to the
18 genuineness and regularity of the application, it shall issue a new
19 certificate of title giving the name of the owner and a statement of
20 liens or encumbrances certified to the department as existing against
21 the vehicle. The certificate of title shall be delivered by the depart-
22 ment to the person holding the lien or encumbrance.

23 Sec. 28.10.471. FILING AND DATE OF NOTICE. (a) The filing of the
24 application and documents under sec. 461 of this chapter and the issu-
25 ance of a new certificate of title are constructive notice of any liens
26 or encumbrances against the vehicle described in the certificate to a
27 creditor of the owner, or to a subsequent purchaser or encumbrancer.
28 However, a lien or encumbrance on a vehicle for labor, material, trans-
29 portation, storage or similar activity, whether or not dependent on

1 possession for its validity, is subordinate only to a mortgage, condi-
2 tional sale contract, or similar lien or encumbrance properly filed on
3 or before the time that the vehicle is subject to, or comes into pos-
4 session of, the lien or encumbrance claimant for the labor, material,
5 transportation, storage or similar activity.

6 (b) If the documents referred to in secs. 451 - 481 of this chap-
7 ter are received and filed in the central office of the department
8 within 10 days after the date that the documents were executed, the
9 constructive notice dates from the time of the execution of the docu-
10 ments. Otherwise, constructive notice dates from the time of receipt
11 and filing of the documents by the department as shown in its endorse-
12 ment on the documents.

13 (c) Filing as provided in secs. 451 - 481 of this chapter is the
14 exclusive method of giving constructive notice of a lien or encumbrance
15 on a registered vehicle, except as to a lien dependent upon possession.

16 (d) A lien or encumbrance, or a document creating and evidencing a
17 lien or encumbrance is exempt from the other provisions of law which
18 require or relate to the recording or filing of a document creating and
19 evidencing a lien or encumbrance upon a vehicle of a type subject to
20 registration under this chapter.

21 Sec. 28.10.481. ASSIGNMENT OR RELEASE BY LIENHOLDER. (a) A
22 person holding a lien or encumbrance upon a vehicle, other than a lien
23 dependent solely upon possession, may assign his title to or interest in
24 the vehicle to a person other than the owner without the consent of the
25 owner and without affecting the interest of the owner or the regis-
26 tration of the vehicle. The person assigning his interest shall give
27 written notice of the assignment to the owner. Upon receiving a certi-
28 ficate of title assigned by the holder of a lien or encumbrance shown on
29 the certificate and the name and address of the assignee, accompanied by

1 the title fee required under sec. 531 of this chapter, the department
2 shall issue a new certificate of title.

3 (b) A person holding a lien or encumbrance upon a vehicle, as
4 shown on a certificate of title, may release the lien or encumbrance or
5 assign his interest to the owner of the vehicle without affecting the
6 registration of the vehicle. Upon receiving a certificate of title upon
7 which a lienholder has released or assigned his interest to the owner,
8 or upon receipt of a certificate not endorsed but accompanied by a legal
9 release from a lienholder of his interest to a vehicle, and upon payment
10 of the title fee required under sec. 531 of this chapter, the department
11 shall issue a new certificate of title.

12 ARTICLE 5. FEES AND CHARGES.

13 Sec. 28.10.511. REGISTRATION FEES LEVIED. (a) For every year
14 during any part of which a vehicle is subject to registration under this
15 chapter, a registration fee shall be paid to the department at the time
16 of original registration and at each annual renewal of registration
17 after that time.

18 (b) Motor carrier and bus transportation fees paid on vehicles
19 subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the
20 Alaska Bus Act (AS 42.15) shall be paid to the department at the same
21 time the registration fee is paid.

22 Sec. 28.10.521. REGISTRATION FEE RATES. (a) Unless otherwise
23 provided by law, the fees prescribed in this section shall be paid to
24 the department at the times provided under secs. 101 and 111 of this
25 chapter.

26 (b) The annual registration fees under this subsection are imposed
27 within the following classifications for:

28 (1) a passenger vehicle or motor home not used or maintained
29 for the transportation of persons or property for hire or for other

1 commercial use.....\$30;

2 (2) a pick-up truck or a van not exceeding 6,000
3 pounds unladen weight and not used or maintained for the trans-
4 portation of persons or property for hire or for other commer-
5 cial use.....\$35;

6 (3) a taxicab.....\$65;

7 (4) a motor bus with a seating capacity for 20 or
8 more persons and used exclusively for commercial purposes in the
9 transporting of transient visitors or tourists.....\$80;

10 (5) a motorcycle or a motor-driven cycle.....\$15;

11 (6) a two- or four-wheeled trailer not used or main-
12 tained for the transportation of persons or property for hire or
13 for other commercial use, including, but not limited to, a boat
14 trailer, baggage trailer, box trailer, utility trailer or house
15 trailer.....\$ 5.

16 (c) The annual registration fees under this subsection are imposed
17 and are based upon the actual unladen weight as established by the manu-
18 facturer's advertised weight or upon the actual weight which the owner
19 shall furnish, subject to the approval of the commissioner or his repre-
20 sentative, for a vehicle, including a motor vehicle pulling a trailer or
21 semi-trailer, used or maintained for the transportation of passengers
22 for hire, excepting taxicabs and buses under (b) of this section, or for
23 the transportation of property for hire or for other commercial use,
24 including a commercial vehicle such as a trailer, semi-trailer, truck,
25 wrecker, tow car, hearse, ambulance, and tractor, as follows:

26 (1) up to and including 5,000 pounds.....\$ 45;

27 (2) more than 5,000 pounds to and including 12,000
28 pounds.....\$ 80;

29 (3) more than 12,000 pounds to and including 18,000

1 pounds.....\$150;

2 (4) more than 18,000 pounds.....\$215.

3 (d) The special registration fees under this subsection are im-
4 posed annually, unless otherwise specified, for:

5 (1) an historic vehicle (one time only upon initial
6 registration under sec. 201 of this chapter).....\$ 10;

7 (2) special request plates.....\$ 20;
8 plus the fee required for that vehicle under (b)(1) or (2) of
9 this section;

10 (3) a vehicle owned by a disabled veteran and regis-
11 tered under sec. 201 of this chapter.....none;

12 (4) a vehicle owned by a handicapped person and
13 registered under sec. 201 of this chapter.....\$ 30;

14 (5) a vehicle owned by the state, a municipality or
15 a charitable organization of the state.....\$ 2;

16 (6) a vehicle owned by an elected state official.....the fee
17 required for that vehicle under (b) of this section;

18 (7) a vehicle owned by a consular officer, unless
19 waived under sec. 201 of this chapter.....\$ 30;

20 (8) a vehicle owned by a rancher, farmer, or dairy-
21 man and registered under sec. 201 of this chapter.....\$ 30;

22 (9) a snowmobile or off-highway vehicle.....\$ 5;

23 (10) an amateur mobile radio station vehicle.....the fee
24 required for that vehicle under (b) or (c) of this section;

25 (11) dealer registration plates,

26 (A) the initial set of plates.....\$ 40;

27 (B) each subsequent set of plates.....\$ 20.

28 (e) A vehicle registered under this section which, by the removal
29 of seats, a camper unit, a canopy or other equipment, may be converted

1 into a vehicle on which the registration fee is computed on a different
2 basis or in a different amount may not be driven or moved with seats,
3 camper unit, canopy or other equipment removed unless the other appli-
4 cable registration fee is paid.

5 Sec. 28.10.531. SCHEDULE OF OTHER FEES AND CHARGES. The following
6 fees and charges are imposed by the department for the stated services
7 which it provides:

- 8 (1) title fee (including transfer of title).....\$ 5;
- 9 (2) lien filing fee.....\$ 5;
- 10 (3) replacement of registration plate set, other
11 than special request plates.....\$ 2;
- 12 (4) replacement of special request plate set.....\$ 5;
- 13 (5) duplicate of original certificate of title.....\$ 5;
- 14 (6) duplicate of certificate of registration.....\$ 2;
- 15 (7) temporary preregistration permit issued under
16 sec. 31 of this chapter.....none;
- 17 (8) special transport permit issued under sec. 171
18 of this chapter.....none;
- 19 (9) vehicle dealer's temporary permit issued under
20 sec. 211 of this chapter.....none;
- 21 (10) special permit for vehicle used for transport
22 of disabled or handicapped person as provided in sec. 221 of
23 this chapter.....none.

24 ARTICLE 6. REGISTRATION AND TITLE VIOLATIONS.

25 Sec. 28.10.561. UNLAWFUL TO VIOLATE PROVISIONS REQUIRING REGIS-
26 TRATION AND TITLE. No person may wilfully attempt to defeat the pro-
27 visions of this chapter or wilfully fail to title or register a vehicle
28 as required by this chapter, or otherwise wilfully fail to comply with
29 the requirements of this chapter.

1 Sec. 28.10.571. DRIVING VEHICLE WITHOUT EVIDENCE OF REGISTRATION.
2 Except as otherwise expressly permitted in this chapter, no person may
3 drive or move, nor may an owner knowingly permit to be driven or moved,
4 on a highway or vehicular way or area, a vehicle required to be regis-
5 tered under this chapter unless valid registration plates, decals or
6 permits for the current registration period are attached to and dis-
7 played on the vehicle in the manner required by this chapter, and unless
8 a valid certificate of registration for the current registration period
9 is carried, as required by this chapter, in the vehicle and is available
10 for inspection by a peace officer or an authorized representative of the
11 department.

12 Sec. 28.10.581. DRIVING VEHICLE WHEN REGISTRATION SUSPENDED OR
13 REVOKED OR PERMIT EXPIRED. No person may drive or move, nor may an
14 owner knowingly permit to be driven or moved, on a highway or vehicular
15 way or area, a vehicle for which the registration or permit has been
16 suspended or revoked or has expired.

17 Sec. 28.10.591. IMPROPER USE OF EVIDENCE OF REGISTRATION OR CERTI-
18 FICATE OF TITLE. No person may lend to another, or knowingly permit the
19 use by another of, a certificate of registration or title, registration
20 plate, decal, special plate, or permit issued under this chapter if the
21 person to whom it is loaned or whose use is permitted is not entitled to
22 its use, nor may a person display in or upon a vehicle a certificate of
23 registration, registration plate, decal, special plate, or permit not
24 issued for that vehicle or not otherwise lawfully used on that vehicle.

25 Sec. 28.10.601. FELONIES RELATING TO TITLE, REGISTRATION, IDENTI-
26 FICATION NUMBER, AND REMOVAL AND REPRESENTATION OF VEHICLES. (a) Upon
27 conviction, a person is guilty of a felony who

28 (1) alters, forges or counterfeits a certificate of title or
29 registration, or a registration plate, decal, tab or sticker of this or

1 another jurisdiction;

2 (2) alters or forges an assignment of a certificate of title
3 or an assignment or release of a security interest on a certificate of
4 title of this or another jurisdiction or on a form the department pre-
5 scribes;

6 (3) has possession of or uses a certificate of title or
7 registration, registration plate, decal, tab or sticker of this or
8 another jurisdiction knowing it to have been altered, forged or counter-
9 feited;

10 (4) wilfully removes or falsifies a vehicle identification
11 number;

12 (5) wilfully conceals or misrepresents the identity of a
13 vehicle or vehicle equipment;

14 (6) buys, receives, possesses, sells or disposes of a vehicle
15 or vehicle equipment, knowing that a vehicle identification number or
16 equipment has been unlawfully removed or falsified;

17 (7) removes from the state a vehicle which is the subject of
18 a security interest created under this title or under AS 45.05, without
19 the written consent of the secured party, and with intent to defraud the
20 secured party or the state; or

21 (8) represents a motor vehicle or house trailer to be a new
22 vehicle and who sells or procures the sale of that motor vehicle as a
23 new vehicle without presenting a "manufacturer's statement of origin".

24 (b) A person convicted of an offense under this section is punish-
25 able by imprisonment for not less than one year nor more than five
26 years, or by a fine of not less than \$500 nor more than \$5,000, or by
27 both.

28 ARTICLE 7. GENERAL PROVISIONS.

29 Sec. 28.10.701. DEFINITIONS. Unless otherwise specifically

1 defined or unless the context otherwise requires, in this chapter and in
2 regulations adopted to implement, interpret or make specific this chap-
3 ter,

4 (1) "dealer" means a person engaged in the business of buy-
5 ing, selling or exchanging new or used vehicles of a type required to be
6 registered under this chapter who buys, sells or exchanges more than
7 three vehicles in any 12-month period, and who maintains a place of
8 business or by word of mouth, advertising or in any other manner holds
9 himself out to be in the business of buying, selling or exchanging
10 vehicles;

11 (2) "new vehicle" means a vehicle that has not been sold or
12 registered in this state or another jurisdiction; however, the term does
13 not include a sale by a manufacturer or distributor to a dealer or a
14 sale by a dealer to another dealer;

15 (3) "vehicle identification number" means the numbers and
16 letters or other distinguishing marks designated by the department for
17 the purpose of identifying a vehicle or its parts, placed on an engine,
18 transmission, or other equipment by its manufacturer or by authority of
19 the department, or in accordance with the laws of another jurisdiction.

20 * Sec. 8. AS 28.11.010(c) is amended to read:

21 (c) A person abandoning a vehicle under [AS SPECIFIED IN] (a) or
22 (b) of this section is considered responsible for the abandonment of the
23 [A] vehicle and is liable for the cost of removal and disposition of the
24 abandoned vehicle.

25 * Sec. 9. AS 28.11.010(d) is amended to read:

26 (d) The lawful owner of a [THE] vehicle, as shown by the records
27 of the department, whether or not he has complied with the provisions of
28 AS 28.10.331 [AS 28.10.350], is considered responsible for the abandon-
29 ment of the [A] vehicle and is liable for the cost of removal and

1 disposition of the abandoned vehicle unless

2 (1) the vehicle was abandoned by a person driving [OPERATING]
3 the vehicle without permission; or

4 (2) the identity of the person abandoning the vehicle is
5 established and the abandonment was without the consent of the lawful
6 owner.

7 * Sec. 10. AS 28.11.020 is amended to read:

8 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. The department shall
9 adopt regulations governing the parking of vehicles on state property. A
10 vehicle which has been left unattended, left standing or parked upon a
11 highway in excess of 48 hours, or a vehicle left standing or parked on
12 public property or on private property in excess of 24 hours without the
13 consent of the owner or person in charge of the property may be removed
14 [SHALL, BY REGULATION, BE SUBJECT TO REMOVAL] under sec. 30 of this
15 chapter and treated [TREATMENT] as an abandoned vehicle for purposes of
16 this chapter, unless the vehicle is reclaimed and removed before action
17 regarding removal under sec. 30 of this chapter is undertaken. The
18 department may provide for the parking of vehicles on state property in
19 excess of the limits specified in this section.

20 * Sec. 11. AS 28.11.030 is amended to read:

21 Sec. 28.11.030. REMOVAL OF ABANDONED VEHICLES. (a) A peace
22 [POLICE] officer or an employee authorized by the state or a munici-
23 pality may remove or have [CAUSE TO BE] removed to a place for safe
24 storage a vehicle abandoned on a [PUBLIC STREET OR] highway, on a vehi-
25 cular way or area, or on private property.

26 (b) Removal of an abandoned vehicle from private property shall be
27 upon [ON] the written request of the owner or person in lawful posses-
28 sion or control of the property, and on [UPON] a form prescribed by the
29 department.

1 (c) A written report of the removal shall be made by the peace
2 [POLICE] officer or employee who removes or causes the removal of a
3 vehicle under this section, and the report shall be sent immediately to
4 the department. The report shall describe the vehicle, the date, time,
5 and place of removal, the grounds for removal, and the place of impound-
6 ment of the vehicle.

7 * Sec. 12. AS 28.11.040(b) is amended to read:

8 (b) When the name and address of the registered or legal owner
9 or lienholder cannot be ascertained, the department shall give notice by
10 publication in the manner prescribed in the rules of the court for
11 service of process by publication.

12 * Sec. 13. AS 28.11.090 is amended to read:

13 Sec. 28.11.090. TOWING AND STORAGE LIEN ON ABANDONED VEHICLE. A
14 person authorized by contract or other official order to remove an aban-
15 doned vehicle has a lien upon a vehicle towed, moved, or stored by him
16 and in his possession in accordance with AS 34.35.540 [AS 28.10.515].

17 * Sec. 14. AS 28.11.100(a) is amended to read:

18 (a) A municipality may adopt an ordinance establishing procedures
19 for the abatement and removal from private or public property, as a
20 public nuisance or a health or safety hazard, a wrecked, dismantled, or
21 inoperative vehicle or a vehicle otherwise presumed [BELIEVED] to be
22 abandoned. The ordinance written under this section shall contain pro-
23 visions for notice to owners and for disposal of abandoned vehicles as
24 provided in secs. 40 and 70 of this chapter.

25 * Sec. 15. AS 28.15.101 - 28.15.360 are repealed and re-enacted to read:

26 CHAPTER 15. DRIVERS' LICENSES.

27 ARTICLE 1. ISSUANCE, EXPIRATION AND RENEWAL OF LICENSES.

28 Sec. 28.15.011. DRIVERS MUST BE LICENSED. (a) No person may
29 drive or exercise any degree of physical control of a motor vehicle upon

1 a highway, vehicular way or area, or other public property in this state
2 unless the person has a valid Alaska driver's license issued under the
3 provisions of this chapter for the type or class of vehicle driven or
4 unless the person is expressly exempted from this requirement.

5 (b) A person licensed under the provisions of this chapter may
6 exercise in this state the privileges granted in this chapter and is
7 subject to the restrictions prescribed by this chapter. No municipality
8 may require a person to obtain any other driver's license to exercise
9 the privileges granted under this chapter.

10 Sec. 28.15.021. PERSONS EXEMPT FROM DRIVER LICENSING. The follow-
11 ing persons are exempt from driver licensing under this chapter:

12 (1) an employee of the United States government while opera-
13 ting a motor vehicle owned by or leased to the United States government
14 and being operated on official business, unless the employee is required
15 by the United States government or an agency of that government to have
16 a state driver's license;

17 (2) a nonresident who is at least 16 years of age and who has
18 a valid driver's license issued by another jurisdiction; however, an
19 Alaska driver's license must be obtained by the end of a 90-day period
20 after entry into the state;

21 (3) a member of the armed forces of the United States who has
22 a valid driver's license issued by another jurisdiction and who main-
23 tains his permanent residence in that jurisdiction; however, a member of
24 the armed forces who has only a valid driver's license issued by the
25 armed forces of the United States and who does not have a valid driver's
26 license issued by another jurisdiction must obtain an Alaska driver's
27 license by the end of a 90-day period after entry into the state;

28 (4) a person when driving an implement of husbandry, as de-
29 fined by regulation, which is only temporarily driven or moved on a

1 highway.

2 Sec. 28.15.031. PERSONS NOT TO BE LICENSED. (a) The department
3 may not issue a driver's license to a person who is under the age of 16
4 years, except that the department may issue a permit under sec. 51 of
5 this chapter or a restricted license under sec. 121 of this chapter.

6 (b) The department may not issue an original or duplicate driver's
7 license to, nor renew or reinstate the driver's license of, a person

8 (1) whose license is suspended or revoked, except as other-
9 wise provided in this chapter;

10 (2) who fails to appear in court for the adjudication of a
11 certain vehicle, driver or traffic offense when his appearance is
12 required by statute, regulation or court rule;

13 (3) who is an habitual user of alcohol or another drug to
14 such a degree that he is incapable of safely driving a motor vehicle;

15 (4) who has previously been adjudged to be afflicted with, or
16 suffering from, a mental disability or a disease and who has not, at the
17 time of application for the license, been restored to competency by the
18 methods provided by law;

19 (5) when the department, based upon medical evidence, has
20 determined under regulations adopted by the commissioner, that because
21 of his physical or mental disability, the person is not able to drive a
22 motor vehicle safely;

23 (6) who is unable to understand official traffic control
24 devices as displayed in this state or who does not have a fair knowledge
25 of traffic laws and regulations, as demonstrated by an examination;

26 (7) who has knowingly made a false statement in his applica-
27 tion for a license or has committed fraud in connection with his appli-
28 cation for, or in obtaining or attempting to obtain, a license, or who
29 has not applied under oath on the form provided for the purpose of

1 obtaining or attempting to obtain a license or permit; or

2 (8) who is required under ch. 20 of this title to furnish
3 proof of financial responsibility and who has not done so.

4 Sec. 28.15.041. CLASSIFICATION OF DRIVERS' LICENSES. (a) The
5 commissioner shall provide by regulation for the classification of
6 drivers' licenses. The regulations shall specify license classifica-
7 tions which are reasonably necessary for the safe operation of the
8 various types, sizes and combinations of motor vehicles. The regula-
9 tions shall also establish medical standards, standards of driving con-
10 duct and proficiency, and other standards governing the issuance, re-
11 newal, or denial of these licenses. The department shall examine each
12 applicant to determine his qualifications according to the class of
13 license applied for, and upon issuing a driver's license the department
14 shall indicate on the license the classification for which an applicant
15 for a license has qualified by examination. The regulations under this
16 section become effective only if approved by a concurrent resolution
17 adopted by a majority vote of each house of the legislature.

18 (b) No person may drive a school bus transporting school children,
19 or a bus transporting school-age children or a motor vehicle when in use
20 for the transportation of persons for compensation until he has applied
21 for and has been issued a license for that purpose under (a) of this
22 section. The department may not issue a license under this subsection
23 unless the applicant is at least 19 years of age, has had at least one
24 year of driving experience, and the department is satisfied as to the
25 applicant's good character, competence and fitness to be licensed; nor
26 may the department issue the license until proper application has been
27 made and all required driving, written, and physical examinations have
28 been successfully completed. A license issued under this subsection
29 expires on September 1 of the year following issuance. Application for

1 renewal may be made by submitting to the department the results of a
2 current physical examination.

3 Sec. 28.15.051. INSTRUCTION PERMIT, TEMPORARY DRIVER'S LICENSE AND
4 SPECIAL DRIVER'S PERMIT. (a) Except as provided in (b) of this sec-
5 tion, a person who is at least 14 years of age may apply to the de-
6 partment for an instruction permit. The department may, after the
7 applicant has successfully passed all parts of the examination under
8 sec. 81 of this chapter other than the driving test, issue to the appli-
9 cant an instruction permit. The permit allows a person, while having
10 the permit in his immediate possession, to drive a specified type or
11 class of motor vehicle on a highway or vehicular way or area for a
12 period of six months. The permittee must be accompanied by a person at
13 least 19 years of age who has been licensed at least one year to drive
14 the type or class of vehicle being used, who is capable of exercising
15 control over the vehicle and who occupies a seat beside the driver, or
16 who accompanies and immediately supervises the driver when he drives a
17 motorcycle. An instruction permit may be renewed for additional six-
18 month periods.

19 (b) The department, upon receiving proper application, may issue a
20 restricted instruction permit effective for a school year or for a more
21 restricted period to an applicant who is at least 14 years of age and
22 who is enrolled in a driver education program which includes practice
23 driving and is approved by the department. The restricted instruction
24 permit allows the permittee, when he has the permit in his immediate
25 possession, to drive a specified type or class of motor vehicle; how-
26 ever, an approved instructor must occupy a seat beside the permittee or,
27 if the permittee is driving a motorcycle, he must be accompanied by and
28 under the immediate supervision of an approved instructor.

29 (c) The department may issue a temporary driver's license to an

1 applicant for a driver's license permitting him to drive a specified
2 type or class of motor vehicle while the department is completing its
3 investigation and determination of all facts relative to the applicant's
4 eligibility to receive a driver's license. The temporary license must
5 be in the applicant's immediate possession while he is driving a motor
6 vehicle. A temporary driver's license is invalid when the applicant's
7 license has been issued or has been refused for good cause.

8 (d) The department may issue a special driver's permit to a person
9 who is at least 14 years of age with the consent of his parents or
10 guardians for the purpose of driving a motor-driven cycle. This permit
11 shall be issued upon application and payment of the prescribed fee and
12 is valid for the same period of time as a driver's license. The permit
13 is not valid in a municipality which by ordinance prohibits the driving
14 of a motor-driven cycle by a person under the age of 16 years; a borough
15 may adopt the ordinance on a nonareawide basis only, unless the power to
16 adopt it on an areawide basis is acquired under AS 29.33.250 - 29.33.-
17 290.

18 Sec. 28.15.061. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION
19 PERMIT. (a) Application for an instruction permit or for a driver's
20 license must be made on a form furnished by the department and must be
21 accompanied by the fee required under sec. 381 of this chapter.

22 (b) An application under (a) of this section shall

23 (1) contain the applicant's full name, date and place of
24 birth, sex, and mailing and residence addresses;

25 (2) state whether the applicant has been previously licensed
26 as a driver and, if so, when and by what jurisdiction;

27 (3) state whether any previous driver's license issued to the
28 applicant has ever been suspended or revoked or whether an application
29 for a driver's license has ever been refused and, if so, the date of and

1 reason for the suspension, revocation, or refusal; and

2 (4) contain other information which the department may
3 reasonably require to determine the applicant's identity, competency,
4 and eligibility.

5 (c) When an application is received from a person previously
6 licensed in another jurisdiction, the department may request a copy of
7 the applicant's driving record from the other jurisdiction. Upon re-
8 ceipt of that record by the department, it becomes a part of the dri-
9 ver's record in this state with the same effect as if the record origi-
10 nated in this state.

11 Sec. 28.15.071. APPLICATION OF MINORS. (a) The application of a
12 person under the age of 18 years for an instruction permit or driver's
13 license must be signed by the father, mother or guardian, or if there is
14 no parent or guardian then by another responsible adult who is willing
15 to assume the obligation imposed under this section upon a person sign-
16 ing the application. The application must be signed and verified before
17 a person authorized to administer oaths, or be signed in the presence of
18 an authorized representative of the department.

19 (b) Any negligence or wilful misconduct of a person under the age
20 of 18 years when driving a motor vehicle in this state is imputed to the
21 person who signed the application of the person for a permit or license,
22 and that person is jointly and severally liable for damage caused by the
23 negligence or wilful misconduct of the person under the age of 18 years,
24 except as provided in (c) of this section.

25 (c) If a minor deposits, or there is deposited on his behalf,
26 proof of financial responsibility for his driving of a motor vehicle, in
27 the form and amount required in ch. 20 of this title, then the depart-
28 ment may accept the application of the minor signed as required under
29 (a) of this section, and, while proof of financial responsibility is

1 maintained, the parent, guardian or other responsible adult is not sub-
2 ject to the liability imposed under (b) of this section.

3 (d) A person who signs the application of a minor for a driver's
4 license may file with the department a verified written request that the
5 license of the minor be canceled. When the license is canceled, the
6 person who signed the application is relieved from liability under (b)
7 of this section.

8 Sec. 28.15.081. EXAMINATION OF APPLICANTS. (a) The department
9 shall examine every applicant for a driver's license. The examination
10 shall include a test of the applicant's eyesight, his ability to read
11 and understand official traffic control devices, his knowledge of safe
12 driving practices and the traffic laws and regulations of this state,
13 and may include a demonstration of ability to exercise ordinary and
14 reasonable control in the driving of a motor vehicle of the type and
15 general class of vehicles for which the applicant seeks a license. How-
16 ever, an applicant who has not been previously issued a driver's license
17 by this or another jurisdiction must demonstrate his ability, and must
18 present medical information which the department reasonably requires to
19 determine his fitness to safely drive a motor vehicle of the type and
20 general class of vehicles for which he seeks a license. The commis-
21 sioner shall adopt regulations necessary to implement this section and
22 the department may obtain the services of, and consult with, medical
23 authorities whose specialities relate to driving abilities for the
24 purpose of making the medical determinations necessary under this sec-
25 tion or sec. 91 or 101 of this chapter.

26 (b) A requirement for a medical examination under this chapter is
27 satisfied if the applicant is the holder of a current and valid first-
28 or second-class medical certificate issued under federal aviation regu-
29 lations and has satisfied any applicable requirement of the Department

1 of Education relating to tests for tuberculosis.

2 (c) The department may enter into agreements with other state
3 agencies, municipalities, or qualified persons for the purpose of con-
4 ducting the examinations required under this chapter.

5 Sec. 28.15.091. DEPARTMENT MAY REQUIRE REEXAMINATION. If the
6 department has good cause to believe that a licensed driver is incom-
7 petent or otherwise not qualified to be licensed, it may upon written
8 notice of at least five days to the licensee require him to submit to an
9 examination. Upon conclusion of the examination, the department shall
10 take action as may be appropriate and may cancel the license of the
11 person, or may issue a restricted license under sec. 121 of this chap-
12 ter, or restrict the type or class of vehicles that the person may
13 drive. If the licensee refuses or neglects to submit to examination,
14 the department may suspend his license, subject to the hearing and
15 notice requirements of AS 28.05.081 - 28.05.091, until he complies with
16 the requirement of reexamination.

17 Sec. 28.15.101. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE: RE-
18 EXAMINATION. (a) Unless otherwise provided in this chapter, a driver's
19 license expires on the licensee's date of birth in the fourth year
20 following issuance of the license. A license is renewable on or before
21 its expiration upon proper application, successful completion of a test
22 of the licensee's eyesight, and payment of the required fee.

23 (b) The department may defer the expiration of the driver's
24 license of a person who is outside the state under terms and conditions
25 which the department shall prescribe by regulation.

26 Sec. 28.15.111. LICENSES ISSUED TO DRIVERS. Upon successful com-
27 pletion of the application and all required examinations, and upon pay-
28 ment of the required fee, the department shall issue to every qualified
29 applicant a driver's license indicating the type or general class of

1 vehicles which the licensee may drive. The license shall display

2 (1) a distinguishing number assigned to the license;

3 (2) the licensee's full name, date of birth, brief physical
4 description, and color photograph; and

5 (3) either a facsimile of the signature of the licensee or a
6 space upon which the licensee must write his usual signature with pen
7 and ink. No license is valid until signed by the licensee. If faci-
8 lities are not available for the taking of the photograph required under
9 this section, the department shall endorse on the license, the words
10 "valid without photograph".

11 Sec. 28.15.121. RESTRICTED DRIVER'S LICENSE. (a) The department,
12 upon issuing a driver's license, may for good cause impose restrictions
13 suitable to the licensee's driving ability with respect to special
14 mechanical control devices required on a motor vehicle which the licen-
15 see drives. The department may impose other restrictions applicable to
16 the licensee that it determines to be appropriate to assure the safe
17 operation of a motor vehicle by the licensee.

18 (b) The department may issue a special restricted license or may
19 set out restrictions on the usual license form.

20 (c) The department may, upon receiving satisfactory evidence of a
21 violation of the restrictions on a license restricted or issued under
22 this section and subject to the notice and hearing requirements of AS
23 28.05.081 - 28.05.091, suspend the restricted license for a period
24 not to exceed 30 days.

25 (d) No person may drive a motor vehicle in violation of the re-
26 strictions imposed on a restricted license.

27 Sec. 28.15.131. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.
28 Every licensee shall have his driver's license in his immediate pos-
29 session at all times when driving a motor vehicle, and shall surrender

1 for inspection his license upon the demand of a peace officer or other
2 authorized representative of the department who identifies himself as
3 such. However, a person charged with violating this section may not be
4 convicted if he produces in court or in the office of the arresting or
5 citing officer, a driver's license previously issued to him which was
6 valid at the time of his arrest or citation.

7 Sec. 28.15.141. DUPLICATE DRIVER'S LICENSE. If a valid driver's
8 license issued under this chapter is lost or destroyed, the person to
9 whom the license was issued may, upon payment of the required fee, ob-
10 tain a duplicate license. A person who recovers an original license for
11 which a duplicate has been issued shall immediately surrender the dupli-
12 cate to the department.

13 Sec. 28.15.151. RECORDS TO BE KEPT BY THE DEPARTMENT. (a) The
14 department shall maintain a file of every driver's license and duplicate
15 driver's license issued by it and of every license which has been sus-
16 pended, revoked, canceled, limited, restricted, or denied, and the
17 reasons for those actions.

18 (b) The department shall also maintain a file of all accident
19 reports, abstracts of court records of convictions of vehicle, driver
20 and traffic offenses, and other information which the department con-
21 siders necessary to carry out the purposes of this chapter.

22 (c) The department shall, upon request, subject to the applicable
23 provisions of AS 12.62 and (f) of this section and without charging a
24 fee, furnish a municipal, state or federal administrative or judicial
25 agency with a certified abstract of the driving record of a driver. The
26 abstract shall include an enumeration of accidents in which the driver
27 has been involved, convictions of vehicle, driver and traffic offenses,
28 any actions taken upon his license, and information relating to finan-
29 cial responsibility.

SB 321

1 (d) The department shall, upon request and payment of a fee
2 determined by the commissioner, furnish a driver or his authorized
3 representative with an abstract of the driver's record as provided in
4 (c) of this section.

5 (e) An insurance carrier may not require a person to furnish an
6 abstract of his driving record to the carrier as a condition for pro-
7 viding the person with motor vehicle insurance.

8 (f) Except as provided otherwise in this section, information and
9 records under this section are declared confidential and private.

10 Sec. 28.15.161. DRIVER LICENSE COMPACT. The commissioner may
11 enter into driver licensing compacts with other jurisdictions, subject
12 to ratification by a majority of the legislature sitting in joint ses-
13 sion. A compact may be entered into for the purpose of promoting uni-
14 formity of, and compliance with, the laws, administrative regulations,
15 and ordinances relating to vehicles, traffic and drivers, and eligi-
16 bility for drivers' licenses and reciprocal recognition of drivers'
17 licenses.

18 ARTICLE 2. CANCELLATION, SUSPENSION, REVOCATION
19 OR LIMITATION OF DRIVERS' LICENSES.

20 Sec. 28.15.191. CANCELLATION OF DRIVER'S LICENSE. (a) The
21 department may cancel a driver's license upon determination that

22 (1) the licensee is not medically or otherwise entitled to
23 the issuance or retention of the license, or has been adjudged incompe-
24 tent to drive a motor vehicle;

25 (2) there is an error or defect in the license; or

26 (3) the licensee failed to give the required or correct
27 information in his application.

28 (b) The licensee may apply for a new license at any time after
29 cancellation upon removal of the cause for the cancellation.

1 Sec. 28.15.201. SUSPENDING PRIVILEGES OF A PERSON LICENSED IN
2 ANOTHER JURISDICTION; REPORTING CONVICTIONS, SUSPENSIONS, AND REVOCA-
3 TIONS. (a) The privilege of driving a motor vehicle on a highway or
4 vehicular way or area of this state given to a person licensed in
5 another jurisdiction is subject to suspension or revocation by the
6 department in the same manner and for the same reasons as a driver's
7 license issued under this chapter.

8 (b) The department may, upon receiving the record of a conviction
9 of a person licensed in another jurisdiction for a vehicle, driver, or
10 traffic offense in this state, or upon suspending or revoking the per-
11 son's driving privilege, forward a copy of the record or suspension or
12 revocation to the motor vehicle administrator for the jurisdiction in
13 which the person convicted has his driver's license.

14 Sec. 28.14.211. SUSPENDING OR REVOKING DRIVER'S LICENSE BASED UPON
15 CONDUCT IN ANOTHER JURISDICTION. (a) The department shall revoke a
16 driver's license issued in this state, and may suspend or revoke the
17 privilege to drive in this state of a person licensed in another juris-
18 diction, upon receiving a notice of conviction in another jurisdiction
19 of an offense substantially equivalent to an offense under sec. 241 of
20 this chapter.

21 (b) The department may suspend or revoke a person's license or
22 privilege to drive in this state upon receiving notice of the conviction
23 of the person in another jurisdiction of an offense, other than those
24 described in sec. 241 of this chapter, which if committed in this state
25 would be grounds for suspension or revocation of the license of a driver.

26 (c) The department may treat a driver's conduct in another juris-
27 diction in the manner provided by the laws of this state had that con-
28 duct occurred in this state.

29 Sec. 28.15.221. LIMITING DRIVER'S LICENSE. Unless otherwise

1 prohibited by law, the department or a court of competent jurisdiction
2 may, for good cause, impose limitations upon the driver's license of a
3 person which will enable the person to earn a livelihood without ex-
4 cessive risk or danger to the public. However, no limitation may be
5 placed upon a driver's license until after a review has been made of the
6 person's driving record and other relevant information, nor may a
7 limitation be imposed when a statute specifically prohibits the limita-
8 tion of license for a violation of its provisions. A suspension,
9 revocation, or cancellation of a license either before or during a
10 period of limitation takes precedence over the limitation, and the
11 limitation is suspended during the time that the license remains sus-
12 pended, revoked or canceled after which the limitation is reinstated for
13 the remaining duration of the limitation.

14 Sec. 28.15.231. COURT CONVICTIONS, SUSPENSIONS, REVOCATIONS AND
15 LIMITATIONS; REPORTS TO DEPARTMENT. (a) A court which suspends, re-
16 vokes, or limits a driver's license shall require the surrender of the
17 license, and shall immediately forward it to the department with the
18 record of conviction and notification of the effective date of the
19 suspension, revocation or limitation as determined under sec. 261(b) of
20 this chapter.

21 (b) A court which convicts a person of an offense under this title
22 or a regulation adopted under this title, or another law or regulation
23 of this state, or a municipal ordinance which regulates the driving of
24 vehicles, shall forward a record of the conviction to the department.
25 A conviction of a standing or parking offense need not be reported.

26 (c) A conviction on a plea of nolo contendere accepted by the
27 court or a forfeiture of bail or collateral deposited to secure a de-
28 fendant's appearance in court which has not been vacated is equivalent
29 to a conviction for purposes of this chapter.

1 (d) A court shall report to the department every change of name
2 authorized by it, and the name, address, age, description, and driver's
3 license number if available, of every person adjudged to be afflicted
4 with or suffering from a mental disability or disease, or to be an
5 habitual user of alcohol or another drug. The department shall pre-
6 scribe and furnish the forms for making these reports.

7 Sec. 28.15.241. MANDATORY REVOCATION OF LICENSE. (a) The follow-
8 ing are grounds for the immediate revocation of a driver's license:

9 (1) manslaughter or negligent homicide resulting from the
10 driving of a motor vehicle;

11 (2) a felony in the commission of which a motor vehicle is
12 used;

13 (3) failure to stop and give aid as required under the laws
14 of this state when a motor vehicle accident results in the death or
15 personal injury of another;

16 (4) perjury or the making of a false affidavit or statement
17 under oath to the department under a law relating to motor vehicles;

18 (5) driving or operating a motor vehicle while under the
19 influence of alcohol or another drug; or

20 (6) reckless driving.

21 (b) A court convicting a person of an offense under (a) of this
22 section shall revoke that person's driver's license for a period of not
23 less than 30 days for the first conviction, unless the court determines
24 that the person's ability to earn a livelihood would be severely im-
25 paired and a limitation under sec. 221 of this chapter can be placed on
26 the license which will enable the person to earn a livelihood without
27 excessive risk or danger to the public. If a court limits a person's
28 license under this subsection, it shall do so for a period of not less
29 than 30 days. Upon a subsequent conviction of a person for any offense

1 under (a) of this section, the court shall revoke the person's license
2 and may not grant him any limited license privileges for the following
3 periods:

4 (1) not less than one year nor more than three years for the
5 second conviction;

6 (2) not less than three years nor more than five years for a
7 third conviction; and

8 (3) not less than five years and up to the remainder of the
9 convicted person's life for a fourth or subsequent conviction.

10 Sec. 28.15.251. DISCRETIONARY SUSPENSION, REVOCATION, OR LIMITA-
11 TION OF LICENSE. For a conviction of fleeing from or attempting to
12 elude a peace officer, the court may suspend or revoke the convicted
13 person's driver's license for 30 days for the first conviction, unless
14 the court determines that the person would otherwise be entitled to a
15 limited license under sec. 221 of this chapter. If a court limits a
16 person's license under this subsection, it shall do so for a period of
17 30 days. Upon a subsequent conviction of a person for the offense of
18 fleeing from, or attempting to elude, a peace officer, the court shall
19 revoke the person's license and may not grant him any limited license
20 privileges for the following periods:

21 (1) one year for a second conviction; and

22 (2) three years for a third or subsequent conviction.

23 Sec. 28.15.261. PERIODS OF LIMITATION, SUSPENSION OR REVOCATION.

24 (a) Except for a point system suspension or revocation under secs.
25 301 - 351 of this chapter and unless provided otherwise by law, and
26 unless the suspension or revocation was for a cause which has been
27 removed, a person whose driver's license or privilege to drive a motor
28 vehicle in this state has been suspended or revoked may not apply for a
29 new license nor may his driving privilege be restored until the ex-

1 piration of

2 (1) one month from the date on which the license was sus-
3 pended or revoked for a first conviction of the particular offense from
4 which the suspension or revocation resulted;

5 (2) three months from the date on which the license was sus-
6 pended or revoked for a second conviction within 12 consecutive months
7 of the same offense from which the suspension or revocation resulted;

8 (3) one year from the date on which the license was suspended
9 or revoked for a third or subsequent conviction within 12 consecutive
10 months of the same offense from which the suspension or revocation
11 resulted; or

12 (4) three months from the date on which the license was re-
13 voked for refusal to submit to a chemical test as required in AS 28.36.-
14 030; however, if the person who refuses to submit to the chemical test,
15 within two years previous to his arrest, has been convicted in this or
16 another jurisdiction of driving a motor vehicle while intoxicated, the
17 period of revocation for his license of privilege to drive is one year.

18 (b) A limitation, suspension, or revocation of a driver's license
19 imposed by a court takes effect on the date of final judgment, except
20 that if another limitation, suspension, or revocation of license is in
21 effect on the date of final judgment, the effective date of the last
22 imposed limitation, suspension, or revocation is at the end of the last
23 day of the previous limitation, suspension, or revocation unless the
24 court specifies otherwise.

25 (c) At the end of a period of suspension, the person whose license
26 has been suspended may apply to the department and, upon payment of the
27 proper fee, be issued a duplicate driver's license if he is otherwise
28 entitled to the license under this title.

29 (d) At the end of a period of revocation, a person whose driver's

1 license has been revoked may apply to the department for the issuance of
2 a new license, but shall submit to reexamination and pay all required
3 fees.

4 (e) At the end of a period of suspension or revocation under this
5 chapter, the department may not issue a driver's license or a duplicate
6 driver's license to the licensee until he has complied with ch. 20 of
7 this title relating to proof of financial responsibility.

8 (f) Unless otherwise provided by law, periods of limitation shall
9 be made at the discretion of the court or department imposing the
10 limitation.

11 Sec. 28.15.271. NOTICE OF OPPORTUNITY FOR HEARING AND SURRENDER OF
12 LICENSE UPON ACTION BY DEPARTMENT. (a) Except as provided in secs.
13 301 - 351 of this chapter, a suspension, revocation, cancellation,
14 limitation, restriction or denial of a driver's license under this chap-
15 ter is subject to the notice and hearing requirements of AS 28.05.081 -
16 28.05.091.

17 (b) When the department suspends, revokes or cancels a driver's
18 license under this chapter, it shall be immediately surrendered to the
19 department by the licensee.

20 ARTICLE 3. POINT SYSTEM.

21 Sec. 28.15.301. POINT SYSTEM. (a) For the purpose of identifying
22 habitually reckless or negligent drivers and habitual or frequent vio-
23 lators of traffic laws, the commissioner shall adopt regulations estab-
24 lishing a uniform system for the suspension, revocation, limitation or
25 denial of a driver's license or driving privilege by assigning demerit
26 points for convictions for violations of traffic laws which are required
27 to be reported to the department under sec. 231 of this chapter.

28 (b) The regulations adopted under (a) of this section shall in-
29 clude a designated level of point accumulation which identifies drivers
SB 321

1 who are habitually reckless or negligent or who are habitual or frequent
2 violators of traffic laws, so as to show a disrespect for traffic laws
3 and a disregard for the safety of other persons. In formulating the
4 point system authorized by this section, the commissioner shall, in the
5 interest of interstate uniformity, provide for suspension, revocation or
6 denial of a driver's license or privilege for an accumulation of 12 or
7 more points as a result of offenses committed during any consecutive 12-
8 month period or 18 or more points as a result of offenses committed
9 during any 24-month period.

10 (c) The commissioner may assess points for convictions for offen-
11 ses in other jurisdictions which, if committed in this state, would be
12 grounds for the assessment.

13 (d) Notice of each assessment of points may be given, but notice
14 shall be given when the point accumulation reaches 50 per cent of the
15 number at which suspension, revocation or denial is required under (b)
16 of this section, and a driver who has reached that level of point
17 accumulation shall be identified as a problem driver. The department
18 may require a problem driver to appear for a driver improvement inter-
19 view. The purpose of that interview is to assist the person who is
20 identified as a problem driver in overcoming substandard driving habits.
21 An interview under this subsection is to be conducted in an informal
22 manner. A driver must comply with any reasonable recommendations
23 designed to improve his driving abilities which are made to him during
24 the interview.

25 (e) No points may be assessed for violating a provision of a state
26 law or regulation or a municipal ordinance regulating standing, parking,
27 equipment, size or weight; nor may points be assessed for violations by
28 pedestrians, passengers or bicycle riders, or for violations of provi-
29 sions relating to the preservation of the condition of traffic-control

1 devices on the highways. Points shall be assessed for violations of
2 oversize or overweight permits relating only to restrictions upon speed
3 or hours of operation.

4 (f) If a licensee is convicted of two or more traffic violations
5 committed on a single occasion, the licensee shall be assessed points
6 for one offense only, and if the offenses involved have different point
7 values, the licensee shall be assessed for the offense having the
8 greater point value.

9 (g) The time periods provided for in this section for the accumu-
10 lation of points shall be based upon the date of violation, but points
11 may not be assessed until after conviction, either upon a plea of
12 guilty, nolo contendere, or a forfeiture of bail, or as a result of a
13 trial, for violation of the traffic laws.

14 (h) Two points shall be deducted from a licensee's assessed total
15 if he has not been convicted of a violation of traffic laws which
16 occurred during the 12-month period after the date of the last violation
17 of which he was convicted. In addition, two points shall be deducted
18 from the assessed total upon the driver's furnishing to the department
19 adequate proof of successful completion within 12 months of the date of
20 his last violation of a driver improvement course approved by the
21 department. No more than one course may be used to obtain a reduction
22 in points in any 12-month period.

23 (i) From January 1, 1975, three points shall accumulate to the
24 driver's benefit for each five-year period of licensed, violation-free
25 driving.

26 (j) The points assessed and the application of them against the
27 licensee by the department under this section are in addition to, and
28 not in substitution for, other provisions of this chapter and are not a
29 substitute for any penalty imposed by a court.

1 (k) In this section, "traffic laws" means statutes, regulations,
2 and municipal ordinances governing the driving or movement of vehicles.

3 (l) Under secs. 301 - 351 of this chapter, the term "licensee"
4 includes an applicant for a new driver's license if his license was
5 revoked under secs. 301 - 351 of this chapter.

6 Sec. 28.15.311. SUSPENSION, REVOCATION, LIMITATION, DENIAL. (a)
7 The department shall suspend, revoke, limit, deny, or initiate other
8 remedial action against the driver's license of a person, upon his
9 failure to

10 (1) appear for a driver improvement interview under sec.
11 301(d) of this chapter; or

12 (2) comply with reasonable recommendations designed to im-
13 prove his driving abilities which are made to him during the driver
14 improvement interview.

15 (b) The department shall suspend, revoke, or deny a driver's
16 license of a person who has been identified through his point accumula-
17 tion as an habitual or frequent violator under sec. 301 of this chapter.

18 (c) No suspension, revocation, limitation, or denial of, or other
19 action against, a driver's license under secs. 301 - 351 of this chapter
20 may be for more than one year.

21 (d) If a driver's license is suspended or revoked upon the accu-
22 mulation of the number of points which require that action under secs.
23 301 - 351 of this chapter and regulations adopted under those sections,
24 no limited license may be issued to that person during the period of
25 suspension or revocation.

26 Sec. 28.15.321. NOTICE OF DEPARTMENTAL ACTION; ADMINISTRATIVE
27 REVIEW. (a) When the department proposes to take action against a
28 driver's license under sec. 311(b) of this chapter, the department shall
29 notify the licensee of the proposed departmental action and the grounds

1 for that action. The notice shall also state that the licensee has a
2 right to have an administrative review of his case by the department or
3 a hearing, if he requests a review or hearing within 30 days from the
4 date of the notice of proposed action. If the licensee does not request
5 a review or a hearing, the proposed action is effective on the 31st day
6 after the date of the notice. The notification under this subsection
7 shall be sent to the licensee by registered mail at his address as shown
8 by the records of the department.

9 (b) If a licensee requests an administrative review under (a) of
10 this section, he may make a written answer in which he may controvert
11 any point or issue and present evidence or arguments for the considera-
12 tion of the department relevant to the action to be taken or the grounds
13 for that action. After reviewing its records and the statements, argu-
14 ments and evidence submitted by the licensee, the department shall make
15 its decision and notify the licensee of the decision by registered mail.
16 The decision of the department is effective 10 days after receipt of the
17 notice of the department's decision except as provided in sec. 341 of
18 this chapter.

19 Sec. 28.15.331. HEARING. (a) Upon receipt of a request for a
20 hearing, the department shall determine the time and place of the hear-
21 ing and send to the licensee by registered mail a notice of the hearing
22 at least 10 days before the hearing. A hearing ordered by the depart-
23 ment shall be held at the office of the department nearest to the
24 residence of the licensee, unless the department and the licensee agree
25 that the hearing is to be held elsewhere. The department shall grant a
26 hearing delay if the licensee presents good cause for the delay. If a
27 hearing is delayed, the department shall set a new date for the hearing
28 no later than 30 days after the date of the original hearing. If a
29 licensee fails to appear for the hearing at the time and place stated by

1 the department and if the licensee has not been granted a hearing delay,
2 his failure to appear is considered a waiver of the hearing and the
3 department may take appropriate action against his driver's license.

4 (b) A hearing shall be conducted by the commissioner or by a
5 driver improvement specialist sitting as a referee or by a hearing board
6 appointed by the commissioner from administrative employees of the
7 department.

8 (c) The person conducting the hearing may administer oaths and may
9 issue subpoenas for the attendance of witnesses and the production of
10 books, papers and records and may apply to the district court for the
11 enforcement of a subpoena by contempt proceedings and may require a
12 reexamination of the licensee under sec. 91 of this chapter. The licen-
13 see may make an oral or written answer or statement in which he may
14 controvert any point or issue and present evidence or arguments perti-
15 nent to the action to be taken or the grounds for that action. A
16 licensee may be represented by counsel and shall be given full opportu-
17 nity to confront and cross-examine all witnesses testifying against him.
18 The proceedings at the hearing shall be recorded.

19 (d) If at the hearing it appears that the record of the licensee
20 sustains suspension, revocation, limitation, denial, or other remedial
21 action, the person conducting the hearing shall so order. The depart-
22 ment shall then notify the licensee of its proposed action, and shall
23 suspend, revoke, limit, deny, or take other action against the license;
24 however, the action against the license is not effective until 10 days
25 after the notice of that action is received either personally or by
26 registered mail, except as provided under sec. 341 of this chapter.

27 (e) If at the hearing it appears that the record of the licensee
28 does not sustain suspension, revocation, limitation, denial, or other
29 remedial action, the person conducting the hearing shall so order and

1 the department may not suspend, revoke, limit, deny, or take other
2 action against that driver's license and the department shall adjust the
3 licensee's accumulated point total accordingly.

4 Sec. 28.15.341. JUDICIAL REVIEW UNDER POINT SYSTEM. A person
5 whose driver's license is suspended, revoked, limited or denied under
6 sec. 331 of this chapter may initiate a proceeding in the district court
7 to rescind the department's action by filing a notice of appeal in
8 accordance with the applicable rules of court governing appeals in civil
9 matters. The hearing on the appeal shall be on the record of the hear-
10 ing provided in sec. 331 of this chapter except that the court may
11 augment the hearing record. The scope of review applied in a determina-
12 tion under this section shall be as specified in AS 44.62.570(b) and
13 (c).

14 Sec. 28.15.351. STAY OF DEPARTMENTAL ACTION PENDING HEARING OR
15 APPEAL. A decision of the department suspending, revoking, limiting,
16 denying or otherwise taking remedial action with respect to a person's
17 driver's license under secs. 301 - 351 of this chapter is stayed and
18 does not take effect while a hearing is pending or during the pendency
19 of a subsequent appeal to the court. However, the stay is effective
20 only as long as there is no conviction of a moving violation during the
21 pendency of a hearing or appeal.

22 ARTICLE 4. FEES.

23 Sec. 28.15.381. FEES. The fees for drivers' licenses and permits,
24 including but not limited to renewals, are as follows:

- 25 (1) all classes of drivers' licenses, except motor-
26 driven cycles.....\$ 5;
27 (2) motor-driven cycles.....\$ 2;
28 (3) instruction permit\$ 1;
29 (4) duplicate of driver's license or instruction

1 permit.....\$ 1;

2 (5) temporary license and renewal of permit.....none

3 ARTICLE 5. DRIVER LICENSE VIOLATIONS.

4 Sec. 28.15.411. UNLAWFUL USE OF LICENSE. No person may

5 (1) display, cause or permit to be displayed, or have in his
6 possession a canceled, suspended, revoked, fictitious or unlawfully
7 altered driver's license;

8 (2) display or represent as his own a driver's license not
9 issued to him;

10 (3) display or present a driver's license other than an
11 Alaska driver's license to a peace officer or to the department when
12 that person has been licensed under this chapter; or

13 (4) lend his driver's license to another person or knowingly
14 permit the use of his license by another.

15 Sec. 28.15.421. PERMITTING UNAUTHORIZED PERSON TO DRIVE. No
16 person may authorize or knowingly permit a motor vehicle owned by him or
17 under his control to be driven in this state by a person who is not
18 validly licensed.

19 Sec. 28.15.431. DRIVING WHILE LICENSE CANCELED, SUSPENDED, REVOKED
20 OR IN VIOLATION OF LIMITATION. (a) No person may drive a motor vehicle
21 on a highway or vehicular way or area in this state at a time when his
22 driver's license, or privilege to drive in this state if he is licensed
23 in another jurisdiction, has been canceled, suspended or revoked, or
24 when he is driving in violation of a limitation placed upon his license,
25 even when he is driving under a license issued in another jurisdiction.
26 Upon conviction of a violation of this section, the court shall impose a
27 minimum sentence of imprisonment of not less than 10 days. The execu-
28 tion of sentence may not be suspended nor may probation or parole be
29 granted until the minimum imprisonment provided in this section has been

1 served; nor may imposition of sentence be suspended, except upon the
2 condition that the defendant be imprisoned for no less than the minimum
3 period provided for in this section; nor may the punishment provided for
4 in this section be reduced under AS 11.05.150. In addition, his license
5 or privilege to drive shall be revoked, and he may not be issued a new
6 license nor may his privilege to drive be restored for an additional
7 period of one year after the date that he would have been entitled to
8 restoration of his driving privileges.

9 (b) When a person's license is canceled, limited, suspended or
10 revoked, he shall be informed by the department or the court which takes
11 the action at the time of the action that, upon a conviction of driving
12 on a highway or vehicular way or area in this state at a time when his
13 driver's license or privilege to drive in this state has been canceled,
14 suspended or revoked, or upon a conviction of driving in violation of a
15 limitation of his license, he will be subject to the mandatory 10-day
16 imprisonment under (a) of this section.

17 * Sec. 16. AS 28.17.011 is amended to read:

18 Sec. 28.17.011. LICENSE REQUIRED. No person may operate a commer-
19 cial driver training school or act as an instructor for [OF] a commer-
20 cial driver training school unless licensed by the department as pro-
21 vided in this chapter.

22 * Sec. 17. AS 28.17.031(a) is amended to read:

23 (a) The department shall issue a school or instructor license to
24 an applicant who has complied with the provisions of this chapter and
25 regulations adopted [PROMULGATED] under this chapter. All licenses
26 issued under this section expire on the last day of each calendar year.

27 * Sec. 18. AS 28.17.041 is amended to read:

28 Sec. 28.17.041. AUTHORITY OF COMMISSIONER TO ADOPT REGULATIONS.
29 (a) The commissioner of public safety shall adopt [PROMULGATE]

1 regulations necessary to carry out the provisions of this chapter, and
2 may call upon the commissioner of education for assistance in formu-
3 lating these regulations.

4 (b) Regulations adopted [PROMULGATED] under this chapter [SECTION]
5 shall state the requirements for a school license, including require-
6 ments concerning manner and form of application, location, place of
7 business, facilities, records, equipment, courses and standards of in-
8 struction, instructors, previous records of the school and instructors,
9 financial statements, schedule of fees and charges, character and repu-
10 tation of the operators and instructors, vehicle equipment and condi-
11 tion, inspection during reasonable business hours, insurance or bonds in
12 the sum and with the provisions the commissioner considers necessary,
13 and other matters the commissioner may prescribe for the protection of
14 the public.

15 (c) Regulations adopted [PROMULGATED] under this chapter [SECTION]
16 shall state the requirements for an instructor's license, including
17 requirements concerning manner and form of application, moral character,
18 reputation, physical condition, knowledge of the courses of instruction
19 and traffic laws and safety principles and practices, driving record,
20 driving ability, previous personal and employment record, and other
21 matters the commissioner may prescribe for the protection of the public.

22 * Sec. 19. AS 28.17.051(a) and (b) are amended to read:

23 (a) The department may refuse to issue or renew or may suspend or
24 revoke a license issued under this chapter when it finds that the
25 applicant or licensee has violated or failed to comply with a provision
26 of this chapter or a regulation adopted [PROMULGATED] under this chap-
27 ter.

28 (b) Upon suspending, revoking, or refusing to issue or renew a
29 license, the department shall immediately notify the applicant or

1 licensee stating the reasons for the action and informing him of his
2 right to a hearing under AS 28.05.081 - 28.05.091 [THE RIGHT TO APPEAL
3 THE DEPARTMENT'S ACTION TO THE DISTRICT COURT. THE SUSPENSION OR RE-
4 VOCATION MAY NOT BECOME EFFECTIVE UNTIL THE LICENSEE HAS BEEN AFFORDED A
5 REASONABLE OPPORTUNITY FOR A COURT HEARING. UPON THE CONCLUSION OF A
6 HEARING, THE DEPARTMENT SHALL TAKE APPROPRIATE ACTION].

7 * Sec. 20. AS 28.17.061 is amended to read:

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

13 * Sec. 21. AS 28.17.071 is amended to read:

14 Sec. 28.17.071. DEFINITIONS. Unless otherwise specifically de-
15 finied or [AS USED IN THIS CHAPTER AND REGULATIONS PROMULGATED UNDER THIS
16 CHAPTER,] unless the context otherwise requires, in this chapter and in
17 regulations adopted to implement, interpret or make specific this chap-
18 ter,

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

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

27 * Sec. 22. AS 28.20.010 - 28.20.640 are repealed and re-enacted to read:

28 CHAPTER 20. FINANCIAL RESPONSIBILITY.

29 ARTICLE 1. SECURITY FOLLOWING ACCIDENT.

1 Sec. 28.20.011. APPLICATION OF SECURITY REQUIREMENTS. The pro-
2 visions of secs. 21 - 101 of this chapter requiring deposit of security
3 and suspension of a driver's license for failure to deposit security
4 apply to the driver and owner of a vehicle subject to registration under
5 ch. 10 of this title which is involved in any manner in an accident in
6 this state resulting in bodily injury to or death of a person or damage
7 to the property of any one person exceeding \$400.

8 Sec. 28.20.021. DEPARTMENT TO DETERMINE AMOUNT OF SECURITY RE-
9 QUIRED; NOTICES. (a) Not less than 20 days after receipt of a written
10 report of an accident, as required under ch. 26 of this title, the
11 department shall determine the amount of security which it considers
12 sufficient to satisfy any judgments for damages resulting from the
13 accident which may be recovered against each driver or owner. The
14 determination may not be made with respect to a driver or owner who is
15 exempt from the requirements as to security and suspension.

16 (b) The department shall determine the amount of security deposit
17 required on the basis of the reports or other information submitted. If
18 a person involved in an accident as described in this chapter fails to
19 make a report or submit information indicating the extent of his in-
20 juries or the damage to his property within 30 days after the accident,
21 and the department does not have sufficient information on which to base
22 an evaluation of injuries or damage, then the department after giving
23 notice to that person may not require that a deposit of security be made
24 for the benefit or protection of that person.

25 (c) Within 30 days after receipt of report of an accident and upon
26 determining the amount of security to be required of any person involved
27 in the accident, including but not limited to the owner of any vehicle
28 involved in the accident, the department shall give to every person
29 involved in the accident written notice of the amount of security

1 required to be deposited by him and stating that an order of suspension
2 of his driver's license or driving privilege in this state will be made
3 upon the expiration of 10 days after the giving of notice is complete as
4 provided in AS 28.05.071 unless within that time the required security
5 is deposited with the department. However, no license may be suspended
6 unless the licensee is afforded a hearing by the department under AS
7 28.05.081 - 28.05.091 and it is determined that there is a reasonable
8 possibility of a judgment being rendered holding him liable.

9 Sec. 28.20.031. EXCEPTIONS TO REQUIREMENT OF SECURITY. The re-
10 quirements as to security and suspension in this chapter do not apply to

11 (1) the driver or owner if the owner had in effect at the
12 time of the accident a motor vehicle liability policy or bond meeting
13 the requirements of sec. 41 of this chapter with respect to the vehicle
14 involved in the accident, except that a driver is not exempt if at the
15 time of the accident the vehicle was driven without the owner's express
16 or implied permission;

17 (2) the driver who is not the owner if there was in effect at
18 the time of the accident a motor vehicle liability policy or bond
19 meeting the requirements of sec. 41 of this chapter with respect to his
20 driving of vehicles not owned by him;

21 (3) a driver or owner whose liability for damages resulting
22 from the accident is, in the judgment of the department, covered by
23 another form of liability insurance policy or bond;

24 (4) a person qualifying as a self-insurer under sec. 281 of
25 this chapter or to a person driving a vehicle for a self-insurer;

26 (5) the driver or owner of a vehicle involved in an accident
27 in which no injury or damage was caused to the person or property of
28 anyone other than the driver or owner;

29 (6) the driver or owner of a vehicle which at the time of the

1 accident was parked, unless the vehicle was parked at a place where
2 parking was at the time of the accident prohibited by a statute, regula-
3 tion or ordinance;

4 (7) the owner of a vehicle if at the time of the accident the
5 vehicle was driven without his express or implied permission or was
6 parked by a person driving the vehicle without his permission;

7 (8) the owner of a vehicle or the driver of a vehicle driving
8 it with permission if at the time of the accident the vehicle was owned
9 by or leased to the United States, the state or a municipality of the
10 state; or

11 (9) the driver or the owner of a vehicle if at the time of
12 the accident the vehicle was driven by or under the direction of a peace
13 officer who, in the performance of his duties, assumed custody of the
14 vehicle.

15 Sec. 28.20.041. REQUIREMENT AS TO POLICY OR BOND. (a) A policy
16 or bond does not exempt the owner or driver under sec. 31 of this chap-
17 ter unless it is issued by an insurance or surety company authorized to
18 do business in this state, except as provided in (b) of this section,
19 and if the accident resulted in bodily injury or death, unless the
20 policy or bond is subject to a limit, exclusive of interest and costs,
21 of not less than \$25,000 because of bodily injury to or death of one
22 person in any one accident and, subject to the same limit for one per-
23 son, to a limit of not less than \$50,000 because of bodily injury to or
24 death of two or more persons in any one accident, and if the accident
25 has resulted in injury to, or destruction of, property to a limit of not
26 less than \$10,000 because of injury to or destruction of property of
27 others in any one accident.

28 (b) A policy or bond does not exempt the owner or driver under
29 sec. 31 of this chapter with respect to a vehicle not registered in this

1 state or a vehicle which was registered in another jurisdiction at the
2 effective date of the policy or bond or the most recent renewal of it,
3 unless the insurance or surety company issuing the policy or bond is
4 authorized to do business in this state, or if the company is not autho-
5 rized to do business in this state, unless it executes a power of attor-
6 ney authorizing the commissioner to accept on its behalf service of
7 notice or process in an action upon the policy or bond arising out of
8 the accident.

9 (c) The department may rely upon the information in an accident
10 report as to the existence of insurance or a bond unless the department
11 has reason to believe that the information is erroneous.

12 Sec. 28.20.051. FORM AND AMOUNT OF SECURITY. (a) The security
13 required by this chapter shall be in the form and amount the department
14 requires, but in no case in excess of the limits specified in sec. 41 of
15 this chapter for the acceptable limits of a policy or bond.

16 (b) Every depositor of security shall designate in writing the
17 person in whose name the deposit is made and may at any time change the
18 designation, but a single deposit of security applies only on behalf of
19 a person required to furnish security because of the same accident.

20 Sec. 28.20.061. SUSPENSION FOR FAILURE TO DEPOSIT SECURITY. (a)
21 Except as otherwise provided in this chapter, if a person required to
22 deposit security under this chapter fails to deposit security within 10
23 days after the giving of notice under sec. 21(c) of this chapter, the
24 department shall suspend the driver's license of that person or his
25 privilege to drive in this state.

26 (b) Unless terminated under other provisions of this chapter, a
27 suspension under this section remains in effect and no driver's license
28 and no driving privilege may be issued, renewed or restored for a person
29 under the suspension until

1 (1) the person deposits or there is deposited on his behalf
2 the security required under this chapter; or

3 (2) one year elapses following the date of suspension, and
4 evidence satisfactory to the department is filed with it that during the
5 period no action for damages arising out of the accident resulting in
6 the suspension has been instituted.

7 (c) An affidavit of the applicant that no action at law for
8 damages arising out of the accident has been filed against him, or if
9 filed, that it is not pending is prima facie evidence of that fact. The
10 department may take lawful action necessary to verify the statement set
11 out in the affidavit.

12 (d) When the driving privilege of a person licensed in another
13 jurisdiction is suspended under this section, the department shall send
14 a certified copy of the record of its action to the motor vehicle
15 administrator for the jurisdiction in which the person is licensed if
16 the law of the other jurisdiction provides for action similar to that
17 prescribed in (e) of this section.

18 (e) The department shall suspend the driver's license of a person
19 licensed to drive in this state upon receiving certification that the
20 driving privilege of that person has been suspended or revoked in
21 another jurisdiction under a law providing for suspension or revocation
22 for failure to deposit security for the payment of a judgment arising
23 out of an accident under circumstances which would require the depart-
24 ment to suspend the driver's license had the accident occurred in this
25 state. The suspension continues until the licensee furnishes evidence
26 of his compliance with the law of the other jurisdiction relating to the
27 deposit of security.

28 (f) A suspension under this section is subject to the notice and
29 hearing requirements of AS 28.05.081 - 28.05.091.

1 Sec. 28.20.071. RELEASES FROM LIABILITY AND REQUIREMENT TO DEPOSIT
2 SECURITY. (a) A person is relieved from the requirement for deposit of
3 security for the benefit or protection of another person injured or
4 damaged in an accident if he is released from liability by the other
5 person.

6 (b) A covenant not to sue relieves the parties to it, with respect
7 to each other, from the security requirements of this chapter.

8 (c) If the department evaluates the injuries or damage to a minor
9 in an amount of not more than \$400, the department may accept, for the
10 purposes of this chapter only, evidence of a release from liability
11 executed by a natural or legal guardian on behalf of the minor without
12 court approval.

13 (d) A person is relieved from the requirement for deposit of
14 security for a claim for injury or damage arising out of an accident if
15 the person is finally adjudicated not to be liable for the claim.

16 (e) The payment of a judgment arising out of an accident, whether
17 paid under sec. 81 of this chapter or by other means, or the payment
18 upon judgment of an amount equal to the maximum amount which could be
19 required for deposit under this chapter, for the purposes of this chap-
20 ter, releases the judgment debtor from the liability evidenced by the
21 judgment and from the security requirements of this chapter.

22 Sec. 28.20.081. AGREEMENTS FOR PAYMENT OF DAMAGES. (a) Two or
23 more persons involved in or affected by an accident as described in sec.
24 11 of this chapter may at any time enter into a written agreement for
25 the payment of an agreed amount with respect to their claims because of
26 bodily injury, death, or property damage arising from the accident.
27 The agreement may provide for payment in installments. The parties
28 shall file a signed copy of the agreement with the department.

29 (b) To the extent provided by the written agreement filed with it,

1 the department may not require the deposit of security and shall ter-
2 minate a previous order of suspension or, if security was deposited, the
3 department shall immediately return the security to the depositor or his
4 personal representative.

5 (c) If there is a default in a payment under the agreement, upon
6 notice of default the department shall take action suspending the
7 driver's license of the person in default or his privilege to drive in
8 this state as is proper in case of failure of the person to deposit
9 security when required under this chapter, subject to the notice and
10 hearing requirements of AS 28.05.081 - 28.05.091.

11 (d) The suspension remains in effect and no driver's license or
12 driving privilege may be issued, renewed or restored for a person under
13 the suspension until

14 (1) following default and suspension, the person in default
15 pays the balance of the agreed amount; or

16 (2) the conditions specified in sec. 61(b)(1) and (2) of this
17 chapter are met.

18 Sec. 28.20.091. AUTHORITY OF DEPARTMENT TO TERMINATE SECURITY
19 REQUIREMENT, DECREASE AMOUNT OF SECURITY, AND CORRECT ITS ACTIONS. (a)
20 If satisfied as to the existence of a fact which under secs. 71 - 81 of
21 this chapter entitles a person to be relieved from the requirement to
22 deposit security, the department may not require the deposit of security
23 and shall terminate any previous order of suspension with respect to
24 deposit of security by the person, and shall immediately return the
25 deposit to the person or his personal representative.

26 (b) The department may reduce the amount of security ordered,
27 within six months after the date of the accident, if in its judgment the
28 amount is excessive. If the security originally ordered is on deposit,
29 the excess deposit over the reduced amount ordered shall be returned

1 immediately to the depositor or his personal representative.

2 (c) If the department takes action or fails to take action under
3 this chapter due to erroneous information or no information, and if
4 within one year after the date of an accident the department receives
5 correct information, it shall take appropriate action to carry out the
6 provisions of this chapter. However, this section does not require the
7 department to reevaluate the amount of a deposit required.

8 Sec. 28.20.101. DISPOSITION OF SECURITY. (a) The department
9 shall place security deposited with it in the custody of the Department
10 of Revenue.

11 (b) The security deposited under this chapter is available only
12 for

13 (1) the payment of a settlement agreement covering a claim
14 arising out of the accident upon instruction of the person who made the
15 deposit; or

16 (2) the payment of a judgment given against the person re-
17 quired to make the deposit for damages arising out of the accident in an
18 action at law begun not later than one year after the deposit of secu-
19 rity, or within one year after the date of deposit of security following
20 failure to make payments under an agreement to pay.

21 (c) Every distribution of money from a security deposit is subject
22 to the limits of the department's evaluation on behalf of a claimant.

23 (d) Upon the expiration of one year from the date of deposit,
24 security remaining on deposit shall be returned to the person who made
25 the deposit or his personal representative if an affidavit or other
26 satisfactory evidence is filed with the department showing that

27 (1) no action for damages arising out of the accident for
28 which deposit was made is pending against the person on whose behalf the
29 deposit was made; and

1 (2) there does not exist an unpaid judgment against the
2 person in an action for damages arising out of the accident for which
3 deposit was made.

4 (e) This section does not limit the return of a deposit of secu-
5 rity under any other provision of this chapter authorizing return.

6 ARTICLE 2. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.

7 Sec. 28.20.131. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.
8 The provisions of this chapter requiring the deposit of proof of finan-
9 cial responsibility for the future apply to a person who is convicted
10 of, or forfeits bail for, certain vehicle, driver or traffic offenses,
11 or who out of the ownership, maintenance or use of a vehicle subject to
12 registration under ch. 10 of this title

13 (1) has failed to pay a judgment upon a cause of action
14 arising with respect to the vehicle; or

15 (2) is involved in an accident in this state which results in
16 bodily injury or death of a person or damage to the property of any one
17 person exceeding \$400.

18 Sec. 28.20.141. SUSPENSION OR REVOCATION CONTINUED FOR CERTAIN
19 OFFENSES UNTIL PROOF FURNISHED. When a person is convicted of an
20 offense for which his driver's license or privilege to drive in this
21 state is suspended or revoked under ch. 15 of this title, the department
22 may not return or issue a driver's license in that person's name or
23 restore his driving privilege until permitted to do so under that chap-
24 ter, and may not do so at that time unless the person gives proof of
25 financial responsibility for the future.

26 Sec. 28.20.151. WHEN PROOF REQUIRED AFTER ACCIDENTS. (a) Upon
27 receipt by the department of the report of an accident resulting in
28 bodily injury or death or property damage to the extent of \$400 or more,
29 the department shall, subject to the notice and hearing requirements of

1 AS 28.05.081 - 28.05.091, suspend the license or driving privilege of
2 the driver of a motor vehicle involved in the accident unless the driver
3 or owner

4 (1) has previously furnished or immediately furnishes secu-
5 rity required by this chapter, or is excepted from furnishing security
6 under sec. 31 of this chapter; and

7 (2) maintains proof of financial responsibility for three
8 years following the accident.

9 (b) This section does not apply to an owner or driver with respect
10 to an accident in which a judgment in his favor is given on a cause of
11 action arising out of the accident which establishes his freedom from
12 fault.

13 Sec. 28.20.161. WHEN COURTS TO REPORT NONPAYMENT OF JUDGMENTS;
14 ACTION WITH RESPECT TO PERSONS LICENSED IN ANOTHER JURISDICTION. (a)
15 If a person fails within 30 days to satisfy a judgment arising out of a
16 motor vehicle accident, the clerk of the court in which the judgment is
17 given, or the judge if there is no clerk, shall forward to the depart-
18 ment a certified copy of the judgment and a certificate of facts rela-
19 tive to the judgment upon a form to be furnished by the department.

20 (b) If the defendant named in a certified copy of a judgment re-
21 ported to the department is not licensed in this state, the department
22 shall send a certified copy of the judgment to the motor vehicle admini-
23 strator for the jurisdiction in which the defendant is licensed.

24 Sec. 28.20.171. SUSPENSION FOR NONPAYMENT OF JUDGMENTS. (a) Upon
25 receipt of a certified copy of a judgment and a certificate of facts
26 relative to the judgment, and subject to the notice and hearing require-
27 ments of AS 28.05.081 - 28.05.091, the department shall immediately
28 suspend the driver's license or driving privilege of a person against
29 whom the judgment is given except as otherwise provided in this chapter.

1 (b) A suspension under (a) of this section remains in effect and
2 the suspended license or privilege may not be renewed or restored, nor
3 may a driver's license or vehicle registration be issued in the name of
4 the person, including but not limited to a person not previously li-
5 censed, until the judgment is stayed or satisfied and until the person
6 gives proof of financial responsibility subject to the exceptions in
7 secs. 201 - 211 and 231 of this chapter. The proof required under this
8 subsection must be maintained during the period that the person has a
9 driver's license or driving privilege.

10 Sec. 28.20.181. EXCEPTION FOR GOVERNMENT VEHICLES. Sections 151
11 and 171 of this chapter do not apply to an accident caused by the owner-
12 ship or driving with permission, of a vehicle owned or leased to the
13 United States, this state, or a municipality of this state.

14 Sec. 28.20.191. EXCEPTION WHEN CONSENT GRANTED BY JUDGMENT CREDI-
15 TOR. If a judgment creditor consents in writing on a form prescribed by
16 the department to the issuance to the judgment debtor of a driver's
17 license, or driving privilege if he is licensed in another jurisdiction,
18 the department may allow it to remain in effect for six months from the
19 date of the consent and after that time until the consent is revoked in
20 writing, if the judgment debtor furnishes proof of financial responsi-
21 bility notwithstanding default in the payment of judgment, or of an
22 installment of the judgment prescribed in sec. 171 of this chapter.

23 Sec. 28.20.201. EXCEPTIONS WHEN INSURER LIABLE OR INSOLVENT. (a)
24 The department may not suspend under this chapter the driver's license
25 of a person, or the driving privilege of a person licensed in another
26 jurisdiction, if it finds that an insurer is obligated to pay the judg-
27 ment upon which suspension is based at least to the extent and for the
28 amounts required in this chapter, but has not paid the judgment for any
29 reason. A finding by the department that an insurer is obligated to pay

1 a judgment is not binding upon the insurer and has no legal effect
2 except for the purpose of administering this section. If in a judicial
3 proceeding it is determined by a final judgment, decree or order that an
4 insurer is not obligated to pay a judgment, and if the judgment is not
5 immediately satisfied under this chapter, the department, notwithstand-
6 ing a contrary finding made by it, shall immediately suspend the driver's
7 license or driving privilege of the person against whom the judgment is
8 given as provided in sec. 171 of this chapter.

9 (b) The department may not suspend a driver's license or driving
10 privilege under (a) of this section if the insurance applicable to the
11 person or the vehicle being driven by him was placed with an insurer
12 which was authorized to do business in this state and which, subsequent
13 to the accident involving the owner or driver and before the settlement
14 of the claim for the accident, went into liquidation so that no benefit
15 accrued to the owner or driver because of that insurer having provided
16 the insurance.

17 Sec. 28.20.211. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS. (a)
18 For the purpose of this chapter, a judgment is satisfied when

19 (1) \$25,000 is credited upon a judgment given in excess of
20 that amount because of bodily injury to or death of one person as the
21 result of any one accident;

22 (2) subject to the limit of \$25,000 because of bodily injury
23 to or death of one person, the sum of \$50,000 is credited upon a judg-
24 ment given in excess of that amount because of bodily injury to or death
25 of two or more persons as the result of any one accident; or

26 (3) \$10,000 is credited upon a judgment given in excess of
27 that amount because of injury to or destruction of property of others as
28 a result of any one accident.

29 (b) However, payment made in settlement of a claim arising out of
SB 321

1 bodily injury, death, or property damage resulting from an accident
2 shall be credited so as to reduce the amounts specified in this section.

3 Sec. 28.20.221. INSTALLMENT PAYMENT OF JUDGMENTS; DEFAULT. (a) A
4 judgment debtor upon due notice to the judgment creditor may apply to
5 the court in which the judgment was given for the privilege of paying
6 the judgment in installments and the court, without prejudice to any
7 other legal remedy, may order and fix the amount and time of payment of
8 the installments.

9 (b) The department may not suspend a driver's license, or driving
10 privilege of a person licensed in another jurisdiction, and shall re-
11 store a license or driving privilege suspended following nonpayment of a
12 judgment when the judgment debtor gives proof of financial responsi-
13 bility and obtains an order permitting the payment of the judgment in
14 installments, and while the payment of any of the installments is not in
15 default.

16 (c) If the judgment debtor fails to pay an installment specified
17 by the court order, upon notice of default, the department, subject to
18 the notice and hearing requirements under AS 28.05.081 - 28.05.091,
19 shall immediately suspend the driver's license of the judgment debtor,
20 or his privilege to drive in this state if he is licensed in another
21 jurisdiction, until the judgment is satisfied as provided in this chap-
22 ter; however, within 30 days after default the judgment debtor may again
23 apply, after notice to the judgment creditor, to the court which ini-
24 tially allowed the installment payments for resumption of the privilege
25 of making payments by installments, if past-due installments are first
26 paid.

27 Sec. 28.20.231. ALTERNATE METHODS OF GIVING PROOF. Proof of
28 financial responsibility for a person who is not the owner of a vehicle
29 may be given by filing with the department

1 (1) a certificate of insurance as provided in sec. 241 of
2 this chapter;

3 (2) a bond as provided in sec. 261 of this chapter;

4 (3) a certificate of deposit of money or securities as pro-
5 vided in sec. 271 of this chapter; or

6 (4) a certificate of self-insurance as provided in sec. 281
7 of this chapter, supplemented by an agreement by the self-insurer that,
8 for an accident occurring while the certificate is in force, he will pay
9 the same amount that an insurer would be obligated to pay under an
10 owner's motor vehicle liability policy if it had issued a policy to the
11 self-insurer.

12 Sec. 28.20.241. CERTIFICATES OF INSURANCE. (a) Proof of finan-
13 cial responsibility for the future may be furnished by filing with the
14 department the written certificate of an insurance carrier authorized to
15 do business in this state certifying that there is in effect a motor
16 vehicle liability policy for the benefit of the person required to
17 furnish the proof. The certificate shall give the effective date of the
18 motor vehicle liability policy, which is the same as the effective date
19 of the certificate, and shall designate by description or appropriate
20 reference all of the vehicles covered by it, unless the policy is issued
21 to a person who is not the owner of a motor vehicle.

22 (b) A person licensed in another jurisdiction may give proof of
23 financial responsibility by filing with the department a written certi-
24 ficate of an insurance carrier authorized to transact business in the
25 state in which the vehicle described in the certificate is registered,
26 or if the person does not own a vehicle, then in the state where he
27 resides. If the certificate otherwise conforms with this chapter, the
28 department shall accept it upon the condition that

29 (1) the insurance carrier executes a power of attorney

1 authorizing the commissioner to accept on its behalf service of notice
2 or process in an action arising out of a motor vehicle accident in this
3 state; and

4 (2) the insurance carrier agrees in writing that the policy
5 conforms with the laws of this state relating to the terms of motor
6 vehicle liability policies issued in this state.

7 (c) When an insurance carrier certifies a motor vehicle liability
8 policy under this section, the insurance certified may not be canceled
9 or terminated until at least 10 days after a notice of cancellation or
10 termination of the insurance is filed with the department, except that a
11 policy subsequently procured and certified shall, on the effective date
12 of its certification, terminate for the purpose of this chapter the in-
13 surance previously certified for a vehicle designated in both certifi-
14 cates.

15 (d) If an insurance carrier not authorized to transact business in
16 this state, but qualified to furnish proof under (b) of this section,
17 defaults in an undertaking or agreement, the department may not accept
18 as proof a certificate of the carrier whether previously filed or sub-
19 sequently tendered as proof, as long as the default continues.

20 (e) This chapter does not apply to or affect a policy of motor
21 vehicle insurance against liability which may be required by any other
22 law, except that the policy, if it contains an agreement or is endorsed
23 to conform with the requirements of this chapter, may be certified as
24 proof of financial responsibility under this chapter; nor does this
25 chapter apply to or affect a policy insuring solely the insured named in
26 the policy against liability resulting from the maintenance or use by
27 persons in the insured's employ or on his behalf of vehicles not owned
28 by the insured.

29 Sec. 28.20.251. MOTOR VEHICLE LIABILITY POLICY. (a) Certifica-

1 tion. In this chapter, "motor vehicle liability policy" means an
2 "owner's policy" or a "driver's policy" containing an agreement or
3 endorsement as provided in this section, or certified as provided in
4 sec. 241 of this chapter as proof of financial responsibility for the
5 future, and issued, except as otherwise provided in sec. 241(b) of this
6 chapter, by an insurance carrier authorized to transact business in this
7 state, to or for the benefit of the person named as insured.

8 (b) Owner's Policy. The owner's policy of liability insurance
9 shall

10 (1) designate by description or appropriate reference all
11 vehicles which it covers;

12 (2) insure the person named and every other person using the
13 vehicle with the express or implied permission of the named insured,
14 against loss from the liability imposed by law for damages arising out
15 of the ownership, maintenance or use of the vehicle in the United States
16 or the Dominion of Canada, subject to limits exclusive of interests and
17 costs, with respect to each vehicle, as follows: \$25,000 because of
18 bodily injury to or death of one person in any one accident and, subject
19 to the same limit for one person, \$50,000 because of bodily injury to or
20 death of two or more persons in any one accident, and \$10,000 because of
21 injury to or destruction of property of others in any one accident; and

22 (3) contain the coverage provided under sec. 341 of this
23 chapter in the amounts set out in (2) of this subsection or, at the
24 option of the policyholder, contain coverage to the extent of the bodily
25 injury liability limits of his policy, for the protection of the persons
26 insured under the policy who are legally entitled to recover damages
27 from an owner or driver of an uninsured motor vehicle because of bodily
28 injury or death arising out of the ownership, maintenance or use of the
29 uninsured motor vehicle; however, this coverage may be waived in writing

1 by the insured on or before the effective date of the policy.

2 (c) Driver's policy. The driver's policy of liability insurance
3 shall insure the person named as insured against loss from the liability
4 imposed upon him by law for damages arising out of the use by him of a
5 motor vehicle not owned by him, within the same territorial limits and
6 subject to the same limits of liability as are required for an owner's
7 policy of liability insurance.

8 (d) Required statements in policies. The motor vehicle liability
9 policy shall state the name and address of the named insured, the
10 coverage, the premium charged, the policy period and the limits of lia-
11 bility, and shall contain an agreement or an endorsement that insurance
12 is provided in accordance with the coverage defined in this chapter for
13 bodily injury and death, or property damage, or both, and is subject to
14 all provisions of this chapter.

15 (e) Coverages not required. The motor vehicle liability policy
16 need not insure liability under a workmen's compensation law nor lia-
17 bility for damage to property owned by, rented to, in charge of, or
18 transported by the insured.

19 (f) Provisions incorporated in policy. Every motor vehicle lia-
20 bility policy is subject to the following provisions, but these pro-
21 visions need not be contained in the policy:

22 (1) the liability of the insurance carrier becomes absolute
23 when injury or damage covered by the policy occurs; the policy may not
24 be canceled or annulled as to this liability after the occurrence of the
25 injury or damage; no statement made by the insured or on his behalf and
26 no violation of the policy defeats or voids the policy;

27 (2) the satisfaction by the insured of a judgment for injury
28 or damages is not a condition precedent to the right or duty of the
29 insurance carrier to make payment on account of injury or damage;

1 (3) the insurance carrier may settle a claim covered by the
2 policy, and if settlement is made in good faith, the amount of settle-
3 ment is deductible from the limits of liability specified in (b) of this
4 section; and

5 (4) the policy, the written application for the policy, if
6 any, and every rider or endorsement which does not conflict with the
7 provisions of this chapter constitute the entire contract between the
8 parties.

9 (g) Excess or additional coverage. A policy which grants the
10 coverage required for a motor vehicle liability policy may also grant
11 lawful coverage in excess of, or in addition to, the coverage specified
12 for a policy and the excess or additional coverage is not subject to the
13 provisions of this chapter. With respect to a policy which grants
14 excess or additional coverage, the term "motor vehicle liability policy"
15 applies only to that part of the coverage which is required by this sec-
16 tion.

17 (h) Reimbursement provision. A motor vehicle liability policy may
18 provide that the insured shall reimburse the insurance carrier for any
19 payment the insurance carrier would not have been obligated to make
20 under the terms of the policy except for the provisions of this chapter.

21 (i) Proration permitted. A motor vehicle liability policy may
22 provide for proration of the insurance with other valid and collectible
23 insurance.

24 (j) Multiple policies. The requirements for a motove vehicle
25 liability policy may be fulfilled by the policies of one or more in-
26 surance carriers which together meet these requirements.

27 (k) Binders. A binder issued pending the issuance of a motor
28 vehicle liability policy fulfills the requirements for a policy.

29 Sec. 28.20.261. BOND AS PROOF; ACTION ON BOND. (a) Proof of

1 financial responsibility may be evidenced by the bond of a surety com-
2 pany authorized to transact business in this state. The bond shall be
3 conditioned for payment of the amounts specified in sec. 501(2) of this
4 chapter. The bond shall be filed with the department and is not cancel-
5 able except after 10 days written notice to the department.

6 (b) If a judgment given against the principal on a bond is not
7 satisfied within 30 days after it becomes final, the judgment creditor
8 may, for his own use and benefit and at his own expense, bring an action
9 in the name of the state against the company executing the bond.

10 Sec. 28.20.271. MONEY OR SECURITIES AS PROOF. (a) Proof of
11 financial responsibility may be evidenced by the deposit of \$25,000 in
12 cash, or securities which are legal investments for saving banks or
13 trust funds having a market value of \$25,000. The department may not
14 accept a deposit unless accompanied by evidence that there are no un-
15 satisfied judgments of any character against the depositor in the re-
16 cording district where the depositor resides.

17 (b) The department shall hold the deposit provided for under (a)
18 of this section to satisfy, in accordance with this chapter, any execu-
19 tion on a judgment issued against the person making the deposit for
20 damages, including damages for care and loss of services because of
21 bodily injury to or death of any person, or for damages because of
22 injury to or destruction of property, including the loss of use of it,
23 resulting from the ownership, maintenance, or use of a vehicle subject
24 to registration under ch. 10 of this title after the deposit is made.
25 Money or securities deposited are not subject to attachment or execution
26 unless the attachment or execution arises out of a suit for damages
27 specified in this section.

28 Sec. 28.20.281. SELF-INSURERS. (a) A person in whose name more
29 than 25 vehicles are registered in this state may qualify as a self-

1 insurer by obtaining a certificate of self-insurance issued by the
2 department as provided in (b) of this section.

3 (b) The department may issue a certificate of self-insurance when
4 it is satisfied that the person has, and will continue to have, ability
5 to pay judgments obtained against him. The certificate may be issued
6 authorizing a person to act as a self-insurer for either property damage
7 or bodily injury, or both, or within limits prescribed by the depart-
8 ment.

9 (c) Upon not less than 10 days notice and a hearing under that
10 notice in compliance with the hearing requirements of AS 28.05.081 -
11 28.05.091, the department may upon reasonable grounds cancel a certi-
12 ficate of self-insurance. Failure to pay a judgment within 30 days
13 after judgment becomes final is a reasonable ground for the cancellation
14 of a certificate of self-insurance.

15 Sec. 28.20.291. OWNER MAY GIVE PROOF FOR OTHER DRIVERS OR CERTAIN
16 VEHICLES. (a) The owner of a motor vehicle may give proof of financial
17 responsibility on behalf of his employee or a member of his immediate
18 family or household. The furnishing of proof in this manner permits the
19 person for whom it is given to drive a motor vehicle covered by the
20 proof. The department shall endorse proper restrictions, if any, on the
21 face of the driver's license held by a person for whom proof is given by
22 another, or may issue a new license containing these restrictions.

23 (b) When a person who is required to give proof of financial re-
24 sponsibility does so only for a motor vehicle owned by him and not for
25 any other motor vehicle, the department shall endorse a proper restric-
26 tion on his driver's license or on a suitable form if the driver is
27 licensed in another jurisdiction. The department shall remove the
28 restriction at any time that the person changes his financial responsi-
29 bility to cover himself as the driver of any motor vehicle and gives

1 proof of the new financial responsibility to the department.

2 (c) The department, upon receiving satisfactory evidence of the
3 violation of a restriction under this section, may suspend the driver's
4 license or driving privilege of the person who violated the restriction,
5 subject to the notice and hearing requirements of AS 28.05.081 - 28.05.-
6 091, until a certificate of insurance is filed showing a policy issued
7 to the driver whose license is suspended and which covers him as driver
8 or owner of the vehicle driven in violation of a restriction under this
9 section.

10 Sec. 28.20.301. SUBSTITUTION, DURATION, CANCELLATION AND RETURN OF
11 PROOF. (a) When proof of financial responsibility filed under this
12 chapter no longer fulfills the purpose for which it is required, the
13 department shall require other proof as required by this chapter and
14 shall suspend the driver's license or driving privilege of the person
15 whose proof is inadequate, subject to the notice and hearing require-
16 ments of AS 28.05.081 - 28.05.091, pending the filing of other proof.

17 (b) The department shall, upon request, consent to the immediate
18 cancellation of a bond or certificate of insurance, or shall return to
19 the person entitled to it money or securities deposited as proof of
20 financial responsibility, or shall waive the requirement of filing
21 proof, in any of the following events:

22 (1) upon substitution and acceptance by the department of
23 other adequate proof as required under this chapter;

24 (2) at any time after three years from the date proof is
25 required when, during the three-year period preceding the request, the
26 department has not received a record of a conviction or a forfeiture of
27 bail which would require or permit the suspension or revocation of the
28 driver's license or driving privilege or the vehicle registration of the
29 person by or for whom the proof was furnished;

1 (3) upon the death of the person on whose behalf the proof
2 was filed or the permanent incapacity of the person to drive a motor
3 vehicle; or

4 (4) if the person who has given proof surrenders his license
5 to the department, in which event a driver's license may not be issued
6 or returned to the person for the remainder of the period of time speci-
7 fied in (2) of this subsection unless the required proof is reestab-
8 lished for the remainder of that period.

9 (c) The department may not consent to the cancellation of a bond
10 or the return of money or securities, except as otherwise provided under
11 (b)(1) of this section, if an action for damages upon a liability
12 covered by the proof is pending or a judgment upon the liability is
13 unsatisfied, or if the person who filed the bond or deposited money or
14 securities has within one year immediately preceding the request been
15 involved as a driver or owner in a motor vehicle accident resulting in
16 injury or damage to the person or property of others. An affidavit of
17 the applicant as to the nonexistence of these facts, or that he is
18 released from all of this liability, or has been finally adjudicated not
19 to be liable for the injury or damage is sufficient evidence in the
20 absence of evidence to the contrary in the records of the department.

21 ARTICLE 3. MISCELLANEOUS PROVISIONS.

22 Sec. 28.20.331. ASSIGNED RISK PLANS. (a) After consultation with
23 the insurance companies authorized to issue motor vehicle liability
24 policies in this state, and upon notice to the commissioner of public
25 safety, the commissioner of commerce and economic development shall
26 approve a reasonable plan, fair to the insurers and equitable to their
27 policyholders, for the apportionment among these companies of applicants
28 for motor vehicle liability and other policies who are in good faith
29 entitled to, but are unable to procure, policies through ordinary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

methods.

(b) When a plan is approved, all the insurance companies described in (a) of this section must subscribe to, and participate in, the plan.

(c) An applicant for an assigned risk policy, a person insured under an assigned risk plan, and an insurance company affected may appeal to the commissioner of commerce and economic development from a ruling or decision of the person authorized to operate the plan.

(d) Failure to adopt an assigned risk plan does not relieve any person from responsibility under this chapter.

Sec. 28.20.341. UNINSURED MOTORIST COVERAGE. (a) An insurance policy provided for under sec. 251(b)(3) of this chapter shall insure a person against loss from death or bodily injury in amounts not less than those specified in sec. 251(b)(2) of this chapter arising out of the ownership, maintenance or use of an uninsured vehicle.

(b) An insurer's insolvency protection is applicable only to an accident occurring during the policy period in which its insured's uninsured motorist coverage is in effect; however, this section does not prevent an insurer from providing protection more favorable to its insured than is required under this section.

(c) Any loss payable under the terms of uninsured motorists coverage to or for a person may be reduced by

(1) the amount paid and the present value of all amounts payable to the person under any workmen's compensation law exclusive of nonoccupational disability benefits; and

(2) the amounts paid or due to be paid under any valid and collectible motor vehicle medical payment insurance available to the insured.

(d) If there is payment to an insured under the uninsured motorist coverage under this section and subject to the terms and conditions of

1 the coverage, the insurer making the payment is entitled, to the extent
2 of the payment, to the proceeds of a settlement or judgment resulting
3 from the exercise of any rights of recovery of the insured against a
4 person legally responsible for the bodily injury or death for which the
5 payment is made. When an insurer makes a payment under uninsured
6 motorist coverage and the payment is occasioned by an insolvency, the
7 insurer's right of recovery or reimbursement may not include any rights
8 against the insured of the insolvent insurer, but the paying insurer may
9 proceed directly against the insolvent insurer or its receiver; however,
10 the paying insurer's right of reimbursement is subordinated to the valid
11 claims of third parties against the insolvent insurer.

12 (e) For purposes of this section, "uninsured vehicle" includes a
13 vehicle insured by an insolvent insurer, a hit-and-run vehicle, a stolen
14 vehicle, and a vehicle the insurer of which for any reason denies
15 coverage.

16 Sec. 28.20.351. UNLICENSED DRIVERS AND UNREGISTERED VEHICLES. (a)
17 If a driver or owner of a vehicle involved in an accident in this state
18 and, subject to registration under ch. 10 of this title, does not have a
19 driver's license or vehicle registration, he may not be licensed as a
20 driver nor may he register a vehicle in this state until he complies
21 with this chapter to the same extent as if, at the time of the accident,
22 he had been issued a license or registration in this state.

23 (b) If a person does not have a driver's license, but is convicted
24 of an offense for which the driver's license or driving privilege may be
25 suspended or revoked, or is convicted of driving a motor vehicle on a
26 highway or vehicular way or area without being licensed to do so, no
27 license may be issued or returned to that person unless he gives and
28 maintains proof of financial responsibility.

29 ARTICLE 4. GENERAL PROVISIONS.

1 Sec. 28.20.451. DRIVERS AND VEHICLES NOT COVERED BY CHAPTER. (a)
2 Unless the context otherwise requires, the provisions of this chapter do
3 not apply to a vehicle moved or propelled by human or animal power.

4 (b) If the driver at the time of an accident was driving, in the
5 course and scope of his employment, a vehicle owned, operated or leased
6 by his employer, the provisions of this chapter relating to deposit of
7 security, proof of financial responsibility, and suspension of drivers'
8 licenses or driving privileges apply to the employer and to the vehicles
9 owned by him or registered in his name, and do not apply to the driver.

10 Sec. 28.20.461. JUDGMENT OF CONVICTION ON PLEA OF NOLO CONTENDERE
11 OF FORFEITURE OF BAIL. A conviction on a plea of nolo contendere which
12 is accepted by a court or a forfeiture of bail or other collateral is
13 equivalent to a conviction under this chapter.

14 Sec. 28.20.471. SURRENDER OF DRIVER'S LICENSE TO DEPARTMENT. A
15 person whose driver's license is suspended under this chapter, or whose
16 policy of insurance or bond, when required under this chapter, is can-
17 celed or terminated, shall immediately surrender his driver's license to
18 the department.

19 Sec. 28.20.481. MATTERS NOT TO BE EVIDENCE IN CIVIL PROCEEDINGS.
20 The report required after an accident by ch. 26 of this title, the
21 action taken by the department under this chapter, the findings, if
22 any, of the department upon which its action is based, and the security
23 filed under this chapter may not be referred to, and may not be evidence
24 of the negligence or due care of either party in a civil proceeding to
25 recover damages.

26 Sec. 28.20.491. CHAPTER DOES NOT PREVENT OTHER PROCESS. This
27 chapter does not prevent the plaintiff in an action from relying for
28 relief on other processes provided by law.

29 Sec. 28.20.501. DEFINITIONS. Unless otherwise specifically

1 defined or unless the context otherwise requires, in this chapter and in
2 regulations adopted to implement, interpret or make specific this chap-
3 ter,

4 (1) "judgment" means a judgment which is final by expiration
5 without appeal of the time within which an appeal may be taken, or final
6 by affirmation on appeal, given by a court of any state or of the United
7 States, upon a cause of action arising out of the ownership, mainte-
8 nance, or use of a vehicle of a type subject to registration under ch.
9 10 of this title, for damages, including damages for care and loss of
10 services, because of bodily injury to or death of a person, or for
11 damages because of injury to or destruction of property, including the
12 loss of use of property, or upon a cause of action on an agreement of
13 settlement for those damages;

14 (2) "proof of financial responsibility for the future",
15 "proof of financial responsibility", and "proof" mean proof of ability
16 to respond in damages for liability on account of an accident occurring
17 after the effective date of the proof, which arises out of the owner-
18 ship, maintenance or use of a vehicle subject to registration under ch.
19 10 of this title, in the amount of \$25,000 because of bodily injury to
20 or death of one person in any one accident and, subject to the same
21 limit for one person, in the amount of \$50,000 because of bodily injury
22 to or death of two or more persons in one accident, and in the amount of
23 \$10,000 because of injury to or destruction of property of others in any
24 one accident.

25 * Sec. 23. AS 28 is amended by adding a new chapter to read:

26 CHAPTER 26. ACCIDENTS AND ACCIDENT REPORTS.

27 Sec. 28.26.010. ACCIDENTS INVOLVING PERSONAL INJURY OR DEATH. (a)

28 The driver of a vehicle involved in an accident which results in per-
29 sonal injury to, or death of, a person shall:

1 (1) immediately stop at the scene of the accident, or as
2 close as possible without unnecessarily obstructing traffic, and return
3 to and remain there until he has fulfilled the requirements of this
4 section and sec. 30 of this chapter; and

5 (2) give reasonable assistance to the victims; reasonable
6 assistance includes, but is not limited to, making arrangement for
7 treatment by a qualified physician and safe transportation to a hospital
8 when it is apparent that emergency treatment and transportation are
9 necessary.

10 (b) Under no circumstances is the giving of assistance or other
11 compliance with this section evidence of liability for the accident.

12 (c) Except as provided in (d) of this section, a person who fails
13 to comply with a requirement of this section is, upon conviction,
14 punishable by imprisonment for not more than one year, or by a fine of
15 not more than \$1,000, or by both. This subsection does not apply to a
16 person incapacitated by the accident to the extent he is incapable of
17 complying with the requirement.

18 (d) A person who fails to comply with a requirement of this sec-
19 tion regarding assisting an injured person is, upon conviction, punish-
20 able by imprisonment for not more than 10 years, or by a fine of not
21 more than \$10,000, or by both. This subsection does not apply to a
22 person incapacitated by the accident to the extent he is incapable of
23 complying with the requirement.

24 Sec. 28.26.020. ACCIDENTS INVOLVING DAMAGE ONLY TO VEHICLE OR
25 PROPERTY. The driver of a vehicle involved in an accident which causes
26 only damage to a vehicle or other property shall immediately stop at the
27 scene of the accident, or as close as possible without unnecessarily
28 obstructing traffic, and return and remain there until he has fulfilled
29 the requirements of sec. 30 of this chapter.

1 Sec. 28.26.030. DUTY TO GIVE INFORMATION. (a) The driver of a
2 vehicle involved in an accident who is required to stop under secs. 10
3 and 20 of this chapter shall exhibit, make immediately available, or
4 provide his driver's license, name, and current residence and mailing
5 addresses to:

- 6 (1) the driver and occupants of other vehicles involved;
7 (2) a person attending a vehicle or other property damaged;
8 (3) a person injured in the accident; and
9 (4) a peace officer at the scene of the accident or offi-
10 cially investigating the accident.

11 (b) When a driver of a vehicle collides with a vehicle or property
12 which is unoccupied or unattended, he shall either locate the owner or
13 driver and comply with the requirements of this section, or securely
14 attach to, or leave in, a conspicuous place in the vehicle or on the
15 property a written notice containing the information required under (a)
16 of this section, including in addition his driver's license number and
17 the name of the jurisdiction issuing his license.

18 Sec. 28.26.040. IMMEDIATE NOTICE OF ACCIDENT. (a) The driver of
19 a vehicle involved in an accident which results in bodily injury to or
20 death of a person or the disablement of a vehicle so as to prevent its
21 normal and safe operation or so as to cause an obstruction to traffic,
22 shall immediately by the quickest available means of communication give
23 notice of the accident to the local police department if the accident
24 occurs within a municipality, otherwise to the department.

25 (b) A driver of a vehicle who is medically incapable of giving
26 immediate notice as required under this section need not do so; however,
27 if there is another occupant in the vehicle capable of doing so, the
28 occupant shall give the notice.

29 (c) The driver of a vehicle involved in an accident shall return

1 to, and remain at the scene of the accident until a peace officer ar-
2 rives; and if requested by a peace officer, the driver shall remain at
3 the scene of the accident until the officer completes his investigation.

4 Sec. 28.26.050. WRITTEN REPORT OF ACCIDENT BY DRIVER OR OWNER.

5 (a) The driver of a vehicle which is involved in an accident resulting
6 in bodily injury to or death of, a person or total damage to all pro-
7 perty to an apparent extent of \$400 or more shall forward to the depart-
8 ment a written report within 10 days of the accident and shall forward a
9 copy of the report to the local police department within 10 days if the
10 accident occurs within a municipality and if required by sec. 120 of
11 this chapter. However, no written report is required of a driver or
12 owner under this section when the accident is investigated by a peace
13 officer.

14 (b) The department may require the driver of a vehicle involved in
15 an accident which must be reported to file supplemental written reports
16 when, in the opinion of the department, the original report is insuf-
17 ficient.

18 (c) A written accident report is not required under this section
19 from a person who is medically incapable of making a written report
20 during the period of his incapacity. When the driver is medically in-
21 capable of making a written report and the driver is not the owner of
22 the vehicle, then the owner of the vehicle shall make the report within
23 10 days after learning of the accident, unless a written report is not
24 required under (a) of this section.

25 (d) A written report required under this section is without pre-
26 judice to the person reporting.

27 (e) The written report of a person under this section may not be
28 used as evidence in a civil or criminal proceeding arising out of an
29 accident, except when necessary to prosecute a person for the filing of

1 a false report under this chapter. The department shall furnish upon
2 the demand of a party to a civil or criminal proceeding, or upon the
3 demand of a court, a certificate showing that a specified accident
4 report has or has not been made to the department in compliance with
5 law, and if a report has been made, the date and time and location of
6 the accident, and the names and addresses of the drivers and owners of
7 the vehicles involved and the investigating officers.

8 Sec. 28.26.060. ACCIDENT REPORT FORMS. (a) The department shall
9 prepare and supply to its offices, police departments and other appro-
10 priate agencies or individuals, forms for written accident reports as
11 required in this chapter. The written reports shall require suffi-
12 ciently detailed information to disclose the cause of the accident, road
13 condition existing at the time of the accident, the persons and vehicles
14 involved, and specific information relating to financial responsibility
15 under ch. 20 of this title.

16 (b) Every accident report required to be made in writing under
17 this chapter shall be made on the appropriate form approved by the
18 department and shall contain all the information required unless this
19 information is not available.

20 Sec. 28.26.070. SUSPENSION FOR FAILURE TO FILE REPORT. The de-
21 partment shall suspend the driver's license of a person licensed in this
22 state, or the driving privilege of a person who is licensed in another
23 jurisdiction, for failing to file a written accident report as required
24 under sec. 50 of this chapter. A suspension under this section is
25 subject to the notice and hearing requirements of AS 28.05.081 - 28.05.-
26 091, and remains in effect until the written report is properly filed
27 with the department.

28 Sec. 28.26.080. DESTRUCTION OF EVIDENCE. (a) No person may
29 knowingly destroy, obliterate, conceal or remove, or aid, abet, or

1 assist in the destruction, obliteration, concealment, or removal from a
2 vehicle of, evidence showing or tending to show that the vehicle was
3 involved in an accident resulting in bodily injury to, or death of, a
4 person or total property damage to an apparent extent of \$400 or more.

5 (b) Nothing in this section prohibits a person from repairing or
6 having repaired a vehicle which was involved in an accident requiring
7 the filing of a report under this chapter, if the report has first been
8 filed and he has received permission for the repairs from the local
9 police department if the accident occurred in a municipality, otherwise
10 from the department.

11 (c) A person convicted of a violation of this section is punish-
12 able by a fine of not more than \$1,000 or by imprisonment for not more
13 than one year, or by both.

14 Sec. 28.26.090. EXAMINATION BEFORE REPAIR; REPORT OF DAMAGE. (a)
15 No person may make or have made repairs to a vehicle which shows evi-
16 dence of having been involved in an accident for which a written report
17 is required to be filed under this chapter, or having been struck by a
18 bullet, without first notifying the local police department if the
19 vehicle is located within a municipality, or otherwise notifying the
20 department. An official of the local police department or the depart-
21 ment shall immediately proceed to examine the vehicle and make a full
22 report subscribed by the person having custody of the vehicle. A copy
23 of the report shall be forwarded to the department, and shall include
24 the vehicle identification number as defined in AS 28.10.701, the
25 vehicle registration plate number, and the name and address of the owner
26 or driver of the vehicle. However, if no peace officer is stationed
27 within 10 miles of the place where the vehicle is brought for repair,
28 notice shall be given to the department at the earliest opportunity and
29 the department shall indicate whether it desires to examine the vehicle

1 or waive the examination.

2 (b) If there is ground for suspecting that a vehicle was involved
3 in a collision with another person, the vehicle shall be impounded at
4 the expense of the owner, for which the custodian has a lien, and only a
5 peace officer officially assigned to the investigation of the accident
6 may have access to the vehicle until it is released.

7 (c) If there is no reason to suspect that the damage to the
8 vehicle was caused by collision with a person or property or having been
9 struck by a bullet, the repair of the vehicle may be authorized by the
10 peace officer in charge of the investigation at any time after the
11 expiration of 24 hours following the investigation.

12 Sec. 28.26.100. PEACE OFFICERS TO REPORT. (a) A peace officer
13 who investigates a vehicle accident for which a written report must be
14 made as required in this chapter, or who otherwise prepares a written
15 report as a result of an investigation either at the time and scene of
16 the accident or after that time by interviewing the participants or
17 witnesses, shall forward a written report of the accident to the depart-
18 ment within 24 hours after his investigation of the accident.

19 (b) The written reports required to be forwarded by peace officers
20 are not privileged or confidential.

21 Sec. 28.26.110. DEPARTMENTS OF HEALTH AND SOCIAL SERVICES AND
22 PUBLIC SAFETY TO PREPARE AND ANALYZE REPORTS. (a) The Department of
23 Health and Social Services shall report monthly in writing to the Depart-
24 ment of Public Safety, the death of any person resulting from a motor
25 vehicle accident, giving the time, place, and other available details of
26 the accident.

27 (b) The department shall tabulate and analyze all accident reports
28 received under this chapter and shall publish annually, or at more fre-
29 quent intervals, statistical information relating to the number and

1 circumstances of vehicle accidents.

2 Sec. 28.26.120. MUNICIPALITY MAY REQUIRE ACCIDENT REPORTS. A
3 municipality may by ordinance require the driver or owner of a vehicle
4 involved in an accident in that municipality to file with a designated
5 municipal department a copy of the written report of the accident re-
6 quired under sec. 50 of this chapter. However, if a written report is
7 not required under this chapter, it may not be required by the munici-
8 pality. All reports under this section are for the confidential use of
9 the municipal department and are subject to the applicable provisions of
10 this chapter.

11 * Sec. 24. AS 28 is amended by adding a new chapter to read:

12 CHAPTER 36. MOTOR VEHICLE AND DRIVING OFFENSES.

13 ARTICLE 1. ALCOHOL AND OTHER DRUGS.

14 Sec. 28.36.010. DRIVING WHILE UNDER INFLUENCE OF ALCOHOL OR OTHER
15 DRUGS. (a) No person may drive or operate a vehicle while

16 (1) there is 0.10 per cent or more by weight of alcohol per
17 volume of his blood, plasma or serum, or 0.10 grams or more of alcohol
18 per 100 milliliters of his blood, plasma or serum;

19 (2) under the influence of alcohol, or a depressant, halu-
20 cinogenic, stimulant, or narcotic drug as defined in AS 17.10.230(13)
21 and AS 17.12.150(3) to a degree which renders him incapable of driving
22 safely; or

23 (3) under the combined influence of alcohol or another drug
24 or substance to a degree which renders him incapable of driving safely.

25 (b) The fact that a person charged with violating this section is
26 or has been legally entitled to use alcohol or another drug or substance
27 which may impair his driving is not a defense against a charge of vio-
28 lating this section.

29 (c) Upon conviction of a violation of this section, the convicted

1 person is punishable by a fine of not more than \$1,000, or by imprison-
2 ment for not more than one year, or by both. Upon a second conviction
3 within five years after a first conviction under this section, the court
4 shall impose a minimum sentence of imprisonment of not less than five
5 days. Upon a subsequent conviction within five years after a second
6 conviction under this section, the court shall impose a minimum sentence
7 of imprisonment of not less than 10 days. The execution of sentence may
8 not be suspended nor may probation or parole be granted until the mini-
9 mum imprisonment provided in this section has been served, nor may
10 imposition of sentence be suspended, except upon the condition that the
11 defendant be imprisoned for no less than the minimum period provided in
12 this section, nor may the punishment provided for in this section be
13 reduced under AS 11.05.150. In addition, the person's driver's license
14 shall be revoked in accordance with AS 28.15.241.

15 Sec. 28.36.020. IMPLIED CONSENT. A person who drives or operates
16 a motor vehicle in this state is considered to have given consent to a
17 chemical test or tests of his breath for the purpose of determining the
18 alcohol content of his blood if lawfully arrested for an offense arising
19 out of an act alleged to have been committed while the person was
20 driving or operating a motor vehicle while under the influence of alco-
21 hol. The test or tests shall be administered at the direction of a
22 peace officer who has reasonable grounds to believe that the person was
23 driving or operating a motor vehicle in this state while under the
24 influence of alcohol.

25 Sec. 28.36.030. REFUSAL TO SUBMIT TO CHEMICAL TEST. (a) If a
26 person under arrest refuses the request of a peace officer to submit to
27 a chemical test of his breath as provided in sec. 20 of this chapter
28 after being advised by the officer that his refusal will result in the
29 revocation of his license, or his privilege to drive in this state if

1 he is licensed in another jurisdiction, and that his refusal may be used
2 as evidence in a court of law, a breath test may not be given.

3 (b) Upon receipt of a sworn report of a peace officer that a
4 person has refused to submit to a chemical test authorized under sec. 20
5 of this chapter, containing a statement of the circumstances surrounding
6 the arrest and the grounds upon which the arresting officer believed the
7 person to be driving or operating a motor vehicle in violation of sec.
8 10 of this chapter, the department shall notify the person that his
9 driver's license or driving privilege is revoked for the period of time
10 specified in AS 28.15.261(a)(4), subject to the notice and hearing
11 requirements under AS 28.05.081 - 28.05.091.

12 (c) If a person requests a hearing under (b) of this section, the
13 scope of the hearing shall be limited to the issues of whether

14 (1) there were reasonable grounds for the peace officer to
15 believe that the arrested person was driving or operating a motor
16 vehicle while under the influence of alcohol;

17 (2) the arrested person was informed fairly of the nature of
18 the tests, the accuracy of the methods and equipment involved, the
19 expertise of the person administering the tests and the operators of the
20 analytical equipment, and was given other reasonable information re-
21 quested by him, and was informed of his right to additional tests under
22 sec. 40(e) of this chapter.

23 (3) the arrested person was advised that his refusal to sub-
24 mit to the breath test upon the request of the officer would result in
25 the revocation of his driver's license or driving privilege and that his
26 refusal might be used as evidence in a court of law; and

27 (4) the person refused to submit to the breath test.

28 (d) If the issues set out in (c) of this section are determined in
29 the affirmative, the department shall sustain its action; however, if

1 one or more of the issues are determined in the negative, the department
2 shall rescind its action. If the department revokes the privilege of a
3 person licensed in another jurisdiction to drive a motor vehicle in this
4 state or rescinds that action, the department shall report its action in
5 writing to the motor vehicle administrator for the jurisdiction in which
6 the person has a license.

7 (e) Evidence of refusal to submit to a chemical test under this
8 section is admissible in a civil or criminal proceeding arising out of
9 an act alleged to have been committed while driving or operating a motor
10 vehicle under the influence of alcohol.

11 (f) Refusal to submit to a chemical test under this section does
12 not preclude the taking of other legal evidence and its introduction at
13 trial.

14 Sec. 28.36.040. CHEMICAL ANALYSIS OF BLOOD. (a) Upon the trial
15 of a civil or criminal action or proceeding arising out of an act
16 alleged to have been committed by a person while driving or operating a
17 motor vehicle under the influence of alcohol, the amount of alcohol in
18 the person's blood, plasma or serum does not give rise to a presumption
19 that the person was, or was not, under the influence of alcohol if there
20 was less than 0.10 per cent by weight of alcohol per volume of blood,
21 plasma or serum, or less than 0.10 grams of alcohol per 100 milliliters
22 of blood, plasma or serum in the person's blood, plasma or serum; how-
23 ever, other competent evidence may be introduced and considered with
24 this information in determining whether the person was under the in-
25 fluence of alcohol.

26 (b) The analyst conducting the tests authorized in this chapter
27 shall report the alcohol content of blood as a percentage by weight of
28 alcohol per volume of blood, plasma or serum as follows: per cent
29 weight per volume of blood, plasma or serum, or grams per 100 milliliters

1 of blood, plasma or serum.

2 (c) To be considered valid under this section, the chemical anal-
3 ysis of the person's breath must have been performed according to
4 methods approved by the Department of Health and Social Services. The
5 Department of Health and Social Services may approve satisfactory
6 methods and standards of training necessary to ascertain the qualifi-
7 cations of individuals to conduct the analysis. If it is established at
8 trial that a chemical analysis of breath was performed according to
9 approved methods by a person trained according to methods and standards
10 of training approved by the Department of Health and Social Services,
11 there is a presumption that the test results are valid and further
12 foundation for introduction of the evidence is unnecessary.

13 (d) A person obtaining blood or other samples and the person con-
14 ducting tests authorized by this chapter are not relieved from liability
15 for negligence in the performance of their duties.

16 (e) The person tested may have a qualified person of his own
17 choosing administer chemical tests approved by the Department of Health
18 and Social Services in addition to the test administered at the direc-
19 tion of a peace officer. The failure or inability to obtain an addi-
20 tional test by a person does not preclude the admission of evidence
21 relating to the test taken at the direction of a peace officer. The
22 fact that the person sought to obtain an additional test and failed, or
23 was unable to obtain the test, is also admissible in evidence. A person
24 desiring a test under this subsection shall arrange and pay for the test
25 himself, and the peace officer is not required to assist in the ar-
26 ranging or paying for that test. Notice of a person's right to the
27 additional test under this subsection shall be given to him by the peace
28 officer.

29 (f) Upon the request of the person who submits to a chemical test

1 at the request of a peace officer, full information concerning the test,
2 including the results of it, shall be made available to him or his
3 attorney.

4 ARTICLE 2. OTHER SERIOUS OFFENSES.

5 Sec. 28.36.070. RECKLESS DRIVING. (a) A person who drives a
6 motor vehicle in the state in a manner which creates a substantial and
7 unjustifiable risk of harm to a person or to property is guilty of reck-
8 less driving. A substantial and unjustifiable risk is a risk of such a
9 nature and degree that the conscious disregard of the risk or a failure
10 to perceive the risk constitutes a gross deviation from the standard of
11 conduct that a reasonable person would observe in the situation.

12 (b) A person convicted of reckless driving is punishable by a fine
13 of not more than \$1,000, or by imprisonment for not more than one year,
14 or by both, and, in addition, his driver's license, or privilege to
15 drive in this state if he is licensed in another jurisdiction, shall be
16 revoked as provided in AS 28.15.241.

17 (c) Lawfully conducted snowmobile, motorcycle or other motor
18 vehicle racing or exhibition events are not subject to the provisions of
19 this section.

20 Sec. 28.36.080. NEGLIGENT DRIVING. (a) A person who drives a
21 vehicle in the state in a manner which creates an unjustifiable risk of
22 harm to a person or to property and who, as a result of the creation of
23 the risk, actually endangers a person or property is guilty of negligent
24 driving. An unjustifiable risk is a risk of such a nature and degree
25 that a failure to avoid the risk constitutes a deviation from the stan-
26 dard of care that a reasonable person would observe in the situation.
27 Proof that a defendant actually endangered a person or property is
28 established by showing that, as a result of the defendant's driving

29 (1) an accident occurred;

1 (2) a person, including the defendant, stopped, slowed
2 suddenly or took evasive action to avoid an accident; or

3 (3) a person or property, including the defendant or his
4 property, was otherwise endangered.

5 (b) The offense of negligent driving is an infraction and is a
6 lesser offense than, and is included in, the offense of reckless driving,
7 and a person charged with reckless driving may be convicted of the
8 lesser offense of negligent driving.

9 (c) A person convicted of negligent driving may have his driver's
10 license, or privilege to drive in this state if he is licensed in
11 another jurisdiction, limited, suspended or revoked from the accumu-
12 lation of points under the point system.

13 (d) Lawfully conducted snowmobile, motorcycle, or other vehicle
14 racing or exhibition events are not subject to the provisions of this
15 section.

16 Sec. 28.36.090. FLEEING OR ATTEMPTING TO ELUDE A PEACE OFFICER.

17 (a) No driver of a vehicle may wilfully fail or refuse to bring his
18 vehicle to a stop, or flee or attempt to elude a pursuing peace officer
19 when given visual or audible signals to bring the vehicle to a stop.
20 The officer giving the signal shall be in uniform or prominently dis-
21 playing his badge of office, or his vehicle shall be appropriately
22 marked showing it to be an official police vehicle.

23 (b) A person convicted of fleeing or attempting to elude a peace
24 officer is punishable by imprisonment for not more than 90 days, or by a
25 fine of not more than \$1,000, or by both. In addition, a person con-
26 victed of violating this section while driving a motor vehicle may have
27 his driver's license, or privilege to drive in this state if he is
28 licensed in another jurisdiction, suspended or revoked as provided in AS
29 28.15.251.

1 ARTICLE 3. MISCELLANEOUS OFFENSES.

2 Sec. 28.36.120. UNLAWFUL TO KNOWINGLY MAKE FALSE STATEMENT,
3 AFFIRMATION, SIGNATURE OR FILING. (a) No person may knowingly make a
4 false affidavit, report, statement or representation, or swear or affirm
5 falsely with respect to a matter of fact required to be sworn to,
6 affirmed or furnished under this title or regulations adopted under this
7 title; nor may the person use a name other than his true name or know-
8 ingly forge or without authority sign evidence relating to this title or
9 regulations adopted under this title; nor may the person file or offer
10 for filing that evidence knowing or having reason to believe that it is
11 forged or signed without authority.

12 (b) A person who is convicted of a violation of (a) of this sec-
13 tion is punishable by imprisonment for not less than one year nor more
14 than five years, or by a fine of not less than \$500 nor more than \$5,000,
15 or by both.

16 Sec. 28.36.130. UNLAWFUL TO DISOBEY SIGNALS OF PERSON REGULATING
17 TRAFFIC. (a) No driver of a vehicle may refuse or neglect to obey a
18 lawful order or direction of a peace officer, fireman, or authorized
19 flagman regulating or directing traffic. A peace officer or fireman
20 regulating or directing traffic shall, upon the request of a driver,
21 produce evidence of his authorization unless he is wearing in view his
22 badge or uniform of office.

23 (b) "Authorized flagman" as used in this section is a person who
24 is wearing readily identifiable clothing and has received the training
25 required by regulations adopted by the commissioner.

26 Sec. 28.36.140. UNLAWFUL TO OBSTRUCT OR BLOCK TRAFFIC. (a) No
27 person may purposely obstruct or block traffic on a highway or vehicular
28 way or area by any means except as necessitated by an emergency. How-
29 ever, a service or emergency vehicle such as a bus, garbage truck, tow

1 truck or ambulance may make brief stops on a highway or vehicular way or
2 area which are necessary in the performance of its official duties and
3 which do not unnecessarily obstruct traffic; but no stop may be made on
4 a controlled access highway except in an emergency or by an authorized
5 emergency vehicle responding to an emergency.

6 (b) As used in this section, "authorized emergency vehicle" and
7 "controlled access highway" have the meanings as provided in the traffic
8 regulations adopted under this title.

9 Sec. 28.36.150. UNLAWFUL TO DRIVE VEHICLE WITH STUDED TIRES OR
10 CHAINS AT CERTAIN TIMES. (a) No person may drive or move a vehicle
11 with studded tires or tires with chains attached on a paved highway from
12 May 1 through September 15, inclusive, north of 60° North Latitude and
13 from April 15 through September 30, inclusive, south of 60° North
14 Latitude. The commissioner shall, by emergency order, provide for
15 additional lawful driving periods based on unusual seasonal or weather
16 conditions. An emergency order adopted under this section is not sub-
17 ject to the Administrative Procedure Act (AS 44.62). Upon application,
18 the department may issue a special individual traction permit allowing
19 the driving or moving of a vehicle equipped with studded tires or chains
20 at any time at the discretion of the vehicle owner. The annual fee for
21 the special individual traction permit is one-third of the annual regis-
22 tration fee under AS 28.10.521. The department may provide an appro-
23 priate sticker or other device identifying the vehicle to which the
24 permit applies.

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

28 Sec. 28.36.160. UNLAWFUL TO TAMPER WITH OR DAMAGE VEHICLE. No
29 person, without the right to do so, may tamper with a vehicle, set or

1 attempt to set a vehicle into motion, or damage the vehicle or its
2 equipment.

3 Sec. 28.36.170. RENTING A MOTOR VEHICLE. (a) No person may rent
4 a motor vehicle to a person unless the person renting the vehicle is
5 properly licensed under this title or, in the case of a person not
6 licensed in this state, is properly licensed under the laws of another
7 jurisdiction.

8 (b) No person may rent a motor vehicle until he has inspected the
9 license of the person to whom the vehicle is to be rented and has veri-
10 fied the identification of the licensee.

11 (c) Every person renting a motor vehicle shall keep a record of
12 the registration number of the motor vehicle rented, the name and
13 address and driver's license number of the person to whom the vehicle is
14 rented, and the date when and place where the driver's license was
15 issued. The record shall be open to reasonable inspection by a peace
16 officer or an employee of the department acting in an official capacity.

17 (d) Every person renting a motor vehicle shall comply with the
18 applicable financial responsibility requirements of ch. 20 of this
19 title.

20 Sec. 28.36.180. MOTORCYCLE HELMET. A person who is at least 19
21 years of age and is the holder of a driver's license classified sep-
22 arately under AS 28.15.041 for the driving of a motorcycle is not
23 required to wear a helmet while driving a motorcycle.

24 * Sec. 25. AS 28 is amended by adding a new chapter to read:

25 CHAPTER 90. GENERAL PROVISIONS.

26 Sec. 28.90.010. PENALTY FOR VIOLATIONS OF LAW, REGULATIONS, AND
27 MUNICIPAL ORDINANCES. (a) It is a misdemeanor for a person to violate
28 a provision of this title unless the violation is by this title or other
29 law declared to be a felony or an infraction.

1 (b) A person convicted of a misdemeanor for a violation of a pro-
2 vision of this title for which another penalty is not specifically pro-
3 vided is punishable by a fine of not more than \$500, or by imprisonment
4 for not more than 90 days, or by both. In addition, the driver's
5 license or privilege to drive in this state may be suspended or revoked.

6 (c) Unless otherwise provided by law, a violation of a regulation
7 adopted under this title or a municipal ordinance regulating vehicles or
8 traffic when the municipal ordinance does not correspond to a provision
9 of this title is an infraction and is subject to a fine of not more than
10 \$300.

11 (d) An infraction, as provided for in (c) of this section, is not
12 considered a criminal offense and may not result in imprisonment, nor is
13 a fine imposed for the commission of an infraction considered a penal or
14 criminal punishment; nor may the commission of a single infraction
15 result in the loss of a driver's license or privilege to drive in this
16 state, except as may result from the accumulation of points under the
17 point system; nor does a person cited with an infraction have a right to
18 trial by jury or to court-appointed counsel.

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

24 Sec. 28.90.020. DEFINITIONS. Unless otherwise specifically de-
25 fined or unless the context otherwise requires, in this title and in
26 regulations adopted to implement, interpret or make specific this title,

27 (1) "cancel" means the annulment or termination by formal
28 action of the department of a certification, registration, license, per-
29 mit or privilege issued or allowed under this title or regulations

1 adopted under this title, because of an error or defect in the document
2 issued or the application for issuance or because the person holding the
3 document is no longer entitled to it;

4 (2) "commissioner" means the commissioner of public safety;

5 (3) "department" means the Department of Public Safety;

6 (4) "driver" means a person who drives or is in actual physi-
7 cal control of a vehicle;

8 (5) "driver's license", or "license" when used in relation to
9 driver licensing, means a license, permit or privilege, whether or not a
10 person holds a valid license issued in this or another jurisdiction, to
11 drive a motor vehicle under the laws of this state;

12 (6) "highway" means the entire width between the boundary
13 lines of every way that is publicly maintained when a part of it is open
14 to the public for purposes of vehicular travel, including but not
15 limited to every street and the state marine highway system but exclu-
16 sive of a vehicular way or area;

17 (7) "motor vehicle" means a vehicle which is self-propelled
18 except a vehicle moved by human or animal power;

19 (8) "motorcycle" means a vehicle having a seat or saddle for
20 the use of the rider and designed to travel on not more than three
21 wheels in contact with the ground; the term does not include a tractor;
22 however, a motorcycle may have three or four wheels in contact with the
23 ground when a sidecar is attached;

24 (9) "motor-driven cycle" means a motorcycle, motor scooter,
25 motorized bicycle, or similar conveyance with a motor attached and
26 having an engine with less than 150 cubic centimeters of displacement or
27 with not to exceed five brake-horsepower;

28 (10) "municipality" means a home rule or general law borough
29 or city including, but not limited to, a unified municipality organized

1 under AS 29.68;

2 (11) "official traffic-control device" means a sign, signal,
3 marking, or other device not inconsistent with this title, placed or
4 erected by authority of a state or municipal agency or official having
5 jurisdiction, for the purpose of regulating, warning, or guiding traffic;

6 (12) "owner" means a person, other than a lienholder, having
7 the property in or title to a vehicle, including, but not limited to, a
8 person entitled to the use and possession of a vehicle subject to a
9 security interest in another person, but exclusive of a lessee under a
10 lease not intended as security;

11 (13) "revoke" means the termination by formal action of the
12 department or a court of a certification, registration, license, permit
13 or privilege issued or allowed under this title or regulations adopted
14 under this title; the certification, registration, license, permit or
15 privilege may not be reissued, renewed or restored during the time for
16 which revoked; however, after that time, an application for a new certi-
17 fication, registration, license, permit or privilege may be made;

18 (14) "roadway" means that portion of a highway designed or
19 ordinarily used for vehicular travel, exclusive of the sidewalk, berm or
20 shoulder, even though the sidewalk, berm, or shoulder is used by persons
21 riding bicycles or other human powered vehicles; however, if a highway
22 includes two or more separate roadways, the term refers to each roadway
23 separately but not to all those roadways collectively;

24 (15) "suspend" means the temporary withdrawal by formal action
25 of the department or a court of a certificate, registration, license,
26 permit or privilege issued or allowed under this title or regulations
27 adopted under this title, effective for a period of time which must be
28 specifically designated by the department or court;

29 (16) "traffic" means pedestrians, ridden or herded animals,

1 vehicles and other conveyances either singly or together while using a
2 highway or vehicular way or area which is open to public use for pur-
3 poses or travel;

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

8 (18) "vehicular way or area" means a way, path or area, other
9 than a highway or private property, which is designated by signs,
10 markers or customary usage and which is open to the public for purpose
11 of pedestrian travel or vehicle operation, and which way or area may be
12 restricted in use to pedestrians, bicycles, or other specific types of
13 vehicles as determined by the department or other agency having juris-
14 diction over the way, path or area.

15 Sec. 28.90.030. REGULATIONS. The commissioner shall adopt regula-
16 tions under the Administrative Procedure Act (AS 44.62) to define words
17 not defined in sec. 20 of this chapter but which are used in this title
18 and in regulations adopted under this title.

19 Sec. 28.90.040. SHORT TITLE. This title may be cited as the
20 Alaska Uniform Vehicle Code.

21 * Sec. 26. AS 11.20 is amended by adding new sections to read:

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

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

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

12 (d) When a minor is accused of a second or subsequent violation
13 under (a) of this section, he shall be charged, prosecuted, and sen-
14 tenced in the same manner as an adult, except that a parent, guardian or
15 legal custodian shall be present at all proceedings against the minor.

16 (e) In this section,

17 (1) "motor vehicle" means a motor vehicle as defined in AS
18 28.90.020;

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

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

29 (b) Obtaining possession of the vehicle by means of trick, false

1 or fraudulent representation, by false impersonation of another, or by
2 giving a bad or worthless check for a deposit or for rental in connec-
3 tion with obtaining possession of the vehicle is prima facie evidence of
4 a violation of (a) of this section.

5 (c) No person in possession of a motor vehicle under an agreement
6 in writing which requires him to return the vehicle to a particular
7 place or at a particular time may refuse or wilfully neglect to return
8 it to the place or at the time specified in the agreement in writing
9 with the intent to deprive the owner of the vehicle or to convert it to
10 his own use, or secrete, convert, sell or attempt to sell the vehicle or
11 any part of the vehicle.

12 (d) Upon conviction, a person who is guilty of violating this sec-
13 tion is punishable by imprisonment for not more than five years, or by a
14 fine of not more than \$1,000, or by both.

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

19 * Sec. 27. AS 12.25.033 is amended to read:

20 Sec. 12.25.033. GROUNDS FOR ARREST BY PEACE OFFICER WITHOUT
21 WARRANT. A peace officer may arrest a person without a warrant, whether
22 or not the offense is committed in the presence of the officer, when the
23 officer has probable cause to believe that the person to be arrested has
24 committed the crime of driving or operating a motor vehicle in violation
25 of AS 28.36.010 [AS 28.35.030] or a similar city or borough ordinance,
26 if the violation is alleged to have occurred less than eight hours
27 before the time of arrest.

28 * Sec. 28. AS 12.25.180 is amended to read:

29 Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON

1 BEFORE JUDGE OR MAGISTRATE. When a person is stopped or contacted by a
2 peace officer for the commission of a misdemeanor or an infraction or
3 the violation of a municipal ordinance, he may, in the discretion of the
4 contacting peace officer, be issued a citation instead of being taken
5 before a judge or magistrate under sec. 150 of this chapter, unless

6 (1) the person does not furnish satisfactory evidence of
7 identity or the contacting officer has reasonable and probable cause to
8 believe the person will not [DISREGARD A WRITTEN PROMISE TO] appear in
9 court;

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

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

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

16 * Sec. 29. AS 12.25.190(c) is amended to read:

17 (c) The person cited for the crime shall give his written promise
18 to appear in court by signing at least one copy of the written citation
19 prepared by the peace officer and the officer shall deliver a copy of
20 the citation to the person. The written promise requirement of this
21 subsection does not apply to motor vehicle and traffic citations under
22 AS 28.05.221.

23 * Sec. 30. AS 12.25.230 is amended to read:

24 Sec. 12.25.230. FAILURE TO OBEY CITATION. A person who fails
25 [VIOLATES HIS WRITTEN PROMISE] to appear in court to answer the citation
26 [GIVEN TO A PEACE OFFICER UPON THE ISSUANCE OF A CITATION UNDER SECS.
27 180 - 220 OF THIS CHAPTER], regardless of the disposition of the charge
28 for which the citation was issued, is guilty of a misdemeanor and upon
29 conviction is punishable by a fine of not more than \$1,000, or by

1 imprisonment for not more than one year, or by both.

2 * Sec. 31. AS 21.89.020(a) is amended to read:

3 (a) An automobile liability policy which insures an owner or
4 driver [OPERATOR] of a motor vehicle against loss resulting from his
5 liability for bodily injury or death, or for property injury or destruc-
6 tion, or both, which is sold in this state after January 1, 1969, by an
7 insurance carrier authorized to transact business in this state, shall
8 contain limits in at least the amount prescribed for a motor vehicle
9 liability policy in AS 28.20.261(b)(2) [AS 28.20.440(b)(2)], and meet
10 the requirements of AS 28.20.261(b)(3) [AS 28.20.440(b)(3)] unless
11 waived as provided in that paragraph.

12 * Sec. 32. AS 29.13.100 is amended by adding a new paragraph to read:

13 (37) AS 29.48.035(a)(1) - (3) (vehicles)

14 * Sec. 33. AS 29.48.020(3) and (4) are amended to read:

15 (3) regulate the licensing and driving [OPERATION] of motor
16 vehicles and drivers not inconsistent with AS 28.01.010 [OPERATORS];

17 (4) regulate snow vehicles and off-highway vehicles not
18 inconsistent with AS 28.01.010 [AS PROVIDED IN AS 05.30.070];

19 * Sec. 34. AS 29.48.035(a)(1) is amended to read:

20 (1) vehicle and [,] pedestrian [, AND OTHER] traffic, and
21 licensing and driving [OPERATION] of motor vehicles, including snow
22 vehicles and off-highway vehicles and drivers [OPERATORS] not inconsis-
23 tent with AS 28.01.010;

24 * Sec. 35. AS 34.35 is amended by adding a new section to read:

25 Sec. 34.35.540. TOWING AND STORAGE LIEN. (a) A person engaged in
26 the business of towing motor vehicles, who tows, transports or stores a
27 motor vehicle, has a possessory lien on the vehicle. This lien attaches
28 when the person acts under a contract with the owner or at the direction
29 of a public officer acting lawfully or a person entitled to possession

1 of the property upon which the motor vehicle is parked without consent.
2 The lien remains in effect while the motor vehicle is in the possession
3 of the person, and the vehicle may be sold, as provided in (c) of this
4 section, to pay the charges for towing, transportation or storage.

5 (b) A lien under this section is limited to towing charges as-
6 sessed according to the tariff filed by the carrier with the Alaska
7 Transportation Commission and storage charges of no more than \$1.50 per
8 day; however, in the absence of a filed tariff, the towing charge shall
9 be the same as the lowest towing charge in the other filed tariffs
10 covering the same service and route. Storage charges cease to be part
11 of the lien after 60 days unless the registered owner or primary lien-
12 holder, if any, has been given actual notice of the possessory lien
13 within that time or unless a certified letter has been mailed within
14 that time to the owner and primary lienholder, if any, at their ad-
15 dresses of record with the Department of Public Safety or the corres-
16 ponding office in another jurisdiction in which the title to the motor
17 vehicle and the lien on it are recorded.

18 (c) If the motor vehicle remains unclaimed for a period of 30 days
19 in the possession of the person who performed the towing, transportation
20 or storage, it shall be sold on giving 20 days notice of the sale. The
21 notice shall be delivered to the proper officer and personally served on
22 the registered owner and the primary lienholder, if any, of the motor
23 vehicle in the same manner as provided by law for service of summons.
24 If either of these persons cannot be located and served, personal notice
25 of the sale shall be forwarded to him at his last known address by
26 certified mail, return receipt requested. This notice shall contain a
27 description of the motor vehicle, including its registration plate
28 number and vehicle identification number, together with the time and
29 place of sale, a statement of the amount due, and the name and address

1 of the person to whom the charges are due.

2 (d) The money realized from a sale made under this section shall
3 be applied first to the payment of costs and expenses of the sale and
4 secondly to the lawful charges of the person having a lien on the motor
5 vehicle under this section. Remaining proceeds from the sale shall be
6 retained by the Department of Public Safety to be distributed to the
7 registered and legal owner or lienholder entitled to the remaining
8 proceeds. A purchaser in good faith of a motor vehicle sold under this
9 section takes the motor vehicle free of any rights of prior lien.

10 * Sec. 36. AS 42.10.020(3) is amended to read:

11 (3) motor vehicles not exceeding an unladen [A] total gross
12 weight of 16,000 [12,000] pounds, owned [AND OPERATED] by a person
13 deriving his primary source of livelihood from the operation of a
14 [RANCHER, FARMER, OR DAIRYMAN IN THE TRANSPORTATION OF HIS OWN] ranch,
15 farm, or dairy where he maintains his full-time residence, and which
16 vehicle is used exclusively to transport his own ranch, farm, or dairy
17 products to and from the market or to transport [PRODUCTS FROM THE POINT
18 OF PRODUCTION TO MARKET OR TO THE POINT OF TRANSPORTATION TO MARKET, OR
19 OF] supplies, commodities, or equipment to be used on his [OWN] ranch,
20 farm, or dairy; motor [. MOTOR] vehicles driven [OPERATING] under this
21 classification shall be identified as farm vehicles in accordance with
22 regulations adopted [PRESCRIBED] by the commissioner of public safety
23 [REVENUE].

24 * Sec. 37. AS 44.62.330(a)(23) is repealed and re-enacted to read:

25 (23) Department of Public Safety, as to suspension or revoca-
26 tion of a security guard's license under AS 18.65.400 - 18.65.490.

27 * Sec. 38. AS 44.80.070 is amended to read:

28 Sec. AS 44.80.070 SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When
29 the state, or a department or agency of the state, which has control

1 over a highway or vehicular way or area, permits a portion of the high-
2 way or vehicular way or area, as defined under AS 28.90.020 [AS 28.35.-
3 265], to be used for a special purpose, the state is [SHALL] not [BE]
4 subject to legal action or recovery of damages for injury arising out
5 of, or in any manner connected with the special purpose use.

6 * Sec. 39. AS 45.45.240(2) is amended to read:

7 (2) "motor vehicle" or "vehicle" means a motor vehicle as
8 defined in AS 28.90.020 [AS 28.10.650] which is required to be regis-
9 tered [WITH THE DEPARTMENT OF PUBLIC SAFETY] under AS 28.10 [AS 28.10.-
10 040], or with a governmental agency of another jurisdiction [STATE]
11 performing a similar function;

12 * Sec. 40. AS 05.30; AS 19.10.060(2); AS 28.01.020; AS 28.35 and AS
13 44.33.020(9) are repealed.