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by request

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1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 321

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND 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 regula-
17 tion.

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

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

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

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

1 when the copy of the ordinances is forwarded. So far as practicable,
2 the section number identifying a particular municipal traffic ordinance
3 shall be the same as the section number identifying a corresponding
4 provision of this title or regulations adopted [PROMULGATED] under this
5 title.

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

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

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

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

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 AS 28.05.010 - 28.05.090 are repealed and re-enacted to read:

20 CHAPTER 5. ADMINISTRATION.

21 ARTICLE 1. POWERS AND DUTIES OF DEPARTMENT OF PUBLIC SAFETY.

22 Sec. 28.05.011. DUTY OF COMMISSIONER TO ADOPT REGULATIONS. The
23 commissioner shall, unless otherwise provided by statute, adopt regula-
24 tions in compliance with the Administrative Procedure Act (AS 44.62)
25 necessary to carry out the provisions of this title and other statutes
26 the administration of which is vested in the department. The regula-
27 tions shall include, but not be limited to,

28 (1) rules of the road relating to the driving, stopping,
29 standing, parking and other conduct of vehicles, to pedestrians and to

1 official traffic control devices;

2 (2) minimum equipment for vehicles, including, but not
3 limited to, minimum standards of compliance to be met by manufacturers
4 and vehicle sales and repairs businesses;

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

8 (4) registration, titling, transfer and abandonment of ve-
9 hicles;

10 (5) licensing of drivers of vehicles;

11 (6) financial responsibility relating to vehicles;

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

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

23 (9) definitions of words and phrases used in this title and
24 in regulations adopted under this title unless otherwise provided by
25 statute.

26 Sec. 28.05.021. COMMISSIONER TO ENTER COMPACTS AND RECIPROCAL
27 AGREEMENTS. The commissioner may, under terms and conditions best
28 calculated to promote the interests of the state, enter into a compact
29 or agreement with an authorized representative of another jurisdiction

1 in a matter relating to driver licensing, vehicle registration, or other
2 activity authorized under this title. However, a compact or agreement
3 entered into under this section must be approved by adoption of a con-
4 current resolution approved by a majority vote of each house of the
5 legislature before it becomes effective.

6 Sec. 28.05.031. DEPARTMENT TO PUBLISH STATUTES AND REGULATIONS
7 RELATING TO VEHICLES, VEHICLE USE AND PEDESTRIANS. (a) The department
8 shall publish current state statutes and regulations relating to ve-
9 hicles and their driving or movement, to drivers of vehicles, and to
10 pedestrians. The cost of publication shall be jointly shared by the
11 department and other state agencies which administer statutes and regu-
12 lations included in the publication prescribed under this section.

13 (b) A single copy of a facsimile of the publication prescribed in
14 (a) of this section shall be available to the public without charge at
15 all offices of the department. However, a municipality may request and
16 receive without charge a reasonable number of copies of the publication.

17 Sec. 28.05.041. COMMISSIONER TO PRESCRIBE FORMS, EXAMINE APPLICA-
18 TIONS, AND ADMINISTER OATHS. (a) The commissioner shall prescribe and
19 provide suitable application forms, certificates of title and regis-
20 tration, driver's licenses and all other forms necessary to carry out
21 the provisions of this title and regulations adopted under this title,
22 the administration of which is vested in the department, including a
23 standard citation form which meets the requirements of sec. 151 of this
24 chapter and which is in a form necessary to identify the offender and
25 the offense and otherwise necessary to meet the needs of the public
26 safety and the administration of justice as required under that section.

27 (b) The department shall examine and determine the genuineness,
28 regularity and legality of any application for registration of, or cer-
29 tificate of title for, a vehicle, and for a driver's license and any

1 other application made to the department. The department may make any
2 investigation it considers necessary and may require additional infor-
3 mation before approving an application. The department shall reject an
4 application if it is not satisfied with genuineness, regularity or
5 legality of the application, the truth of a statement contained in it,
6 or the adequacy or sufficiency of information requested by the depart-
7 ment. The department shall reject an application when the applicant is
8 not entitled to issuance of the registration, title, license or permit
9 for which he is applying or for any other reason required by law.

10 (c) The commissioner and officers and employees of the department
11 designated by the commissioner may, for the purpose of administering
12 this title and regulations adopted under this title, administer oaths
13 and acknowledge signatures, and do so without charging a fee.

14 Sec. 28.05.051. SUSPENDED OR REVOKED DOCUMENTS. (a) When the
15 department suspends or revokes a vehicle registration, certificate of
16 registration, registration plate, permit, or certificate of title or
17 suspends, cancels or revokes a license, the owner or person in posses-
18 sion of the document shall, immediately upon receiving notice of the
19 suspension, revocation or cancellation, mail or deliver the registra-
20 tion, certificate, plate, permit or license to the department.

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

26 Sec. 28.05.061. RECORDS OF DEPARTMENT AND CERTIFIED COPIES OF
27 RECORDS. (a) The department shall file, maintain and appropriately
28 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 28.10.381;

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

17 Sec. 28.05.071. CHANGE OF NAME OR ADDRESS. A person who has ap-
18 plied for or been issued a certificate, registration, title, license,
19 permit or other form under this title, and who changes his name or moves
20 from the address shown on the department's records or forms, shall noti-
21 fy the department in writing of the change in name or address within 30
22 days.

23 ARTICLE 2. VEHICLE EQUIPMENT STANDARDS.

24 Sec. 28.05.081. APPROVAL OF VEHICLE EQUIPMENT. (a) When the
25 commissioner has reason to believe that vehicle equipment being sold
26 commercially in the state does not comply with the requirements of this
27 title or regulations adopted under this title or other statutes and
28 regulations, he may, after giving 30 days notice to the person holding
29 the certificate of approval for the equipment in this state, conduct a

1 hearing upon the question of compliance of the equipment. After the
2 hearing, the commissioner shall determine whether the equipment is in
3 compliance. If the equipment is not in compliance with the law, the
4 commissioner shall give notice of that fact to the person holding the
5 certificate of approval for the equipment in this state.

6 (b) If, at the end of 90 days after the notice of noncompliance
7 given under (a) of this section, the person holding the certificate of
8 approval for the vehicle equipment has failed to satisfy the commis-
9 sioner that the equipment as sold after the 90 days is in compliance
10 with the law, the commissioner shall suspend or revoke the approval
11 issued for the equipment until the equipment is resubmitted to, and
12 retested by, a testing agency approved by the commissioner and is found
13 to be in compliance with the law. The commissioner may, at the time of
14 retest, purchase in the open market and submit to the testing agency one
15 or more sets of the equipment. If the equipment upon retest fails to
16 comply with the law, the commissioner may refuse to renew the certifi-
17 cate of approval of the equipment.

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

25 Sec. 28.05.091. SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE.
26 A motor vehicle which is driven on a highway or vehicular way or area,
27 and which has been determined to be defective in equipment so as to be
28 unsafe for driving, is an unlawful vehicle and may be impounded by a
29 peace officer or an employee of the department officially designated for

1 that purpose. The owner or person in lawful possession of the vehicle
2 shall pay the necessary costs of impounding and storing the vehicle.
3 The impounding of a vehicle is in addition to any other penalty. Noth-
4 ing in this section prevents the driving or moving of a defective vehic-
5 le in the manner directed by the peace officer or employee to a place
6 for

- 7 (1) the correction of a defect in the equipment;
- 8 (2) dismantling or wrecking; or
- 9 (3) storage without repair.

10 ARTICLE 3. SUBPOENAS, NOTICES AND HEARINGS.

11 Sec. 28.05.111. SUBPOENAS; WITNESSES AND DOCUMENTS. (a) The
12 commissioner and officers and employees of the department designated by
13 the commissioner may, for good cause, subpoena witnesses to give testi-
14 mony under oath or to give written deposition upon a matter under the
15 jurisdiction of the department with respect to this title, and regula-
16 tions adopted under this title. A subpoena issued under this section
17 may require the production of relevant books, papers, documents, records
18 or other tangible things designated in the subpoena.

19 (b) A subpoena issued under this section shall be served at least
20 five days before the return date, either by personal service made by a
21 peace officer or another person who is not less than 18 years of age or
22 by registered or certified mail. Return acknowledgement is required to
23 prove service by mail. The fees for the attendance and travel of wit-
24 nesses are the same as for witnesses appearing before the district
25 court.

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

28 Sec. 28.05.121. GIVING OF NOTICE. When the department is autho-
29 rized or required to give notice under this title or regulations adopted

1 under this title, unless a different method of giving notice is other-
2 wise expressly provided, notice shall be given by a qualified person,
3 either by personal delivery to the person to be notified or by regis-
4 tered or certified mail, return receipt requested, addressed to the
5 person at his address as shown in the records of the department. The
6 giving of notice by mail is considered complete upon the return of the
7 receipt or upon return of the notice as undeliverable, refused, or
8 unclaimed. Proof of the giving of notice in either manner may be made
9 by the affidavit of the person giving the notice by personal delivery or
10 by mail, naming the person to whom the notice was given and specifying
11 the time, place, and manner of giving the notice.

12 Sec. 28.05.131. OPPORTUNITY FOR HEARING REQUIRED. (a) Unless
13 otherwise specifically provided, or unless immediate action in suspend-
14 ing, revoking, cancelling, limiting, restricting, denying or impounding
15 is necessary for the protection of the health, safety or welfare of the
16 public, the department shall give notice of the opportunity for an admi-
17 nistrative hearing before a license, registration, title, permit or pri-
18 vilege issued or allowed under this title or regulations adopted under
19 this title is suspended, revoked, cancelled, limited, restricted or de-
20 nied or a vehicle is impounded by the department. If action is required
21 under this section and prior opportunity for a hearing cannot be afford-
22 ed the department shall promptly give notice of the opportunity for a
23 hearing as soon after the action as possible to the parties concerned.

24 (b) The notice under this section shall state the reasons for the
25 department's proposed action and provide for a reasonable attendance
26 date of not less than 10 days after service of the notice. If there is
27 no request for a hearing by the attendance date specified in the notice,
28 the hearing is considered to have been waived.

29 Sec. 28.05.141. HEARINGS AND APPEALS. (a) Unless otherwise

1 specifically provided, all hearings required under this title or regu-
2 lations adopted under this title shall be conducted by the department
3 under regulations adopted by the commissioner governing practice and
4 procedure and consistent with due process of law. Hearings shall be
5 informal, and technical rules of evidence do not apply. A person who
6 requests a hearing may retain an attorney if he so desires. The hearing
7 officer shall be appointed by the commissioner and may be appointed from
8 the department. A hearing officer need not be an attorney, but must be
9 impartial and may not have participated in the decision which is under
10 review. The hearing officer does not have to file a full opinion or
11 make formal findings of fact or conclusions of law, but he must state
12 the reasons for his determination and indicate the evidence relied upon.
13 The proceedings at the hearing shall be recorded.

14 (b) A hearing ordered under (a) of this section shall be held at
15 the office of the department nearest to the residence of the person
16 requesting the hearing unless the department and the person agree that
17 the hearing is to be held elsewhere. The department shall grant a
18 hearing delay if the person presents good cause for the delay. If a
19 person fails to appear for the hearing at the time and place stated by
20 the department and if a hearing delay has not been granted, his failure
21 to appear is considered a waiver of the hearing and the department may
22 take appropriate action with respect to the person.

23 (c) If at the hearing under (a) of this section it appears that
24 the record of the person sustains suspension, revocation, limitation,
25 denial, or other remedial action, the hearing officer shall so order and
26 the department may suspend, revoke, limit, deny, or take other remedial
27 action against that person's license and, if appropriate, the department
28 shall adjust the person's point total accumulated under AS 28.15.231.

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

1 within 30 days, initiate a proceeding in district court to rescind the
2 department's action by filing a notice of appeal in accordance with the
3 applicable rules of court governing appeals in civil matters. The court
4 shall conduct a hearing de novo. The decision of the department sus-
5 pending, revoking, canceling, limiting, restricting or denying a li-
6 cense, registration, title, permit or privilege is stayed and does not
7 take effect during the pendency of an appeal.

8 ARTICLE 4. DISPOSITION OF CERTAIN

9 VEHICLE AND TRAFFIC OFFENSES.

10 Sec. 28.05.151. FORM AND ISSUANCE OF CITATION. (a) When a person
11 is arrested or cited for the commission of a vehicle or traffic offense
12 which is a misdemeanor or an infraction, the arresting or citing officer
13 shall, except when otherwise required by law or the immediate circum-
14 stances, issue a citation to the person arrested or cited. The person
15 receiving the citation may not be required to endorse the citation.

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

23 (c) A person cited for a motor vehicle or traffic offense for
24 which a bail amount has been established under (b) of this section may,
25 within five days from the date of the citation, mail or personally
26 deliver to the clerk of the court having jurisdiction over the place
27 where the offense occurred

28 (1) the amount of bail indicated on the citation for that
29 offense; and

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

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

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

15 (f) A municipality shall adopt a citation form which complies with
16 the requirements of this section and is at least equivalent to that
17 adopted by the commissioner under sec. 41 of this chapter.

18 * Sec. 7. AS 28.10.010 - 28.10.660 are repealed and re-enacted to read:

19 CHAPTER 10. VEHICLE REGISTRATION AND TITLE.

20 ARTICLE 1. REGISTRATION.

21 Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle
22 in the state shall be registered under this chapter except when the
23 vehicle is

24 (1) driven or moved on a highway only for the purpose of
25 crossing the highway from one private property to another, including an
26 implement of husbandry as defined by regulation;

27 (2) driven or moved on a highway under a dealer's plate or
28 temporary permit as provided for in secs. 31 and 181(k) of this chapter;

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

- 1 (4) owned by the United States;
- 2 (5) moved by human or animal power;
- 3 (6) exempt under the Soldier's and Sailor's Civil Relief Act
4 (50 U.S.C.A. Appr. 501 et seq.);
- 5 (7) driven or parked only on private property;
- 6 (8) the vehicle of a nonresident as provided under sec. 121
7 of this chapter;
- 8 (9) a commercial interstate vehicle under sec. 141 of this
9 chapter; or
- 10 (10) transported under a special permit under sec. 151 of this
11 chapter.

12 Sec. 28.10.021. APPLICATION FOR REGISTRATION. The owner of a
13 vehicle subject to registration shall apply for registration under this
14 chapter by properly completing the form prescribed by the commissioner
15 under AS 28.05.041. Before the issuance of a certificate of registra-
16 tion by the department, the owner shall pay all registration fees and
17 taxes required under this chapter and Alaska motor freight carrier and
18 bus transportation fees required under AS 42, and comply with any other
19 applicable statutes and regulations.

20 Sec. 28.10.031. TEMPORARY PERMITS. (a) When application, accom-
21 panied by the proper fee and tax, has been made for the registration of
22 a vehicle, the vehicle may be driven pending the issuance of a certifi-
23 cate of registration by displaying a temporary permit issued by the
24 department.

25 (b) A licensed vehicle dealer may issue to the purchaser of a
26 vehicle sold by the dealer a temporary permit to drive the vehicle. A
27 permit is effective for a period not to exceed 30 days. The commis-
28 sioner shall adopt regulations governing the issuance of permits under
29 this section.

1 (c) No person may operate a vehicle under an expired permit issued
2 under this section.

3 Sec. 28.10.041. GROUNDS FOR REFUSING REGISTRATION. (a) The de-
4 partment may 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 certi-
9 ficate 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 authorized by this section.

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 28.05.131 - 28.05.141.

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle, the
28 certificate of registration or registration plates for a vehicle, or a
29 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 28.05.091;

7 (3) a registered vehicle has been scrapped, dismantled or de-
8 stroyed beyond repair;

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

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

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

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

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

21 Sec. 28.10.061. REGISTRATION OF VEHICLES WITH ALTERED OR MISSING
22 IDENTIFICATION NUMBER. When the vehicle identification number required
23 to be registered under this chapter has been altered, removed or de-
24 faced, or is not on the vehicle, the owner shall, immediately upon
25 discovery, apply to the department for replacement of the identification
26 number and for a new registration. The department shall search all
27 available sources to determine the identification number originally
28 assigned and, if the number is determined, shall replace it. If efforts
29 to determine the original identification number fail, the owner shall

1 furnish information to show that he is entitled to ownership of the
2 vehicle and have it inspected by the department. The department, when
3 satisfied as to the ownership of the vehicle, shall assign an identi-
4 fication number to the vehicle and have the number placed upon the
5 vehicle to which it is assigned. The vehicle shall then be registered
6 under the replaced or assigned identification number.

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

17 (b) Records under this section shall be maintained

18 (1) by a distinctive registration number assigned to the
19 vehicle;

20 (2) by the vehicle identification number, including but not
21 limited to a record of identification numbers replaced or assigned under
22 sec. 61 of this chapter;

23 (3) by the name and residence and mailing address of the
24 owner; and

25 (4) as otherwise required by the department.

26 (c) The department shall keep a record of the registrations of
27 vehicles used in law enforcement work when secrecy is necessary. This
28 record is separate from the vehicle register required by this section
29 and may be disclosed only to and upon the request of the chief peace

1 officer of a municipality, a state trooper district commander, the chief
2 federal law enforcement officer assigned to the state, or to a court
3 upon an appropriate order.

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

10 Sec. 28.10.081. ISSUANCE OF CERTIFICATE OF REGISTRATION; CERTIFI-
11 CATE TO BE SIGNED, CARRIED AND DISPLAYED. (a) The department shall
12 mail or deliver the certificate of registration to the owner. The
13 certificate of registration shall contain the assigned registration
14 number, the name, the residence and mailing addresses of the owner, the
15 vehicle identification number, the fees paid and as much of the vehicle
16 description appearing on the title as the commissioner considers neces-
17 sary.

18 (b) Every certificate of registration shall, except when used to
19 apply for renewal of registration or to transfer the registration, be
20 carried in the vehicle to which it refers. The driver of a vehicle
21 shall display the original certificate of registration or a legible
22 photocopy if the original is on file at the address shown on the cer-
23 tificate of registration to a peace officer or an officer or employee of
24 the department acting in an official capacity upon the request of that
25 officer or employee.

26 Sec. 28.10.091. LOST OR MUTILATED CERTIFICATES OF REGISTRATION OR
27 REGISTRATION PLATES. If a certificate of registration or a registration
28 plate is lost, stolen, mutilated or becomes illegible, the owner or
29 legal representative or successor in interest of the owner of the ve-

1 hicle for which the certificate or plate was issued as shown by the
2 records of the department shall, immediately upon discovering that fact,
3 apply for a duplicate or substitute certificate of registration or
4 registration plate and shall return to the department all parts of the
5 original certificate of registration or registration plates which are in
6 his possession.

7 Sec. 28.10.101. EXPIRATION OF REGISTRATION. After the effective
8 date of this Act vehicles required to be registered under this chapter
9 shall be registered as follows:

10 (1) Until December 31, 1978, every vehicle registered and
11 every registration plate issued under this chapter expires at midnight
12 on December 31 of each year. The owner of a registered vehicle may
13 drive the vehicle under the registration for the preceding year until
14 May 31 of the year for which the registration is required.

15 (2) After December 31, 1978, expiration and renewal shall be
16 as specified in the staggered vehicle registration procedures under
17 secs. 105 and 107 of this chapter.

18 Sec. 28.10.105. STAGGERED REGISTRATION. (a) Effective January 1,
19 1979, every vehicle registration, registration card and registration
20 plate expires and must be renewed in accordance with the registration
21 renewal schedule set out in this section.

22 (b) Effective January 1, 1979, every new or used vehicle subject
23 to registration but not currently registered must be registered in ac-
24 cordance with the registration renewal schedule set out in this section.

25 (c) Every vehicle registered before January 1, 1979 shall, no
26 later than May 31, 1979, have its registration renewed by application
27 for and payment of the registration fees prescribed in this chapter and,
28 if applicable, the Alaska Transportation Commission fees as prescribed
29 in AS 42.

1 (d) Vehicles initially assigned to the first through seventh
2 registration periods must be registered and validated through the last
3 day of their respective anniversary periods in 1980.

4 (e) Vehicles initially assigned to the eighth through tenth regis-
5 tration periods must be registered through the last day of their respec-
6 tive registration renewal periods in 1979, at which time the vehicles
7 must be registered for a full 12-month period through the last day of
8 their respective registration renewal periods in 1980.

9 (f) Every vehicle registered under this section and sec. 107 of
10 this chapter may, at the option of the owner, have its registration
11 period extended in monthly increments by payment of the proportionate
12 prorated applicable fees to allow annual registration to occur in any
13 month of the owner's choice.

14 (g) The department shall issue to the registered owner, upon
15 receipt of the proper application and fees, registration plates, tabs
16 and registration form displaying the month and year in which the regis-
17 tration expires.

18 (h) The department shall prorate fees in monthly increments to
19 allow for registration of vehicles in more or less than one-year periods
20 when required by any provision of this section.

21 (i) The department may adopt regulations implementing staggered
22 vehicle registration only as authorized under the provisions of this
23 section and in accordance with the Administrative Procedure Act (AS
24 44.62), specifically subject to the legislative annulment procedures as
25 provided in AS 44.62.320 and including notice as provided in AS 44.62.-
26 190 and AS 44.62.200 and an opportunity for public comment as provided
27 in AS 44.62.210.

28 Sec. 28.10.107. STAGGERED REGISTRATION IMPLEMENTATION. (a) Every
29 vehicle subject to registration under secs. 11 and 421(b)(3) and (4) and

1 (c)(1) - (4) of this chapter shall have its initial registration, and
2 may have its annual registration, renewed during the month of December,
3 subject to the provisions of sec. 105(f) of this chapter.

4 (b) Every vehicle subject to registration under secs. 181, 411 and
5 421(d)(3), (6) and (9) of this chapter shall have its initial registra-
6 tion, and may have its annual registration, renewed during the month of
7 January, subject to the provisions of sec. 105(f) of this chapter.

8 (c) Every vehicle subject to registration except those covered by
9 (a) or (b) of this section shall have its initial registration, and may
10 have its annual registration renewal period related to one of the 10
11 renewal periods. These vehicles will be initially assigned staggered
12 registration periods in the following manner, subject to the provisions
13 of sec. 105(f) of this chapter:

14 (1) vehicles registered in Alaska before January 1, 1979
15 shall be assigned to a registration renewal period related to the last
16 digit of the license assigned to the vehicle and shown upon its current
17 registration card;

18 (2) vehicles not registered in Alaska as of January 1, 1979
19 shall be assigned to a registration renewal period related to the month
20 in which the vehicle was first registered in Alaska;

21 (3) vehicles shall retain the same annual expiration date
22 regardless of the ownership of the vehicle;

23 (4) the date to which a vehicle is initially stagger-
24 registered will determine its registration renewal period as follows:

Registration between	Anniversary Period
January 1 and January 31	1st
February 1 and February 28/29	1st
March 1 and March 31	2nd
April 1 and April 30	3rd

1	May 1 and May 31	4th
2	June 1 and June 30	5th
3	July 1 and July 31	6th
4	August 1 and August 31	7th
5	September 1 and September 30	8th
6	October 1 and October 31	9th
7	November 1 and November 30	10th
8	December 1 and December 31	10th

9 (d) The registration of a vehicle expires on the last day of the
10 month to which the vehicle is assigned.

11 (e) The department shall send by United States mail, to the regis-
12 tered owner of record at his recorded mailing address as shown in the
13 records of the department, notification of registration expiration.

14 (f) Owners of vehicles subject to registration who have received
15 notification under (e) of this section may renew registration of the
16 vehicle by returning by United States mail to the department the notifi-
17 cation form and appropriate fees. Registration in this manner shall be
18 post marked no later than the fifth day of the registration renewal
19 period shown upon the vehicle's current registration or notification
20 form.

21 (g) The department, upon receipt of a registration renewal appli-
22 cation and appropriate fees and taxes, which have been timely mailed in
23 accordance with (f) of this section, shall renew the registration and
24 send to the owner, at his last recorded mailing address as shown upon
25 the department's records, current registration card and registration
26 plates or tabs.

27 (h) If a vehicle is held for sale by a dealer, the requirement of
28 registration and payment of fees and taxes does not apply until the
29 vehicle is sold to a party other than another dealer.

1 (1) The purchaser of a vehicle for which registration and taxes
2 have been held in abeyance shall register the vehicle within five work-
3 ing days of purchase and shall pay the prorated fees and taxes required
4 by the department.

5 (j) The exemption from paying of fees and taxes as set out in (h)
6 of this section applies to dealers only if

7 (1) the dealer is registered with the state; and

8 (2) the vehicle for which the exemption is sought can be
9 shown to be part of the dealer's inventory at the time of exemption.

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

14 (b) The department may receive an application for the renewal of
15 vehicle registration and issue a new certificate of registration at any
16 time before the expiration of the annual registration as prescribed in
17 regulations adopted by the commissioner. Nothing in this section pre-
18 vents the commissioner from providing for multi-year registration;
19 however, no person may display the new registration plates on a vehicle
20 before a date which may be set by the commissioner.

21 Sec. 28.10.121. VEHICLES OF NONRESIDENTS. (a) A nonresident
22 owner of a noncommercial vehicle registered outside the state is exempt
23 from the registration provisions of this chapter for 90 days after entry
24 into the state if the vehicle at all times when driven in this state is
25 registered in and has displayed upon it a currently valid registration
26 plate issued for it by another jurisdiction. However, if the person
27 becomes gainfully employed in the state or takes action which indicates
28 his intention to acquire residence in the state, he shall comply with
29 the licensing and registration provisions of this chapter within 15 days

1 of commencement of his employment or of his taking action which indi-
2 cates his intention to acquire residence. If the vehicle is a commer-
3 cial vehicle, the vehicle must be registered when its commercial use
4 begins in accordance with sec. 141 and other applicable provisions of
5 this chapter.

6 (b) A vehicle owned by a nonresident and of a type subject to
7 registration under this chapter, which is leased or rented to a person
8 having an established place of business, a residence or employment in
9 this state, is subject to registration under this chapter either by the
10 owner or lessee.

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

19 Sec. 28.10.131. VEHICLES PREVIOUSLY REGISTERED IN OTHER JURIS-
20 DICTIONS. (a) If a vehicle to be registered under this chapter is
21 previously registered outside the state, the jurisdiction of registry
22 shall be stated in the application, and the owner shall surrender to the
23 department all evidence of out-of-state registration in his possession
24 or control except as provided in sec. 141 of this chapter, and the de-
25 partment may require verification of the vehicle identification number.

26 (b) If the owner is unable to provide the necessary evidence of
27 ownership, the department, when satisfied that the applicant is the
28 lawfully registered owner of the vehicle, may register the vehicle with-
29 out issuing a title and shall type or stamp on the face of the State of

1 Alaska certificate of registration "No Title Issued". The issuance of
2 the Alaska certificate of title shall be withheld until the registered
3 or legal owner provides for the surrender of the out-of-state title, or
4 in the case of a nontitle state, documents which satisfy the department
5 of ownership and any liens on the vehicle, or until the posting of a
6 vehicle surety bond equal to the market value of the vehicle which bond
7 shall be maintained for two years.

8 Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course
9 of regular interstate operation in this state of a vehicle registered in
10 another jurisdiction, and it is desirable to retain the registration and
11 title of the vehicle in the other jurisdiction, the owner or his agent
12 shall register the vehicle and pay all required fees and taxes and
13 submit for inspection the certificate of registration issued by that
14 jurisdiction. The department, when satisfied that the applicant is
15 entitled to the exemption from the title requirements of this chapter,
16 shall register the vehicle but may not issue a certificate of title.
17 Notice of the fact that the vehicle is registered in another jurisdic-
18 tion shall appear on the certificate of registration issued by this
19 state and in the records of the department maintained under sec. 71 of
20 this chapter.

21 Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS. When
22 moved or driven under a special permit to be designed and issued by the
23 department, the registration required by this chapter is not required of

24 (1) a vehicle under construction and which is not completed;
25 (2) a vehicle while being moved from one place to another for
26 the purpose of inspection, weighing, or meeting other requirements of
27 the department; or

28 (3) a vehicle while being moved or driven from one location
29 to another for the purpose of rebuilding, dismantling, or permanently

1 removing the vehicle from the highways and vehicular ways and areas of
2 the state.

3 Sec. 28.10.161. REGISTRATION PLATES TO BE FURNISHED BY DEPARTMENT.

4 (a) Except as provided in sec. 181(i) of this chapter, the department,
5 upon registering a vehicle, shall issue the owner one fully reflec-
6 torized registration plate for a trailer or a motorcycle and two fully
7 reflectorized registration plates for every other vehicle. Except as
8 specifically provided in sec. 181 of this chapter, the plate or plates
9 shall remain with the vehicle as long as the vehicle is subject to
10 registration under this chapter.

11 (b) After January 1, 1979, every passenger vehicle registration
12 plate, except as specifically provided in sec. 181 of this chapter,
13 shall have displayed upon it

- 14 (1) the Alaska flag;
- 15 (2) the traditional colors of yellow-gold and blue;
- 16 (3) the slogan "The Last Frontier";
- 17 (4) the registration number assigned to the vehicle for which
18 it is issued;
- 19 (5) the name of this state which may be abbreviated; and
- 20 (6) the registration year number or expiration date for which
21 time it is validated; the registration year number or expiration date
22 may be part of the license plate or contained on a suitable sticker or
23 tab device issued by the department.

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

27 Sec. 28.10.171. DISPLAY OF REGISTRATION PLATES. (a) When two
28 registration plates are issued for a vehicle, they shall be attached to
29 the vehicle for which issued, one in front and the other in the rear.

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

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

10 Sec. 28.10.181. REGISTRATION OF UNIQUE AND SPECIAL VEHICLES AND
11 VEHICLES USED FOR SPECIAL PURPOSES. (a) The department shall register
12 unique and special vehicles and vehicles used for special purposes and
13 issue registration plates as provided in this section. Notwithstanding
14 other provisions of this chapter, registration plates issued under this
15 section remain with the person or organization to whom they are issued
16 when vehicle ownership is transferred or title or interest in the ve-
17 hicle is assigned, except for plates issued under (b), (h) and (i) of
18 this section. Registration plates issued under this section may not be
19 used on, or transferred to, a vehicle other than the vehicle for which
20 the plates are issued without the approval of the department and payment
21 of any required fees and taxes prescribed in secs. 421(d), 431 and 441
22 of this chapter; however, if the plates issued under (c), (f) and (j) of
23 this section are transferred to a vehicle for which the registration fee
24 is more than the fee for the vehicle from which the plates are trans-
25 ferred, the owner shall pay the difference between the two fees. Re-
26 gistration plates issued under this section to which a person is no
27 longer entitled or the transfer of the plates to another vehicle which
28 the department does not approve shall be returned immediately to the
29 department by the person or organization to whom the plates were ori-

1 ginally issued.

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

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

21 (d) Vehicles owned by disabled veterans and handicapped persons.
22 A person who presents to the department written proof that he is at
23 least 70 per cent disabled or medically handicapped and should be given
24 special consideration by the public with respect to the parking or
25 standing of his vehicle in designated spaces, may register one passenger
26 vehicle without charge. The proof required under this subsection may
27 consist of evidence that the person receives at least 70 per cent dis-
28 ability compensation from a government agency at the time of registra-
29 tion or an affidavit signed by a physician licensed to practice medicine

1 in this state. Upon the request of the applicant the department shall
2 issue a specially designed registration plate which displays

3 (1) recognition of the disabled veteran if the applicant's
4 disability originated from his service with the armed forces of the
5 United States; or

6 (2) the standard handicap symbol (the wheelchair logo).

7 (e) Vehicles owned by the state, municipalities, and charitable
8 organizations of the state. Every certificate of registration and
9 registration plate issued to the state, a municipality or charitable
10 organization of the state is in effect until the vehicle for which the
11 registration certificate and plate were issued is no longer owned and
12 operated by the state, the municipality or the charitable organization
13 of the state or until the department, in its discretion, declares its
14 expiration. The state, municipality or charitable organization of the
15 state shall maintain a current listing of all vehicles registered to it
16 in the order of the registration number assigned to each vehicle, and
17 shall provide a copy of the listing to the department upon its request.
18 The listing shall include a description of each vehicle and other iden-
19 tifying information required by the department. Registration plates
20 issued under this subsection shall be of a distinctive design and num-
21 bering system. For the purposes of this subsection, "charitable organi-
22 zation" means a nonprofit association, corporation, society or other
23 entity organized, incorporated or headquartered in the state for edu-
24 cational, cultural, scientific or other charitable purposes, as pre-
25 scribed in regulations of the department.

26 (f) Vehicles owned by elected state officials. The department
27 shall issue special registration plates to each incumbent elected state
28 official for display on noncommercial motor vehicles owned and driven by
29 the official. The department shall number or design the plates so that

1 registration by an elected state official is indicated upon the plates.
2 The registration plates issued under this subsection remain with the
3 owner of the vehicle only during his term of office.

4 (g) Vehicles owned by consular officers of foreign governments. A
5 vehicle owned by a consular officer of a foreign government shall be
6 issued registration plates displaying the title "consular corps" or
7 "cc". However, the commissioner may waive the registration of consular
8 vehicles and the payment of fees and taxes when consistent with inter-
9 national treaties or agreements.

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

19 (i) Snowmobiles and off-highway vehicles. Unless driven solely on
20 private property, snowmobiles and off-highway vehicles shall be regis-
21 tered annually and the department shall issue a certificate of regis-
22 tration and two numbered, colored decals containing the registration
23 number of the vehicle. The decals shall be displayed and maintained on
24 each side of the vehicle so as to be clear and visible from the sides of
25 the vehicle.

26 (j) Amateur mobile radio station vehicles. A validly licensed
27 amateur radio operator who presents satisfactory proof that the owner
28 holds an unexpired Federal Communications Commission amateur radio
29 operator's license of any renewable class, and who presents satisfactory

1 proof that the vehicle contains or carries an amateur radio transmitter
2 and receiving unit of a type applicable to the license class applied
3 for, and who is permitted by law to operate a fixed station, may regis-
4 ter one amateur mobile radio station vehicle for each radio license
5 issued by the federal government and may receive for the vehicle dis-
6 tinctive registration plates instead of regular registration plates.
7 The number on the plates shall be the radio call sign of the owner.

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

21 ARTICLE 2. TITLE.

22 Sec. 28.10.201. TITLE REQUIRED; EXCEPTIONS. (a) Except as other-
23 wise provided in (b) of this section or in secs. 131 - 141 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 as
27 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 141 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. 28.10.211. APPLICATION FOR TITLE. (a) The owner of a ve-
26 hicle required to be titled under this chapter shall apply for title by
27 properly completing and surrendering the forms prescribed by the com-
28 missioner and by complying with all applicable laws and regulations,
29 after which the department shall issue a certificate of title.

1 (b) An application for title or transfer of title shall contain
2 (1) the signature in ink of the owner, or if there is more
3 than one owner, the signature in ink of at least one of the owners and
4 the name of each owner stated in the conjunctive or in the disjunctive;
5 and

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

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

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

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

22 Sec. 28.10.221. REFUSAL, SUSPENSION, AND REVOCATION OF TITLE. (a)
23 The department may refuse to issue a certificate of title and may sus-
24 pend or revoke a previously issued certificate of title when

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

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

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

9 (c) A certificate of title which is suspended or revoked shall be
10 returned immediately to the department by the owner or other person
11 lawfully entitled to possession of the certificate of title.

12 Sec. 28.10.231. CERTIFICATE OF TITLE CONTENTS. (a) A certificate
13 of title issued by the department shall contain

14 (1) the date issued;

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

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

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

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

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

25 (c) The department may not indicate on a certificate of title more
26 than the primary lienholder and the primary registered owner when in-
27 dicating lienholders and registered owners.

28 Sec. 28.10.241. DELIVERY AND EFFECT OF CERTIFICATE OF TITLE. (a)
29 The department shall deliver the certificate of title to the primary

1 lienholder named in the certificate. Otherwise, delivery shall be to
2 the registered owner.

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

6 Sec. 28.10.251. LOST, STOLEN OR MUTILATED CERTIFICATE OF TITLE.

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

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

18 Sec. 28.10.261. EVIDENCE. (a) In a civil or criminal proceeding,
19 when the title or right to possession of a vehicle is involved, the
20 record of registrations and certificates of title as they appear in the
21 files and records of the department are prima facie evidence of the
22 ownership or right to possession. Proof of ownership or right to pos-
23 session of a vehicle shall be made by a copy of the record certified by
24 the department or by an original certificate of registration or title
25 issued by the department.

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

28 ARTICLE 3. TRANSFER OF VEHICLE.

29 Sec. 28.10.271. TRANSFER OF VEHICLE BY OWNER. (a) When the owner

1 of a registered vehicle transfers or assigns his title or interest in
2 the vehicle, the registration of the vehicle expires; however, the
3 registration plates remain on the vehicle except as otherwise provided
4 in sec. 181 of this chapter.

5 (b) The owner shall, at the time of delivery of the vehicle,
6 endorse an assignment and warranty of title to the transferee in the
7 space provided on the certificate of title. The owner shall deliver the
8 certificates of title and registration to the transferee at the time of
9 delivery of the vehicle, except as otherwise provided in sec. 291 of
10 this chapter.

11 (c) The owner shall notify the department of the transfer or
12 assignment of his title or interest in the vehicle within 10 days fol-
13 lowing transfer or assignment. This notification shall constitute a
14 valid transfer under secs. 321 and 361 of this chapter. The notice form
15 to be provided by the department shall include the following informa-
16 tion:

- 17 (1) name and address of owner;
- 18 (2) name and address of transferee;
- 19 (3) date of transfer or assignment; and
- 20 (4) description and license number of vehicle.

21 Sec. 28.10.281. TRANSFER TO DEALER. (a) When the owner of a
22 registered vehicle transfers or assigns his title or interest to a
23 vehicle dealer under sec. 271 of this chapter, the dealer is not re-
24 quired to present the certificates of registration and title to the
25 department as provided in secs. 321 and 361 of this chapter until the
26 vehicle is transferred by the dealer.

27 (b) A vehicle transferred to a dealer may not be driven unless it
28 is re-registered under this chapter or is driven under dealer regis-
29 tration plates issued under sec. 181(k) of this chapter.

1 Sec. 28.10.291. TRANSFER FROM DEALER. (a) A vehicle dealer, upon
2 transferring a vehicle, shall execute an assignment and a warranty of
3 title to the transferee as provided in sec. 271 of this chapter and
4 furnish proof of the sale of the vehicle to the transferee.

5 (b) The dealer shall, within 30 days of the transfer of the ve-
6 hicle, forward to the department the transferee's completed application
7 for new certificates of title and registration except as provided in (c)
8 of this section. The application shall contain the vehicle dealer's
9 license number and shall be accompanied by any required fees and taxes.

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

15 Sec. 28.10.301. TRANSFER OF MOTOR VEHICLE TO MINOR. (a) An
16 agreement for the purchase of a motor vehicle by a minor who has not
17 been emancipated is void unless a parent or guardian of the minor is
18 also a party to the agreement.

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

24 (c) If a vehicle is improperly transferred to a minor, the title
25 to and registration of the vehicle remains with the owner and does not
26 transfer to the minor or his parent or guardian. However, if the certi-
27 ficate of title and registration for the vehicle has been delivered to
28 the minor or his parent or guardian, he shall immediately deliver the
29 certificate of title and registration to the department. The department

1 shall reissue title to the previous owner of record.

2 Sec. 28.10.311. TRANSFER BY OPERATION OF LAW. (a) When the title
3 to, or interest in, a registered vehicle passes to another person other
4 than by a voluntary transfer, the registration of that vehicle expires.

5 (b) A person holding a certificate of title to a vehicle whose
6 interest in the vehicle has been extinguished or transferred other than
7 by voluntary transfer shall mail or deliver the certificates of title
8 and registration to the department upon request of the department. The
9 delivery of the certificates of title and registration to the department
10 upon its request does not affect the rights of the person surrendering
11 the certificate of title, and the action of the department in issuing a
12 new certificate of title or registration as provided in this chapter is
13 not conclusive upon the rights of an owner or lienholder named in the
14 surrendered certificate of title.

15 Sec. 28.10.321. NEW OWNER TO SECURE TRANSFER OF REGISTRATION AND
16 NEW TITLE. (a) Except as provided under secs. 281 - 291 of this chap-
17 ter, the new owner shall, within 30 days, present the certificates of
18 title and registration properly endorsed to the department, apply for a
19 new title, and register the vehicle as upon an original registration.

20 (b) An application for certificates of title and registration
21 shall be accompanied by any required registration fees and taxes, trans-
22 fer of title and lien fees, and motor freight carrier or bus transpor-
23 tation fees, if any, and by the previous certificates of title and
24 registration, if any.

25 Sec. 28.10.331. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE AND
26 REGISTRATION. The department, upon receipt of the certificate of title
27 properly endorsed, the certificate of registration, the registration
28 plates, if any, the application for new title and registration and all
29 required fees and taxes, shall issue a certificate of title and a cer-

1 tificate of registration to the transferee or the lienholder lawfully
2 entitled to the certificates.

3 Sec. 28.10.341. DUTY OF LIENHOLDER IN POSSESSION OF TITLE TO
4 TRANSFERRED VEHICLE. Upon request of an owner or transferee, a lien-
5 holder in possession of the certificate of title to a transferred ve-
6 hicle shall, unless the transfer is in breach of a security agreement,
7 deliver the certificate to the transferee. The delivery of the certi-
8 ficate of title does not affect the rights of the lienholder under his
9 security agreement.

10 Sec. 28.10.351. DISMANTLING OR WRECKING VEHICLE. A person who
11 dismantles, scraps or destroys a registered vehicle shall immediately
12 forward to the department the certificates of title and registration and
13 the registration plates for the vehicle.

14 Sec. 28.10.361. WHEN TRANSFER EFFECTIVE. A transfer by an owner
15 or dealer is not effective until all applicable provisions of this
16 chapter have been complied with. However, an owner or dealer who has
17 delivered possession of a vehicle to the transferee and has endorsed an
18 assignment and warranty of title on the certificate of title and de-
19 livered the certificates of title and registration to the transferee or,
20 in the case of a transfer from a dealer, delivered proof of the sale to
21 the transferee, is not liable as the owner for any liabilities resulting
22 from the driving or movement of the vehicle after the transfer.

23 ARTICLE 4. FILING DOCUMENTS EVIDENCING
24 LIENS OR ENCUMBRANCES.

25 Sec. 28.10.371. FILING DOCUMENTS EVIDENCING LIENS OR ENCUMBRANCES.
26 A conditional sales contract, chattel mortgage, or other lien or encum-
27 brance or title retention document on a registered vehicle, other than a
28 lien dependent upon possession, is not valid against a vehicle owner's
29 creditor who acquires a lien dependent upon possession, or by levy or

1 attachment, or against a subsequent purchaser or encumbrancer without
2 notice, until the requirements of secs. 371 - 401 of this chapter are
3 satisfied.

4 Sec. 28.10.381. PROVISIONS FOR FILING AND ISSUANCE OF TITLE. (a)
5 A copy of the document creating and evidencing a lien or encumbrance
6 shall be filed with the department.

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

11 (c) If the vehicle is of a type subject to registration but is not
12 registered and no certificate of title is issued for it, then the certi-
13 fied copy of the document creating and evidencing the lien or encum-
14 brance shall be accompanied by an application from the owner for origi-
15 nal certificates of registration and title. When a document creating
16 and evidencing a lien or encumbrance is filed with the department, the
17 lien filing fee required under sec. 441 of this chapter shall be paid.

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

26 Sec. 28.10.391. FILING AND DATE OF NOTICE. (a) The filing of the
27 application and documents under sec. 381 of this chapter and the issu-
28 ance of a new certificate of title are constructive notice of any liens
29 or encumbrances against the vehicle described in the certificate to a

1 creditor of the owner, or to a subsequent purchaser or encumbrancer.
2 However, a lien or encumbrance on a vehicle for labor, material, trans-
3 portation, storage or similar activity, whether or not dependent on
4 possession for its validity, is subordinate only to a mortgage, condi-
5 tional sale contract, or similar lien or encumbrance properly filed on
6 or before the time that the vehicle is subject to, or comes into pos-
7 session of, the lien or encumbrance claimant for the labor, material,
8 transportation, storage or similar activity.

9 (b) If the documents referred to in secs. 371 - 401 of this chap-
10 ter are received and filed in the central office of the department
11 within 10 days after the date that the documents were executed, the
12 constructive notice dates from the time of the execution of the docu-
13 ments. Otherwise, constructive notice dates from the time of receipt
14 and filing of the documents by the department as shown in its endorse-
15 ment on the documents.

16 (c) Filing as provided in secs. 371 - 401 of this chapter is the
17 exclusive method of giving constructive notice of a lien or encumbrance
18 on a registered vehicle, except as to a lien dependent upon possession.

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

24 Sec. 28.10.401. ASSIGNMENT OR RELEASE BY LIENHOLDER. (a) A
25 person holding a lien or encumbrance upon a vehicle, other than a lien
26 dependent solely upon possession, may assign his title to or interest in
27 the vehicle to a person other than the owner without the consent of the
28 owner and without affecting the interest of the owner or the regis-
29 tration of the vehicle. The person assigning his interest shall give

1 written notice of the assignment to the owner. Upon receiving a certi-
2 ficate of title assigned by the holder of a lien or encumbrance shown on
3 the certificate and the name and address of the assignee, accompanied by
4 the title fee required under sec. 441 of this chapter, the department
5 shall issue a new certificate of title.

6 (b) A person holding a lien or encumbrance upon a vehicle, as
7 shown on a certificate of title, may release the lien or encumbrance or
8 assign his interest to the owner of the vehicle without affecting the
9 registration of the vehicle. Upon receiving a certificate of title upon
10 which a lienholder has released or assigned his interest to the owner,
11 or upon receipt of a certificate not endorsed but accompanied by a legal
12 release from a lienholder of his interest to a vehicle, and upon payment
13 of the title fee required under sec. 441 of this chapter, the department
14 shall issue a new certificate of title.

15 ARTICLE 5. FEES AND CHARGES.

16 Sec. 28.10.411. REGISTRATION FEES LEVIED. (a) For every year
17 during any part of which a vehicle is subject to registration under this
18 chapter, a registration fee shall be paid to the department at the time
19 of original registration and at each annual renewal of registration
20 after that time.

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

25 (c) A resident 65 years of age or older is entitled to an exemp-
26 tion from tax under this section for one motor vehicle subject to regis-
27 tration. No exemption may be granted except upon written application
28 for the exemption on a form prescribed by the department.

29 (d) The Department of Community and Regional Affairs shall pay to

1 the borough and to the city in which a person who is granted an exemp-
2 tion under (c) of this section resides an amount equal to the tax levied
3 under sec. 431(b) of this chapter regardless of whether the borough or
4 city is eligible for the tax levied under that section.

5 (e) Notwithstanding any other provision of law, the fees paid for
6 registering a vehicle under sec. 421(b)(1), (2), (5), (6) or (d) of this
7 chapter shall include all fees required for entry into and use of a
8 state park or campground.

9 Sec. 28.10.421. REGISTRATION FEE RATES. (a) Unless otherwise
10 provided by law, the fees prescribed in this section shall be paid to
11 the department at the times provided under secs. 101 -111 of this chap-
12 ter.

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

15 (1) a passenger vehicle or motor home not used or maintained
16 for the transportation of persons or property for hire or for other
17 commercial use.....\$30;

18 (2) a pick-up truck or a van not exceeding 6,000 pounds
19 unladen weight and not used or maintained for the transpor-
20 tation of persons or property for hire or for other com-
21 mercial use.....\$35;

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

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

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

27 (6) a two- or four-wheeled trailer not used or main-
28 tained for the transportation of persons or property for hire or
29 for other commercial use, including, but not limited to, a boat

1 trailer, baggage trailer, box trailer, utility trailer or house
2 trailer.....\$ 5.

3 (c) The annual registration fees under this subsection are imposed
4 and are based upon the actual unladen weight as established by the manu-
5 facturer's advertised weight or upon the actual weight which the owner
6 shall furnish, subject to the approval of the commissioner or his repre-
7 sentative, for a vehicle, including a motor vehicle pulling a trailer or
8 semi-trailer, used or maintained for the transportation of passengers
9 for hire, excepting taxicabs and buses under (b) of this section, or for
10 the transportation of property for hire or for other commercial use,
11 including a commercial vehicle such as a trailer, semi-trailer, truck,
12 wrecker, tow car, hearse, ambulance, and tractor, as follows:

- 13 (1) up to and including 5,000 pounds.....\$ 45;
14 (2) more than 5,000 pounds to and including 12,000
15 pounds.....\$ 80;
16 (3) more than 12,000 pounds to and including 18,000
17 pounds.....\$150;
18 (4) more than 18,000 pounds.....\$215.

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

- 21 (1) an historic vehicle (one time only upon initial
22 registration under sec. 181 of this chapter).....\$ 10;
23 (2) special request plates.....\$ 20;
24 plus the fee required for that vehicle under (b)(1) or (2) of
25 this section;
26 (3) a vehicle owned by a disabled veteran or other
27 handicapped person, and registered under sec. 181 of this
28 chapter or a resident 65 years of age or older who complies
29 with sec. 411(c) of this chapter.....none;

1 (4) a vehicle owned by the state, a municipality
2 or a charitable organization meeting the requirements of
3 sec. 181(e) of this chapter.....none;

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

6 (6) a vehicle owned by a consular officer, unless
7 waived under sec. 181 of this chapter.....\$ 30;

8 (7) a vehicle owned by a rancher, farmer, or dairy-
9 man and registered under sec. 181 of this chapter.....\$ 30;

10 (8) a snowmobile or off-highway vehicle.....\$ 5;

11 (9) an amateur mobile radio station vehicle,

12 (A) with a transceiver capable of less
13 than 5-band operation.....the fee
14 required for that vehicle under (b) or (c) of this section;

15 (B) in recognition of his service to the pub-
16 lic: a mobile amateur radio station owned by an amateur
17 with general class or higher license, provided the station
18 must be satisfactorily proved capable of operating on at
19 least five bands between 160 through 10 meters, must have
20 an antenna, and must have a power supply and wiring as a
21 permanent part of the vehicle; the transmitting unit may
22 be removed from the car for service or dry storage.....none
23 for a mobile amateur radio station vehicle included in b(1)
24 or (2) of this section;

25 (10) 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 (f) The annual license tax payable under this chapter shall be
6 doubled if the vehicle to be registered is not registered within the
7 time required for registration of vehicles from another state under sec.
8 121 of this chapter.

9 Sec. 28.10.431. ANNUAL MOTOR VEHICLE REGISTRATION TAX. (a) There
10 is levied a motor vehicle registration tax within each municipality
11 which elects, by passage of an appropriate ordinance, to come under this
12 section. A municipality shall file a written notice of election with
13 the department and may not rescind the notice for a subsequent fiscal
14 year. The notice must be filed on or before January 1 of the year
15 preceding the year election under this section is to become effective.
16 If a municipality has, before the effective date of this Act, levied a
17 motor vehicle registration or ad valorem tax which has been repealed by
18 a vote of the people at any regular or special municipal election, then
19 the election provided for in this subsection is not effective until the
20 ordinance passed by the local governing body has been approved by the
21 people at the next regularly scheduled general or special municipal
22 election.

23 (b) The tax is levied upon motor vehicles subject to the license
24 tax under secs. 411 and 421 of this chapter, not including mobile homes,
25 and is based upon the age of vehicles as determined by model year ac-
26 cording to the following schedule:

27 Tax According to Age of
28 Vehicle

29 Since Model Year:

	1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle								
(1) motorcycle	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 2
(2) vehicles specified in sec. 421(b)(1) of this chapter	60	50	40	30	20	15	10	5
(3) vehicles specified in sec. 421(b)(3) of this chapter	60	50	40	30	20	15	10	5
(4) vehicles specified in sec. 421(c)(1) - (4) of this chapter 5,000 pounds or less	60	50	40	30	20	15	10	5
5,001- 12,000 pounds	100	80	60	50	40	30	20	10
12,001-								

1	18,000								
2	pounds	150	120	100	80	60	40	30	20
3	18,001								
4	pounds								
5	or over	200	160	130	100	80	60	40	20
6	(5) vehicles								
7	specified								
8	in sec.								
9	421(b)(4)								
10	of this								
11	chapter	100	80	60	50	40	30	20	10
12	(6) vehicles								
13	specified								
14	in sec.								
15	421(b)(6)								
16	of this								
17	chapter	8	7	6	5	4	3	2	2
18	(7) vehicles								
19	specified								
20	in sec.								
21	421(d)(9)								
22	of this								
23	chapter	60	50	40	30	20	15	10	5
24	(8) vehicles								
25	specified								
26	in sec.								
27	421(b)(2)								
28	of this								
29	chapter	60	50	40	30	20	15	10	5

1 (9) vehicles
2 specified
3 in sec.
4 421(d)(10)
5 of this
6 chapter 40

7 (c) The registration tax shall be levied, collected, enforced and
8 otherwise administered in the same manner as provided for the registra-
9 tion fees in this chapter. Only one registration tax may be collected
10 with respect to the same motor vehicle in the year for which the tax is
11 paid.

12 (d) If a person has paid both the registration fee levied in secs.
13 411 and 421 of this chapter and the registration tax levied in this
14 section, and the department determines that the payor is entitled to a
15 refund in whole or in part of the registration tax, the department shall
16 make the refund to which the person is entitled. No refund may be made
17 unless application for a refund is filed with the department by
18 December 31 of the year following the year for which the refund is
19 claimed.

20 (e) The department shall refund money collected under this sec-
21 tion, less five per cent as collection costs, to a municipality for
22 which the money was collected, as determined by (1) the address of
23 residence of an individual required to pay the tax, or (2) the situs of
24 the vehicle if the vehicle is not owned by an individual; the tax situs
25 is the location at which the motor vehicle is usually, normally, or
26 regularly kept or used. For the first year in which the tax is levied
27 within a municipality, the department may retain actual costs of collec-
28 tion of the tax within the municipality as determined by the department.

29 (f) Money received by an organized borough under this section

1 shall be allocated by the borough by ordinance for city, area outside
2 city, and service area purposes within the borough.

3 (g) Payment of the registration tax is in lieu of all local use
4 taxes and ad valorem taxes on motor vehicles subject to the tax. No
5 municipality which elects to come under the provisions of this section
6 may levy use or ad valorem taxes on motor vehicles subject to the regis-
7 tration tax during a fiscal year in which the election is in effect.

8 Sec. 28.10.441. SCHEDULE OF OTHER FEES AND CHARGES. The following
9 fees and charges are imposed by the department for the stated services
10 which it provides:

- 11 (1) title fee (including transfer of title).....\$ 5;
12 (2) lien filing fee.....\$ 5;
13 (3) replacement of any registration plate set,
14 including special request plates.....\$ 5;
15 (4) duplicate of original certificate of title.....\$ 5;
16 (5) duplicate of certificate of registration.....\$ 2;
17 (6) temporary preregistration permit issued under
18 sec. 31 of this chapter.....none;
19 (7) special transport permit issued under sec. 151
20 of this chapter.....\$ 5;
21 (8) special permit for vehicle used for transport
22 of disabled or handicapped person as provided in AS 28.36.-
23 185.....none.

24 ARTICLE 6. REGISTRATION AND TITLE VIOLATIONS.

25 Sec. 28.10.451. 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. 28.10.461. 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. 28.10.471. 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. 28.10.481. 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. 28.10.491. 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. 28.10.501. DEFINITIONS. Unless otherwise specifically de-

1 fined or unless the context otherwise requires, in this chapter and in
2 regulations adopted under this chapter, "dealer" means a person engaged
3 in the business of buying, selling or exchanging vehicles of a type
4 required to be registered under this chapter and who maintains a place
5 of business or by word of mouth, advertising or in any other manner
6 holds himself out to be in the business of buying, selling or exchanging
7 vehicles;

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

9 (c) A person who abandons [ABANDONING] a vehicle in a place [AS]
10 specified in (a) or (b) of this section is considered responsible for
11 the abandonment of the [A] vehicle and is liable for the cost of its
12 removal and disposition [OF THE ABANDONED VEHICLE].

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

14 (d) Except as otherwise provided in (b) of this section, the [THE]
15 lawful owner of a [THE] vehicle, as shown by the records of the depart-
16 ment, whether or not he has complied with the provisions of AS 28.10.271
17 [AS 28.10.350], is considered responsible for the abandonment of the [A]
18 vehicle and is liable for the cost of removal and disposition of the
19 abandoned vehicle unless

20 (1) the vehicle was abandoned by a person driving [OPERATING]
21 the vehicle without the permission of the owner; or

22 (2) the identity of the person abandoning the vehicle is
23 established and the abandonment was without the consent of the [LAWFUL]
24 owner.

25 * Sec. 10. AS 28.11.020 is repealed and re-enacted to read:

26 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has
27 been left unattended, standing, parked upon or within 10 feet of the
28 traveled portion of a highway, in excess of 48 hours, or a vehicle left
29 standing or parked on private property in excess of 24 hours or upon

1 other public property for more than 30 days, without the consent of the
2 owner or person in charge of the property, notwithstanding other statu-
3 tory provisions, may be removed under sec. 30 of this chapter and
4 treated as an abandoned vehicle, unless the vehicle is reclaimed and
5 removed before action regarding removal is taken under sec. 30 of this
6 chapter. The department for good cause may make provisions for parking
7 of vehicles on state property other than specified in this section and
8 under the provisions of AS 44.62.

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

10 Sec. 28.11.030. REMOVAL OF ABANDONED VEHICLES. (a) A peace
11 [POLICE] officer or an employee authorized by the state or a munici-
12 pality may remove or have [CAUSE TO BE] removed to a place of [FOR] safe
13 storage a vehicle abandoned on a [PUBLIC STREET OR] highway, on a vehi-
14 cular way or area, or on private property.

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

19 (c) A written report of the removal shall be made by the peace
20 [POLICE] officer or employee who removes or has removed [CAUSES THE
21 REMOVAL OF] a vehicle under this section, and the report shall be sent
22 immediately to the department and a copy of the report shall be given to
23 the person who stores the property. The report shall describe the
24 vehicle, the date, time, and place of removal, the grounds for removal,
25 and the place of impoundment of the vehicle.

26 * Sec. 12. AS 28.11.040 is repealed and re-enacted to read:

27 Sec. 28.11.040. NOTICE TO OWNERS AND LIENHOLDERS. The person or
28 company who stores an abandoned vehicle at the direction of a peace
29 officer or an employee under sec. 30 of this chapter shall within 30

1 days give notice, in the manner prescribed for the giving of notice by
2 the department under AS 28.05.121, to the vehicle owner of record and to
3 lienholders of record, stating the grounds for removal and the location
4 of the place of impoundment of the vehicle. If the vehicle is not
5 registered in the state or the name and address of the registered or
6 legal owner or lienholder cannot be ascertained, notice shall be given
7 by publication in the manner prescribed in the rules of the court for
8 service of process by publication.

9 * Sec. 13. AS 28.11.050 is amended to read:

10 Sec. 28.11.050. VESTING OF TITLE. Title to an impounded vehicle
11 not reclaimed by the registered owner, a [THE] lienholder, or other
12 person entitled to possession of the vehicle within 30 days from the
13 notice given under [PROVIDED BY] sec. 40 of this chapter vests with the
14 state or, if a municipal [LOCAL] ordinance is adopted under sec. 100 of
15 this chapter, with the municipality [LOCAL GOVERNING BODY], as appro-
16 priate. However, nothing in this section prohibits a lien under sec. 90
17 of this chapter.

18 * Sec. 14. AS 28.11.060 is amended to read:

19 Sec. 28.11.060. REDEMPTION. A person who presents satisfactory
20 proof of ownership or right to possession may redeem a vehicle removed
21 under this chapter at any time before an auction [OR RELINQUISHMENT]
22 under sec. 70(a) of this chapter by paying the charges of towing,
23 storage, notice, other cost of impoundment, and any applicable penalty
24 [PENALTIES] imposed by law.

25 * Sec. 15. AS 28.11.070 is repealed and re-enacted to read:

26 Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satis-
27 faction of the notice and reporting requirements prescribed in this
28 chapter, a vehicle may be disposed of by public auction 20 days after
29 notice of the auction is published in a newspaper of general circulation

1 in the area or municipality in which the vehicle was found and presumed
2 abandoned. The notice of auction shall describe the vehicle and specify
3 the place, date, and time at which it will be sold. A copy of the
4 notice of auction shall be conveyed to the department.

5 (b) A vehicle disposed of under this section must be registered
6 and titled under ch. 10 of this title, and may not be subsequently sold
7 without a certificate of title issued by the department.

8 (c) Notwithstanding the provisions of this section, a person who
9 disposes of an abandoned vehicle under this section may initiate a civil
10 action against a person named in sec. 10 of this chapter, if liable, for
11 costs exceeding receipts for the disposal of the vehicle.

12 * Sec. 16. AS 28.11.080(a) is amended to read:

13 (a) The department may [SHALL, IF NECESSARY,] negotiate with an
14 appropriate state or municipal agency [AGENCIES] in an effort to desig-
15 nate and acquire [CENTRALLY LOCATED] land for [THE DISPOSAL OF ABANDONED
16 VEHICLES. THESE AREAS MAY BE USED FOR] the temporary storage [HOLDING]
17 of vehicles before sale under [AS PRESCRIBED IN] sec. 70 of this chap-
18 ter, or for the final disposal of unsold abandoned vehicles.

19 * Sec. 17. AS 28.11.090 is amended to read:

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

24 * Sec. 18. AS 28.11.100 is repealed and re-enacted to read:

25 Sec. 28.11.100. MUNICIPAL ABATEMENT PROCEDURE. A municipality may
26 adopt an ordinance establishing procedures for the abatement and removal
27 from private or public property, as a public nuisance or a health or
28 safety hazard, a wrecked, dismantled, or inoperative vehicle or a ve-
29 hicle otherwise presumed to be abandoned. An ordinance adopted under

1 this section shall contain provisions for (1) notice to owners and
2 lienholders of record and persons known to be lawfully entitled to
3 possession of the vehicles, of their right to a hearing which shall be
4 conducted by the municipality in the manner provided for the department
5 under AS 28.05.131 - 28.05.141; (2) notice to owners and lienholders as
6 provided in sec. 40 of this chapter; and (3) disposal of abandoned
7 vehicles as provided in sec. 70 of this chapter.

8 * Sec. 19. AS 28.15.010 - 28.15.360 are repealed and re-enacted to read:

9 CHAPTER 15. DRIVERS' LICENSES.

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

11 Sec. 28.15.011. DRIVERS MUST BE LICENSED. (a) No person shall be
12 denied the right to drive a motor vehicle upon a highway in this state,
13 except as prescribed by law.

14 (b) Every person exercising his right to drive, or exercising any
15 degree of physical control of a motor vehicle upon a highway, vehicular
16 way or area, or other public property in this state, is required to have
17 in his possession a valid Alaska driver's license issued under the
18 provisions of this chapter for the type or class of vehicle driven,
19 unless expressly exempted by law from this requirement.

20 (c) A person licensed under the provisions of this chapter may
21 exercise in this state the right to drive a motor vehicle and is subject
22 to the restrictions prescribed by this chapter. No municipality may
23 require a person to obtain any other driver's license to drive or oper-
24 ate a motor vehicle in this state.

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

27 (1) an employee of the United States government while opera-
28 ting a motor vehicle owned by or leased to the United States government
29 and being operated on official business, unless the employee is required

1 by the United States government or an agency of that government to have
2 a state driver's license;

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

7 (3) a member of the armed forces of the United States who has
8 a valid driver's license issued by another jurisdiction and who main-
9 tains his permanent residence in that jurisdiction; however, a member of
10 the armed forces who has only a valid driver's license issued by the
11 armed forces of the United States and who does not have a valid driver's
12 license issued by another jurisdiction must obtain an Alaska driver's
13 license by the end of a 90-day period after entry into the state;

14 (4) a person when driving an implement of husbandry, as de-
15 fined by regulation, which is only temporarily driven or moved on a
16 highway.

17 Sec. 28.15.031. PERSONS NOT TO BE LICENSED. (a) The department
18 shall not issue a driver's license to a person who is under the age of
19 16 years, except that the department may issue a permit under sec. 51 of
20 this chapter or a restricted license under sec. 121 of this chapter.

21 (b) The department shall not issue an original or duplicate
22 driver's license to, nor renew or reinstate the driver's license of, a
23 person

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

26 (2) who fails to appear in court for the adjudication of a
27 certain vehicle, driver or traffic offense when his appearance is re-
28 quired by statute, regulation or court rule;

29 (3) who is an habitual user of alcohol or another drug to

1 such a degree that he is incapable of safely driving a motor vehicle;

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

6 (5) when the department, based upon medical evidence, has
7 determined that because of his physical or mental disability the person
8 is not able to drive a motor vehicle safely;

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

12 (7) who has knowingly made a false statement in his applica-
13 tion for a license or has committed fraud in connection with his appli-
14 cation for, or in obtaining or attempting to obtain, a license, or who
15 has not applied under oath on the form provided for the purpose of
16 obtaining or attempting to obtain a license or permit; or

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

19 Sec. 28.15.041. CLASSIFICATION OF DRIVERS' LICENSES. (a) The
20 commissioner shall provide by regulation for the classification of
21 drivers' licenses. The regulations shall specify license classifica-
22 tions which are reasonably necessary for the safe operation of the
23 various types, sizes and combinations of motor vehicles. The regula-
24 tions shall also establish medical standards, standards of driving con-
25 duct and proficiency, and other standards governing the issuance, re-
26 newal, or denial of these licenses. The department may examine each
27 applicant to determine his qualifications according to the class of
28 license applied for, and upon issuing a driver's license the department
29 shall indicate on the license the classification for which an applicant

1 for a license has qualified by examination. The regulations and any
2 subsequent modifications under this section become effective only if
3 approved by a concurrent resolution adopted by a majority vote of each
4 house of the legislature.

5 (b) No person may drive a school bus transporting school children,
6 or a bus transporting school-age children or another motor vehicle when
7 in use for the transportation of persons for compensation until he has
8 applied for and has been issued a license for that purpose under (a) of
9 this section. The department may not issue a license under this sub-
10 section unless the applicant is at least 19 years of age, has had at
11 least one year of driving experience, and the department is satisfied as
12 to the applicant's good character, competence and fitness to be li-
13 censed; nor may the department issue the license until proper applica-
14 tion has been made and all required driving, written, and physical
15 examinations have been successfully completed. A license issued under
16 this subsection expires on September 1 of the year following issuance.
17 Application for renewal may be made by submitting to the department the
18 results of a current physical examination and paying the required fee.

19 Sec. 28.15.051. INSTRUCTION PERMIT, TEMPORARY DRIVER'S LICENSE AND
20 SPECIAL DRIVER'S PERMIT. (a) Except as provided in (b) of this sec-
21 tion, a person who is at least 14 years of age may apply to the de-
22 partment for an instruction permit. The department may, after the
23 applicant has successfully passed all parts of the examination under
24 sec. 81 of this chapter other than the driving test, issue to the appli-
25 cant an instruction permit. The permit allows a person, while having
26 the permit in his immediate possession, to drive a specified type or
27 class of motor vehicle on a highway or vehicular way or area for a
28 period not to exceed two years. The permittee must be accompanied by a
29 person at least 19 years of age who has been licensed at least one year

1 to drive the type or class of vehicle being used, who is capable of
2 exercising control over the vehicle and who occupies a seat beside the
3 driver, or who accompanies and immediately supervises the driver when he
4 drives a motorcycle. An instruction permit may be renewed.

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

15 (c) The department may issue a temporary driver's license to an
16 applicant for a driver's license permitting him to drive a specified
17 type or class of motor vehicle while the department is completing its
18 investigation and determination of all facts relative to the applicant's
19 eligibility to receive a driver's license. The temporary license must
20 be in the applicant's immediate possession while he is driving a motor
21 vehicle. A temporary driver's license is invalid when the applicant's
22 license has been issued or has been refused for good cause.

23 (d) The department may issue a special driver's permit to a person
24 who is at least 14 years of age with the consent of his parents or
25 guardians for the purpose of driving a motor-driven cycle. This permit
26 shall be issued upon application and payment of the prescribed fee and
27 is valid for the same period of time as a driver's license. The permit
28 is not valid in a municipality which by ordinance prohibits the driving
29 of a motor-driven cycle by a person under the age of 16 years; a borough

1 may adopt the ordinance on a nonareawide basis only, unless the power to
2 adopt it on an areawide basis is acquired under AS 29.33.250 - 29.33.-
3 290.

4 (e) Notwithstanding other provisions of this chapter, the depart-
5 ment may issue a special driver's license to a person who is under the
6 age of 16 years because of the circumstances of hardship. Special
7 licenses to be issued because of hardship shall be determined on an
8 individual basis by the commissioner.

9 Sec. 28.15.061. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION
10 PERMIT; NOTICE OF ANATOMICAL GIFT PROCEDURE. (a) Application for an
11 instruction permit or for a driver's license must be made on a form
12 furnished by the department and must be accompanied by the fee required
13 under sec. 271 of this chapter.

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

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

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

19 (3) state whether any previous driver's license issued to the
20 applicant has ever been suspended or revoked or whether an application
21 for a driver's license has ever been refused and, if so, the date of and
22 reason for the suspension, revocation, or refusal; and

23 (4) contain other information which the department may rea-
24 sonably require to determine the applicant's identity, competency, and
25 eligibility.

26 (c) When an application is received from a person previously
27 licensed in another jurisdiction, the department may request a copy of
28 the applicant's driving record from the other jurisdiction. Upon re-
29 ceipt of that record by the department, it becomes a part of the dri-

1 ver's record in this state with the same effect as if the record origi-
2 nated in this state.

3 (d) The department shall, by placement of posters and brochures in
4 the office where the application is taken, make known to the applicant
5 the procedure necessary to complete a document of gift under the Uniform
6 Anatomical Gifts Act (AS 13.50).

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

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

21 (c) If a minor deposits, or there is deposited on his behalf,
22 proof of financial responsibility for his driving of a motor vehicle, in
23 the form and amount required in ch. 20 of this title, then the depart-
24 ment may accept the application of the minor signed as required under
25 (a) of this section, and, while proof of financial responsibility is
26 maintained, the parent, guardian or other responsible adult is not sub-
27 ject to the liability imposed under (b) of this section.

28 (d) A person who signs the application of a minor for a driver's
29 license may file with the department a verified written request that the

1 license of the minor be canceled. When the license is canceled, the
2 person who signed the application is relieved from liability under (b)
3 of this section.

4 Sec. 28.15.081. EXAMINATION OF APPLICANTS. (a) The department
5 shall examine every applicant for a driver's license. The examination
6 shall include a test of the applicant's eyesight, his ability to read
7 and understand official traffic control devices, his knowledge of safe
8 driving practices and the traffic laws and regulations of this state,
9 and may include a demonstration of ability to exercise ordinary and
10 reasonable control in the driving of a motor vehicle of the type and
11 general class of vehicles for which the applicant seeks a license. How-
12 ever, an applicant who has not been previously issued a driver's license
13 by this or another jurisdiction must demonstrate his ability, and must
14 present medical information which the department reasonably requires to
15 determine his fitness to safely drive a motor vehicle of the type and
16 general class of vehicles for which he seeks a license.

17 (b) The commissioner shall adopt regulations under the procedures
18 established by AS 44.62 necessary to implement this section and the
19 department may obtain the services of, and consult with, medical autho-
20 rities whose specialities relate to driving abilities for the purpose of
21 making the medical determinations necessary under this section or sec.
22 91 or 101 of this chapter. Regulations adopted under this section must
23 be approved by a concurrent resolution adopted by majority vote of each
24 house of the legislature before becoming effective. The requirements of
25 the eyesight test under this section may also be satisfied by presenting
26 the current certification of a licensed physician or optometrist that
27 the applicant's vision meets or exceeds the standards established by the
28 department. The commissioner shall request and receive assistance from
29 the commissioner of health and social services in implementing this

1 section.

2 (c) A requirement for a medical examination under this chapter is
3 satisfied if the applicant is the holder of a current and valid first-
4 or second-class medical certificate issued under federal aviation regu-
5 lations and has satisfied any applicable requirement of the Department
6 of Education relating to tests for tuberculosis if applicable.

7 (d) The department may enter into agreements with other state
8 agencies, municipalities, or qualified persons for the purpose of con-
9 ducting the examinations required under this chapter.

10 Sec. 28.15.091. DEPARTMENT MAY REQUIRE RE-EXAMINATION. If the
11 department has good cause to believe that a licensed driver is incom-
12 petent or otherwise not qualified to be licensed, it may upon written
13 notice of at least 10 days to the licensee require him to submit to an
14 examination. Upon conclusion of the examination, the department shall
15 take action as may be appropriate and may cancel the license of the
16 person, or may issue a restricted license under sec. 121 of this chap-
17 ter, or restrict the type or class of vehicles that the person may
18 drive. If the licensee refuses or neglects to submit to examination,
19 the department may suspend his license until he complies with the re-
20 quirements of re-examination.

21 Sec. 28.15.101. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE: RE-
22 EXAMINATION. (a) Unless otherwise provided in this chapter, a driver's
23 license expires on the licensee's date of birth in the fifth year fol-
24 lowing issuance of the license. A license is renewable within one year
25 of its expiration upon proper application, successful completion of a
26 test of the licensee's eyesight, and payment of the required fee.

27 (b) The department may defer the expiration of the driver's li-
28 cense of a person who is outside the state under terms and conditions
29 which the department shall prescribe by regulation.

1 Sec. 28.15.111. LICENSES ISSUED TO DRIVERS; ANATOMICAL GIFT DOCU-
2 MENT. (a) Upon successful completion of the application and all re-
3 quired examinations, and upon payment of the required fee, the depart-
4 ment shall issue to every qualified applicant a driver's license indi-
5 cating the type or general class of vehicles which the licensee may
6 drive. The license shall display

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

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

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

16 (b) The department shall provide, at the time that an operator's
17 license is issued, a form for a document by which the owner of a license
18 may make an anatomical gift under AS 13.50.010 - 13.50.090. The docu-
19 ment (1) may not be larger than an operator's license, (2) shall contain
20 sufficient space for the signature of two witnesses to the donor's act
21 of execution of the document, and (3) shall provide a means by which the
22 donor may cancel the gift. If the document making an anatomical gift is
23 executed by the applicant, it shall be sealed in plastic and attached to
24 the license. A symbol indicating the existence of the anatomical gift
25 document shall be displayed in the lower right-hand corner on the face
26 of the driver's license.

27 Sec. 28.15.121. RESTRICTED DRIVER'S LICENSE. (a) The department,
28 upon issuing a driver's license, may for good cause impose restrictions
29 suitable to the licensee's driving ability with respect to special

1 mechanical control devices required on a motor vehicle which the licen-
2 see drives. The department may impose other restrictions applicable to
3 the licensee that it determines to be appropriate to assure the safe
4 operation of a motor vehicle by the licensee.

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

7 (c) The department may, upon receiving satisfactory evidence of a
8 violation of the restrictions on a license restricted or issued under
9 this section, suspend the restricted license for a period not to exceed
10 30 days.

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

13 Sec. 28.15.131. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.
14 Every licensee shall have his driver's license in his immediate pos-
15 session at all times when driving a motor vehicle, and shall present for
16 inspection his license upon the demand of a peace officer or other
17 authorized representative of the department who identifies himself as
18 such. However, a person charged with violating this section may not be
19 convicted if he produces in court or in the office of the arresting or
20 citing officer, a driver's license previously issued to him which was
21 valid at the time of his arrest or citation.

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

28 Sec. 28.15.151. RECORDS TO BE KEPT BY THE DEPARTMENT. (a) The
29 department may maintain a file of

1 (1) every driver's license application, license or permit and
2 duplicate driver's license issued by it;

3 (2) every license which has been suspended, revoked, can-
4 celed, limited, restricted, or denied, and the reasons for those ac-
5 tions; and

6 (3) all accident reports required to be forwarded to the
7 department under ch. 26 of this title.

8 (b) The department may also maintain a file of all accident re-
9 ports, abstracts of court records of convictions of vehicle, driver and
10 traffic offenses, and other information which the department considers
11 necessary to carry out the purposes of this chapter.

12 (c) The department shall, upon request, subject to the applicable
13 provisions of AS 12.62 and (f) of this section and without charging a
14 fee, furnish a municipal, state or federal administrative or judicial
15 agency with a certified abstract of the driving record of a driver. The
16 abstract shall include a listing of accidents in which the driver has
17 been determined by the department or a court of competent jurisdiction
18 to have been liable, convictions of vehicle, driver and traffic of-
19 fenses, any actions taken upon his license, and information relating to
20 financial responsibility.

21 (d) The department shall, upon request and payment of a fee deter-
22 mined by the commissioner, furnish a driver with an abstract of the
23 driver's record as provided in (c) of this section.

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

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

29 **ARTICLE 2. CANCELLATION, SUSPENSION, REVOCATION**

1 OR LIMITATION OF DRIVERS' LICENSES.

2 Sec. 28.15.161. CANCELLATION OF DRIVER'S LICENSE. (a) The de-
3 partment shall cancel a driver's license upon determination that

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

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

8 (3) the licensee failed to give the required or correct
9 information in his application; or

10 (4) the license was obtained fraudulently.

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

13 Sec. 28.15.171. SUSPENDING PRIVILEGES OF A PERSON LICENSED IN
14 ANOTHER JURISDICTION; REPORTING CONVICTIONS, SUSPENSIONS, AND REVOCATIONS.
15 (a) The privilege of driving a motor vehicle on a highway or
16 vehicular way or area of this state given to a person licensed in
17 another jurisdiction is subject to suspension or revocation by the
18 department in the same manner and for the same reasons as a driver's
19 license issued under this chapter.

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

26 Sec. 28.15.181. COURT SUSPENSIONS, REVOCATIONS, AND LIMITATIONS.

27 (a) The following are grounds for the immediate suspension or revoca-
28 tion of a driver's license:

29 (1) manslaughter or negligent homicide resulting from the

1 driving of a motor vehicle;

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

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

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

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

11 (6) reckless driving; or

12 (7) using a motor vehicle in unlawful flight to avoid arrest
13 by a peace officer.

14 (b) A court convicting a person of an offense under (a)(1) - (7)
15 of this section shall revoke that person's driver's license for a period
16 of not less than 30 days for the first conviction, unless the court
17 determines that the person's ability to earn a livelihood would be
18 severely impaired and a limitation under sec. 201 of this chapter can be
19 placed on the license which will enable the person to earn a livelihood
20 without excessive risk or danger to the public. If a court limits a
21 person's license under this subsection, it shall do so for a period of
22 not less than 30 days. Upon a subsequent conviction of a person for any
23 offense under (a) of this section, the court shall revoke the person's
24 license and may not grant him any limited license privileges for the
25 following periods:

26 (1) not less than one year for the second conviction; and

27 (2) not less than three years for a third or subsequent con-
28 viction.

29 Sec. 28.15.191. COURT REPORTS TO DEPARTMENT. (a) A court which

1 convicts a person of an offense under this title or a regulation adopted
2 under this title, or another law or regulation of this state, or a
3 municipal ordinance which regulates the driving of vehicles, shall
4 forward a record of the conviction to the department. A conviction of a
5 standing or parking offense need not be reported.

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

10 (c) A court which suspends, revokes, or limits a driver's license
11 shall require the surrender of the license, and shall immediately for-
12 ward it to the department with the record of conviction and notification
13 of the effective date of the suspension, revocation or limitation as
14 determined under sec. 211(b) of this chapter.

15 (d) A court which limits a driver's license, in addition to the
16 actions required under (c) of this section, shall issue to the licensee
17 a form specifying the court's limitations imposed upon a person's
18 driver's license, and shall immediately forward to the department a copy
19 of the limitations imposed upon the license.

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

26 Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of
27 competent jurisdiction may, for good cause, impose limitations upon the
28 driver's license of a person which will enable the person to earn a
29 livelihood without excessive risk or danger to the public. However, no

1 limitation may be placed upon a driver's license until after a review
2 has been made of the person's driving record and other relevant infor-
3 mation, nor may a limitation be imposed when a statute specifically
4 prohibits the limitation of a license for a violation of its provisions.

5 (b) A court imposing a limitation under this section shall require
6 the surrender of the driver's license and shall issue to the licensee a
7 certificate valid for the duration of the limitation.

8 (c) After the termination of a limitation as shown on the certi-
9 ficate issued under (b) of this section, a person on whom a limitation
10 was imposed is no longer bound by the limitation and may apply for a
11 duplicate license under sec. 141 of this chapter.

12 Sec. 28.15.211. PERIODS OF LIMITATION, SUSPENSION OR REVOCATION;
13 OPPORTUNITY FOR HEARING AND SURRENDER OF LICENSE. (a) Except for a
14 point system suspension or revocation under secs. 221 - 241 of this
15 chapter and unless provided otherwise by law, and unless the suspension
16 or revocation was for a cause which has been removed, a person whose
17 driver's license or privilege to drive a motor vehicle in this state has
18 been suspended or revoked may not apply for a new license nor may his
19 driving privilege be restored until the expiration of

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

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

26 (3) one year from the date on which the license was suspended
27 or revoked for a third or subsequent conviction within 12 consecutive
28 months of the same offense from which the suspension or revocation
29 resulted; or

1 (4) three months from the date on which the license was re-
2 voked for refusal to submit to a chemical test as required in AS 28.36.-
3 030; however, if the person who refuses to submit to the chemical test,
4 within two years previous to his arrest, has been convicted in this or
5 another jurisdiction of driving a motor vehicle while intoxicated, the
6 period of revocation for his license of privilege to drive is one year.

7 (b) A limitation, suspension, or revocation of a driver's license
8 imposed by a court takes effect on the date of final judgment, except
9 that if another limitation, suspension, or revocation of license is in
10 effect on the date of final judgment, the effective date of the last
11 imposed limitation, suspension, or revocation is at the end of the last
12 day of the previous limitation, suspension, or revocation unless the
13 court specifies otherwise.

14 (c) At the end of a period of suspension or limitation, the person
15 whose license has been suspended or limited may apply to the department
16 and, upon payment of the proper fee, be issued a duplicate driver's
17 license if he is otherwise entitled to the license under this title.

18 (d) At the end of a period of revocation, a person whose driver's
19 license has been revoked may apply to the department for the issuance of
20 a new license, but shall submit to reexamination and pay all required
21 fees.

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

26 (f) Unless otherwise provided by law, periods of limitation shall
27 be made at the discretion of the court.

28 ARTICLE 3. POINT SYSTEM.

29 Sec. 28.15.221. POINT SYSTEM. (a) For the purpose of identifying

1 habitually reckless or negligent drivers and habitual or frequent vio-
2 lators of traffic laws, the commissioner shall adopt regulations estab-
3 lishing a uniform system for the suspension, revocation, limitation or
4 denial of a driver's license or driving privilege by assigning demerit
5 points for convictions for violations of traffic laws which are required
6 to be reported to the department under sec. 191 of this chapter.

7 (b) The regulations adopted under (a) of this section shall in-
8 clude a designated level of point accumulation which identifies drivers
9 who are habitually reckless or negligent or who are habitual or frequent
10 violators of traffic laws, so as to show a disrespect for traffic laws
11 and a disregard for the safety of other persons. In formulating the
12 point system authorized by this section, the commissioner shall, in the
13 interest of interstate uniformity, provide for suspension, revocation or
14 denial of a driver's license or privilege for an accumulation of 12 or
15 more points as a result of offenses committed during any consecutive
16 12-month period or 18 or more points as a result of offenses committed
17 during any 24-month period.

18 Sec. 28.15.231. ASSESSMENT OF POINTS, DRIVER IMPROVEMENT INTER-
19 VIEW. (a) Notice of each assessment of points may be given, but notice
20 shall be given when the point accumulation reaches 80 per cent of the
21 number at which suspension, revocation or denial is required under sec.
22 221(b) of this chapter, and a driver who has reached that level of point
23 accumulation shall be identified as a problem driver. The department
24 may require a problem driver to appear for a driver improvement inter-
25 view. The purpose of that interview is to assist the person who is
26 identified as a problem driver in overcoming substandard driving habits.
27 An interview under this subsection is to be conducted in an informal
28 manner. A driver must comply with any reasonable recommendations de-
29 signed to improve his driving abilities which are made to him during the

1 interview.

2 (b) No points may be assessed for violating a provision of a state
3 law or regulation or a municipal ordinance regulating standing, parking,
4 equipment, size or weight; nor may points be assessed for violations by
5 pedestrians, passengers or bicycle riders, or for violations of provi-
6 sions relating to the preservation of the condition of traffic-control
7 devices on the highways. Points shall be assessed for violations of
8 oversize or overweight permits relating only to restrictions upon speed
9 or hours of operation.

10 (c) If a licensee is convicted of two or more traffic violations
11 committed on a single occasion, the licensee shall be assessed points
12 for one offense only, and if the offenses involved have different point
13 values, the licensee shall be assessed for the offense having the
14 greater point value.

15 (d) The time periods provided for in this section for the accumu-
16 lation of points shall be based upon the date of violation, but points
17 may not be assessed until after conviction, either upon a plea of
18 guilty, nolo contendere, or a forfeiture of bail, or as a result of a
19 trial, for violation of the traffic laws.

20 (e) The points assessed and the application of them against the
21 licensee by the department under this section are in addition to, and
22 not in substitution for, other provisions of this chapter and are not a
23 substitute for any penalty imposed by a court.

24 Sec. 28.15.241. REDUCTION OF POINTS. (a) Two points shall be
25 deducted from a licensee's assessed total if he has not been convicted
26 of a violation of traffic laws which occurred during the 12-month period
27 after the date of the last violation of which he was convicted.

28 (b) In addition to (a) of this section, two points shall be de-
29 ducted from the assessed total upon the driver's furnishing to the

1 department adequate proof of successful completion within 12 months of
2 the date of his last violation of a driver improvement course approved
3 by the department. No more than one course may be used to obtain a
4 reduction in points in any 12-month period.

5 (c) From January 1, 1975, one point shall accumulate to the
6 driver's benefit for each year of licensed, violation-free driving.

7 Sec. 28.15.251. SUSPENSION, REVOCATION, LIMITATION, DENIAL. (a)
8 The department shall suspend, revoke, limit, deny, or initiate other
9 remedial action against the driver's license of a person, upon his
10 failure to

11 (1) appear for a driver improvement interview under sec.
12 231(a) of this chapter; or

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

16 (b) The department shall suspend, revoke, or deny a driver's
17 license of a person who has been identified through his point accumula-
18 tion as an habitual or frequent violator under sec. 221 of this chapter.

19 (c) No suspension, revocation, limitation, or denial of, or other
20 action against, a driver's license under secs. 221 - 261 of this chapter
21 may be for more than one year.

22 (d) If a driver's license is suspended or revoked upon the accu-
23 mulation of the number of points which require that action under secs.
24 221 - 261 of this chapter and regulations adopted under those sections,
25 no limited license may be issued to that person during the period of
26 suspension or revocation.

27 (e) Except for immediate action under sec. 181 of this chapter,
28 when the department proposes to take action against a driver's license
29 under (b) of this section, it shall notify the licensee that the pro-

1 posed action shall become effective 30 days from the date of the notice,
2 except that the licensee shall have the right, within the 30-day period,
3 to make an oral or written answer or statement in which he may contro-
4 vert any point or issue and he may present evidence and arguments for
5 the consideration of the department pertinent to the action to be taken
6 or the grounds for the action.

7 (f) Upon receipt of an oral or written answer or statement from
8 the licensee, the department shall make findings on the matter under
9 consideration and shall notify the person involved of its decision in
10 writing by registered mail. If the department's decision is to sustain
11 an action against the licensee's driver's license, the department shall
12 notify the licensee of his opportunity for a hearing under AS 28.05.-
13 121 - 28.05.141.

14 Sec. 28.15.261. DEFINITIONS. In secs. 221 - 261 of this chapter
15 (1) "traffic laws" means statutes, regulations, and municipal ordinances
16 governing the driving or movement of vehicles; (2) "licensee" includes,
17 but is not limited to an applicant for a new driver's license if his
18 license was revoked under secs. 221 - 261 of this chapter.

19 ARTICLE 4. FEES.

20 Sec. 28.15.271. FEES. The fees for drivers' licenses and permits,
21 including but not limited to renewals, are as follows:

- 22 (1) all classes of drivers' licenses\$ 5;
23 (2) motor-driven cycles.....\$ 2;
24 (3) instruction permit\$ 1;
25 (4) duplicate of driver's license or instruction
26 permit.....\$ 2;
27 (5) temporary license and renewal of permit.....\$ 1;
28 (6) school bus driver's permit.....\$ 2.

29 ARTICLE 5. DRIVER LICENSE VIOLATIONS.

1 Sec. 28.15.281. UNLAWFUL USE OF LICENSE; PERMITTING UNAUTHORIZED
2 PERSON TO DRIVE. (a) No person may

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

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

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

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

13 (b) No person may authorize or knowingly permit a motor vehicle
14 owned by him or under his control to be driven in this state by a person
15 who is not validly licensed.

16 Sec. 28.15.291. DRIVING WHILE LICENSE CANCELED, SUSPENDED, REVOKED
17 OR IN VIOLATION OF LIMITATION. (a) No person may drive a motor vehicle
18 on a highway or vehicular way or area in this state at a time when his
19 driver's license, or privilege to drive in this state if he is licensed
20 in another jurisdiction, has been canceled, suspended or revoked, or
21 when he is driving in violation of a limitation placed upon his license,
22 even when he is driving under a license issued in another jurisdiction.
23 Upon conviction of a violation of this section, the court shall impose a
24 minimum sentence of imprisonment of not less than 10 days. The execu-
25 tion of sentence may not be suspended nor may probation or parole be
26 granted until the minimum imprisonment provided in this section has been
27 served; nor may imposition of sentence be suspended, except upon the
28 condition that the defendant be imprisoned for no less than the minimum
29 period provided for in this section. In addition, his license or privi-

1 lege to drive shall be revoked, and he may not be issued a new license
2 nor may his privilege to drive be restored for an additional period of
3 one year after the date that he would have been entitled to restoration
4 of his driving privileges.

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

13 * Sec. 20. AS 28.17.011 is amended to read:

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

18 * Sec. 21. AS 28.17.031(a) is amended to read:

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

23 * Sec. 22. AS 28.17.041 is amended to read:

24 Sec. 28.17.041. AUTHORITY OF COMMISSIONER TO ADOPT REGULATIONS.
25 (a) The commissioner of public safety shall adopt [PROMULGATE] regula-
26 tions necessary to carry out the provisions of this chapter, and may
27 call upon the commissioner of education for assistance in formulating
28 these regulations.

29 (b) Regulations adopted [PROMULGATED] under this chapter [SECTION]

1 shall state the requirements for a school license, including require-
2 ments concerning manner and form of application, location, place of
3 business, facilities, records, equipment, courses and standards of in-
4 struction, instructors, previous records of the school and instructors,
5 financial statements, schedule of fees and charges, character and repu-
6 tation of the operators and instructors, vehicle equipment and condi-
7 tion, inspection during reasonable business hours, insurance or bonds in
8 the sum and with the provisions the commissioner considers necessary,
9 and other matters the commissioner may prescribe for the protection of
10 the public.

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

18 * Sec. 23. AS 28.17.051 is repealed and re-enacted to read:

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

20 The department may refuse to issue or renew or may suspend or revoke a
21 license issued under this chapter when it finds that the applicant or
22 licensee has violated or failed to comply with a provision of this
23 chapter or a regulation adopted under this chapter.

24 * Sec. 24. AS 28.17.061 is amended to read:

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

1 * Sec. 25. AS 28.17.071 is amended to read:

2 Sec. 28.17.071. DEFINITIONS. Unless otherwise specifically de-
3 finied or [AS USED IN THIS CHAPTER AND REGULATIONS PROMULGATED UNDER THIS
4 CHAPTER,] unless the context otherwise requires, in this chapter and in
5 regulations adopted under this chapter,

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

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

14 * Sec. 26. AS 28.20.010 - 28.20.640 are repealed and re-enacted to read:

15 CHAPTER 20. FINANCIAL RESPONSIBILITY.

16 ARTICLE 1. SECURITY FOLLOWING ACCIDENT.

17 Sec. 28.20.011. LEGISLATIVE INTENT. The legislature is concerned
18 over the rising toll of motor vehicle accidents and the suffering and
19 loss inflicted by them. The legislature determines that it is a matter
20 of grave concern that motorists be financially responsible for their
21 negligent acts so that innocent victims of motor vehicle accidents may
22 be recompensed for the injury and financial loss inflicted upon them.
23 The legislature finds and declares that the public interest can best be
24 served by the requirements that the operator of a motor vehicle involved
25 in an accident respond for damages and show proof of financial ability
26 to respond for damages in future accidents as a prerequisite to his
27 exercise of the privilege of operating a motor vehicle in the state.

28 Sec. 28.20.021. APPLICATION OF SECURITY REQUIREMENTS. The pro-
29 visions of secs. 31 - 101 of this chapter requiring deposit of security

1 and suspension of a driver's license for failure to deposit security
2 apply to the driver and owner of a vehicle subject to registration under
3 ch. 10 of this title who is involved in any manner in an accident in
4 this state resulting in bodily injury to or death of a person or damage
5 to the property of any one person exceeding \$500.

6 Sec. 28.20.031. DEPARTMENT TO DETERMINE AMOUNT OF SECURITY RE-
7 QUIRED; NOTICES. (a) Within 90 days after receipt of a written report
8 of an accident, as required under ch. 26 of this title, the department
9 shall determine the amount of security which it considers sufficient to
10 satisfy any judgments for damages resulting from the accident which may
11 be recovered against each driver or owner. The determination may not be
12 made with respect to a driver or owner who is exempt from the require-
13 ments as to security and suspension.

14 (b) The department shall determine the amount of security deposit
15 required on the basis of the reports or other information submitted. If
16 a person involved in an accident as described in this chapter fails to
17 make a report or submit information indicating the extent of his in-
18 juries or the damage to his property within 60 days after the accident,
19 and the department does not have sufficient information on which to base
20 an evaluation of injuries or damage, then the department may not require
21 that a deposit of security be made for the benefit or protection of that
22 person.

23 (c) Within 90 days after receipt of report of an accident and upon
24 determining the amount of security to be required of any person involved
25 in the accident, including but not limited to the owner of any vehicle
26 involved in the accident, the department shall give to every person
27 involved in the accident written notice of the amount of security re-
28 quired to be deposited by him and stating that an order of suspension of
29 his driver's license or driving privilege in this state will be made

1 upon the expiration of 30 days after the giving of notice is complete as
2 provided in AS 28.05.121 unless within that time the required security
3 is deposited with the department. However, no security deposit may be
4 required for a greater amount than the department believes reasonable.

5 Sec. 28.20.041. EXCEPTIONS TO REQUIREMENT OF SECURITY. The re-
6 quirements as to security and suspension in this chapter do not apply to

7 (1) the driver or owner if the owner had in effect at the
8 time of the accident a motor vehicle liability policy or bond meeting
9 the requirements of sec. 51 of this chapter with respect to the vehicle
10 involved in the accident, except that a driver is not exempt if at the
11 time of the accident the vehicle was driven without the owner's express
12 or implied permission;

13 (2) the driver who is not the owner if there was in effect at
14 the time of the accident a motor vehicle liability policy or bond
15 meeting the requirements of sec. 51 of this chapter with respect to his
16 driving of vehicles not owned by him;

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

20 (4) a person qualifying as a self-insurer under sec. 201 of
21 this chapter or to a person driving a vehicle for a self-insurer;

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

25 (6) the driver or owner of a vehicle which at the time of the
26 accident was parked, unless the vehicle was parked at a place where
27 parking was at the time of the accident prohibited by a statute, regula-
28 tion or ordinance;

29 (7) the owner of a vehicle if at the time of the accident the

1 vehicle was driven without his express or implied permission or was
2 parked by a person driving the vehicle without his permission;

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

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

11 Sec. 28.20.051. FORM AND AMOUNT OF SECURITY, POLICY, OR BOND. (a)
12 The security required by this chapter shall be in the form and amount
13 the department requires, but in no case in excess of the limits speci-
14 fied in (b) of this section for the acceptable limits of a policy or
15 bond. Every depositor of security shall designate in writing the person
16 in whose name the deposit is made and may at any time change the desig-
17 nation, but a single deposit of security applies only on behalf of a
18 person required to furnish security because of the same accident.

19 (b) A policy or bond does not exempt the owner or driver under
20 sec. 31 of this chapter unless it is issued by an insurance or surety
21 company authorized to do business in this state, except as provided in
22 (c) of this section, and if the accident resulted in bodily injury or
23 death, unless the policy or bond is subject to a limit, exclusive of
24 interest and costs, of not less than \$25,000 because of bodily injury to
25 or death of one person in any one accident and, subject to the same
26 limit for one person, to a limit of not less than \$50,000 because of
27 bodily injury to or death of two or more persons in any one accident,
28 and if the accident has resulted in injury to, or destruction of, prop-
29 erty to a limit of not less than \$10,000 because of injury to or de-

1 struction of property of others in any one accident.

2 (c) A policy or bond does not exempt the owner or driver under
3 sec. 31 of this chapter with respect to a vehicle not registered in this
4 state or a vehicle which was registered in another jurisdiction at the
5 effective date of the policy or bond or the most recent renewal of it,
6 unless the insurance or surety company issuing the policy or bond is
7 authorized to do business in this state, or if the company is not autho-
8 rized to do business in this state, unless it executes a power of attor-
9 ney authorizing the director of the division of insurance to accept on
10 its behalf service of notice or process in an action upon the policy or
11 bond arising out of the accident.

12 (d) The department may rely upon the information in an accident
13 report as to the existence of insurance or a bond unless the department
14 has reason to believe that the information is erroneous.

15 Sec. 28.20.061. SUSPENSION FOR FAILURE TO DEPOSIT SECURITY. (a)
16 Except as otherwise provided in this chapter, if a person required to
17 deposit security under this chapter fails to deposit security within 10
18 days after the giving of notice under sec. 31(c) of this chapter, the
19 department shall suspend the driver's license of that person or his
20 privilege to drive in this state.

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

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

27 (2) one year elapses following the date of suspension, and
28 evidence satisfactory to the department is filed with it that during the
29 period no action for damages arising out of the accident resulting in

1 the suspension has been instituted.

2 (c) Nothing in (b) of this section may be construed to eliminate
3 the requirement for proof of financial responsibility under secs. 111 -
4 221 of this chapter.

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

10 (e) When the driving privilege of a person licensed in another
11 jurisdiction is suspended under this section, the department may send a
12 certified copy of the record of its action to the motor vehicle admini-
13 strator for the jurisdiction in which the person is licensed if the law
14 of the other jurisdiction provides for action similar to that prescribed
15 in (f) of this section.

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

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

1 person.

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

4 (c) If the department evaluates the injuries or damage to a minor
5 in an amount of not more than \$500, the department may accept, for the
6 purposes of this chapter only, evidence of a release from liability
7 executed by a natural or legal guardian on behalf of the minor without
8 court approval.

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

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

18 Sec. 28.20.081. AGREEMENTS FOR PAYMENT OF DAMAGES; DEFAULT. (a)
19 Two or more persons involved in or affected by an accident as described
20 in sec. 21 of this chapter may at any time enter into a written agree-
21 ment for the payment of an agreed amount with respect to their claims
22 because of bodily injury, death, or property damage arising from the
23 accident. The agreement may provide for payment in installments. The
24 parties shall file a signed copy of the agreement with the department.

25 (b) To the extent provided by the written agreement filed with it,
26 the department may not require the deposit of security and shall ter-
27minate a previous order of suspension or, if security was deposited, the
28 department shall immediately return the security to the depositor or his
29 personal representative.

1 (c) If there is a default in a payment under the agreement, upon
2 notice of default the department shall take action suspending the
3 driver's license of the person in default or his privilege to drive in
4 this state as is proper in case of failure of the person to deposit
5 security when required under this chapter.

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

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

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

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

21 (b) The department may reduce the amount of security ordered,
22 within six months after the date of the accident, if in its judgment the
23 amount is excessive. If the security originally ordered is on deposit,
24 the excess deposit over the reduced amount ordered shall be returned
25 immediately to the depositor or his personal representative.

26 (c) If the department takes action or fails to take action under
27 this chapter due to erroneous information or no information, and if
28 within one year after the date of an accident the department receives
29 correct information, it shall take appropriate action to carry out the

1 provisions of this chapter. However, this section does not require the
2 department to reevaluate the amount of a deposit required.

3 Sec. 28.20.101. DISPOSITION OF SECURITY. (a) The department
4 shall place security deposited with it in the custody of the Department
5 of Revenue.

6 (b) The security deposited under this chapter is available only
7 for

8 (1) the payment of a settlement agreement covering a claim
9 arising out of the accident upon instruction of the person who made the
10 deposit; or

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

16 (c) Every distribution of money from a security deposit is subject
17 to the limits of the court's evaluation on behalf of a claimant.

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

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

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

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

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

2 Sec. 28.20.111. ACTIONS REQUIRING PROOF OF FINANCIAL RESPONSIBI-
3 LITY; LOSS OF DRIVING PRIVILEGE. (a) When a person is convicted of an
4 offense for which his driver's license or privilege to drive in this
5 state is limited, suspended or revoked under AS 28.15.181, the depart-
6 ment may not return or issue a driver's license in that person's name or
7 restore his driving privilege until permitted to do so under that chap-
8 ter, and may not do so at that time unless the person gives proof of
9 financial responsibility for the future.

10 (b) Upon receipt by the department of the report of an accident
11 required under ch. 26 of this title, resulting in bodily injury or death
12 or property damage to any one person exceeding \$500, the department
13 shall suspend the license or driving privilege of the driver of a motor
14 vehicle involved in the accident unless the driver or owner

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

18 (2) maintains proof of financial responsibility for three
19 years following the accident.

20 (c) The provisions of (b) of this section do not apply to an owner
21 or driver with respect to an accident in which a judgment in his favor
22 is given on a cause of action arising out of the accident which estab-
23 lishes his freedom from fault.

24 Sec. 28.20.121. EXCEPTIONS FROM REQUIREMENTS TO FURNISH PROOF.

25 (a) Sections 111(b) and 131(b) of this chapter do not apply to an
26 accident caused by the ownership or driving with permission, of a ve-
27 hicle owned or leased to the United States, this state, or a munici-
28 pality of this state.

29 (b) If a judgment creditor consents in writing on a form pre-

1 scribed by the department to the issuance to the judgment debtor of a
2 driver's license, or driving privilege if he is licensed in another
3 jurisdiction, the department may allow it to remain in effect for six
4 months from the date of the consent and after that time until the con-
5 sent is revoked in writing, if the judgment debtor furnishes proof of
6 financial responsibility notwithstanding default in the payment of
7 judgment, or of an installment of the judgment prescribed in sec. 131(b)
8 of this chapter.

9 (c) The department may not suspend under this chapter the driver's
10 license of a person, or the driving privilege of a person licensed in
11 another jurisdiction, if it finds that an insurer is obligated to pay
12 the judgment upon which suspension is based at least to the extent and
13 for the amounts required in this chapter, but has not paid the judgment
14 for any reason. A finding by the department that an insurer is obli-
15 gated to pay a judgment is not binding upon the insurer and has no legal
16 effect except for the purpose of administering this section. If in a
17 judicial proceeding it is determined by a final judgment, decree or
18 order that an insurer is not obligated to pay a judgment, and if the
19 judgment is not immediately satisfied under this chapter, the depart-
20 ment, notwithstanding a contrary finding made by it, shall immediately
21 suspend the driver's license or driving privilege of the person against
22 whom the judgment is given as provided in sec. 131(b) of this chapter.

23 (d) The department may not suspend a driver's license or driving
24 privilege under (c) of this section if the insurance applicable to the
25 person or the vehicle being driven by him was placed with an insurer
26 which was authorized to do business in this state and which, subsequent
27 to the accident involving the owner or driver and before the settlement
28 of the claim for the accident, went into liquidation so that no benefit
29 accrued to the owner or driver because of that insurer having provided

1 the insurance.

2 Sec. 28.20.131. WHEN COURTS TO REPORT NONPAYMENT OF JUDGMENTS,
3 LICENSE SUSPENSION AND ACTION WITH RESPECT TO PERSONS LICENSED IN
4 ANOTHER JURISDICTION. (a) If a person fails within 30 days to satisfy
5 a judgment arising out of a motor vehicle accident, the clerk of the
6 court in which the judgment is given, or the judge if there is no clerk,
7 shall forward to the department a certified copy of the judgment and a
8 certificate of facts relative to the judgment upon a form to be fur-
9 nished by the department.

10 (b) Upon receipt of the certified copy and certificate under (a)
11 of this section, the department shall immediately suspend the driver's
12 license or driving privilege of a person against whom the judgment is
13 given except as otherwise provided in this chapter. A suspension under
14 this section remains in effect and the suspended license or privilege
15 may not be renewed or restored, nor may a driver's license or vehicle
16 registration be issued in the name of the person, including but not
17 limited to a person not previously licensed, until the judgment is
18 stayed or satisfied and until the person gives proof of financial re-
19 sponsibility subject to the exceptions in secs. 121 and 141 of this
20 chapter. The proof required under this subsection must be maintained
21 during the period that the person has a driver's license or driving
22 privilege.

23 (c) If the defendant named in a certified copy of a judgment
24 reported to the department is not licensed in this state, the department
25 shall send a certified copy of the judgment to the motor vehicle admini-
26 strator for the jurisdiction in which the defendant is licensed.

27 Sec. 28.20.141. PAYMENTS SUFFICIENT TO SATISFY JUDGMENT; DEFAULT
28 IN PAYMENTS. (a) For the purpose of this chapter, a judgment is satis-
29 fied when

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

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

8 (3) \$10,000 is credited upon a judgment given in excess of
9 that amount because of injury to or destruction of property of others as
10 a result of any one accident.

11 (b) Payment made in settlement of a claim arising out of bodily
12 injury, death, or property damage resulting from an accident shall be
13 credited so as to reduce the amounts specified in this section.

14 (c) A judgment debtor upon due notice to the judgment creditor may
15 apply to the court in which the judgment was given for the privilege of
16 paying the judgment in installments and the court, without prejudice to
17 any other legal remedy, may order and fix the amount and time of payment
18 of the installments.

19 (d) The department may not suspend a driver's license, or driving
20 privilege of a person licensed in another jurisdiction, and shall re-
21 store a license or driving privilege suspended following nonpayment of a
22 judgment when the judgment debtor gives proof of financial responsi-
23 bility and obtains an order permitting the payment of the judgment in
24 installments, and while the payment of any of the installments is not in
25 default.

26 (e) If the judgment debtor fails to pay an installment specified
27 by the court order, upon notice of default, the department shall im-
28 mediately suspend the driver's license of the judgment debtor, or his
29 privilege to drive in this state if he is licensed in another juris-

1 diction, until the judgment is satisfied as provided in this chapter;
2 however, within 30 days after default the judgment debtor may again
3 apply, after notice to the judgment creditor, to the court which ini-
4 tially allowed the installment payments for resumption of the privilege
5 of making payments by installments, if past-due installments are first
6 paid.

7 Sec. 28.20.151. ALTERNATE METHODS OF GIVING PROOF. Proof of
8 financial responsibility for a person who is not the owner of a vehicle
9 may be given by filing with the department

10 (1) a certificate of insurance as provided in sec. 161 of
11 this chapter;

12 (2) a bond as provided in sec. 181 of this chapter;

13 (3) a certificate of deposit of money or securities as pro-
14 vided in sec. 191 of this chapter; or

15 (4) a certificate of self-insurance as provided in sec. 201
16 of this chapter, supplemented by an agreement by the self-insurer that,
17 for an accident occurring while the certificate is in force, he will pay
18 the same amount that an insurer would be obligated to pay under an
19 owner's motor vehicle liability policy if it had issued a policy to the
20 self-insurer.

21 Sec. 28.20.161. CERTIFICATES OF INSURANCE. (a) Proof of finan-
22 cial responsibility for the future may be furnished by filing with the
23 department the written "SR-22" certificate of an insurance carrier
24 authorized to do business in this state certifying that there is in
25 effect a motor vehicle liability policy for the benefit of the person
26 required to furnish the proof. The certificate shall give the effective
27 date of the motor vehicle liability policy, which is the same as the
28 effective date of the certificate, unless the policy is issued to a
29 person covering all motor vehicles which he may own or operate, or to a

1 person who is not the owner of a motor vehicle.

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

9 (1) the insurance carrier executes a power of attorney autho-
10 rizing the commissioner to accept on its behalf service of notice or
11 process in an action arising out of a motor vehicle accident in this
12 state; and

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

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

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

29 (e) This chapter does not apply to or affect a policy of motor

1 vehicle insurance against liability which may be required by any other
2 law, except that the policy, if it contains an agreement or is endorsed
3 to conform with the requirements of this chapter, may be certified as
4 proof of financial responsibility under this chapter; nor does this
5 chapter apply to or affect a policy insuring solely the insured named in
6 the policy against liability resulting from the maintenance or use by
7 persons in the insured's employ or on his behalf of vehicles not owned
8 by the insured.

9 Sec. 28.20.171. MOTOR VEHICLE LIABILITY POLICY. (a) Certifica-
10 tion. In this chapter, "motor vehicle liability policy" means an
11 "owner's policy" or a "driver's policy" containing an agreement or
12 endorsement as provided in this section, or certified as provided in
13 sec. 161 of this chapter as proof of financial responsibility for the
14 future, and issued, except as otherwise provided in sec. 161(b) of this
15 chapter, by an insurance carrier authorized to transact business in this
16 state, to or for the benefit of the person named as insured.

17 (b) Owner's Policy. The owner's policy of liability insurance
18 shall

19 (1) designate by description or appropriate reference all
20 vehicles which it covers;

21 (2) insure the person named and every other person using the
22 vehicle with the express or implied permission of the named insured,
23 against loss from the liability imposed by law for damages arising out
24 of the ownership, maintenance or use of the vehicle in the United States
25 or the Dominion of Canada, subject to limits exclusive of interests and
26 costs, with respect to each vehicle, as follows: \$25,000 because of
27 bodily injury to or death of one person in any one accident and, subject
28 to the same limit for one person, \$50,000 because of bodily injury to or
29 death of two or more persons in any one accident, and \$10,000 because of

1 injury to or destruction of property of others in any one accident; and

2 (3) contain the coverage provided under sec. 241 of this
3 chapter in the amounts set out in (2) of this subsection or, at the
4 option of the policyholder, contain coverage to the extent of the bodily
5 injury liability limits of his policy, for the protection of the persons
6 insured under the policy who are legally entitled to recover damages
7 from an owner or driver of an uninsured motor vehicle because of bodily
8 injury or death arising out of the ownership, maintenance or use of the
9 uninsured motor vehicle; however, this coverage may be waived in writing
10 by the insured on or before the effective date of the policy.

11 (c) Driver's policy. The driver's policy of liability insurance
12 shall insure the person named as insured against loss from the liability
13 imposed upon him by law for damages arising out of the use by him of a
14 motor vehicle within the same territorial limits and subject to the same
15 limits of liability as are required for an owner's policy of liability
16 insurance.

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

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

28 (f) Provisions incorporated in policy. Every motor vehicle lia-
29 bility policy is subject to the following provisions, but these pro-

1 visions need not be contained in the policy:

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

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

10 (3) the insurance carrier may settle a claim covered by the
11 policy, and if settlement is made in good faith, the amount of settle-
12 ment is deductible from the limits of liability specified in (b) of this
13 section; however this provision does not reduce the insurance carrier's
14 liability or the liability coverage of the insured for any subsequent
15 claim;

16 (4) the policy, the written application for the policy, if
17 any, and every rider or endorsement which does not conflict with the
18 provisions of this chapter constitute the entire contract between the
19 parties.

20 (g) Excess or additional coverage. A policy which grants the
21 coverage required for a motor vehicle liability policy may also grant
22 lawful coverage in excess of, or in addition to, the coverage specified
23 for a policy and the excess or additional coverage is subject to the
24 provisions of this chapter. With respect to a policy which grants
25 excess or additional coverage, the term "motor vehicle liability policy"
26 applies only to that part of the coverage which is required by this sec-
27 tion.

28 (h) Reimbursement provision. A motor vehicle liability policy may
29 not provide that the insured shall reimburse the insurance carrier for

1 any payment the insurance carrier would not have been obligated to make
2 under the terms of the policy except for the provisions of this chapter.

3 (i) Proration permitted. A motor vehicle liability policy may
4 provide for proration of the insurance with other valid and collectible
5 insurance.

6 (j) Multiple policies. The requirements for a motor vehicle
7 liability policy may be fulfilled by the policies of one or more in-
8 surance carriers which together meet these requirements.

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

11 Sec. 28.20.181. BOND AS PROOF; ACTION ON BOND. (a) Proof of
12 financial responsibility may be evidenced by the bond of a surety com-
13 pany authorized to transact business in this state. The bond shall be
14 conditioned for payment of the amounts specified in sec. 301(2) of this
15 chapter. The bond shall be filed with the department and is not cancel-
16 able except after 10 days written notice to the department.

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

21 Sec. 28.20.191. MONEY OR SECURITIES AS PROOF. (a) Proof of
22 financial responsibility may be evidenced by the deposit or placement in
23 an acceptable escrow of \$25,000 in cash, or securities which are legal
24 investments for saving banks or trust funds having a market value of
25 \$25,000. The department may not accept evidence of security unless
26 accompanied by reasonable proof that there are no unsatisfied judgments
27 of any character against the depositor in the recording district where
28 the depositor resides.

29 (b) The department shall hold the deposit provided for under (a)

1 of this section to satisfy, in accordance with this chapter, any execu-
2 tion on a judgment issued against the person making the deposit for
3 damages, including damages for care and loss of services because of
4 bodily injury to or death of any person, or for damages because of
5 injury to or destruction of property, including the loss of use of it,
6 resulting from the ownership, maintenance, or use of a vehicle subject
7 to registration under ch. 10 of this title after the deposit is made.
8 Money or securities deposited are not subject to attachment or execution
9 unless the attachment or execution arises out of a suit for damages
10 specified in this section.

11 Sec. 28.20.201. SELF-INSURERS. (a) A person in whose name more
12 than 25 vehicles are registered in this state may qualify as a self-
13 insurer by obtaining a certificate of self-insurance issued by the
14 department as provided in (b) of this section.

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

21 (c) The department may, upon reasonable grounds cancel a certi-
22 ficate of self-insurance. Failure to pay a judgment within 30 days
23 after judgment becomes final is a reasonable ground for the cancellation
24 of a certificate of self-insurance.

25 Sec. 28.20.211. OWNER MAY GIVE PROOF FOR OTHER DRIVERS. The owner
26 of a motor vehicle may give proof of financial responsibility on behalf
27 of his employee or a member of his immediate family or household. The
28 furnishing of proof in this manner permits the person for whom it is
29 given to drive a motor vehicle covered by the proof.

1 Sec. 28.20.221. SUBSTITUTION, DURATION, CANCELLATION AND RETURN OF
2 PROOF. (a) When proof of financial responsibility filed under this
3 chapter no longer fulfills the purpose for which it is required, the
4 department shall require other proof as required by this chapter and
5 shall suspend the driver's license or driving privilege of the person
6 whose proof is inadequate.

7 (b) The department shall, upon request, consent to the immediate
8 cancellation of a bond or certificate of insurance, or shall return to
9 the person entitled to it money or securities deposited as proof of
10 financial responsibility, or shall waive the requirement of filing
11 proof, in any of the following events:

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

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

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

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

28 (c) The department may not consent to the cancellation of a bond
29 or the return of money or securities, except as otherwise provided under

1 (b)(1) of this section, if an action for damages upon a liability
2 covered by the proof is pending or a judgment upon the liability is
3 unsatisfied, or if the person who filed the bond or deposited money or
4 securities has within one year immediately preceding the request been
5 involved as a driver or owner in a motor vehicle accident resulting in
6 injury or damage to the person or property of others. An affidavit of
7 the applicant as to the nonexistence of these facts, or that he is
8 released from all of his liability, or has been finally adjudicated not
9 to be liable for the injury or damage is sufficient evidence in the
10 absence of evidence to the contrary in the records of the department.

11 ARTICLE 3. MISCELLANEOUS PROVISIONS.

12 Sec. 28.20.231. ASSIGNED RISK POOLS AND PLANS. (a) After con-
13 sultation with the insurance companies authorized to issue motor vehicle
14 liability policies in this state, and upon notice to the commissioner of
15 public safety, the director of the division of insurance in the De-
16 partment of Commerce and Economic Development may approve a reasonable
17 plan, fair to the insurers and the insureds, and equitable to the
18 policyholders, for the apportionment or pooling among these companies of
19 applicants for motor vehicle policies and other vehicle coverages who
20 are in good faith entitled to, but are unable to procure, policies
21 through ordinary methods.

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

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

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

1 Sec. 28.20.241. UNINSURED MOTORIST COVERAGE. (a) An insurance
2 policy provided for under sec. 171(b)(3) of this chapter shall insure a
3 person against loss from death or bodily injury in amounts not less than
4 those specified in sec. 171(b)(2) of this chapter arising out of the
5 ownership, maintenance or use of an uninsured vehicle.

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

11 (c) Any loss payable under the terms of uninsured motorists cover-
12 age to or for a person may be reduced by

13 (1) the amount paid and the present value of all amounts pay-
14 able to the person under any workmen's compensation law exclusive of
15 nonoccupational disability benefits; and

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

19 (d) If there is payment to an insured under the uninsured motorist
20 coverage under this section and subject to the terms and conditions of
21 the coverage, the insurer making the payment is entitled, to the extent
22 of the payment, to the proceeds of a settlement or judgment resulting
23 from the exercise of any rights of recovery of the insured against a
24 person legally responsible for the bodily injury or death for which the
25 payment is made. When an insurer makes a payment under uninsured motor-
26 ist coverage and the payment is occasioned by an insolvency, the in-
27 surer's right of recovery or reimbursement may not include any rights
28 against the insured of the insolvent insurer, but the paying insurer may
29 proceed directly against the insolvent insurer or its receiver; however,

1 the paying insurer's right of reimbursement is subordinated to the valid
2 claims of third parties against the insolvent insurer.

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

7 Sec. 28.20.251. UNLICENSED DRIVERS AND UNREGISTERED VEHICLES. (a)
8 If a driver or owner of a vehicle involved in an accident in this state
9 and, subject to registration under ch. 10 of this title, does not have a
10 driver's license or vehicle registration, he may not be licensed as a
11 driver nor may he register a vehicle in this state until he complies
12 with this chapter to the same extent as if, at the time of the accident,
13 he had been issued a license or registration in this state.

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

20 ARTICLE 4. GENERAL PROVISIONS.

21 Sec. 28.20.261. DRIVERS AND VEHICLES NOT COVERED BY CHAPTER. (a)
22 Unless the context otherwise requires, the provisions of this chapter do
23 not apply to a vehicle:

- 24 (1) moved or propelled by human or animal power;
25 (2) driven, moved, or parked only on private property; or
26 (3) driven or moved only incidentally upon a highway or a
27 vehicular way or area, or only to briefly cross a highway or a vehicular
28 way or area from one private property to another private property.

29 (b) If the driver at the time of an accident was driving, in the

1 course and scope of his employment, a vehicle owned, operated or leased
2 by his employer, the provisions of this chapter relating to deposit of
3 security, proof of financial responsibility, and suspension of drivers'
4 licenses or driving privileges do not apply to the driver.

5 Sec. 28.20.271. JUDGMENT OF CONVICTION ON PLEA OF NOLO CONTENDERE
6 OR FORFEITURE OF BAIL. A conviction on a plea of nolo contendere which
7 is accepted by a court or a forfeiture of bail or other collateral is
8 equivalent to a conviction under this chapter.

9 Sec. 28.20.281. MATTERS NOT TO BE EVIDENCE IN CIVIL PROCEEDINGS.
10 The report required after an accident by ch. 26 of this title, the
11 action taken by the department under this chapter, the findings, if any,
12 of the department upon which its action is based, and the security filed
13 under this chapter may not be referred to, and may not be evidence of
14 the negligence or due care of either party in a civil proceeding to
15 recover damages.

16 Sec. 28.20.291. CHAPTER DOES NOT PREVENT OTHER PROCESS. This
17 chapter does not prevent the plaintiff in an action from relying for
18 relief on other processes provided by law.

19 Sec. 28.20.301. DEFINITIONS. Unless otherwise specifically de-
20 fined or unless the context otherwise requires, in this chapter and in
21 regulations adopted under this chapter,

22 (1) "judgment" means a judgment which is final by expiration
23 without appeal within the time in which an appeal may be taken, or by
24 final affirmation on appeal, given by a court of any state or of the
25 United States, upon a cause of action arising out of the ownership,
26 maintenance, or use of a vehicle, for damages, including damages for
27 care and loss of services, because of bodily injury to or death of a
28 person, or for damages because of injury to or destruction of property,
29 including the loss of use of property, or upon a cause of action on an

1 agreement of settlement for those damages;

2 (2) "proof of financial responsibility for the future",
3 "proof of financial responsibility", and "proof" mean proof of ability
4 to respond in damages for liability on account of an accident occurring
5 after the effective date of the proof, which arises out of the owner-
6 ship, maintenance or use of a vehicle, in the amount of \$25,000 because
7 of bodily injury to or death of one person in any one accident and,
8 subject to the same limit for one person, in the amount of \$50,000
9 because of bodily injury to or death of two or more persons in one
10 accident, and in the amount of \$10,000 because of injury to or destruc-
11 tion of property of others in any one accident.

12 * Sec. 27. AS 28 is amended by adding a new chapter to read:

13 CHAPTER 26. ACCIDENTS AND ACCIDENT REPORTS.

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

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

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

21 (2) give reasonable assistance to the victims; reasonable
22 assistance includes, but is not limited to, making arrangement for
23 treatment by a qualified physician and safe transportation to a hospital
24 when it is apparent that emergency treatment and transportation are
25 necessary.

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

28 (c) Except as provided in (d) of this section, a person who fails
29 to comply with a requirement of this section is, upon conviction,

1 punishable by imprisonment for not more than one year, or by a fine of
2 not more than \$1,000, or by both. This subsection does not apply to a
3 person incapacitated by the accident to the extent he is incapable of
4 complying with the requirement.

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

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

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

22 (1) the driver and occupants of other vehicles involved;
23 (2) a person attending a vehicle or other property damaged;
24 (3) a person injured in the accident; and
25 (4) a peace officer at the scene of the accident or offi-
26 cially investigating the accident.

27 (b) When a driver of a vehicle collides with a vehicle or property
28 which is unoccupied or unattended, he shall either locate the owner or
29 driver and comply with the requirements of this section, or securely

1 attach to, or leave in, a conspicuous place in the vehicle or on the
2 property a written notice containing the information required under (a)
3 of this section, including in addition his driver's license number and
4 the name of the jurisdiction issuing his license.

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

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

16 (c) The driver of a vehicle involved in an accident shall return
17 to, and remain at the scene of the accident until a peace officer ar-
18 rives; and if requested by a peace officer, the driver shall remain at
19 the scene of the accident until the officer completes his investigation.

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

21 (a) The driver of a vehicle which is involved in an accident resulting
22 in bodily injury to or death of, a person or damage to the property of
23 any one person to an apparent extent of \$500 or more shall forward to
24 the department a written report within 10 days of the accident and shall
25 forward a copy of the report to the local police department within 10
26 days if the accident occurs within a municipality and if required by
27 sec. 80 of this chapter. However, no written report is required of a
28 driver or owner under this section when the accident is investigated by
29 a peace officer.

1 (b) A peace officer shall investigate a vehicle accident in which
2 there occurred injury, death or damage specified in (a) of this section,
3 whether at the time and scene of the accident or after that time, by
4 interviewing the participants or witnesses, and shall prepare and for-
5 ward to the department a written report of the accident. The report
6 required under this subsection is not privileged or confidential.

7 (c) The department may require a person who files a report under
8 this section to file supplemental written reports when, in the opinion
9 of the department, the original report is insufficient.

10 (d) A written report is not required under (a) of this section
11 from a person who is medically incapable of making a written report
12 during the period of his incapacity. When the driver is medically in-
13 capable of making a written report and the driver is not the owner of
14 the vehicle and when the accident is not investigated by a peace offi-
15 cer, then the owner of the vehicle shall make the report within 10 days
16 after learning of the accident.

17 (e) The department shall suspend the driver's license of a person
18 licensed in this state, or the driving privilege of a person who is
19 licensed in another jurisdiction, for failing to file a written report
20 as required under (a) or (d) of this section. A suspension under this
21 subsection remains in effect until the report is properly filed with the
22 department.

23 (f) A written report required under this section is without pre-
24 judice to the person reporting.

25 (g) The written report of a person under this section may not be
26 used as evidence in a civil or criminal proceeding arising out of an
27 accident, except when necessary to prosecute a person for the filing of
28 a false report under this chapter. The department shall furnish upon
29 the demand of a party to a civil or criminal proceeding, or upon the

1 demand of a court, a certificate showing that a specified accident
2 report has or has not been made to the department in compliance with
3 law, and if a report has been made, the date and time and location of
4 the accident, and the names and addresses of the drivers and owners of
5 the vehicles involved and the investigating officers.

6 (h) Every report required to be made in writing under this section
7 shall be on forms approved by the department. The department shall
8 prepare and supply to its offices, police departments and other appro-
9 priate agencies or individuals, forms for written accident reports as
10 required under this section. A written report shall contain all the
11 information required unless it is not available and the information
12 shall be sufficiently detailed to disclose the cause of the accident,
13 road condition existing at the time of the accident, the persons and
14 vehicles involved, and specific information relating to financial re-
15 sponsibility under ch. 20 of this title.

16 Sec. 28.26.060. EXAMINATION BEFORE REPAIR; DESTRUCTION OF EVI-
17 DENCE. (a) No person may make or have made repairs to a vehicle which
18 shows evidence of having been involved in an accident for which a writ-
19 ten report is required to be filed under sec. 50 of this chapter, or
20 having been struck by a bullet, without first notifying the local police
21 department if the vehicle is located within a municipality, or otherwise
22 notifying the department. An official of the local police department or
23 the department shall immediately proceed to examine the vehicle and make
24 a full report subscribed by the person having custody of the vehicle. A
25 copy of the report shall be forwarded to the department, and shall
26 include the vehicle identification number, the vehicle registration
27 plate number, and the name and address of the owner or driver of the
28 vehicle. However, if no peace officer is stationed within 10 miles of
29 the place where the vehicle is brought for repair, notice shall be given

1 to the department at the earliest opportunity and the department shall
2 indicate whether it desires to examine the vehicle or waive the exami-
3 nation.

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

9 (c) No person may knowingly destroy, obliterate, conceal or re-
10 move, or aid, abet, or assist in the destruction, obliteration, con-
11 cealment, or removal from a vehicle of, evidence showing or tending to
12 show that the vehicle was involved in an accident resulting in bodily
13 injury to, or death of, a person or damage to the property of any one
14 person exceeding \$500.

15 (d) A person convicted of a violation of (c) of this section is
16 punishable by a fine of not more than \$1,000, or by imprisonment for not
17 more than one year, or by both.

18 Sec. 28.26.070. DEPARTMENTS OF HEALTH AND SOCIAL SERVICES AND
19 PUBLIC SAFETY TO PREPARE AND ANALYZE REPORTS. (a) The Department of
20 Health and Social Services shall report monthly in writing to the De-
21 partment of Public Safety, the death of any person resulting from a
22 motor vehicle accident, giving the time, place, and other available
23 details of the accident.

24 (b) The department shall tabulate and analyze all accident reports
25 received under this chapter and shall publish annually, or at more fre-
26 quent intervals, statistical information relating to the number and
27 circumstances of vehicle accidents.

28 Sec. 28.26.080. MUNICIPALITY MAY REQUIRE ACCIDENT REPORTS. A
29 municipality may by ordinance require the driver or owner of a vehicle

1 involved in an accident in that municipality to file with a designated
2 municipal department a copy of the written report of the accident re-
3 quired under sec. 50 of this chapter. However, if a written report is
4 not required under this chapter, it may not be required by the munici-
5 pality. All reports under this section are for the confidential use of
6 the municipal department and are subject to the applicable provisions of
7 this chapter.

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

9 CHAPTER 36. MOTOR VEHICLE AND DRIVING OFFENSES.

10 ARTICLE 1. ALCOHOL AND OTHER DRUGS.

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

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

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

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

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

26 (c) Upon conviction of a violation of this section, the convicted
27 person is punishable by a fine of not more than \$1,000, or by imprison-
28 ment for not more than one year, or by both. Upon a second conviction
29 within five years after a first conviction under this section, the court

1 shall impose a minimum sentence of imprisonment of not less than five
2 days. Upon a subsequent conviction within five years after a second
3 conviction under this section, the court shall impose a minimum sentence
4 of imprisonment of not less than 10 days. The execution of sentence may
5 not be suspended nor may probation or parole be granted until the mini-
6 mum imprisonment provided in this section has been served, nor may
7 imposition of sentence be suspended, except upon the condition that the
8 defendant be imprisoned for no less than the minimum period provided in
9 this section, nor may the punishment provided for in this section be
10 reduced under AS 11.05.150. In addition, the person's driver's license
11 shall be revoked in accordance with AS 28.15.181.

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

22 Sec. 28.36.030. REFUSAL TO SUBMIT TO CHEMICAL TEST. (a) If a
23 person under arrest refuses the request of a peace officer to submit to
24 a chemical test of his breath as provided in sec. 20 of this chapter
25 after being advised by the officer that his refusal will result in the
26 revocation of his license, or his privilege to drive in this state if he
27 is licensed in another jurisdiction, a chemical test may not be given.

28 (b) Upon receipt of a sworn report of a peace officer that a
29 person has refused to submit to a chemical test authorized under sec. 20

1 of this chapter, containing a statement of the circumstances surrounding
2 the arrest and the grounds upon which the arresting officer believed the
3 person to be driving or operating a motor vehicle in violation of sec.
4 10 of this chapter, the department shall revoke the person's driver's
5 license or driving privilege is revoked for the period of time specified
6 in AS 28.15.211(a)(4).

7 (c) If a person requests a hearing under AS 28.05.131 and (b) of
8 this section, the scope of the hearing shall be limited to the issues of
9 whether

10 (1) there were reasonable grounds for the peace officer to
11 believe that the arrested person was driving or operating a motor ve-
12 hicle while under the influence of alcohol;

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

19 (3) the arrested person was advised that his refusal to sub-
20 mit to the breath test upon the request of the officer would result in
21 the revocation of his driver's license or driving privilege; and

22 (4) the person refused to submit to the chemical or breath
23 test.

24 (d) If the issues set out in (c) of this section are determined in
25 the affirmative, the department shall sustain its action; however, if
26 one or more of the issues are determined in the negative, the department
27 shall rescind its action. If the department revokes the privilege of a
28 person licensed in another jurisdiction to drive a motor vehicle in this
29 state or rescinds that action, the department shall report its action in

1 writing to the motor vehicle administrator for the jurisdiction in which
2 the person has a license.

3 (e) Refusal to submit to a chemical test under this section does
4 not preclude the taking of other legal evidence and its introduction at
5 trial.

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

18 (b) The analyst conducting the tests authorized in this chapter
19 shall report the alcohol content of blood as a percentage by weight of
20 alcohol per volume of blood, plasma or serum as follows: per cent
21 weight per volume of blood, plasma or serum, or grams per 100 milli-
22 liters of blood, plasma or serum.

23 (c) To be considered valid under this section, the chemical anal-
24 ysis of the person's breath must have been performed according to
25 methods approved by the Department of Health and Social Services. The
26 Department of Health and Social Services may approve satisfactory
27 methods and standards of training necessary to ascertain the qualifi-
28 cations of individuals to conduct the analysis. If it is established at
29 trial that a chemical analysis of breath was performed according to

1 approved methods by a person trained according to methods and standards
2 of training approved by the Department of Health and Social Services,
3 there is a presumption that the test results are valid and further
4 foundation for introduction of the evidence is unnecessary.

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

8 (e) The person tested may have a qualified person of his own
9 choosing administer chemical tests approved by the Department of Health
10 and Social Services in addition to the test administered at the direc-
11 tion of a peace officer. The failure or inability to obtain or the
12 actual obtaining of an additional test by a person does not preclude the
13 admission of evidence relating to the test taken at the direction of a
14 peace officer. The fact that the person sought to obtain an additional
15 test and failed, or was unable to obtain the test, is also admissible in
16 evidence. A person desiring a test under this subsection shall arrange
17 and pay for the test himself, and the peace officer is not required to
18 assist in the arranging or paying for that test. Notice of a person's
19 right to the additional test under this subsection shall be given to him
20 by the peace officer.

21 (f) Upon the request of the person who submits to a chemical test
22 at the request of a peace officer, full information concerning the test,
23 including the results of it, shall be made available to him or his
24 attorney.

25 ARTICLE 2. OTHER SERIOUS OFFENSES.

26 Sec. 28.36.070. RECKLESS DRIVING. (a) A person who drives a
27 motor vehicle in the state in a manner which creates a substantial and
28 unjustifiable risk of harm to a person or to property is guilty of reck-
29 less driving. A substantial and unjustifiable risk is a risk of such a

1 nature and degree that the conscious disregard of the risk or a failure
2 to perceive the risk constitutes a gross deviation from the standard of
3 conduct that a reasonable person would observe in the situation.

4 (b) A person convicted of reckless driving is punishable by a fine
5 of not more than \$1,000, or by imprisonment for not more than one year,
6 or by both, and, in addition, his driver's license, or privilege to
7 drive in this state if he is licensed in another jurisdiction, shall be
8 revoked as provided in AS 28.15.231.

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

12 Sec. 28.36.080. NEGLIGENT DRIVING. (a) A person who drives a
13 vehicle in this state in a manner which creates an unjustifiable risk of
14 harm to a person or to property and who, as a result of the creation of
15 the risk, actually endangers a person or property is guilty of negligent
16 driving. An unjustifiable risk is a risk of such a nature and degree
17 that a failure to avoid the risk constitutes a deviation from the stan-
18 dard of care that a reasonable person would observe in the situation.
19 Proof that a defendant actually endangered a person or property is
20 established by showing that, as a result of the defendant's driving

21 (1) an accident occurred;

22 (2) a person other than the defendant stopped, slowed sud-
23 denly or took necessary evasive action to avoid an accident; or

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

26 (b) The offense of negligent driving is an infraction and is a
27 lesser offense than, and is included in, the offense of reckless
28 driving, and a person charged with reckless driving may be convicted of
29 the lesser offense of negligent driving.

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

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

8 Sec. 28.36.090. UNLAWFUL FLIGHT TO AVOID ARREST BY A PEACE OF-
9 FICER. (a) No driver of a vehicle may wilfully fail or refuse to bring
10 his vehicle to a stop, or unlawfully flee to avoid arrest by a pursuing
11 peace officer when given visual or audible signals to bring the vehicle
12 to a stop. The officer giving the signal shall be in uniform or promi-
13 nently displaying his badge of office, and his vehicle shall be con-
14 spicuously marked showing it to be an official police vehicle.

15 (b) A person convicted of unlawfully fleeing to avoid arrest by a
16 peace officer is punishable by imprisonment for not more than 90 days,
17 or by a fine of not more than \$1,000, or by both. In addition, a person
18 convicted of violating this section while driving a motor vehicle may
19 have his driver's license, or privilege to drive in this state if he is
20 licensed in another jurisdiction, suspended or revoked as provided in AS
21 28.15.181.

22 ARTICLE 3. MISCELLANEOUS OFFENSES.

23 Sec. 28.36.120. UNLAWFUL TO KNOWINGLY MAKE FALSE STATEMENT, AFFIR-
24 MATION, SIGNATURE OR FILING. (a) No person may knowingly make a false
25 affidavit, report, statement or representation, or swear or affirm
26 falsely with respect to a matter of fact required to be sworn to, af-
27 firmed or furnished under this title or regulations adopted under this
28 title; nor may the person use a name other than his true name or know-
29 ingly forge or without authority sign evidence relating to this title or

1 regulations adopted under this title; nor may the person file or offer
2 for filing that evidence knowing or having reason to believe that it is
3 forged or signed without authority.

4 (b) A person who is convicted of a violation of (a) of this sec-
5 tion is punishable by imprisonment for not less than one year nor more
6 than five years, or by a fine of not less than \$500 nor more than
7 \$5,000, or by both.

8 Sec. 28.36.130. UNLAWFUL TO DISOBEY SIGNALS OF PERSON REGULATING
9 TRAFFIC. (a) No driver of a vehicle may refuse or neglect to obey a
10 lawful order or direction of a peace officer, fireman, or authorized
11 flagman regulating or directing traffic. A peace officer or fireman
12 regulating or directing traffic shall, upon the request of a driver,
13 produce evidence of his authorization unless he is wearing in view his
14 badge or uniform of office.

15 (b) "Authorized flagman" as used in this section is a state or
16 municipal employee who is wearing readily identifiable clothing and has
17 received the training required by regulations adopted by the commis-
18 sioner.

19 Sec. 28.36.140. UNLAWFUL TO OBSTRUCT OR BLOCK TRAFFIC. (a) No
20 person may purposely obstruct or block traffic on a highway or vehicular
21 way or area by any means except as necessitated by an emergency. How-
22 ever, a service or emergency vehicle such as a bus, garbage truck, tow
23 truck or ambulance may make brief stops on a highway or vehicular way or
24 area which are necessary in the performance of its official duties and
25 which do not unnecessarily obstruct traffic; but no stop may be made on
26 a controlled access highway except in an emergency or by an authorized
27 emergency vehicle responding to an emergency.

28 (b) As used in this section, "authorized emergency vehicle" and
29 "controlled access highway" have the meanings as provided in the traffic

1 regulations adopted under this title.

2 Sec. 28.36.150. UNLAWFUL TO DRIVE VEHICLE WITH STUDDED TIRES OR
3 CHAINS AT CERTAIN TIMES. (a) No person may drive or move a vehicle
4 with studded tires or tires with chains attached on a paved highway from
5 May 1 through September 15, inclusive, north of 60° North Latitude and
6 from April 15 through September 30, inclusive, south of 60° North
7 Latitude. The commissioner shall, by emergency order, provide for
8 additional lawful driving periods based on unusual seasonal or weather
9 conditions. An emergency order adopted under this section is not sub-
10 ject to the Administrative Procedure Act (AS 44.62).

11 (b) Upon application, the department shall issue a special indivi-
12 dual traction permit allowing the driving or moving of a vehicle equip-
13 ped with studded tires or chains at any time at the discretion of the
14 vehicle owner. The annual fee for the special individual traction
15 permit is one-third of the annual registration fee under AS 28.10.421.
16 The department may provide an appropriate sticker or other device iden-
17 tifying the vehicle to which the permit applies.

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

21 Sec. 28.36.160. UNLAWFUL TO TAMPER WITH OR DAMAGE VEHICLE. No
22 person, without the right to do so, may tamper with a vehicle, set or
23 attempt to set a vehicle into motion, or damage the vehicle or its
24 equipment.

25 Sec. 28.36.170. RENTING A MOTOR VEHICLE. (a) No person may rent
26 a motor vehicle to a person unless the person renting the vehicle is
27 properly licensed under this title or, in the case of a person not
28 licensed in this state, is properly licensed under the laws of another
29 jurisdiction.

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

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

10 (d) Every person renting a motor vehicle shall comply with the
11 applicable financial responsibility requirements of ch. 20 of this
12 title.

13 Sec. 28.36.180. MOTORCYCLE HELMET. A person who is at least 19
14 years of age and is the holder of a motorcycle operator's license clas-
15 sified separately under regulations adopted under AS 28.15.041 for the
16 driving of a motorcycle is not required to wear a helmet while operating
17 a motorcycle; however, a passenger on or person operating a motorcycle
18 under the authority granted by any other class of driver's license must
19 wear a motorcycle helmet at all times while the motorcycle is in opera-
20 tion.

21 Sec. 28.36.185. PARKING PERMIT FOR VEHICLE TRANSPORTING DISABLED
22 PERSON. (a) When the owner or person in lawful possession of a vehicle
23 presents to the department written proof, in the form of an affidavit,
24 that he is primarily responsible for the transportation of a disabled or
25 medically handicapped person, the department shall issue to the appli-
26 cant, without charge, a special permit bearing the applicant's name,
27 address, driver's license number, and the registration plate numbers of
28 the vehicles to be used for that transportation. The permit issued
29 under this section, when displayed in the front windshield of a parked

1 or standing vehicle, shall provide for special consideration by the
2 public with respect to the parking or standing in designated spaces of a
3 vehicle which is not registered in the name of the disabled or medically
4 handicapped person, but which is used for the primary transportation of
5 that person.

6 (b) No person is entitled to use the special permit provided for
7 in (a) of this section except

8 (1) the driver named on the permit;

9 (2) when in a vehicle having its registration number on the
10 permit; and

11 (3) only when providing transportation for the disabled or
12 handicapped person with respect to whom the permit was issued.

13 (c) Proof of disablement or medical handicap, for the purpose of
14 this section, shall be provided as specified in AS 28.10.181(d).

15 * Sec. 29. AS 28 is amended by adding a new chapter to read:

16 CHAPTER 90. GENERAL PROVISIONS.

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

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

26 (c) Unless otherwise provided by law, a violation of a regulation
27 adopted under this title or a municipal ordinance regulating vehicles or
28 traffic when the municipal ordinance does not correspond to a provision
29 of this title is an infraction and is subject to a fine of not more than

1 \$300.

2 (d) An infraction, as provided for in (c) of this section, is not
3 considered a criminal offense and may not result in imprisonment, nor is
4 a fine imposed for the commission of an infraction considered a penal or
5 criminal punishment; nor may the commission of a single infraction
6 result in the loss of a driver's license or privilege to drive in this
7 state, except as may result from the accumulation of points under AS
8 28.15.221 - 28.15.261.

9 (e) Notwithstanding the maximum fine provided for infractions
10 under (c) of this section and in addition to other liability or penalty
11 provided by law, for the violation of regulations or special permits
12 issued governing vehicle weight limits, overweight penalties shall be
13 imposed at the rate of five cents for each pound of weight over the
14 authorized weight limit for that vehicle.

15 Sec. 28.90.020. DEFINITIONS. (a) Unless otherwise specifically
16 defined or unless the context otherwise requires, in this title and in
17 regulations adopted under this title,

18 (1) "cancel" means the annulment or termination by formal
19 action of the department of a certification, registration, license, per-
20 mit or privilege issued or allowed under this title or regulations
21 adopted under this title, because of an error or defect in the document
22 issued or the application for issuance or because the person holding the
23 document is no longer entitled to it;

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

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

26 (4) "driver" means a person who drives or is in actual physi-
27 cal control of a vehicle, and includes "operator";

28 (5) "driver's license", or "license" when used in relation to
29 driver licensing, means a license, permit or privilege, whether or not a

1 person holds a valid license issued in this or another jurisdiction, to
2 drive a motor vehicle under the laws of this state;

3 (6) "highway" means the entire width between the boundary
4 lines of every way that is publicly maintained when a part of it is open
5 to the public for purposes of vehicular travel, including but not
6 limited to every street and the Alaska state marine highway system but
7 not of a vehicular way or area;

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

10 (8) "motorcycle" means a vehicle having a seat or saddle for
11 the use of the rider and designed to travel on not more than three
12 wheels in contact with the ground; the term does not include a tractor;

13 (9) "motor-driven cycle" means a motorcycle, motor scooter,
14 motorized bicycle, or similar conveyance with a motor attached and
15 having an engine with less than 75 cubic centimeters of displacement and
16 which does not exceed five brake-horsepower;

17 (10) "municipality" means a home rule or general law borough
18 or city including, but not limited to, a unified municipality organized
19 under AS 29.68;

20 (11) "official traffic-control device" means a sign, signal,
21 marking, or device other than a temporary device, not inconsistent with
22 this title, placed or erected upon the recommendation of a traffic
23 engineering study conducted by a qualified engineer and by authority of
24 a state or municipal agency or official having jurisdiction, for the
25 purpose of regulating, warning, or guiding traffic;

26 (12) "owner" means a person, other than a lienholder, having
27 the property rights in or title to a vehicle, including, but not limited
28 to, a person entitled to the use and possession of a vehicle subject to
29 a security interest by another person, but exclusive of a lessee under a

1 lease not intended as security;

2 (13) "revoke" means the termination by formal action of the
3 department or a court of a certification, registration, license, permit
4 or privilege issued or allowed under this title or regulations adopted
5 under this title; the certification, registration, license, permit or
6 privilege may not be reissued, renewed or restored during the time for
7 which revoked; however, after that time, an application for a new certi-
8 fication, registration, license, permit or privilege may be made;

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

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

20 (16) "traffic" means pedestrians, ridden or herded animals,
21 vehicles and other conveyances either singly or together while using a
22 highway or vehicular way or area which is open to public use for pur-
23 poses or travel;

24 (17) "vehicle" means a device in, upon, or by which a person
25 or property may be transported or drawn upon or immediately over a
26 highway or vehicular way or area except a device used exclusively upon
27 stationary rails or tracks;

28 (18) "vehicular way or area" means a way, path or area, other
29 than a highway or private property, which is designated by official

1 traffic control devices or customary usage and which is open to the
2 public for purposes of pedestrian or vehicular travel, and which way or
3 area may be restricted in use to pedestrians, bicycles, or other speci-
4 fic types of vehicles as determined by the department or other agency
5 having jurisdiction over the way, path or area.

6 (b) The commissioner may adopt regulations, subject to the legis-
7 lative annulment provisions of AS 44.62, to define words not defined in
8 (a) of this section but which are used in this title and in regulations
9 adopted under this title.

10 Sec. 28.90.030. SHORT TITLE. This title may be cited as the
11 Alaska Uniform Vehicle Code.

12 * Sec. 30. AS 11.20 is amended by adding new sections to read:

13 Sec. 11.20.141. UNAUTHORIZED USE, POSSESSION OR DISPOSAL OF MOTOR
14 VEHICLE. (a) A person who drives, tows away, or otherwise takes a
15 motor vehicle not his own, or a person who is an accessory to or an
16 accomplice in the driving or unauthorized taking of a motor vehicle,
17 without the consent of the owner or other person in lawful possession of
18 the vehicle is guilty of a felony and upon conviction is punishable by
19 imprisonment for not more than three years and by a fine of not more
20 than \$5,000.

21 (b) A person not entitled to the possession of a motor vehicle who
22 receives, possesses, conceals, sells or disposes of it, knowing it to be
23 stolen or converted under circumstances constituting a crime, is guilty
24 of a felony and upon conviction is punishable by imprisonment for not
25 more than five years and by a fine of not more than \$10,000.

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

1 vehicle by the same or a different person.

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

6 (e) In this section,

7 (1) "motor vehicle" means a motor vehicle as defined in AS
8 28.90.020(7);

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

13 Sec. 11.20.142. FAILURE TO RETURN RENTAL VEHICLE. (a) No person
14 in possession of a motor vehicle under an agreement in writing which
15 requires him to return the vehicle to a particular place or at a parti-
16 cular time may refuse or wilfully neglect to return it to the place or
17 at the time specified in the agreement in writing with the intent to
18 deprive the owner of the vehicle or to convert it to his own use, or
19 secrete, convert, sell or attempt to sell the vehicle or any part of the
20 vehicle.

21 (b) Upon conviction, a person who is guilty of violating this sec-
22 tion is punishable by imprisonment for not more than five years, or by a
23 fine of not more than \$1,000, or by both.

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

28 * Sec. 31. AS 12.25.033 is amended to read:

29 Sec. 12.25.033. GROUNDS FOR ARREST BY PEACE OFFICER WITHOUT WAR-

1 RANT. A peace officer may arrest a person without a warrant, whether or
2 not the offense is committed in the presence of the officer, when the
3 officer has probable cause to believe that the person to be arrested has
4 committed the crime of driving or operating a motor vehicle in violation
5 of AS 28.36.010 [AS 28.35.030] or a similar city or borough ordinance,
6 if the violation is alleged to have occurred less than eight hours
7 before the time of arrest.

8 * Sec. 32. AS 12.25.190(c) is amended to read:

9 (c) The person cited for the crime shall give his written promise
10 to appear in court by signing at least one copy of the written citation
11 prepared by the peace officer and the officer shall deliver a copy of
12 the citation to the person. The written promise requirement of this
13 subsection does not apply to motor vehicle and traffic citations under
14 AS 28.05.151 [AS 28.05.080].

15 * Sec. 33. AS 19.10.060 is repealed and re-enacted to read:

16 Sec. 19.10.060. REGULATION OF WEIGHT AND LOAD OF VEHICLES AND USE
17 OF HIGHWAYS DURING CERTAIN SEASONS. (a) The department, with respect
18 to highways under its jurisdiction, may

19 (1) establish limitations on weight and load of vehicles;

20 (2) prohibit the operation or impose restrictions on vehicu-
21 lar use of highways during certain seasons of the year.

22 (b) The department shall adopt regulations subject to the legis-
23 lative annulment provisions of AS 44.62 reasonably necessary to protect
24 against undue damage to a highway, its foundations, surfaces or struc-
25 tures, and a vehicular way or area:

26 (1) preventing the restriction, obstruction, or stoppage of
27 normal traffic on a highway or vehicular way or area; and

28 (2) prohibiting a person from committing an act of vandalism
29 causing injury or damage to a highway or vehicular way or area.

1 (c) Any regulations adopted under this section except for (b)(1)
2 and (2) of this section, shall be in compliance with AS 44.62 and be
3 approved by a concurrent resolution adopted by majority vote of each
4 house of the legislature before becoming effective.

5 * Sec. 34. AS 19.10.100 is repealed and re-enacted to read:

6 Sec. 19.10.100. CLOSING HIGHWAYS. (a) When it is necessary to
7 exclude traffic from any portion of a highway, the department may close
8 that portion of the highway by posting in a conspicuous manner, at each
9 end of the portion closed, suitable signs warning the public that the
10 road is closed under authority of law, and by erecting suitable obstruc-
11 tions. When practicable, reasonable notice of an order closing or
12 restricting a highway or vehicular way or area shall be given to the
13 traveling public before the order becomes effective.

14 (b) Nothing in this section may be considered to prohibit the
15 commissioner of public safety and law enforcement and other personnel as
16 he may designate from restricting travel upon a highway or vehicular way
17 or area in the interest of the safety of the public when conditions on
18 the highway or vehicular way or area make necessary the restriction.

19 * Sec. 35. AS 21.89.020(a) is amended to read:

20 (a) An automobile liability policy which insures an owner or
21 driver [OPERATOR] of a motor vehicle against loss resulting from his
22 liability for bodily injury or death, or for property injury or destruc-
23 tion, or both, which is sold in this state after January 1, 1969, by an
24 insurance carrier authorized to transact business in this state, shall
25 contain limits in at least the amount prescribed for a motor vehicle
26 liability policy in AS 28.20.171(b)(2) [AS 28.20.440(b)(2)], and meet
27 the requirements of AS 28.20.171(b)(3) [AS 28.20.440(b)(3)] unless
28 waived as provided in that paragraph.

29 * Sec. 36. AS 29.13.100 is amended by adding a new paragraph to read:

1 (38) AS 29.48.035(a)(1) - (3) (vehicles)

2 * Sec. 37. AS 29.48.020(3) and (4) are amended to read:

3 (3) regulate the licensing and driving [OPERATION] of motor
4 vehicles and drivers not inconsistent with AS 28.01.010 [OPERATORS];

5 (4) regulate snow vehicles and off-highway vehicles not
6 inconsistent with AS 28.01.010 [AS PROVIDED IN AS 05.30.070];

7 * Sec. 38. AS 29.48.035(a)(1) is amended to read:

8 (1) vehicle and [,] pedestrian [, AND OTHER] traffic, and
9 licensing and driving [OPERATION] of motor vehicles, including snow
10 vehicles and off-highway vehicles and drivers [OPERATORS] not inconsis-
11 tent with AS 28.01.010;

12 * Sec. 39. AS 29.53.020 is amended by adding a new subsection to read:

13 (j) One motor vehicle subject to registration owned or used pri-
14 marily by a resident 65 years of age or older if the claimant has filed
15 an application for exemption no later than January 15 of the assessment
16 year on a form prescribed by the assessor.

17 * Sec. 40. AS 34.35 is amended by adding a new section to read:

18 Sec. 34.35.540. TOWING AND STORAGE LIEN. (a) A person engaged in
19 the business of towing motor vehicles, who tows, transports or stores a
20 motor vehicle, has a possessory lien on the vehicle. This lien attaches
21 when the person acts under a contract with the owner or at the direction
22 of a public officer acting lawfully or a person entitled to possession
23 of the property upon which the motor vehicle is parked without consent.
24 The lien remains in effect while the motor vehicle is in the possession
25 of the person, and the vehicle may be sold, as provided in (c) of this
26 section, to pay the charges for towing, transportation or storage.

27 (b) A lien under this section is limited to towing and storage
28 charges assessed according to the tariff filed by the carrier with the

1 tariff, the towing or storage charge shall be the same as the lowest
2 similar charge in the other filed tariffs covering the same service or
3 route. Storage charges cease to be part of the lien after 60 days
4 unless the registered owner or primary lienholder, if any, has been
5 given actual notice of the possessory lien within that time or unless a
6 certified letter has been mailed within that time to the owner and
7 primary lienholder, if any, at their addresses of record with the De-
8 partment of Public Safety or the corresponding office in another juris-
9 diction in which the title to the motor vehicle and the lien on it are
10 recorded.

11 (c) If the motor vehicle remains unclaimed for a period of 30 days
12 in the possession of the person who performed the towing, transportation
13 or storage, it shall be sold on giving 20 days notice of the sale. The
14 notice shall be delivered to the proper officer and personally served on
15 the registered owner and all lienholders, if any, of the motor vehicle
16 in the same manner as provided by law for service of summons. If either
17 of these persons cannot be located and served personally, notice of the
18 sale shall be forwarded to him at his last known address by certified
19 mail, return receipt requested. This notice shall contain a description
20 of the motor vehicle, including its registration plate number and ve-
21 hicle identification number, together with the time and place of sale, a
22 statement of the amount due, and the name and address of the person to
23 whom the charges are due.

24 (d) The money realized from a sale made under this section shall
25 be applied first to the payment of costs and expenses of the sale and
26 secondly to the lawful charges of the person having a lien on the motor
27 vehicle under this section. Remaining proceeds from the sale shall be
28 retained by the Department of Public Safety to be distributed to the
29 registered and legal owner or lienholder entitled to the remaining

1 proceeds. A purchaser in good faith of a titled motor vehicle sold
2 under this section takes the motor vehicle free of any rights of prior
3 lien.

4 * Sec. 41. AS 42.10.020(3) is amended to read:

5 (3) motor vehicles not exceeding an unladen [A] total gross
6 weight of 16,000 [12,000] pounds, owned [AND OPERATED] by a person
7 deriving his primary source of livelihood from the operation of a
8 [RANCHER, FARMER, OR DAIRYMAN IN THE TRANSPORTATION OF HIS OWN] ranch,
9 farm, or dairy and which vehicle is used exclusively to transport his
10 own ranch, farm, or dairy products to and from the market or to trans-
11 port [PRODUCTS FROM THE POINT OF PRODUCTION TO MARKET OR TO THE POINT OF
12 TRANSPORTATION TO MARKET, OR OF] supplies, commodities, or equipment
13 to be used on his [OWN] ranch, farm, or dairy; motor [. MOTOR] vehicles
14 driven [OPERATING] under this classification shall be identified as farm
15 vehicles in accordance with regulations adopted [PRESCRIBED] by the
16 commissioner of public safety [REVENUE].

17 * Sec. 42. AS 44.80.070 is amended to read:

18 Sec. AS 44.80.070 SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When
19 the state, or a department or agency of the state, which has control
20 over a highway or vehicular way or area, permits a portion of the high-
21 way or vehicular way or area, as defined under AS 28.90.020 [AS 28.35.-
22 260], to be used for a special purpose, the state is not subject to
23 legal action or recovery of damages for injury arising out of, or in any
24 manner connected with the special purpose use.

25 * Sec. 43. AS 45.45.240(2) is amended to read:

26 (2) "motor vehicle" or "vehicle" means a motor vehicle as
27 defined in AS 28.90.020 [AS 28.35.260] which is required to be regis-
28 tered under AS 28.10, or with a governmental agency of another juris-
29 diction performing a similar function;

1 * Sec. 44. AS 05.30; AS 28.01.020; AS 28.11.110; and AS 28.35 are re-
2 pealed.

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