

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR CS FOR SENATE BILL NO. 471

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 miscellaneous taxes, licenses,  
7 registration, and their administration; and providing  
8 for an effective date."

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

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

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

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

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

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

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

1 notice of any inconsistent ordinances shall be given by the municipality  
2 when the copy of the ordinances is forwarded. So far as practicable, the  
3 section number identifying a particular municipal traffic ordinance shall  
4 be the same as the section number identifying a corresponding provision  
5 of this title or regulations adopted [PROMULGATED] under this 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 (10) registration of motor vehicle, trailer, and semi-trailer  
27 dealers;

28 (11) certification and regulation of junk yards.

29 Sec. 28.05.021. COMMISSIONER TO ENTER COMPACTS AND RECIPROCAL

1 AGREEMENTS. The commissioner may, under terms and conditions best  
2 calculated to promote the interests of the state, enter into a compact  
3 or agreement with an authorized representative of another jurisdiction  
4 in a matter relating to driver licensing, vehicle registration, or other  
5 activity authorized under this title. Compacts or agreements affecting  
6 state finances or driving privileges must be approved by adoption of a  
7 concurrent resolution approved by a majority vote of each house of the  
8 legislature before it becomes effective.

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

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

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

1 (b) The department shall examine and approve or disapprove any  
2 application for registration of, or certificate of title for, a vehicle,  
3 and for a driver's license and any other application made to the de-  
4 partment. The department may make any investigation it considers neces-  
5 sary and may require additional information before approving an appli-  
6 cation. The department shall reject an application if it is not satis-  
7 fied with genuineness, regularity or legality of the application, the  
8 truth of a statement contained in it, or the adequacy or sufficiency of  
9 information requested by the department. The department shall reject an  
10 application when the applicant is not entitled to issuance of the  
11 registration, title, license or permit for which he is applying or for  
12 any other reason required by law.

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

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

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

29 Sec. 28.05.061. RECORDS OF DEPARTMENT AND CERTIFIED COPIES OF

1 RECORDS. (a) The department shall file, maintain and appropriately  
2 index records of

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

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

6 (3) titles and documents creating and evidencing liens or  
7 encumbrances under AS 28.10.381;

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

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

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

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

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

26 ARTICLE 2. VEHICLE EQUIPMENT STANDARDS.

27 Sec. 28.05.081. APPROVAL OF VEHICLE EQUIPMENT. (a) When the  
28 commissioner has reason to believe that vehicle equipment being sold  
29 commercially in the state does not comply with the requirements of this

1 title or regulations adopted under this title or other statutes and  
2 regulations, he may, after giving 30 days notice to the person holding  
3 the certificate of approval for the equipment in this state, conduct a  
4 hearing upon the question of compliance of the equipment. After the  
5 hearing, the commissioner shall determine whether the equipment is in  
6 compliance. If the equipment is not in compliance with the law, the  
7 commissioner shall give notice of that fact to the person holding the  
8 certificate of approval for the equipment in this state.

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

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

28 Sec. 28.05.091. SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE.  
29 A motor vehicle which is driven on a highway or vehicular way or area,

1 and which has been determined to be defective in equipment so as to be  
2 unsafe for driving, is an unlawful vehicle and may be impounded by a  
3 peace officer or an employee of the department officially designated for  
4 that purpose. The owner or person in lawful possession of the vehicle  
5 shall pay the necessary costs of impounding and storing the vehicle.  
6 The impounding of a vehicle is in addition to any other penalty. Noth-  
7 ing in this section prevents the driving or moving of a defective vehic-  
8 le in the manner directed by the peace officer or employee to a place  
9 for

- 10 (1) the correction of a defect in the equipment;
- 11 (2) dismantling or wrecking; or
- 12 (3) storage without repair.

13 ARTICLE 3. SUBPOENAS, NOTICES AND HEARINGS.

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

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

29 (c) A subpoena issued under this section may be enforced by the

1 district court.

2 Sec. 28.05.121. GIVING OF NOTICE. When the department is autho-  
3 rized or required to give notice under this title or regulations adopted  
4 under this title, unless a different method of giving notice is other-  
5 wise expressly provided, notice shall be given by a qualified person,  
6 either by personal delivery to the person to be notified or by regis-  
7 tered or certified mail, return receipt requested, addressed to the  
8 person at his address as shown in the records of the department. The  
9 giving of notice by mail is considered complete upon the return of the  
10 receipt or upon return of the notice as undeliverable, refused, or  
11 unclaimed. Proof of the giving of notice in either manner may be made  
12 by the affidavit of the person giving the notice by personal delivery or  
13 by mail, naming the person to whom the notice was given and specifying  
14 the time, place, and manner of giving the notice.

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

27 (b) The notice under this section shall state the reasons for the  
28 department's proposed action and provide for a reasonable attendance  
29 date of not less than 10 days after service of the notice. If there is

1 no request for a hearing by the attendance date specified in the notice,  
2 the hearing is considered to have been waived.

3 Sec. 28.05.141. HEARINGS AND APPEALS. (a) Unless otherwise  
4 specifically provided, all hearings required under this title or regu-  
5 lations adopted under this title shall be conducted by the department  
6 under regulations adopted by the commissioner governing practice and  
7 procedure and consistent with due process of law. Hearings shall be  
8 informal, and technical rules of evidence do not apply. A person who  
9 requests a hearing may retain an attorney if he so desires. The hearing  
10 officer shall be appointed by the commissioner and may be appointed from  
11 the department. A hearing officer need not be an attorney, but must be  
12 impartial and may not have participated in the decision which is under  
13 review. The hearing officer does not have to file a full opinion or  
14 make formal findings of fact or conclusions of law, but he must state  
15 the reasons for his determination and indicate the evidence relied upon.  
16 The proceedings at the hearing shall be recorded.

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

26 (c) If at the hearing under (a) of this section it appears that  
27 the record of the person sustains suspension, revocation, limitation,  
28 denial, or other remedial action, the hearing officer shall so order and  
29 the department may suspend, revoke, limit, deny, or take other remedial

1 action against that person's license and, if appropriate, the department  
2 shall adjust the person's point total accumulated under AS 28.15.231.

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

11 ARTICLE 4. DISPOSITION OF CERTAIN  
12 VEHICLE AND TRAFFIC OFFENSES.

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

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

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

1 where the offense occurred

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

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

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

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

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

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

22 CHAPTER 10. VEHICLE REGISTRATION AND TITLE.

23 ARTICLE 1. REGISTRATION.

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

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

- 1 (2) driven or moved on a highway under a dealer's plate or
- 2 temporary permit as provided for in secs. 31 and 181(k) of this chapter;
- 3 (3) special mobile equipment as defined by regulation;
- 4 (4) owned by the United States;
- 5 (5) moved by human or animal power;
- 6 (6) exempt under the Soldier's and Sailor's Civil Relief Act
- 7 (50 U.S.C.A. Appr. 501 et seq.);
- 8 (7) driven or parked only on private property;
- 9 (8) the vehicle of a nonresident as provided under sec. 121
- 10 of this chapter;
- 11 (9) a commercial interstate vehicle under sec. 141 of this
- 12 chapter; or
- 13 (10) transported under a special permit under sec. 151 of this
- 14 chapter.

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

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

28 (b) A licensed vehicle dealer may issue to the purchaser of a  
29 vehicle sold by the dealer a temporary permit to drive the vehicle. A

1 permit is effective for a period not to exceed 30 days. The commis-  
2 sioner shall adopt regulations governing the issuance of permits under  
3 this section.

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

6 Sec. 28.10.041. GROUNDS FOR REFUSING REGISTRATION. (a) The de-  
7 partment may refuse to register a vehicle if

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

9 (2) the applicant fails to furnish information required by  
10 the department;

11 (3) the applicant is not entitled to the issuance of a certi-  
12 ficate of title or registration under this chapter;

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

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

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

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

24 (8) the vehicle or applicant fails to comply with this chap-  
25 ter or regulations authorized by this section.

26 (b) When the department refuses to register a vehicle, it shall  
27 immediately notify the applicant stating the reasons for the action and  
28 informing him of his right to a hearing under AS 28.05.131 - 28.05.141.

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

1 The department may suspend or revoke the registration of a vehicle, the  
2 certificate of registration or registration plates for a vehicle, or a  
3 special permit when

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

6 (2) the department determines that a registered vehicle is  
7 mechanically unsafe to be driven or moved on a highway, vehicular way or  
8 area, or other public property in this state and the vehicle has been  
9 seized or impounded under AS 28.05.091;

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

12 (4) the department determines that a required fee or tax has  
13 not been paid and the fee or tax is not paid upon reasonable notice and  
14 demand;

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

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

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

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

24 Sec. 28.10.061. REGISTRATION OF VEHICLES WITH ALTERED OR MISSING  
25 IDENTIFICATION NUMBER. When the vehicle identification number required  
26 to be registered under this chapter has been altered, removed or de-  
27 faced, or is not on the vehicle, the owner shall, immediately upon  
28 discovery, apply to the department for replacement of the identification  
29 number and for a new registration. The department shall search all

1 available sources to determine the identification number originally  
2 assigned and, if the number is determined, shall replace it. If efforts  
3 to determine the original identification number fail, the owner shall  
4 furnish information to show that he is entitled to ownership of the  
5 vehicle and have it inspected by the department. The department, when  
6 satisfied as to the ownership of the vehicle, shall assign an identi-  
7 fication number to the vehicle and have the number placed upon the  
8 vehicle to which it is assigned. The vehicle shall then be registered  
9 under the replaced or assigned identification number.

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

20 (b) Records under this section shall be maintained

21 (1) by a distinctive registration number assigned to the  
22 vehicle;

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

26 (3) by the name and residence and mailing address of the  
27 owner; and

28 (4) as otherwise required by the department.

29 (c) The department shall keep a record of the registrations of

1 vehicles used in law enforcement work when secrecy is necessary. This  
2 record is separate from the vehicle register required by this section  
3 and may be disclosed only to and upon the request of the chief peace  
4 officer of a municipality, a state trooper district commander, the chief  
5 federal law enforcement officer assigned to the state, or to a court  
6 upon an appropriate order.

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

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

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

29 Sec. 28.10.091. LOST OR MUTILATED CERTIFICATES OF REGISTRATION OR

1 REGISTRATION PLATES. If a certificate of registration or a registration  
2 plate is lost, stolen, mutilated or becomes illegible, the owner or  
3 legal representative or successor in interest of the owner of the ve-  
4 hicle for which the certificate or plate was issued as shown by the  
5 records of the department shall, immediately upon discovering that fact,  
6 apply for a duplicate or substitute certificate of registration or  
7 registration plate and shall return to the department all parts of the  
8 original certificate of registration or registration plates which are in  
9 his possession.

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

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

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

21 Sec. 28.10.105. STAGGERED REGISTRATION. (a) Effective January 1,  
22 1979, every vehicle registration, registration card and registration  
23 plate expires and must be renewed in accordance with the registration  
24 renewal schedule set out in this section.

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

28 (c) Every vehicle registered before January 1, 1979 shall, no  
29 later than May 31, 1979, have its registration renewed by application

1 for and payment of the registration fees prescribed in this chapter and,  
2 if applicable, the Alaska Transportation Commission fees as prescribed  
3 in AS 42.

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

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

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

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

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

24 (i) The department may adopt regulations implementing staggered  
25 vehicle registration only as authorized under the provisions of this  
26 section and in accordance with the Administrative Procedure Act (AS  
27 44.62), specifically subject to the legislative annulment procedures as  
28 provided in AS 44.62.320 and including notice as provided in AS 44.62.-  
29 190 and AS 44.62.200 and an opportunity for public comment as provided

1 in AS 44.62.210.

2 Sec. 28.10.107. STAGGERED REGISTRATION IMPLEMENTATION. (a) Every  
3 vehicle subject to registration under secs. 11 and 421(b)(3) and (4) and  
4 (c)(1) - (4) of this chapter shall have its initial registration, and  
5 may have its annual registration, renewed during the month of December,  
6 subject to the provisions of sec. 105(f) of this chapter.

7 (b) Every vehicle subject to registration under secs. 181, 411 and  
8 421(d)(3), (6) and (9) of this chapter shall have its initial registra-  
9 tion, and may have its annual registration, renewed during the month of  
10 January, subject to the provisions of sec. 105(f) of this chapter.

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

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

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

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

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

Registration between	Anniversary Period
January 1 and January 31	1st

1	February 1 and February 28/29	1st
2	March 1 and March 31	2nd
3	April 1 and April 30	3rd
4	May 1 and May 31	4th
5	June 1 and June 30	5th
6	July 1 and July 31	6th
7	August 1 and August 31	7th
8	September 1 and September 30	8th
9	October 1 and October 31	9th
10	November 1 and November 30	10th
11	December 1 and December 31	10th

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

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

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

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

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

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

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

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

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

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

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

24 Sec. 28.10.121. VEHICLES OF NONRESIDENTS. (a) A nonresident  
25 owner of a noncommercial vehicle registered outside the state is exempt  
26 from the registration provisions of this chapter for 90 days after entry  
27 into the state if the vehicle at all times when driven in this state is  
28 registered in and has displayed upon it a currently valid registration  
29 plate issued for it by another jurisdiction. However, if the person

1 becomes gainfully employed in the state or takes action which indicates  
2 his intention to acquire residence in the state, he shall comply with  
3 the licensing and registration provisions of this chapter within 15 days  
4 of commencement of his employment or of his taking action which indi-  
5 cates his intention to acquire residence. If the vehicle is a commer-  
6 cial vehicle, the vehicle must be registered when its commercial use  
7 begins in accordance with sec. 141 and other applicable provisions of  
8 this chapter.

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

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

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

29 (b) If the owner is unable to provide the necessary evidence of

1 ownership, the department, when satisfied that the applicant is the  
2 lawfully registered owner of the vehicle, may register the vehicle with-  
3 out issuing a title and shall type or stamp on the face of the State of  
4 Alaska certificate of registration "No Title Issued". The issuance of  
5 the Alaska certificate of title shall be withheld until the registered  
6 or legal owner provides for the surrender of the out-of-state title, or  
7 in the case of a nontitle state, documents which satisfy the department  
8 of ownership and any liens on the vehicle, or until the posting of a  
9 vehiclesurety bond equal to the market value of the vehicle which bond  
10 shall be maintained for two years.

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

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

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

1 the department; or

2 (3) a vehicle while being moved or driven from one location  
3 to another for the purpose of rebuilding, dismantling, or permanently  
4 removing the vehicle from the highways and vehicular ways and areas of  
5 the state.

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

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

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

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

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

1           Sec. 28.10.171. DISPLAY OF REGISTRATION PLATES. (a) When two  
2 registration plates are issued for a vehicle, they shall be attached to  
3 the vehicle for which issued, one in front and the other in the rear.  
4 When one registration plate is issued, it shall be attached to the rear  
5 of the vehicle for which issued.

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

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

1 longer entitled or the transfer of the plates to another vehicle which  
2 the department does not approve shall be returned immediately to the  
3 department by the person or organization to whom the plates were ori-  
4 ginally issued.

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

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

24 (d) Vehicles owned by disabled veterans and handicapped persons.  
25 A person who presents to the department written proof that he is at  
26 least 70 per cent disabled or medically handicapped and should be given  
27 special consideration by the public with respect to the parking or  
28 standing of his vehicle in designated spaces, may register one passenger  
29 vehicle without charge. The proof required under this subsection may

1 consist of evidence that the person receives at least 70 per cent dis-  
2 ability compensation from a government agency at the time of registra-  
3 tion or an affidavit signed by a physician licensed to practice medicine  
4 in this state. Upon the request of the applicant the department shall  
5 issue a specially designed registration plate which displays

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

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

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

29 (f) Vehicles owned by elected state officials. The department

1 shall issue special registration plates to each incumbent elected state  
2 official for display on noncommercial motor vehicles owned and driven by  
3 the official. The department shall number or design the plates so that  
4 registration by an elected state official is indicated upon the plates.  
5 The registration plates issued under this subsection remain with the  
6 owner of the vehicle only during his term of office.

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

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

22 (i) Amateur mobile radio station vehicles. A validly licensed  
23 amateur radio operator who presents satisfactory proof that the owner  
24 holds an unexpired Federal Communications Commission amateur radio  
25 operator's license of any renewable class, and who presents satisfactory  
26 proof that the vehicle contains or carries an amateur radio transmitter  
27 and receiving unit of a type applicable to the license class applied  
28 for, and who is permitted by law to operate a fixed station, may regis-  
29 ter one amateur mobile radio station vehicle for each radio license

1 issued by the federal government and may receive for the vehicle dis-  
2 tinctive registration plates instead of regular registration plates.  
3 The number on the plates shall be the radio call sign of the owner.

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

17 ARTICLE 2. TITLE.

18 Sec. 28.10.201. TITLE REQUIRED; EXCEPTIONS. (a) Except as other-  
19 wise provided in (b) of this section or in secs. 131 - 141 of this  
20 chapter, every owner of a vehicle subject to registration in this state  
21 shall apply for a certificate of title under this chapter.

22 (b) The owner of a vehicle described in sec. 11 of this chapter as  
23 being exempt from registration and the owner of a snowmobile or off-  
24 highway vehicle may not apply for, nor may the department issue, a  
25 certificate of title for such a vehicle. However, the department may  
26 issue a certificate of title to the owner of a vehicle exempt from  
27 registration under sec. 11(6) of this chapter, upon application by that  
28 owner.

29 (c) The certificate of title issued may, when there is more than

1 one owner, state the name of each owner in the conjunctive or in the  
2 disjunctive in order to indicate that the owners own the vehicle to-  
3 gether or in the alternative.

4 (d) Except for vehicles registered under secs. 131(b) and 141 of  
5 this chapter, the department may not register a vehicle unless the  
6 applicant for registration at the same time applies for and obtains a  
7 certificate of title under this chapter, or presents satisfactory evi-  
8 dence that a certificate of title was previously issued to him. The  
9 department may not accept the application for the original certificate  
10 of registration or title to a vehicle unless the vehicle is in the state  
11 at the time of application. However, the department may accept an  
12 application for registration and certificate of title for a vehicle  
13 which is not in the state when the application is made by a registered  
14 and bonded dealer or by a resident of the state when the application is  
15 accompanied by a manufacturer's statement of origin, or in the case of a  
16 used vehicle, when the application is accompanied by a certificate of  
17 title issued in another jurisdiction and a certificate of inspection by  
18 a peace officer of that jurisdiction stating that the vehicle has been  
19 determined to be the vehicle described in the certificate of title and  
20 that the vehicle has not been reported stolen.

21 Sec. 28.10.211. APPLICATION FOR TITLE. (a) The owner of a ve-  
22 hicle required to be titled under this chapter shall apply for title by  
23 properly completing and surrendering the forms prescribed by the com-  
24 missioner and by complying with all applicable laws and regulations,  
25 after which the department shall issue a certificate of title.

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

1 and

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

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

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

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

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

21 (1) the certificate of title was fraudulently procured or  
22 erroneously issued or required information or fees have not been pro-  
23 vided;

24 (2) the vehicle has been scrapped, dismantled or destroyed  
25 beyond repair;

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

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(4) authorized by any other provision of law.

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

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

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

- (1) the date issued;
- (2) the name and residence and mailing address of the owner;
- (3) the name and address of the primary lienholder, if any;
- (4) a description of the vehicle including its make, year of manufacture, identification number; and
- (5) other information the department may reasonably require.

(b) The certificate of title shall contain a space for the assignment and warranty of title by the owner or dealer selling the vehicle and a space for the assignment or release of the security interest of a lienholder, and may contain forms for application for title by a transferee, and for the naming of a primary lienholder.

(c) The department may not indicate on a certificate of title more than the primary lienholder and the primary registered owner when indicating lienholders and registered owners.

Sec. 28.10.241. DELIVERY AND EFFECT OF CERTIFICATE OF TITLE. (a) The department shall deliver the certificate of title to the primary lienholder named in the certificate. Otherwise, delivery shall be to the registered owner.

(b) A certificate of title for a vehicle is not subject to attachment, execution or other judicial process, but this section does not

1 prevent a lawful levy upon the vehicle.

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

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

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

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

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

24 ARTICLE 3. TRANSFER OF VEHICLE.

25 Sec. 28.10.271. TRANSFER OF VEHICLE BY OWNER. (a) When the owner  
26 of a registered vehicle transfers or assigns his title or interest in  
27 the vehicle, the registration of the vehicle expires; however, the  
28 registration plates remain on the vehicle except as otherwise provided  
29 in sec. 181 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 28.10.331. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE AND  
22 REGISTRATION. The department, upon receipt of the certificate of title  
23 properly endorsed, the certificate of registration, the registration  
24 plates, if any, the application for new title and registration and all  
25 required fees and taxes, shall issue a certificate of title and a cer-  
26 tificate of registration to the transferee or the lienholder lawfully  
27 entitled to the certificates.

28 Sec. 28.10.341. DUTY OF LIENHOLDER IN POSSESSION OF TITLE TO  
29 TRANSFERRED VEHICLE. Upon request of an owner or transferee, a lien-

1 holder in possession of the certificate of title to a transferred ve-  
2 hicle shall, unless the transfer is in breach of a security agreement,  
3 deliver the certificate to the transferee. The delivery of the certi-  
4 ficate of title does not affect the rights of the lienholder under his  
5 security agreement.

6 Sec. 28.10.351. DISMANTLING OR WRECKING VEHICLE. A person who  
7 dismantles, scraps or destroys a registered vehicle shall immediately  
8 forward to the department the certificates of title and registration and  
9 the registration plates for the vehicle.

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

19 ARTICLE 4. FILING DOCUMENTS EVIDENCING  
20 LIENS OR ENCUMBRANCES.

21 Sec. 28.10.371. FILING DOCUMENTS EVIDENCING LIENS OR ENCUMBRANCES.  
22 A conditional sales contract, chattel mortgage, or other lien or encum-  
23 brance or title retention document on a registered vehicle, other than a  
24 lien dependent upon possession, is not valid against a vehicle owner's  
25 creditor who acquires a lien dependent upon possession, or by levy or  
26 attachment, or against a subsequent purchaser or encumbrancer without  
27 notice, until the requirements of secs. 371 - 401 of this chapter are  
28 satisfied.

29 Sec. 28.10.381. PROVISIONS FOR FILING AND ISSUANCE OF TITLE. (a)

1 A copy of the document creating and evidencing a lien or encumbrance  
2 shall be filed with the department.

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

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

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

22 Sec. 28.10.391. FILING AND DATE OF NOTICE. (a) The filing of the  
23 application and documents under sec. 381 of this chapter and the issu-  
24 ance of a new certificate of title are constructive notice of any liens  
25 or encumbrances against the vehicle described in the certificate to a  
26 creditor of the owner, or to a subsequent purchaser or encumbrancer.  
27 However, a lien or encumbrance on a vehicle for labor, material, trans-  
28 portation, storage or similar activity, whether or not dependent on  
29 possession for its validity, is subordinate only to a mortgage, condi-

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

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

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

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

20 Sec. 28.10.401. ASSIGNMENT OR RELEASE BY LIENHOLDER. (a) A  
21 person holding a lien or encumbrance upon a vehicle, other than a lien  
22 dependent solely upon possession, may assign his title to or interest in  
23 the vehicle to a person other than the owner without the consent of the  
24 owner and without affecting the interest of the owner or the regis-  
25 tration of the vehicle. The person assigning his interest shall give  
26 written notice of the assignment to the owner. Upon receiving a certi-  
27 ficate of title assigned by the holder of a lien or encumbrance shown on  
28 the certificate and the name and address of the assignee, accompanied by  
29 the title fee required under sec. 441 of this chapter, the department

1 shall issue a new certificate of title.

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

11 ARTICLE 5. FEES AND CHARGES.

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

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

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

25 (d) The Department of Community and Regional Affairs shall pay to  
26 the borough and to the city in which a person who is granted an exemp-  
27 tion under (c) of this section resides an amount equal to the tax levied  
28 under sec. 431(b) of this chapter regardless of whether the borough or  
29 city is eligible for the tax levied under that section.

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

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

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

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

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

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

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

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

23 (6) a two- or four-wheeled trailer not used or main-  
24 tained for the transportation of persons or property for hire or  
25 for other commercial use, including, but not limited to, a boat  
26 trailer, baggage trailer, box trailer, utility trailer or house  
27 trailer.....\$ 5.

28 (c) The annual registration fees under this subsection are imposed  
29 and are based upon the actual unladen weight as established by the manu-

1        facturer's advertised weight or upon the actual weight which the owner  
2        shall furnish, subject to the approval of the commissioner or his repre-  
3        sentative, for a vehicle, including a motor vehicle pulling a trailer or  
4        semi-trailer, used or maintained for the transportation of passengers  
5        for hire, excepting taxicabs and buses under (b) of this section, or for  
6        the transportation of property for hire or for other commercial use,  
7        including a commercial vehicle such as a trailer, semi-trailer, truck,  
8        wrecker, tow car, hearse, ambulance, and tractor, as follows:

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

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

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

1 waived under sec. 181 of this chapter.....\$ 30;

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

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

5 (9) an amateur mobile radio station vehicle,

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

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

19 (10) dealer registration plates,

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

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

22 (11) a vehicle owned by a municipality or  
23 charitable organization meeting the requirements of  
24 sec. 181(e) of this chapter.....\$ 5.

25 (e) A vehicle registered under this section which, by the removal  
26 of seats, a camper unit, a canopy or other equipment, may be converted  
27 into a vehicle on which the registration fee is computed on a different  
28 basis or in a different amount may not be driven or moved with seats,  
29 camper unit, canopy or other equipment removed unless the other appli-

1 cable registration fee is paid.

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

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

	Tax According to Age of								
	Vehicle								
	Since Model Year:								
	1st	2nd	3rd	4th	5th	6th	7th	8th	
									or over
25	Motor Vehicle								
26	(1) motorcycle	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 2
27	(2) vehicles								
28	specified								
29	in sec.								

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

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	in sec.								
	421(b)(4)								
	of this								
	chapter	100	80	60	50	40	30	20	10
(6)	vehicles								
	specified								
	in sec.								
	421(b)(6)								
	of this								
	chapter	8	7	6	5	4	3	2	2
(7)	vehicles								
	specified								
	in sec.								
	421(d)(9)								
	of this								
	chapter	60	50	40	30	20	15	10	5
(8)	vehicles								
	specified								
	in sec.								
	421(b)(2)								
	of this								
	chapter	60	50	40	30	20	15	10	5
(9)	vehicles								
	specified								
	in sec.								
	421(d)(10)								
	of this								
	chapter	40							

(c) The registration tax shall be levied, collected, enforced and

1 otherwise administered in the same manner as provided for the registra-  
2 tion fees in this chapter. Only one registration tax may be collected  
3 with respect to the same motor vehicle in the year for which the tax is  
4 paid.

5 (d) If a person has paid both the registration fee levied in secs.  
6 411 and 421 of this chapter and the registration tax levied in this  
7 section, and the department determines that the payor is entitled to a  
8 refund in whole or in part of the registration tax, the department shall  
9 make the refund to which the person is entitled. No refund may be made  
10 unless application for a refund is filed with the department by  
11 December 31 of the year following the year for which the refund is  
12 claimed.

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

22 (f) Money received by an organized borough under this section  
23 shall be allocated by the borough by ordinance for city, area outside  
24 city, and service area purposes within the borough.

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



1 a valid certificate of registration for the current registration period  
2 is carried, as required by this chapter, in the vehicle and is available  
3 for inspection by a peace officer or an authorized representative of the  
4 department.

5 Sec. 28.10.471. DRIVING VEHICLE WHEN REGISTRATION SUSPENDED OR  
6 REVOKED OR PERMIT EXPIRED. No person may drive or move, nor may an  
7 owner knowingly permit to be driven or moved, on a highway or vehicular  
8 way or area, a vehicle for which the registration or permit has been  
9 suspended or revoked or has expired.

10 Sec. 28.10.481. IMPROPER USE OF EVIDENCE OF REGISTRATION OR CERTI-  
11 FICATE OF TITLE. No person may lend to another, or knowingly permit the  
12 use by another of, a certificate of registration or title, registration  
13 plate, decal, special plate, or permit issued under this chapter if the  
14 person to whom it is loaned or whose use is permitted is not entitled to  
15 its use, nor may a person display in or upon a vehicle a certificate of  
16 registration, registration plate, decal, special plate, or permit not  
17 issued for that vehicle or not otherwise lawfully used on that vehicle.

18 Sec. 28.10.491. FELONIES RELATING TO TITLE, REGISTRATION, IDENTI-  
19 FICATION NUMBER, AND REMOVAL AND REPRESENTATION OF VEHICLES. (a) Upon  
20 conviction, a person is guilty of a felony who

21 (1) alters, forges or counterfeits a certificate of title or  
22 registration, or a registration plate, decal, tab or sticker of this or  
23 another jurisdiction;

24 (2) alters or forges an assignment of a certificate of title  
25 or an assignment or release of a security interest on a certificate of  
26 title of this or another jurisdiction or on a form the department pre-  
27 scribes;

28 (3) has possession of or uses a certificate of title or  
29 registration, registration plate, decal, tab or sticker of this or

1 another jurisdiction knowing it to have been altered, forged or counter-  
2 feited;

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

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

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

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

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

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

21 ARTICLE 7. GENERAL PROVISIONS.

22 Sec. 28.10.501. DEFINITIONS. Unless otherwise specifically de-  
23 fined or unless the context otherwise requires, in this chapter and in  
24 regulations adopted under this chapter, "dealer" means a person engaged  
25 in the business of buying, selling or exchanging vehicles of a type  
26 required to be registered under this chapter and who maintains a place  
27 of business or by word of mouth, advertising or in any other manner  
28 holds himself out to be in the business of buying, selling or exchanging  
29 vehicles;

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

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

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

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

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

15 (2) the identity of the person abandoning the vehicle is  
16 established and the abandonment was without the consent of the [LAWFUL]  
17 owner.

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

19 Sec. 28.11.020. PRESUMPTION OF ABANDONMENT. A vehicle which has  
20 been left unattended, standing, parked upon or within 10 feet of the  
21 traveled portion of a highway, in excess of 48 hours, or a vehicle left  
22 standing or parked on private property in excess of 24 hours or upon  
23 other public property for more than 30 days, without the consent of the  
24 owner or person in charge of the property, notwithstanding other statu-  
25 tory provisions, may be removed under sec. 30 of this chapter and  
26 treated as an abandoned vehicle, unless the vehicle is reclaimed and  
27 removed before action regarding removal is taken under sec. 30 of this  
28 chapter. The department for good cause may make provisions for parking  
29 of vehicles on state property other than specified in this section and

1 under the provisions of AS 44.62.

2 \* Sec. 11. AS 28.11.030 is amended to read:

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

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

12 (c) A written report of the removal shall be made by the peace  
13 [POLICE] officer or employee who removes or has removed [CAUSES THE  
14 REMOVAL OF] a vehicle under this section, and the report shall be sent  
15 immediately to the department and a copy of the report shall be given to  
16 the person who stores the property. The report shall describe the  
17 vehicle, the date, time, and place of removal, the grounds for removal,  
18 and the place of impoundment of the vehicle.

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

20 Sec. 28.11.040. NOTICE TO OWNERS AND LIENHOLDERS. The person or  
21 company who stores an abandoned vehicle at the direction of a peace  
22 officer or an employee under sec. 30 of this chapter shall within 30  
23 days give notice, in the manner prescribed for the giving of notice by  
24 the department under AS 28.05.121, to the vehicle owner of record and to  
25 lienholders of record, stating the grounds for removal and the location  
26 of the place of impoundment of the vehicle. If the vehicle is not  
27 registered in the state or the name and address of the registered or  
28 legal owner or lienholder cannot be ascertained, notice shall be given  
29 by publication in the manner prescribed in the rules of the court for

1 service of process by publication.

2 \* Sec. 13. AS 28.11.050 is amended to read:

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

11 \* Sec. 14. AS 28.11.060 is amended to read:

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

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

19 Sec. 28.11.070. DISPOSAL OF ABANDONED VEHICLES. (a) Upon satis-  
20 faction of the notice and reporting requirements prescribed in this  
21 chapter, a vehicle may be disposed of by public auction 20 days after  
22 notice of the auction is published in a newspaper of general circulation  
23 in the area or municipality in which the vehicle was found and presumed  
24 abandoned. The notice of auction shall describe the vehicle and specify  
25 the place, date, and time at which it will be sold. A copy of the  
26 notice of auction shall be conveyed to the department.

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

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

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

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

12 \* Sec. 17. AS 28.11.090 is amended to read:

13 Sec. 28.11.090. TOWING AND STORAGE LIEN ON ABANDONED VEHICLE. A  
14 person authorized by contract or other official order to remove an aban-  
15 doned vehicle has a lien upon a vehicle towed, moved, or stored by him  
16 and in his possession in accordance with AS 28.10.315 [AS 28.10.515].

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

18 Sec. 28.11.100. MUNICIPAL ABATEMENT PROCEDURE. A municipality may  
19 adopt an ordinance establishing procedures for the abatement and removal  
20 from private or public property, as a public nuisance or a health or  
21 safety hazard, a wrecked, dismantled, or inoperative vehicle or a ve-  
22 hicle otherwise presumed to be abandoned. An ordinance adopted under  
23 this section shall contain provisions for (1) notice to owners and  
24 lienholders of record and persons known to be lawfully entitled to  
25 possession of the vehicles, of their right to a hearing which shall be  
26 conducted by the municipality in the manner provided for the department  
27 under AS 28.05.131 - 28.05.141; (2) notice to owners and lienholders as  
28 provided in sec. 40 of this chapter; and (3) disposal of abandoned  
29 vehicles as provided in sec. 70 of this chapter.

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

2 CHAPTER 15. DRIVERS' LICENSES.

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

4 Sec. 28.15.011. DRIVERS MUST BE LICENSED. (a) No person shall be  
5 denied the privilege to drive a motor vehicle upon a highway in this  
6 state, except as prescribed by law.

7 (b) Every person exercising his privilege to drive, or exercising  
8 any degree of physical control of a motor vehicle upon a highway, vehi-  
9 cular way or area, or other public property in this state, is required  
10 to have in his possession a valid Alaska driver's license issued under  
11 the provisions of this chapter for the type or class of vehicle driven,  
12 unless expressly exempted by law from this requirement.

13 (c) A person licensed under the provisions of this chapter may  
14 exercise in this state the privilege to drive a motor vehicle and is  
15 subject to the restrictions prescribed by this chapter. No municipality  
16 may require a person to obtain any other driver's license to drive or  
17 operate a motor vehicle in this state.

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

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

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

29 (3) a member of the armed forces of the United States who has

1 a valid driver's license issued by another jurisdiction and who main-  
2 tains his permanent residence in that jurisdiction;

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

6 Sec. 28.15.031. PERSONS NOT TO BE LICENSED. (a) The department  
7 shall not issue a driver's license to a person who is under the age of  
8 16 years, except that the department may issue a permit under sec. 51 of  
9 this chapter or a restricted license under sec. 121 of this chapter.

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

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

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

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

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

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

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

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

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

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

23 (b) No person may drive a school bus transporting school children,  
24 or a bus transporting school-age children or another motor vehicle when  
25 in use for the transportation of persons for compensation until he has  
26 applied for and has been issued a license for that purpose under (a) of  
27 this section. The department may not issue a license under this sub-  
28 section unless the applicant is at least 19 years of age, has had at  
29 least one year of driving experience, and the department is satisfied as

1 to the applicant's good character, competence and fitness to be li-  
2 censed; nor may the department issue the license until proper applica-  
3 tion has been made and all required driving, written, and physical  
4 examinations have been successfully completed. A license issued under  
5 this subsection expires on September 1 of the year following issuance.  
6 Application for renewal may be made by submitting to the department the  
7 results of a current physical examination and paying the required fee.

8 Sec. 28.15.051. INSTRUCTION PERMIT, TEMPORARY DRIVER'S LICENSE AND  
9 SPECIAL DRIVER'S PERMIT. (a) Except as provided in (b) of this sec-  
10 tion, a person who is at least 14 years of age may apply to the de-  
11 partment for an instruction permit. The department may, after the  
12 applicant has successfully passed all parts of the examination under  
13 sec. 81 of this chapter other than the driving test, issue to the appli-  
14 cant an instruction permit. The permit allows a person, while having  
15 the permit in his immediate possession, to drive a specified type or  
16 class of motor vehicle on a highway or vehicular way or area for a  
17 period not to exceed two years. The permittee must be accompanied by a  
18 person at least 19 years of age who has been licensed at least one year  
19 to drive the type or class of vehicle being used, who is capable of  
20 exercising control over the vehicle and who occupies a seat beside the  
21 driver, or who accompanies and immediately supervises the driver when he  
22 drives a motorcycle. An instruction permit may be renewed.

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

1 ever, an approved instructor must occupy a seat beside the permittee or,  
2 if the permittee is driving a motorcycle, he must be accompanied by and  
3 under the immediate supervision of an approved instructor.

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

12 (d) The department may issue a special driver's permit to a person  
13 who is at least 14 years of age with the consent of his parents or  
14 guardians for the purpose of driving a motor-driven cycle. This permit  
15 may be issued upon application and successful completion of all pre-  
16 scribed tests and fees, and is valid for the same period of time as a  
17 driver's license. The permit is not valid in a municipality which by  
18 ordinance prohibits the driving of a motor-driven cycle by a person  
19 under the age of 16 years; a borough may adopt the ordinance on a non-  
20 areawide basis only, unless the power to adopt it on an areawide basis  
21 is acquired under AS 29.33.250 - 29.33.290.

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

27 Sec. 28.15.061. APPLICATION FOR DRIVER'S LICENSE OR INSTRUCTION  
28 PERMIT; NOTICE OF ANATOMICAL GIFT PROCEDURE. (a) Application for an  
29 instruction permit or for a driver's license must be made on a form

1 furnished by the department and must be accompanied by the fee required  
2 under sec. 271 of this chapter.

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

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

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

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

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

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

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

25 Sec. 28.15.071 APPLICATION OF MINORS. (a) The application of a  
26 person under the age of 18 years for an instruction permit or driver's  
27 license must be signed by the father, mother or guardian, or if there is  
28 no parent or guardian then by another responsible adult who is willing  
29 to assume the obligation imposed under this section upon a person sign-

1 ing the application. The application must be signed and verified before  
2 a person authorized to administer oaths, or be signed in the presence of  
3 an authorized representative of the department.

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

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

17 (d) A person who signs the application of a minor for a driver's  
18 license may file with the department a verified written request that the  
19 license of the minor be canceled. When the license is canceled, the  
20 person who signed the application is relieved from liability under (b)  
21 of this section.

22 Sec. 28.15.081. EXAMINATION OF APPLICANTS. (a) The department  
23 shall examine every applicant for a driver's license. The examination  
24 shall include a test of the applicant's eyesight, his ability to read  
25 and understand official traffic control devices, his knowledge of safe  
26 driving practices and the traffic laws and regulations of this state,  
27 and may include a demonstration of ability to exercise ordinary and  
28 reasonable control in the driving of a motor vehicle of the type and  
29 general class of vehicles for which the applicant seeks a license. How-

1 ever, an applicant who has not been previously issued a driver's license  
2 by this or another jurisdiction must demonstrate his ability, and must  
3 present medical information which the department reasonably requires to  
4 determine his fitness to safely drive a motor vehicle of the type and  
5 general class of vehicles for which he seeks a license.

6 (b) The commissioner shall adopt regulations under the procedures  
7 established by AS 44.62 necessary to implement this section and the  
8 department may obtain the services of, and consult with, medical autho-  
9 rities whose specialities relate to driving abilities for the purpose of  
10 making the medical determinations necessary under this section or sec.  
11 91 or 101 of this chapter. Regulations adopted under this section must  
12 be approved by a concurrent resolution adopted by majority vote of each  
13 house of the legislature before becoming effective. The requirements of  
14 the eyesight test under this section may also be satisfied by presenting  
15 the current certification of a licensed physician or optometrist that  
16 the applicant's vision meets or exceeds the standards established by the  
17 department. The commissioner shall request and receive assistance from  
18 the commissioner of health and social services in implementing this  
19 section.

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

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

28 Sec. 28.15.091. DEPARTMENT MAY REQUIRE RE-EXAMINATION. If the  
29 department has good cause to believe that a licensed driver is incom-

1 petent or otherwise not qualified to be licensed, it may upon written  
2 notice of at least 10 days to the licensee require him to submit to an  
3 examination. Upon conclusion of the examination, the department shall  
4 take action as may be appropriate and may cancel the license of the  
5 person, or may issue a restricted license under sec. 121 of this chap-  
6 ter, or restrict the type or class of vehicles that the person may  
7 drive. If the licensee refuses or neglects to submit to examination,  
8 the department may suspend his license until he complies with the re-  
9 quirements of re-examination.

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

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

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

- 25 (1) a distinguishing number assigned to the license;
- 26 (2) the licensee's full name, address, date of birth, brief  
27 physical description, and color photograph; and
- 28 (3) either a facsimile of the signature of the licensee or a  
29 space upon which the licensee must write his usual signature with pen

1 and ink. No license is valid until signed by the licensee. If faci-  
2 lities are not available for the taking of the photograph required under  
3 this section, the department shall endorse on the license, the words  
4 "valid without photograph".

5 (b) The department shall provide, at the time that an operator's  
6 license is issued, a form for a document by which the owner of a license  
7 may make an anatomical gift under AS 13.50.010 - 13.50.090. The docu-  
8 ment (1) may not be larger than an operator's license, (2) shall contain  
9 sufficient space for the signature of two witnesses to the donor's act  
10 of execution of the document, and (3) shall provide a means by which the  
11 donor may cancel the gift. If the document making an anatomical gift is  
12 executed by the applicant, it shall be sealed in plastic and attached to  
13 the license. A symbol indicating the existence of the anatomical gift  
14 document shall be displayed in the lower right-hand corner on the face  
15 of the driver's license.

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

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

25 (c) The department may, upon receiving satisfactory evidence of a  
26 violation of the restrictions on a license restricted or issued under  
27 this section, suspend the restricted license for a period not to exceed  
28 30 days.

29 (d) No person may drive a motor vehicle in violation of the re-

1        strictions imposed on a restricted license.

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

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

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

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

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

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

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

1 (c) The department shall, upon request, subject to the applicable  
2 provisions of AS 12.62 and (f) of this section and without charging a  
3 fee, furnish a municipal, state or federal administrative or judicial  
4 agency with a certified abstract of the driving record of a driver. The  
5 abstract shall include a listing of accidents in which the driver has  
6 been determined by the department or a court of competent jurisdiction  
7 to have been liable, convictions of vehicle, driver and traffic of-  
8 fenses, any actions taken upon his license, and information relating to  
9 financial responsibility.

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

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

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

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

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

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

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

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

28 (4) the license was obtained fraudulently.

29 (b) The licensee may apply for a new license at any time after

1 cancellation upon removal of the cause for the cancellation.

2 Sec. 28.15.171. SUSPENDING PRIVILEGES OF A PERSON LICENSED IN  
3 ANOTHER JURISDICTION; REPORTING CONVICTIONS, SUSPENSIONS, AND REVOCA-  
4 TIONS. (a) The privilege of driving a motor vehicle on a highway or  
5 vehicular way or area of this state given to a person licensed in  
6 another jurisdiction is subject to suspension or revocation by the  
7 department in the same manner and for the same reasons as a driver's  
8 license issued under this chapter.

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

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

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

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

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

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

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

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

29 (6) reckless driving; or

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

3 (b) A court convicting a person of an offense under (a)(1) - (7)  
4 of this section shall revoke that person's driver's license for a period  
5 of not less than 30 days for the first conviction, unless the court  
6 determines that the person's ability to earn a livelihood would be  
7 severely impaired and a limitation under sec. 201 of this chapter can be  
8 placed on the license which will enable the person to earn a livelihood  
9 without excessive risk or danger to the public. If a court limits a  
10 person's license under this subsection, it shall do so for a period of  
11 not less than 30 days. Upon a subsequent conviction of a person for any  
12 offense under (a) of this section, the court shall revoke the person's  
13 license and may not grant him any limited license privileges for the  
14 following periods:

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

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

18 Sec. 28.15.191. COURT REPORTS TO DEPARTMENT. (a) A court which  
19 convicts a person of an offense under this title or a regulation adopted  
20 under this title, or another law or regulation of this state, or a  
21 municipal ordinance which regulates the driving of vehicles, shall  
22 forward a record of the conviction to the department. A conviction of a  
23 standing or parking offense need not be reported.

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

28 (c) A court which suspends, revokes, or limits a driver's license  
29 shall require the surrender of the license, and shall immediately for-

1 ward it to the department with the record of conviction and notification  
2 of the effective date of the suspension, revocation or limitation as  
3 determined under sec. 211(b) of this chapter.

4 (d) A court which limits a driver's license, in addition to the  
5 actions required under (c) of this section, shall issue to the licensee  
6 a form specifying the court's limitations imposed upon a person's  
7 driver's license, and shall immediately forward to the department a copy  
8 of the limitations imposed upon the license.

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

15 Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of  
16 competent jurisdiction may, for good cause, impose limitations upon the  
17 driver's license of a person which will enable the person to earn a  
18 livelihood without excessive risk or danger to the public. However, no  
19 limitation may be placed upon a driver's license until after a review  
20 has been made of the person's driving record and other relevant infor-  
21 mation, nor may a limitation be imposed when a statute specifically  
22 prohibits the limitation of a license for a violation of its provisions.

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

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

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

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

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

15           (3) one year from the date on which the license was suspended  
16 or revoked for a third or subsequent conviction within 12 consecutive  
17 months of the same offense from which the suspension or revocation  
18 resulted; or

19           (4) three months from the date on which the license was re-  
20 voked for refusal to submit to a chemical test as required in AS 28.35.-  
21 032; however, if the person who refuses to submit to the chemical test,  
22 within two years previous to his arrest, has been convicted in this or  
23 another jurisdiction of driving a motor vehicle while intoxicated, the  
24 period of revocation for his license of privilege to drive is one year.

25           (b) A limitation, suspension, or revocation of a driver's license  
26 imposed by a court takes effect on the date of final judgment, except  
27 that if another limitation, suspension, or revocation of license is in  
28 effect on the date of final judgment, the effective date of the last  
29 imposed limitation, suspension, or revocation is at the end of the last

1 day of the previous limitation, suspension, or revocation unless the  
2 court specifies otherwise.

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

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

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

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

17 ARTICLE 3. POINT SYSTEM.

18 Sec. 28.15.221. POINT SYSTEM. (a) For the purpose of identifying  
19 habitually reckless or negligent drivers and habitual or frequent vio-  
20 lators of traffic laws, the commissioner shall adopt regulations estab-  
21 lishing a uniform system for the suspension, revocation, limitation or  
22 denial of a driver's license or driving privilege by assigning demerit  
23 points for convictions for violations of traffic laws which are required  
24 to be reported to the department under sec. 191 of this chapter.

25 (b) The regulations adopted under (a) of this section shall in-  
26 clude a designated level of point accumulation which identifies drivers  
27 who are habitually reckless or negligent or who are habitual or frequent  
28 violators of traffic laws, so as to show a disrespect for traffic laws  
29 and a disregard for the safety of other persons. In formulating the

1 point system authorized by this section, the commissioner shall, in the  
2 interest of interstate uniformity, provide for suspension, revocation or  
3 denial of a driver's license or privilege for an accumulation of 12 or  
4 more points as a result of offenses committed during any consecutive  
5 12-month period or 18 or more points as a result of offenses committed  
6 during any 24-month period.

7 Sec. 28.15.231. ASSESSMENT OF POINTS, DRIVER IMPROVEMENT INTER-  
8 VIEW. (a) Notice of each assessment of points may be given, but notice  
9 shall be given when the point accumulation reaches 50 per cent of the  
10 number at which suspension, revocation or denial is required under sec.  
11 221(b) of this chapter, and a driver who has reached that level of point  
12 accumulation shall be identified as a problem driver. The department  
13 may require a problem driver to appear for a driver improvement inter-  
14 view. The purpose of that interview is to assist the person who is  
15 identified as a problem driver in overcoming substandard driving habits.  
16 An interview under this subsection is to be conducted in an informal  
17 manner. A driver must comply with any reasonable recommendations de-  
18 signed to improve his driving abilities which are made to him during the  
19 interview.

20 (b) No points may be assessed for violating a provision of a state  
21 law or regulation or a municipal ordinance regulating standing, parking,  
22 equipment size or weight; nor may points be assessed for violations by  
23 pedestrians, passengers or bicycle riders, or for violations of provi-  
24 sions relating to the preservation of the condition of traffic-control  
25 devices on the highways. Points shall be assessed for violations of  
26 oversize or overweight permits relating only to restrictions upon speed  
27 or hours of operation.

28 (c) If a licensee is convicted of two or more traffic violations  
29 committed on a single occasion, the licensee shall be assessed points

1 for one offense only, and if the offenses involved have different point  
2 values, the licensee shall be assessed for the offense having the  
3 greater point value.

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

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

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

17 (b) In addition to (a) of this section, two points shall be de-  
18 ducted from the assessed total upon the driver's furnishing to the  
19 department adequate proof of successful completion within 12 months of  
20 the date of his last violation of a driver improvement course approved  
21 by the department. No more than one course may be used to obtain a  
22 reduction in points in any 12-month period.

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

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

29 (1) appear for a driver improvement interview under sec.

1 231(a) of this chapter; or

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

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

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

11 (d) If a driver's license is suspended or revoked upon the accu-  
12 mulation of the number of points which require that action under secs.  
13 221 - 261 of this chapter and regulations adopted under those sections,  
14 no limited license may be issued to that person during the period of  
15 suspension or revocation.

16 (e) Except for immediate action under sec. 181 of this chapter,  
17 when the department proposes to take action against a driver's license  
18 under (b) of this section, it shall notify the licensee that the pro-  
19 posed action shall become effective 30 days from the date of the notice,  
20 except that the licensee shall have the right, within the 30-day period,  
21 to make an oral or written answer or statement in which he may contro-  
22 vert any point or issue and he may present evidence and arguments for  
23 the consideration of the department pertinent to the action to be taken  
24 or the grounds for the action.

25 (f) Upon receipt of an oral or written answer or statement from  
26 the licensee, the department shall make findings on the matter under  
27 consideration and shall notify the person involved of its decision in  
28 writing by registered mail. If the department's decision is to sustain  
29 an action against the licensee's driver's license, the department shall

1 notify the licensee of his opportunity for a hearing under AS 28.05.-  
2 121 - 28.05.141.

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

8 ARTICLE 4. FEES.

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

- 11 (1) all classes of drivers' licenses .....\$ 5;
- 12 (2) motor-driven cycles.....\$ 2;
- 13 (3) instruction permit .....\$ 1;
- 14 (4) duplicate of driver's license or instruction  
15 permit.....\$ 2;
- 16 (5) temporary license and renewal of permit.....\$ 1;
- 17 (6) school bus driver's permit.....\$ 2.

18 ARTICLE 5. DRIVER LICENSE VIOLATIONS.

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

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

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

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

29 (4) lend his driver's license to another person or knowingly

1 permit the use of his license by another.

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

5 Sec. 28.15.291. DRIVING WHILE LICENSE CANCELED, SUSPENDED, REVOKED  
6 OR IN VIOLATION OF LIMITATION. (a) No person may drive a motor vehicle  
7 on a highway or vehicular way or area in this state at a time when his  
8 driver's license, or privilege to drive in this state if he is licensed  
9 in another jurisdiction, has been canceled, suspended or revoked, or  
10 when he is driving in violation of a limitation placed upon his license,  
11 even when he is driving under a license issued in another jurisdiction.  
12 Upon conviction of a violation of this section, the court shall impose a  
13 minimum sentence of imprisonment of not less than 10 days. The execu-  
14 tion of sentence may not be suspended nor may probation or parole be  
15 granted until the minimum imprisonment provided in this section has been  
16 served; nor may imposition of sentence be suspended, except upon the  
17 condition that the defendant be imprisoned for no less than the minimum  
18 period provided for in this section. In addition, his license or privi-  
19 lege to drive shall be revoked, and he may not be issued a new license  
20 nor may his privilege to drive be restored for an additional period of  
21 one year after the date that he would have been entitled to restoration  
22 of his driving privileges.

23 (b) When a person's license is canceled, limited, suspended or  
24 revoked, he shall be informed by the department or the court which takes  
25 the action at the time of the action that, upon a conviction of driving  
26 on a highway or vehicular way or area in this state at a time when his  
27 driver's license or privilege to drive in this state has been canceled,  
28 suspended or revoked, or upon a conviction of driving in violation of a  
29 limitation of his license, he will be subject to the mandatory 10-day

1 imprisonment under (a) of this section.

2 \* Sec. 20. AS 12.25.190(c) is amended to read:

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

9 \* Sec. 21. AS 28.10. is amended by adding new sections to read:

10 Sec. 28.10.502. TOWING AND STORAGE LIEN. (a) A person engaged in  
11 the business of towing motor vehicles, who tows, transports or stores a  
12 motor vehicle, has a possessory lien on the vehicle. This lien attaches  
13 when the person acts under a contract with the owner or at the direction  
14 of a public officer acting lawfully or a person entitled to possession  
15 of the property upon which the motor vehicle is parked without consent.  
16 The lien remains in effect while the motor vehicle is in the possession  
17 of the person, and the vehicle may be sold, as provided in (c) of this  
18 section, to pay the charges for towing, transportation or storage.

19 (b) A lien under this section is limited to towing and storage  
20 charges assessed according to the tariff filed by the carrier with the  
21 Alaska Transportation Commission; however, in the absence of a filed  
22 tariff, the towing or storage charge shall be the same as the lowest  
23 similar charge in the other filed tariffs covering the same service or  
24 route. Storage charges cease to be part of the lien after 60 days  
25 unless the registered owner or primary lienholder, if any, has been  
26 given actual notice of the possessory lien within that time or unless a  
27 certified letter has been mailed within that time to the owner and  
28 primary lienholder, if any, at their addresses of record with the De-  
29 partment of Public Safety or the corresponding office in another juris-

1 diction in which the title to the motor vehicle and the lien on it are  
2 recorded.

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

16 (d) The money realized from a sale made under this section shall  
17 be applied first to the payment of costs and expenses of the sale and  
18 secondly to the lawful charges of the person having a lien on the motor  
19 vehicle under this section. Remaining proceeds from the sale shall be  
20 retained by the Department of Public Safety to be distributed to the  
21 registered and legal owner or lienholder entitled to the remaining  
22 proceeds. A purchaser in good faith of a titled motor vehicle sold  
23 under this section takes the motor vehicle free of any rights of prior  
24 lien.

25 Sec. 28.10.503. OPPORTUNITY FOR HEARING REQUIRED. (a) Unless  
26 otherwise specifically provided, or unless immediate action in suspend-  
27 ing, revoking, cancelling, limiting, restricting, denying or impounding  
28 is necessary for the protection of the health, safety or welfare of the  
29 public, the department shall give notice of the opportunity for an

1 administrative hearing before a license, registration, title, permit or  
2 privilege issued or allowed under this title or regulations adopted  
3 under this title is suspended, revoked, cancelled, limited, restricted  
4 or denied or a vehicle is impounded by the department. If action is  
5 required under this section and prior opportunity for a hearing cannot  
6 be afforded the department shall promptly give notice of the opportunity  
7 for a hearing as soon after the action as possible to the parties con-  
8 cerned.

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

14 Sec. 28.10.504. HEARINGS AND APPEALS. (a) Unless otherwise  
15 specifically provided, all hearings required under this title or regu-  
16 lations adopted under this title shall be conducted by the department  
17 under regulations adopted by the commissioner governing practice and  
18 procedure and consistent with due process of law. Hearings shall be  
19 informal, and technical rules of evidence do not apply. A person who  
20 requests a hearing may retain an attorney if he so desires. The hearing  
21 officer shall be appointed by the commissioner and may be appointed from  
22 the department. A hearing officer need not be an attorney, but must be  
23 impartial and may not have participated in the decision which is under  
24 review. The hearing officer does not have to file a full opinion or  
25 make formal findings of fact or conclusions of law, but he must state  
26 the reasons for his determination and indicate the evidence relied upon.  
27 The proceedings at the hearing shall be recorded.

28 (b) A hearing ordered under (a) of this section shall be held at  
29 the office of the department nearest to the residence of the person

1 requesting the hearing unless the department and the person agree that  
2 the hearing is to be held elsewhere. The department shall grant a  
3 hearing delay if the person presents good cause for the delay. If a  
4 person fails to appear for the hearing at the time and place stated by  
5 the department and if a hearing delay has not been granted, his failure  
6 to appear is considered a waiver of the hearing and the department may  
7 take appropriate action with respect to the person.

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

14 (d) A person aggrieved by the decision of the hearing officer may,  
15 within 30 days, initiate a proceeding in district court to rescind the  
16 department's action by filing a notice of appeal in accordance with the  
17 applicable rules of court governing appeals in civil matters. The court  
18 shall conduct a hearing de novo. The decision of the department sus-  
19 pending, revoking, canceling, limiting, restricting or denying a li-  
20 cense, registration, title, permit or privilege is stayed and does not  
21 take effect during the pendency of an appeal.

22 \* Sec. 22. AS 28.11.010(d) is amended to read:

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

29 (1) the vehicle was abandoned by a person driving [OPERATING]

1 the vehicle without the permission of the owner; or

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

5 \* Sec. 23. AS 28.11.040 is repealed and re-enacted to read:

6 Sec. 28.11.040. NOTICE TO OWNERS AND LIENHOLDERS. The person or  
7 company who stores an abandoned vehicle at the direction of a peace  
8 officer or an employee under sec. 30 of this chapter shall within 30  
9 days give notice, in the manner prescribed for the giving of notice by  
10 the department under AS 28.05.121, to the vehicle owner of record and to  
11 lienholders of record, stating the grounds for removal and the location  
12 of the place of impoundment of the vehicle. If the vehicle is not  
13 registered in the state or the name and address of the registered or  
14 legal owner or lienholder cannot be ascertained, notice shall be given  
15 by publication in the manner prescribed in the rules of the court for  
16 service of process by publication.

17 \* Sec. 24. AS 28.11.090 is amended to read:

18 Sec. 28.11.090. TOWING AND STORAGE LIEN ON ABANDONED VEHICLE. A  
19 person authorized by contract or other official order to remove an aban-  
20 doned vehicle has a lien upon a vehicle towed, moved, or stored by him  
21 and in his possession in accordance with AS 28.10.315 [AS 28.10.515].

22 \* Sec. 25. AS 28.11.100 is repealed and re-enacted to read:

23 Sec. 28.11.100. MUNICIPAL ABATEMENT PROCEDURE. A municipality may  
24 adopt an ordinance establishing procedures for the abatement and removal  
25 from private or public property, as a public nuisance or a health or  
26 safety hazard, a wrecked, dismantled, or inoperative vehicle or a ve-  
27 hicle otherwise presumed to be abandoned. An ordinance adopted under  
28 this section shall contain provisions for (1) notice to owners and  
29 lienholders of record and persons known to be lawfully entitled to

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

6 \* Sec. 26. AS 42.10.020(3) is amended to read:

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

19 \* Sec. 27. AS 28.10 is amended by adding a new section to art. 7 to  
20 read:

21 Sec. 28.10.495. 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. 28. EXTENSION OF INDUSTRIAL INCENTIVE TAX CREDIT. When deter-  
16 mining the tax liability of a person holding an industrial incentive tax  
17 credit granted under color of AS 43.26, the Department of Revenue shall  
18 determine that liability in accordance with the terms of that tax credit for  
19 the level of taxation in effect at the time the person commenced operation of  
20 the business, if the person has, no later than September 1, 1978, commenced  
21 operation of the business of which the credit was granted.

22 \* Sec. 29. RETROACTIVITY. The tax credit ratified in sec. 28 of this Act  
23 shall be applied retroactively to taxes which, but for this credit, would  
24 otherwise have accrued since January 1, 1976.

25 \* Sec. 30. Sections 28 and 29 of this Act take effect immediately in  
26 accordance with AS 01.10.070(c).