

Original sponsors: Malone, Cotten,  
Phillips, et al

Offered: 4/12/79  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 147 (Finance) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the motor vehicle code; and providing  
7 for an effective date."

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

9 \* Section 1. AS 28.10.011 is amended to read:

10 Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle  
11 driven, moved, or parked upon a highway or other public parking place in  
12 the state shall be registered under this chapter except when the vehicle  
13 is

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

17 (2) driven or moved on a highway under a dealer's plate or  
18 temporary permit as provided for in AS 28.10.031 and 28.10.181(j);

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

20 (4) owned by the United States;

21 (5) moved by human or animal power;

22 (6) exempt under the Soldier's and Sailor's Civil Relief Act  
23 (50 U.S.C. App. [U.S.C.A. APPR.] 501 et seq.);

24 (7) driven or parked only on private property;

25 (8) the vehicle of a nonresident as provided under AS 28.10.-  
26 121;

27 (9) a commercial interstate vehicle under AS 28.10.141; or

28 (10) transported under a special permit under AS 28.10.151;

29 (11) driven or moved on a highway or vehicular way not

1 connected to the state highway system established under AS 19.10.020.

2 \* Sec. 2. AS 28.10.181 is amended by adding a new subsection to read:

3 (k) Occasional users of highways. The department may issue a  
4 license to the owner of a vehicle which is only occasionally used on a  
5 highway. The applicant must show to the satisfaction of the department  
6 that the vehicle to be licensed under this subsection will travel upon  
7 state highways less than five per cent of its total hours of operation.  
8 The department may not issue more than two licenses under this subsec-  
9 tion to a single person.

10 \* Sec. 3. AS 28.10 is amended by adding new sections to read:

11 Sec. 28.10.216. INADEQUATE EVIDENCE OF OWNERSHIP. (a) When the  
12 department is not satisfied as to the ownership of a vehicle or believes  
13 that there may be undisclosed security interests in it, the department  
14 may register the vehicle but shall either

15 (1) withhold issuance of a certificate of title until the  
16 applicant presents documents sufficient to satisfy the department

17 (A) as to the ownership of the vehicle by applicant, and

18 (B) that there are no undisclosed security interests in  
19 the vehicle; or

20 (2) require the applicant, as a condition of the issuance of  
21 a certificate of title, to file with the department either

22 (A) a bond in the form prescribed by the department and  
23 executed by the applicant, or

24 (B) a deposit of cash.

25 (b) A bond or cash deposit filed under (a)(2) of this section  
26 shall be equal in amount to one and one-half times the value of the  
27 vehicle as determined by the department and be conditioned to indemnify  
28 former owners, secured parties, and subsequent purchasers of the vehicle  
29 and their successors against loss resulting from a defect in or undis-

1 closed security interest on the title of the applicant. An injured  
2 party may sue on the bond for a breach of its conditions, but the lia-  
3 bility of the surety or the department may not exceed the amount of the  
4 bond or deposit.

5 (c) The bond or deposit shall be returned (A) at the end of three  
6 years from its filing, or (B) when the vehicle is no longer registered  
7 in the state, if (B) is earlier and if the certificate of title is  
8 surrendered to the department. Service on the department of notice that  
9 action is pending to recover on the bond or the deposit extends the  
10 periods established in this subsection until 45 days after a final  
11 decision in the action on the bond or on the deposit.

12 Sec. 28.10.493. MISDEMEANORS RELATING TO TRANSFERS. (a) The  
13 owner of a vehicle who transfers a vehicle and fails to comply with the  
14 requirements of AS 28.10.271 is guilty of a class B misdemeanor.

15 (b) A vehicle dealer who transfers a vehicle and fails to comply  
16 with the requirements of AS 28.10.291 is guilty of a class B misde-  
17 meanor.

18 \* Sec. 4. AS 28.10.421(d)(2) is amended to read:

19 (2) special request plates.....\$20;  
20 plus the fee required for that vehicle under (b)(1) or (2) of this  
21 section; the fee required by this paragraph shall be collected only on  
22 the first issuance and on the replacement of special request plates;

23 \* Sec. 5. AS 28.10.421(d) is amended by adding a new paragraph to read:

24 (12) an occasional use vehicle under AS 28.10.181(k)...\$15.

25 \* Sec. 6. AS 28.10.491(a) is amended by adding a new paragraph to read:

26 (9) makes a false statement or otherwise conceals or with-  
27 holds a material fact in an application for registration or certificate  
28 of title or falsely affirms with respect to a matter required to be  
29 sworn to, affirmed, or furnished under AS 28.10 or regulations adopted

1 under AS 28.10.

2 \* Sec. 7. AS 28.35.225 is amended to read:

3 Sec. 28.35.225. ENFORCEMENT. All law enforcement officers in this  
4 state and employees of the department designated by the commissioner  
5 shall enforce this title and regulations promulgated under this title.  
6 The state troopers shall advise and instruct all other law enforcement  
7 officers in the state concerning the requirements of this title and  
8 regulations promulgated under this title.

9 \* Sec. 8. Section 1 of this Act takes effect immediately in accordance  
10 with AS 01.10.070(c) and is retroactive to October 18, 1978. Sections 2, 3,  
11 5, 6 and 7 of this Act take effect January 1, 1980.

12 \* Sec. 9. A person who paid a fee in 1979 for special request plates  
13 other than the fee authorized under AS 28.10.42(d)(2) in sec. 4 of this Act  
14 is entitled to a refund of the amount collected in excess of the fee author-  
15 ized under that section.

16 \* Sec. 10. Refunds due under sec. 4 of this Act shall be paid on or  
17 before July 1, 1979.

18 \* Sec. 11. Sec. 4 of this Act is retroactive to January 1, 1979.

19 \* Sec. 12. Sections 4, 9, 10 and 11 take effect immediately in accordance  
20 with AS 01.10.070(c).

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