

Introduced: 4/22/80
Referred: State Affairs

BY THE STATE AFFAIRS COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 1018

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the powers and responsibilities of
7 the Department of Public Safety regarding vehicle
8 registration; establishing penalties; and providing for
9 an effective date."

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

11 * Section 1. AS 08.66.060(a) is amended to read:

12 (a) Every applicant for dealer registration or for renewal of
13 dealer registration shall file with the application or request for
14 renewal, and shall maintain in force while registered, a bond in favor
15 of the state, executed by an authorized corporate surety approved by the
16 commissioner of public safety, in the amount of \$10,000, except that a
17 dealer who sells only motorcycles, boat trailers, or snowmachine trailers
18 shall maintain in force while registered a bond in favor of the state,
19 executed and approved in the same manner as bonds required of other
20 dealers under this section, in the amount of \$3,000. Instead of a
21 corporate surety bond the commissioner may, in his sole discretion,
22 accept a bond in the same amount with at least two individual sureties,
23 each justifying with real property in twice the amount of the bond. The
24 commissioner shall make the investigation necessary to determine the
25 actual financial responsibility of the individual sureties. The
26 condition of the bond shall be that the applicant will conduct his
27 business in accordance with AS 08.66.010 - 08.66.090 and will not commit
28 fraud or make fraudulent representations in the course of business.

29 * Sec. 2. AS 08.66.080 is amended to read:

1 Sec. 08.66.080. PENALTIES. A dealer who fails to register and
2 file a bond as required by this chapter before January 1 of each year
3 shall pay a penalty of \$100. A dealer who wilfully violates any
4 provision of this chapter is guilty of a class B misdemeanor [, AND UPON
5 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$300].

6 * Sec. 3. AS 28.05.011 is amended by adding a new paragraph to read:

7 (12) regulation of vehicle body repair shops.

8 * Sec. 4. AS 28.05.021 is amended to read:

9 Sec. 28.05.021. COMMISSIONER TO ENTER COMPACTS AND RECIPROCAL
10 AGREEMENTS. The commissioner may, under terms and conditions best
11 calculated to promote the interests of the state, enter into a compact
12 or agreement with an authorized representative of another jurisdiction
13 in a matter relating to driver licensing, vehicle registration, or other
14 activity authorized under this title. [COMPACTS OR AGREEMENTS AFFECTING
15 STATE FINANCES OR DRIVING PRIVILEGES MUST BE APPROVED BY ADOPTION OF A
16 CONCURRENT RESOLUTION APPROVED BY A MAJORITY VOTE OF EACH HOUSE OF THE
17 LEGISLATURE BEFORE IT BECOMES EFFECTIVE.]

18 * Sec. 5. AS 28.05.141(d) is amended to read:

19 (d) A person aggrieved by the decision of the hearing officer may,
20 within 30 days, initiate a proceeding in district court to rescind the
21 department's action by filing a notice of appeal in accordance with the
22 applicable rules of court governing appeals in civil matters. The court
23 shall conduct a hearing on the facts established at the hearing held
24 under (a) of this section [DE NOVO] The decision of the department
25 suspending, revoking, canceling, limiting, restricting or denying a
26 license, registration, title, permit or privilege is stayed and does not
27 take effect during the pendency of an appeal.

28 * Sec. 6. AS 28.10.011 is amended by adding a new paragraph to read:

29 (12) a mobile home as defined in regulations of the department.

1 * Sec. 7. AS 28.10.031 is amended by adding a new subsection to read:

2 (d) It is a class B misdemeanor for a dealer to reissue or renew a
3 temporary permit to a vehicle for which he has issued a temporary
4 permit.

5 * Sec. 8. AS 28.10.201(b) is amended to read:

6 (b) The owner of a vehicle described in AS 28.10.011 as being
7 exempt from registration and the owner of a snowmobile or off-highway
8 vehicle may not apply for, nor may the department issue, a certificate
9 of title for such a vehicle. However, the department may issue a
10 certificate of title to the owner of a vehicle exempt from registration
11 under AS 28.10.011(6) and 28.10.011(7), upon application by that owner.

12 * Sec. 9. AS 28.10.311(b) is amended to read:

13 (b) A person holding a certificate of title to a vehicle whose
14 interest in the vehicle has been extinguished or transferred other than
15 by voluntary transfer shall mail by certified mail or deliver the
16 certificates of title and registration to the department [UPON REQUEST
17 OF THE DEPARTMENT]. The delivery of the certificates of title and
18 registration to the department [UPON ITS REQUEST] does not affect the
19 rights of the person surrendering the certificate of title, and the
20 action of the department in issuing a new certificate of title or
21 registration as provided in this chapter is not conclusive upon the
22 rights of an owner or lienholder named in the surrendered certificate of
23 title.

24 * Sec. 10. AS 28.10.351 is amended to read:

25 Sec. 28.10.351. DISMANTLING OR WRECKING VEHICLE. A person,
26 insurance company, or wrecking yard who dismantles, scraps or destroys
27 or who possesses a vehicle which is dismantled, scrapped, wrecked or
28 destroyed [A REGISTERED VEHICLE] shall immediately forward to the
29 department the certificates of title and registration and the regis-

1 tration plates for the vehicle.

2 * Sec. 11. AS 28.10.493 is amended by adding new subsections to read:

3 (c) A person who sells or transfers a vehicle when he is not the
4 owner of record as shown in the records of the department or in the
5 records of a motor vehicle department in another jurisdiction or when
6 there is an unreleased lien shown in the records of the department or in
7 the records of a motor vehicle department in another jurisdiction is
8 guilty of a class A misdemeanor.

9 (d) A vehicle dealer or vehicle dismantler or wrecker who trans-
10 fers a vehicle to another person when he is not in possession of a title
11 to the vehicle or when there is an unreleased lien in the records of the
12 department or in the records of a motor vehicle department in another
13 jurisdiction is guilty of a class A misdemeanor.

14 * Sec. 12. AS 28.15.231(a) is amended to read:

15 (a) Notice of each assessment of points may be given, but notice
16 shall be given by first class mail when the point accumulation reaches
17 50 percent of the number at which suspension, revocation or denial is
18 required under AS 28.15.221(b), and a driver who has reached that level
19 of point accumulation shall be identified as a problem driver. The
20 department may require a problem driver to appear for a driver improve-
21 ment interview. The purpose of that interview is to assist the person
22 who is identified as a problem driver in overcoming substandard driving
23 habits. An interview under this subsection is to be conducted in an
24 informal manner. A driver must comply with any reasonable recommend-
25 ations designed to improve his driving abilities which are made to him
26 during the interview.

27 * Sec. 13. This Act takes effect July 1, 1980.
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