

Introduced: 2/8/79
Referred: Commerce and
Judiciary

BY DANKWORTH, BENNETT, SACKETT,
SUMNER AND STIMSON

1 IN THE SENATE

2 SENATE BILL NO. 117

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

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

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

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

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

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

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

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

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

23 (B) a deposit of cash.

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

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party may sue on the bond for a breach of its conditions, but the liability of the surety or the department may not exceed the amount of the bond or deposit.

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

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

(b) A vehicle dealer who transfers a vehicle and fails to comply with the requirements of AS 28.10.291 is guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

* Sec. 8. This Act takes effect January 1, 1980.