

Introduced: 3/23/81
Referred: Labor & Commerce
and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 319

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles; and providing
7 for an effective date."

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

9 * Section 1. PURPOSE AND INTENT OF SECTION 2. (a) The purpose of sec.
10 2 of this Act, in reenacting the statutes enacted or amended, and in re-
11 affirming the repeals, in secs. 1 -- 24, ch. 178, SLA 1978, is to remove
12 any question of the validity of the enactment of the motor vehicle provisions
13 of ch. 178, SLA 1978. It has been argued that the inclusion of secs. 25 --
14 27 of that Act, which deal with the industrial incentive tax credit, caused
15 the act to violate the single-subject rule of art. II, sec. 13 of the
16 Alaska Constitution. Section 2 remedies any constitutional defect which
17 arguably exists in AS 28 as a result of the inclusion of secs. 25 -- 27 in
18 ch. 178, SLA 1980.

19 (b) It is the intent of the legislature that, in publishing Title 28
20 of the Alaska Statutes, the publisher continue to show ch. 178, SLA 1978 as
21 making the enactments, amendments, or repeals listed in sec. 2 of this Act.

22 (c) It is also the intent of the legislature that the amendments
23 identified in the following list are not affected by the reenactment in
24 sec. 2 of this Act: AS 28.10.011, as amended by sec. 1, ch. 54, SLA 1979;
25 AS 28.-10.181, as amended by sec 2, ch. 54, SLA 1979; AS 28.10.421, as
26 amended by secs. 4 and 5, ch. 54, SLA 1979; AS 28.10.491, as amended by
27 sec. 6, ch. 54, SLA 1979; AS 28.10.495, as amended by sec. 1, ch. 11,
28 SLA 1980; and AS 28.15.151, as amended by secs. 1 and 2, ch. 144, SLA
29 1980.

1 * Sec. 2. The following provisions of ch. 178, SLA 1978 are reenacted:
2 sections 1 -- 5, amending AS 28.01.010; sec. 6, repealing AS 28.05.010 --
3 28.05.090 and enacting AS 28.05.011 -- 28.05.151; sec. 7, repealing AS 28.-
4 10.010 -- 28.10.660 and enacting AS 28.10.011 -- 28.10.501; secs. 8 and 9,
5 amending AS 28.11.010; secs. 10 -- 18, amending AS 28.11.020 -- 28.11.100,
6 respectively; sec. 19, repealing AS 28.15.010 -- 28.15.360 and enacting
7 AS 28.15.011 -- 28.15.291; sec. 20, amending AS 12.25.190; sec. 21, enacting
8 AS 28.10.502; sec. 22, amending AS 28.11.010; sec. 23, amending AS 42.10.020;
9 and sec. 24 enacting AS 28.10.495.

10 * Sec. 3. AS 28.05.011 is amended by adding a new paragraph to read:
11 (12) certification and regulation of vehicle body repair
12 shops.

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

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

23 * Sec. 5. AS 28.05.091 is amended to read:

24 Sec. 28.05.091. IMPOUND OF VEHICLES [SEIZURE OF UNSAFE OR
25 DEFECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
26 highway or vehicular way or area, and which has been determined to be
27 defective in equipment so as to be unsafe for driving, or a vehicle
28 on which the vehicle identification number has been removed, defaced,
29 or otherwise altered, is an unlawful vehicle and may be impounded by a

1 peace officer or an employee of the department officially designated
2 for that purpose. The owner or person in lawful possession of a [THE]
3 vehicle which is driven on a highway or vehicular way or area and which
4 is so defective in equipment as to be unsafe for driving shall pay the
5 necessary costs of impounding and storing the vehicle. The impounding
6 of a vehicle is in addition to any other penalty. Nothing in this
7 section prevents the driving or moving of a defective vehicle in the
8 manner directed by the peace officer or employee to a place for

9 (1) the correction of a defect in the equipment;

10 (2) dismantling or wrecking; or

11 (3) storage without repair.

12 * Sec. 6. AS 28.05.141(d) is amended to read:

13 (d) A person aggrieved by the decision of the hearing officer
14 may, within 30 days, initiate a proceeding in district court to rescind
15 the department's action by filing a notice of appeal in accordance with
16 the applicable rules of court governing appeals in civil matters. The
17 court shall conduct a hearing limited to issues raised at the hear-
18 ing under (a) of this section [DE NOVO]. The decision of the department
19 suspending, revoking, canceling, limiting, restricting or denying a
20 license, registration, title, permit or privilege is stayed and does
21 not take effect during the pendency of an appeal.

22 * Sec. 7. AS 28.10.011 is amended by adding a new paragraph to read:

23 (12) a mobile home as defined by regulation.

24 * Sec. 8. AS 28.10.051 is amended by adding a new subsection to read:

25 (b) The department may temporarily revoke, suspend, or cancel a
26 title or registration issued under this title when it has reasonable
27 cause to believe the title or registration was obtained in violation of
28 AS 28.10.491. Upon receiving notification of the temporary revocation,
29 suspension, or cancellation, a peace officer shall impound the

1 vehicle to which title or registration was issued, pending the notice
2 and hearing provided under AS 28.05.131(a) and (b) of this section.

3 * Sec. 9. AS 28.10.105(f) is amended to read:

4 (f) Every vehicle registered under this section and AS 28.10.107
5 may, at the option of the owner, have its registration period extended
6 in monthly increments by payment of the proportionate prorated appli-
7 cable fees to allow annual registration to occur in any month of the
8 owner's choice. The registered owner of a vehicle may exercise this
9 option only once for each vehicle.

10 * Sec. 10. AS 28.10.201(b) is amended to read:

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

17 * Sec. 11. AS 28.10.411(c) is amended to read:

18 (c) A resident 65 years of age or older is entitled to an exemp-
19 tion from the registration fee [TAX] under this section for one motor
20 vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or
21 (6). No exemption may be granted except upon written application for
22 the exemption on a form prescribed by the department.

23 * Sec. 12. AS 28.15.181(a)(1) is amended to read:

24 (1) manslaughter or criminally negligent homicide resulting
25 from the driving of a motor vehicle;

26 * Sec. 13. AS 28.15.181(a)(5) is amended to read:

27 (5) driving while intoxicated [OR OPERATING A MOTOR VEHICLE
28 WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER DRUG];

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

1 (a) Notice of each assessment of points may be given, but notice
2 shall be given by first class mail when the point accumulation reaches
3 50 percent of the number at which suspension, revocation or denial is
4 required under AS 28.15.221(b), and a driver who has reached that
5 level of point accumulation shall be identified as a problem driver.
6 The department may require a problem driver to appear for a driver
7 improvement interview. The purpose of that interview is to assist the
8 person who is identified as a problem driver in overcoming substandard
9 driving habits. An interview under this subsection is to be conducted
10 in an informal manner. A driver must comply with any reasonable
11 recommendations designed to improve his driving abilities which are
12 made to him during the interview.

13 * Sec. 15. AS 29.53.020(h) is amended to read:

14 (h) Except as provided in (g) of this section, nothing in (e) --
15 (1) [(1)] of this section affects similar exemptions from property taxes
16 granted by municipalities on September 10, 1972 or prevents municipali-
17 ties from granting similar exemptions by ordinance as provided in
18 AS 29.53.025.

19 * Sec. 16. AS 29.53.020 is amended by adding new subsections to read:

20 (j) One motor vehicle owned by a resident 65 years of age or older
21 on January 1 of the assessment year is exempt either from taxation on
22 its assessed value or from the registration tax established under
23 AS 28.10.431(b).

24 (k) The state shall pay a borough or city for tax revenues lost
25 to it under (j) of this section. The payment shall be an amount equal
26 to the tax levied under AS 28.10.431(b) for each vehicle for which a
27 senior citizen exemption form, as prescribed by the Department of Public
28 Safety, is submitted.

29 (l) The Department of Community and Regional Affairs shall adopt

1 regulations necessary to implement (g), (j), and (k) of this section.

2 * Sec. 17. AS 28.10.411(d) is repealed.

3 * Sec. 18. Sections 15 -- 17 of this Act are retroactive to January 1,
4 1981.

5 * Sec. 19. Sections 1, 2, and 15 -- 18 of this Act take effect imme-
6 diately in accordance with AS 01.10.070(c).

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