

Introduced: 2/14/84  
Referred: State Affairs  
and Judiciary

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 499

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws."

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

8 \* Section 1. AS 28.05.091 is amended to read:

9 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-  
10 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a  
11 highway or vehicular way or area, and which has been determined to be  
12 defective in equipment so as to be unsafe for driving, or on which the  
13 vehicle identification number has been removed, defaced, or otherwise  
14 altered, is an unlawful vehicle and may be impounded by a peace offi-  
15 cer or an employee of the department officially designated for that  
16 purpose. The owner or person in lawful possession of a vehicle which  
17 is driven on a highway or vehicular way or area and which is so defec-  
18 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay  
19 the necessary costs of impounding and storing the vehicle. The im-  
20 pounding of a vehicle is in addition to any other penalty. Nothing in  
21 this section prevents the driving or moving of a defective vehicle in  
22 the manner directed by the peace officer or employee to a place for

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

24 (2) dismantling or wrecking; or

25 (3) storage without repair.

26 \* Sec. 2. AS 28.05.141(c) is amended to read:

27 (c) If at the hearing under (a) of this section it appears that  
28 the record of the person sustains suspension, revocation, limitation,  
29 denial, or other remedial action, the hearing officer shall so order

1 and the department may suspend, revoke, limit, deny, or take other  
2 remedial action against that person's license, registration, or title  
3 and, if appropriate, the department shall adjust the person's point  
4 total accumulated under AS 28.15.231.

5 \* Sec. 3. AS 28.05.141(d) is amended to read:

6 (d) A person aggrieved by the decision of the hearing officer  
7 may, within 30 days, initiate a proceeding in district court to re-  
8 scind the department's action by filing a notice of appeal in accor-  
9 dance with the applicable rules of court governing appeals in civil  
10 matters. The district court's review shall be based on the record of  
11 the hearing, without taking additional testimony. The court may re-  
12 verse the department's determination if the court finds that the hear-  
13 ing officer misinterpreted the law, acted in an arbitrary and capri-  
14 cious manner, or made a determination unsupported by the evidence in  
15 the record. The filing of an appeal under this section does not auto-  
16 matically stay the hearing officer's order. The court may grant a  
17 stay of the order only upon a motion and hearing, and upon a finding  
18 that there is a reasonable probability that the petitioner will pre-  
19 vail on the merits and that the petitioner will suffer irreparable  
20 harm if the order is not stayed. [THE COURT SHALL CONDUCT A HEARING  
21 DE NOVO. THE DECISION OF THE DEPARTMENT SUSPENDING, REVOKING, CANCEL-  
22 ING, LIMITING, RESTRICTING OR DENYING A LICENSE, REGISTRATION, TITLE,  
23 PERMIT OR PRIVILEGE IS STAYED AND DOES NOT TAKE EFFECT DURING THE  
24 PENDENCY OF AN APPEAL.]

25 \* Sec. 4. AS 28.10.051(1) is amended to read:

26 (1) the department determines [IS SATISFIED] that the reg-  
27 istration or certificate, plate or permit was fraudulently procured or  
28 erroneously issued;

29 \* Sec. 5. AS 28.10.105(f) is amended to read:

1           (f) The registration period of a [EVERY] vehicle registered un-  
2 der this section and AS 28.10.107 may, at the option of the owner, be  
3 [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by pay-  
4 ment of the proportionate prorated applicable fees to allow annual  
5 registration to occur in any month of the owner's choice. The regis-  
6 tered owner of a vehicle may exercise this option only once for each  
7 vehicle.

8 \* Sec. 6. AS 28.10.411(c) is amended to read:

9           (c) A resident 65 years of age or older on the date that the tax  
10 is due is entitled to an exemption from the tax under AS 28.10.431(b)  
11 and the registration fee [TAX] under this section for one motor  
12 vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or  
13 (6). No exemption may be granted except upon written application for  
14 the exemption on a form prescribed by the department.

15 \* Sec. 7. AS 28.10.421(d)(3) is amended to read:

16           (3) a vehicle owned by a disabled veteran or other handi-  
17 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65  
18 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)] .....  
19 none;

20 \* Sec. 8. AS 28.15.031(b) is amended to add a new paragraph to read:

21           (9) whose ability to apply for a driver's license has been  
22 suspended or revoked.

23 \* Sec. 9. AS 28.15.051(d) is amended to read:

24           (d) The department may issue a special driver's permit to a per-  
25 son who is at least 14 years of age with the consent of his parents,  
26 [OR] guardians, or spouse who is 18 years of age or older, for the  
27 purpose of driving a motor-driven cycle. This permit may be issued  
28 upon application and successful completion of all prescribed tests and  
29 fees, and is valid for the same period of time as a driver's license.

1       The permit is not valid in a municipality which by ordinance prohibits  
2       the driving of a motor-driven cycle by a person under the age of 16  
3       years; a borough may adopt the ordinance on a nonareawide basis only,  
4       unless the power to adopt it on an areawide basis is acquired under  
5       AS 29.33.250 -- 29.33.290.

6       \* Sec. 10. AS 28.15.071(a) is amended to read:

7               (a) The application of a person under the age of 18 years for an  
8       instruction permit or driver's license must be signed by the father,  
9       mother, [OR] guardian, or spouse who is 18 years of age or older, or  
10      if there is no parent, [OR] guardian, or spouse, then by another re-  
11      sponsible adult who is willing to assume the obligation imposed under  
12      this section upon a person signing the application. The application  
13      must be signed and verified before a person authorized to administer  
14      oaths, or be signed in the presence of an authorized representative of  
15      the department.

16      \* Sec. 11. AS 28.15.071(c) is amended to read:

17              (c) If a minor deposits, or there is deposited on his behalf,  
18      proof of financial responsibility for his driving of a motor vehicle,  
19      in the form and amount required in AS 28.20, then the department may  
20      accept the application of the minor signed as required under (a) of  
21      this section, and, while proof of financial responsibility is main-  
22      tained, the parent, guardian, spouse, or other responsible adult is  
23      not subject to the liability imposed under (b) of this section.

24      \* Sec. 12. AS 28.15.171(a) is amended to read:

25              (a) The privilege of driving a motor vehicle on a highway or  
26      vehicular way or area of this state given to a person licensed in an-  
27      other jurisdiction is subject to suspension, [OR] revocation, or limi-  
28      tation by the department or a court in the same manner and for the  
29      same reasons as a driver's license issued under this chapter.

1 \* Sec. 13. AS 28.15 is amended by adding a new section to read:

2           Sec. 28.15.176. SUSPENSION OR REVOCATION OF ABILITY TO APPLY FOR  
3 A LICENSE. (a) A court or the department may suspend or revoke a  
4 person's ability to apply for a driver's license in this state in the  
5 same manner and for the same reasons as a court or the department may  
6 suspend or revoke a driver's license issued under this chapter. For  
7 this purpose, the terms "driver's license" or "license" as used in  
8 this title may be construed as "ability to apply for a driver's li-  
9 cense."

10           (b) This section applies to a person who

11                 (1) has not been issued a driver's license under this  
12 chapter, whether or not the person is eligible to apply for such a  
13 license; and

14                 (2) does not have a privilege to drive in this state.

15 \* Sec. 14. AS 28.15.231 is amended by adding a new subsection to read:

16           (f) The notice required under (a) of this section may be given  
17 by first class mail.

18 \* Sec. 15. AS 28.20.090(a) is amended by adding a new paragraph to  
19 read:

20                 (4) the ability to apply for a driver's license if the  
21 person has not been issued a license under this title and does not  
22 have a privilege to drive in this state.

23 \* Sec. 16. AS 28.35.032(a) is amended to read:

24           (a) If a person under arrest refuses the request of a law en-  
25 forcement officer to submit to a chemical test under AS 28.35.031(a),  
26 after being advised by the officer that the refusal will, if that per-  
27 son was arrested for [WHILE] operating or driving a motor vehicle for  
28 which a driver's license is required, result in the denial or revoca-  
29 tion of the license or nonresident privilege to drive, that the

1 refusal may be used against the person in a civil or criminal action  
2 or proceeding arising out of an act alleged to have been committed by  
3 the person while operating or driving a motor vehicle or operating an  
4 aircraft or a watercraft while intoxicated, and that the refusal is a  
5 misdemeanor, a chemical test shall not be given, except as provided by  
6 AS 28.35.035.