

Offered: 3/28/84  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 499 (Judiciary)  
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 that [WHICH] is driven  
11 on a highway or vehicular way or area, and that [WHICH] has been  
12 determined to be defective in equipment so as to be unsafe for driv-  
13 ing, or on which the vehicle identification number has been removed,  
14 defaced, or otherwise altered, is an unlawful vehicle and may be  
15 impounded by a peace officer or an employee of the department offi-  
16 cially designated for that purpose. The owner or person in lawful  
17 possession of a vehicle that is driven on a highway or vehicular way  
18 or area and that is so defective in equipment as to be unsafe for  
19 driving [THE VEHICLE] shall pay the necessary costs of impounding and  
20 storing the vehicle. The impounding of a vehicle is in addition to  
21 any other penalty. Nothing in this section prevents the driving or  
22 moving of a defective vehicle in the manner directed by the peace  
23 officer or employee to a place for

- 24 (1) the correction of a defect in the equipment;  
25 (2) dismantling or wrecking; or  
26 (3) storage without repair.

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

28 (c) If at the hearing under (a) of this section it appears that  
29 the record of the person sustains suspension, revocation, limitation,

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

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

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

26 \* Sec. 4. AS 28.05.141 is amended by adding a new subsection to read:

27 (e) If, upon appeal, the court reverses the department's deter-  
28 mination, the court may, in its discretion

29 (1) return the case to the department for a new hearing

1 before another hearing officer, or

2 (2) conduct a hearing de novo in district court.

3 \* Sec. 5. AS 28.10.051 is amended to read:

4 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.  
5 The department may suspend or revoke the registration of a vehicle,  
6 the certificate of registration or registration plates for a vehicle,  
7 or a special permit when

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

11 (2) the department determines that a registered vehicle is  
12 mechanically unsafe to be driven or moved on a highway, vehicular way  
13 or area, or other public property in this state and the vehicle has  
14 been seized or impounded under AS 28.05.091;

15 (3) a registered vehicle has been scrapped, dismantled or  
16 destroyed beyond repair;

17 (4) the department determines that a required fee or tax  
18 has not been paid and the fee or tax is not paid upon reasonable  
19 notice and demand;

20 (5) a registration plate, permit, or certificate is know-  
21 ingly displayed upon a vehicle other than the vehicle for which  
22 issued;

23 (6) the department determines that the owner of a vehicle  
24 has committed an offense under this chapter involving the registration  
25 or the certificate, plate, or permit to be suspended or revoked;

26 (7) the vehicle has been reported to the department as  
27 stolen or unlawfully converted; or

28 (8) the department is otherwise required to do so under the  
29 laws of this state.

1 \* Sec. 6. AS 28.10.105(f) is amended to read:

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

9 \* Sec. 7. AS 28.10.411(c) is amended to read:

10 (c) A resident 65 years of age or older on the date that the tax  
11 is due is entitled to an exemption from the tax under AS 28.10.431(b)  
12 and the registration fee [TAX] under this section for one motor  
13 vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or  
14 (6). An [. NO] exemption may not be granted except upon written  
15 application for the exemption on a form prescribed by the department.

16 \* Sec. 8. AS 28.10.421(d) is amended to read:

17 (d) The special registration fees under this subsection are  
18 imposed annually, unless otherwise specified, for:

19 (1) an historic vehicle (one time only upon initial regis-  
20 tration under AS 28.10.181) ..... \$10;

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

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

28 (4) a vehicle owned by the state..... none;

29 (5) a vehicle owned by an elected state official .....the

- 1 fee required for that vehicle under (b) of this section;
- 2 (6) a vehicle owned by a consular officer, unless waived
- 3 under AS 28.10.181..... \$30;
- 4 (7) a vehicle owned by a rancher, farmer, or dairyman and
- 5 registered under AS 28.10.181..... \$30;
- 6 (8) a snowmobile or off-highway vehicle..... \$ 5;
- 7 (9) an amateur mobile radio station vehicle,
- 8 (A) with a transceiver capable of less than 5-band
- 9 operation..... the fee required for that vehicle under (b) or
- 10 (c) of this section;
- 11 (B) in recognition of [HIS] service to the public: a
- 12 mobile amateur radio station owned by an amateur with general
- 13 class or higher license, provided the station must be satisfac-
- 14 torily proved capable of operating on at least five bands between
- 15 160 through 10 meters, must have an antenna, and must have a
- 16 power supply and wiring as a permanent part of the vehicle; the
- 17 transmitting unit may be removed from the car for service or dry
- 18 storage ..... none for a mobile
- 19 amateur radio station vehicle included in b(1) or (2) of this
- 20 section;
- 21 (10) dealer registration plates,
- 22 (A) the initial set of plates..... \$40;
- 23 (B) each subsequent set of plates..... \$20;
- 24 (11) a vehicle owned by a municipality or charitable orga-
- 25 nization meeting the requirements of AS 28.10.181(e). ..... \$ 5;
- 26 (12) an occasional use vehicle under AS 28.10.181(k)....\$15.

27 \* Sec. 9. AS 28.15.031(b) is amended to read:

28 (b) The department may [SHALL] not issue an original or dupli-

29 cate driver's license to, or [NOR] renew or reinstate the driver's

1 license of, a person

2 (1) whose license is suspended or revoked, except as other-  
3 wise provided in this chapter;

4 (2) who fails to appear in court for the adjudication of a  
5 certain vehicle, driver or traffic offense when the person's [HIS]  
6 appearance is required by statute, regulation or court rule;

7 (3) who is an habitual user of alcohol or another drug to  
8 such a degree that the person [HE] is incapable of safely driving a  
9 motor vehicle;

10 (4) who has previously been adjudged to be afflicted with,  
11 or suffering from, a mental disability or a disease and who has not,  
12 at the time of application for the license, been restored to com-  
13 petency by the methods provided by law;

14 (5) when the department, based upon medical evidence, has  
15 determined that because of a [HIS] physical or mental disability the  
16 person is not able to drive a motor vehicle safely;

17 (6) who is unable to understand official traffic control  
18 devices as displayed in this state or who does not have a fair knowl-  
19 edge of traffic laws and regulations, as demonstrated by an examina-  
20 tion;

21 (7) who has knowingly made a false statement in an [HIS]  
22 application for a license or has committed fraud in connection with an  
23 [HIS] application for, or in obtaining or attempting to obtain, a  
24 license, or who has not applied under oath on the form provided for  
25 the purpose of obtaining or attempting to obtain a license or permit;  
26 [OR]

27 (8) who is required under AS 28.20 to furnish proof of  
28 financial responsibility and who has not done so; or

29 (9) whose ability to apply for a driver's license has been

1 suspended or revoked.

2 \* Sec. 10. AS 28.15.051(d) is amended to read:

3 (d) The department may issue a special driver's permit to a per-  
4 son who is at least 14 years of age with the consent of the person's  
5 [HIS] parents, [OR] guardians, or spouse who is 18 years of age or  
6 older, for the purpose of driving a motor-driven cycle. This permit  
7 may be issued upon application and successful completion of all pre-  
8 scribed tests and fees, and is valid for the same period of time as a  
9 driver's license. The permit is not valid in a municipality that  
10 [WHICH] by ordinance prohibits the driving of a motor-driven cycle by  
11 a person under the age of 16 years; a borough may adopt the ordinance  
12 on a nonareawide basis only, unless the power to adopt it on an area-  
13 wide basis is acquired under AS 29.33.250 - 29.33.290.

14 \* Sec. 11. AS 28.15.071(a) is amended to read:

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

24 \* Sec. 12. AS 28.15.071(c) is amended to read:

25 (c) If a minor deposits, or there is deposited on a minor's  
26 [HIS] behalf, proof of financial responsibility for the [HIS] driving  
27 of a motor vehicle, in the form and amount required in AS 28.20, then  
28 the department may accept the application of the minor signed as  
29 required under (a) of this section, and, while proof of financial

1 responsibility is maintained, the parent, guardian, spouse, or other  
2 responsible adult is not subject to the liability imposed under (b) of  
3 this section.

4 \* Sec. 13. AS 28.15.171(a) is amended to read:

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

10 \* Sec. 14. AS 28.15 is amended by adding a new section to read:

11 Sec. 28.15.176. SUSPENSION OR REVOCATION OF ABILITY TO APPLY FOR  
12 A LICENSE. (a) A court or the department may suspend or revoke a  
13 person's ability to apply for a driver's license in this state in the  
14 same manner and for the same reasons as a court or the department may  
15 suspend or revoke a driver's license issued under this chapter. For  
16 this purpose, the terms "driver's license" or "license" as used in  
17 this title may be construed as "ability to apply for a driver's li-  
18 cense."

19 (b) This section applies to a person who

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

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

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

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

27 \* Sec. 16. AS 28.20.090(a) is amended to read:

28 (a) If a person required to deposit security under this chapter  
29 fails to deposit security within 10 days after the department sends

1 notice, the department shall suspend

2 (1) the license of each driver involved in the accident;

3 (2) the privilege of operating a vehicle subject to regis-  
4 tration if the driver is a nonresident;

5 (3) the privilege of the owner to operate or permit the  
6 operation within this state of a vehicle subject to registration if  
7 the owner is a nonresident;

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

11 \* Sec. 17. AS 28.35.032(a) is amended to read:

12 (a) If a person under arrest refuses the request of a law en-  
13 forcement officer to submit to a chemical test under AS 28.35.031(a),  
14 after being advised by the officer that the refusal will, if that per-  
15 son was arrested for [WHILE] operating or driving a motor vehicle for  
16 which a driver's license is required, result in the denial or revoca-  
17 tion of the license or nonresident privilege to drive, that the refus-  
18 al may be used against the person in a civil or criminal action or  
19 proceeding arising out of an act alleged to have been committed by the  
20 person while operating or driving a motor vehicle or operating an air-  
21 craft or a watercraft while intoxicated, and that the refusal is a  
22 misdemeanor, a chemical test shall not be given, except as provided by  
23 AS 28.35.035.