

Offered: 4/18/86
Referred: Finance

Original sponsors: Hurley, Pourchot,
Thompson and Taylor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 460 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to off-road vehicles."

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

8 * Section 1. AS 05 is amended by adding a new chapter to read:

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CHAPTER 40. OFF-ROAD VEHICLES.

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Sec. 05.40.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE.

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Except for operation on the owner's private property, a person may not operate an off-road vehicle unless the vehicle has been registered with the Department of Public Safety as provided in this chapter.

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Sec. 05.40.020. REGISTERED AND REGISTRATION FEE. (a) The owner

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of an off-road vehicle subject to registration shall apply for registration under this chapter by properly completing a form provided by the department. The fee for registration of a vehicle is \$15, and is valid for two years. Fees collected under this section shall be deposited by the Department of Revenue into the general fund.

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(b) Off-road vehicles owned by the federal or state government

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or a political subdivision of the federal or state government shall be registered but are not required to pay a registration fee.

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Sec. 05.40.030. REGISTRATION CERTIFICATE AND DECAL. Upon registration

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of an off-road vehicle, the registrant shall be issued a registration certificate and a numbered decal containing the registration number of the vehicle. Once a vehicle has been issued a number, it shall retain that number until the vehicle is destroyed, abandoned, or permanently removed from the state. The numbered registration decal shall be prominently displayed at a location prescribed by the

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1 department.

2 Sec. 05.40.040. TRANSFER OF OWNERSHIP. The department shall
3 adopt regulations covering transfer of ownership of off-road vehicles.

4 Sec. 05.40.050. EDUCATION AND TRAINING PROGRAM. (a) The de-
5 partment shall establish and may approve off-road vehicle safety
6 education and training programs. The program shall include training
7 and dissemination of information and safety advice to the public
8 concerning vehicle maintenance, environmental protection, alcohol and
9 controlled substances laws, and emergency first aid procedures.

10 (b) A person who completes the training program shall receive an
11 off-road vehicle safety certificate.

12 Sec. 05.40.060. OFF-ROAD VEHICLE SAFETY FUND. There is created
13 a special account in the general fund known as the off-road vehicle
14 safety fund. The purpose of the fund shall be to support the educa-
15 tion and training program of this chapter. It is the intent of the
16 legislature that the fund consist of fees received under AS 05.40.020,
17 and that an amount equal to the fees received be appropriated for
18 off-road vehicle safety education and training under AS 05.40.050.

19 Sec. 05.40.070. OPERATING RESTRICTIONS. Not more than one
20 person may ride an off-road vehicle at the same time, unless the
21 off-road vehicle is specifically designed by the manufacturer to carry
22 more than one person.

23 Sec. 05.40.080. USE BY CERTAIN MINORS. (a) A person under the
24 age of 18 years may not operate an off-road vehicle on public land
25 unless the person has in possession a valid off-road vehicle safety
26 certificate.

27 (b) A person under the age of 18 years may not operate or ride
28 as a passenger on an off-road vehicle on public land unless the person

29 (1) wears a helmet that meets the requirements set out in

1 AS 28.05.081(c); and

2 (2) wears eye protection, unless the off-road vehicle is
3 equipped with a wind screen or windshield.

4 Sec. 05.40.090. SAFETY EQUIPMENT. An off-road vehicle is re-
5 quired to contain the following equipment:

6 (1) brakes adequate to control the movement of and to stop
7 and to hold the vehicle under normal conditions of operation;

8 (2) at least one head lamp so aimed and of sufficient
9 intensity to reveal persons and objects at a distance of at least 100
10 feet ahead during hours of darkness under normal atmospheric condi-
11 tions;

12 (3) at least one tail light of sufficient intensity to be
13 visible at a distance of 50 feet behind the vehicle during hours of
14 darkness under normal atmospheric conditions;

15 (4) a throttle that, when released by hand, will return the
16 engine speed to idle; and

17 (5) an exhaust muffler in good working order.

18 Sec. 05.40.100. RETAIL SALES. All off-road vehicles made after
19 July 1, 1986, and sold in the state must

20 (1) have a manufacturer's permanent identification number
21 stamped in letters and numbers on the vehicle in the form and at a
22 location prescribed by the department;

23 (2) be designed and made to provide an area to affix the
24 registration number; the area shall be at a location and of dimensions
25 prescribed by the department by regulation.

26 Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be
27 driven on a roadway, as defined in AS 28.40.100(a), except for the
28 purpose of crossing the street or highway.

29 Sec. 05.40.120. PENALTY. A person who violates a provision of

1 this chapter or a regulation adopted under this chapter is guilty of
2 an infraction and may be punished as provided in AS 28.40.050(c).

3 Sec. 05.40.900. DEFINITIONS. In this chapter and in regula-
4 tions adopted under this chapter, unless the context otherwise re-
5 quires,

6 (1) "department" means the Department of Public Safety;

7 (2) "off-road vehicle" means a motorized vehicle with three
8 or four tires that has an engine displacement of less than 600 cubic
9 centimeters and total dry weight of less than 600 pounds.

10 * Sec. 2. AS 28.15.031(a) is amended to read:

11 (a) The department may not issue a driver's license to a person
12 who is under the age of 16 years, except that the department may issue
13 a permit or a certificate under AS 28.15.051 or a restricted license
14 under AS 28.15.121.

15 * Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

16 (f) The department may issue or approve issuance of a special
17 driver's certificate to a person who is at least 14 years of age for
18 the purpose of driving an off-road vehicle. The certificate may be
19 issued upon successful completion of an off-road vehicle education and
20 training program established under AS 05.40.050, and is valid for the
21 same period of time as a driver's license. The certificate is not
22 valid in a municipality that by ordinance prohibits the driving of an
23 off-road vehicle by a person under the age of 16 years; a borough may
24 adopt the ordinance on a nonareawide basis only, unless the power to
25 adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.-
26 330 or former AS 29.33.250 - 29.33.290.