

Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 84

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST 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 is amended to read:

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle,
29 or a special permit when

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

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

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

10 (4) the department determines that a required fee or tax
11 has not been paid and the fee or tax is not paid upon reasonable
12 notice and demand;

13 (5) a registration plate, permit, or certificate is know-
14 ingly displayed upon a vehicle other than the vehicle for which is-
15 sued;

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

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

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

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

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

1 vehicle.

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

3 (c) A resident 65 years of age or older on the date that the tax
4 is due is entitled to an exemption from the tax under AS 28.10.431(b)
5 and the registration fee [TAX] under this section for one motor vehi-
6 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
7 (6). An exemption may not be granted except upon written application
8 for the exemption on a form prescribed by the department.

9 * Sec. 7. AS 28.10.421(d) is amended to read:

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

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

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

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

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

22 (5) a vehicle owned by an elected state official....the
23 fee required for that vehicle under (b) of this section;

24 (6) a vehicle owned by a consular officer, unless waived
25 under AS 28.10.181.....\$30;

26 (7) a vehicle owned by a rancher, farmer, or dairyman and
27 registered under AS 28.10.181.....\$30;

28 (8) a snowmobile or off-highway vehicle.....\$ 5;

29 (9) an amateur mobile radio station vehicle,

1 (A) with a transceiver capable of less than 5-band
2 operation.....the
3 fee required for that vehicle under (b) or (c) of this section;

4 (B) in recognition of service to the public: a mobile
5 amateur radio station owned by an amateur with general class or
6 higher license, provided the station must be satisfactorily
7 proved capable of operating on at least five bands between 160
8 through 10 meters, must have an antenna, and must have a power
9 supply and wiring as a permanent part of the vehicle; the trans-
10 mitting unit may be removed from the car for service or dry
11 storage.....none
12 for a mobile amateur radio station vehicle included in (b)(1) or
13 (2) of this section;

- 14 (10) dealer registration plates,
15 (A) the initial set of plates.....\$40;
16 (B) each subsequent set of plates.....\$20;
17 (11) a vehicle owned by a municipality or charitable orga-
18 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
19 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
20 (13) a vehicle owned by a former prisoner of war.....none.

21 * Sec. 8. AS 28.15.031(b) is amended to read:

22 (b) The department may not issue an original or duplicate driv-
23 er's license to, nor renew or reinstate the driver's license of, a
24 person

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

27 (2) who fails to appear in court for the adjudication of a
28 certain vehicle, driver or traffic offense when the person's appear-
29 ance is required by statute, regulation or court rule;

1 (3) who is an habitual user of alcohol or another drug to
2 such a degree that the person is incapable of safely driving a motor
3 vehicle;

4 (4) who has previously been adjudged to be afflicted with,
5 or suffering from, a mental disability or a disease and who has not,
6 at the time of application for the license, been restored to competen-
7 cy by the methods provided by law;

8 (5) when the department, based upon medical evidence, has
9 determined that because of the person's physical or mental disability
10 the person is not able to drive a motor vehicle safely;

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

15 (7) who has knowingly made a false statement in the per-
16 son's application for a license or has committed fraud in connection
17 with the person's application for, or in obtaining or attempting to
18 obtain, a license, or who has not applied under oath on the form
19 provided for the purpose of obtaining or attempting to obtain a li-
20 cense or permit; or

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

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

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

26 (d) The department may issue a special driver's permit to a per-
27 son who is at least 14 years of age with the consent of the person's
28 parents, [OR] guardians, or spouse who is 18 years of age or older,
29 for the purpose of driving a motor-driven cycle. This permit may be

1 issued upon application and successful completion of all prescribed
2 tests and fees, and is valid for the same period of time as a driver's
3 license. The permit is not valid in a municipality which by ordinance
4 prohibits the driving of a motor-driven cycle by a person under the
5 age of 16 years; a borough may adopt the ordinance on a nonareawide
6 basis only, unless the power to adopt it on an areawide basis is
7 acquired under AS 29.33.250 -- 29.33.290.

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

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

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

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

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

28 (a) The privilege of driving a motor vehicle on a highway or
29 vehicular way or area of this state given to a person licensed in

1 another jurisdiction is subject to suspension, [OR] revocation, or
2 limitation by the department or a court in the same manner and for the
3 same reasons as a driver's license issued under this chapter.

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

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

13 (b) This section applies to a person who

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

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

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

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

21 * Sec. 15. AS 28.20.090(a) is amended to read:

22 (a) If a person required to deposit security under this chapter
23 fails to deposit security within 10 days after the department sends
24 notice, the department shall suspend

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

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

28 (3) the privilege of the owner to operate or permit the
29 operation within this state of a vehicle subject to registration if

1 the owner is a nonresident;

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

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

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