

Offered: 4/10/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 84 (Judiciary)
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 and senior
7 citizen motor vehicle tax exemptions; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 28.05.091 is amended to read:
11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
13 highway or vehicular way or area, and which has been determined to be
14 defective in equipment so as to be unsafe for driving, or on which the
15 vehicle identification number has been removed, defaced, or otherwise
16 altered, is an unlawful vehicle and may be impounded by a peace offi-
17 cer or an employee of the department officially designated for that
18 purpose. The owner or person in lawful possession of a vehicle that
19 is driven on a highway or vehicular way or area and that is so defec-
20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
21 the necessary costs of impounding and storing the vehicle. The im-
22 pounding of a vehicle is in addition to any other penalty. Nothing in
23 this section prevents the driving or moving of a defective vehicle in
24 the manner directed by the peace officer or employee to a place for
25 (1) the correction of a defect in the equipment;
26 (2) dismantling or wrecking; or
27 (3) storage without repair.
28 * Sec. 2. AS 28.05.141(c) is amended to read:
29 (c) If at the hearing under (a) of this section it appears that

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

7 * Sec. 3. AS 28.10.051 is amended to read:

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

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

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

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

21 (4) the department determines that a required fee or tax
22 has not been paid and the fee or tax is not paid upon reasonable
23 notice and demand;

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

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

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

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

5 * Sec. 4. AS 28.10.181 is amended by adding a new subsection to read:

6 (m) Special request plates for Alaska National Guard personnel.
7 Upon application by the owner of a passenger vehicle, noncommercial
8 van or pick-up truck, or motor home who presents satisfactory proof of
9 current membership in the Alaska National Guard, the department may
10 design and issue registration plates that identify the vehicle as
11 registered to a member of the Alaska National Guard. The owner shall
12 return the registration plates to the department within 10 days fol-
13 lowing discharge from the Alaska National Guard.

14 * Sec. 5. AS 28.10.411(c) is amended to read:

15 (c) A resident 65 years of age or older on the date that the tax
16 is due is entitled to an exemption from the tax levied under AS 28.-
17 10.431(b) and the registration fee required [TAX] under this section
18 for one motor vehicle subject to registration under AS 28.10.421(b)-
19 (1), (2), (5), or (6). An exemption may not be granted except upon
20 written application for the exemption on a form prescribed by the
21 department.

22 * Sec. 6. AS 28.10.411(d) is repealed and reenacted to read:

23 (d) The Department of Community and Regional Affairs shall reim-
24 burse a municipality that elects to levy a tax under AS 28.10.431 for
25 revenue lost because of the exemption from the tax provided by (c) of
26 this section. If appropriations are less than the amount necessary
27 for full reimbursement to all municipalities under this section, pay-
28 ments to all municipalities entitled to receive reimbursement under
29 this section shall be prorated.

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

2 (d) The special registration fees under this subsection are

3 imposed annually, unless otherwise specified, for:

4 (1) an historic vehicle (one time only upon initial regis-

5 tration under AS 28.10.181).....\$10;

6 (2) special request plates including those authorized for

7 use by Alaska National Guard personnel only.....\$30;

8 plus the fee required for that vehicle under (b)(1) or (2) of this

9 section; the fee required by this paragraph shall be collected only on

10 the first issuance and on the replacement of special request plates;

11 (3) a vehicle owned by a disabled veteran or other handi-

12 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65

13 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

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

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

16 fee required for that vehicle under (b) of this section;

17 (6) a vehicle owned by a consular officer, unless waived

18 under AS 28.10.181.....\$30;

19 (7) a vehicle owned by a rancher, farmer, or dairyman and

20 registered under AS 28.10.181.....\$30;

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

22 (9) an amateur mobile radio station vehicle,

23 (A) with a transceiver capable of less than 5-band

24 operation.....the

25 fee required for that vehicle under (b) or (c) of this section;

26 (B) in recognition of service to the public: a mobile

27 amateur radio station owned by an amateur with general class or

28 higher license, provided the station must be satisfactorily

29 proved capable of operating on at least five bands between 160

1 through 10 meters, must have an antenna, and must have a power
2 supply and wiring as a permanent part of the vehicle; the trans-
3 mitting unit may be removed from the car for service or dry
4 storage.....none
5 for a mobile amateur radio station vehicle included in (b)(1) or
6 (2) of this section;

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

14 * Sec. 8. AS 28.15.051(d) is amended to read:

15 (d) The department may issue a special driver's permit to a per-
16 son who is at least 14 years of age with the consent of the person's
17 parents, [OR] guardians, or spouse who is 18 years of age or older,
18 for the purpose of driving a motor-driven cycle. This permit may be
19 issued upon application and successful completion of all prescribed
20 tests and fees, and is valid for the same period of time as a driver's
21 license. The permit is not valid in a municipality which by ordinance
22 prohibits the driving of a motor-driven cycle by a person under the
23 age of 16 years; a borough may adopt the ordinance on a nonareawide
24 basis only, unless the power to adopt it on an areawide basis is
25 acquired under AS 29.33.250 - 29.33.290.

26 * Sec. 9. AS 28.15.071(a) is amended to read:

27 (a) The application of a person under the age of 18 years for an
28 instruction permit or driver's license must be signed by the father,
29 mother, [OR] guardian, or spouse who is 18 years of age or older, or

1 if there is no parent, [OR] guardian, or spouse, then by another re-
2 sponsible adult who is willing to assume the obligation imposed under
3 this section upon a person signing the application. The application
4 must be signed and verified before a person authorized to administer
5 oaths, or be signed in the presence of an authorized representative of
6 the department.

7 * Sec. 10. AS 28.15.071(c) is amended to read:

8 (c) If a minor deposits, or there is deposited on behalf of the
9 minor, proof of financial responsibility for the minor's driving of a
10 motor vehicle, in the form and amount required in AS 28.20, then the
11 department may accept the application of the minor signed as required
12 under (a) of this section, and, while proof of financial responsibil-
13 ity is maintained, the parent, guardian, spouse, or other responsible
14 adult is not subject to the liability imposed under (b) of this sec-
15 tion.

16 * Sec. 11. AS 28.15.171(a) is amended to read:

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

22 * Sec. 12. AS 28.15.231 is amended by adding a new subsection to read:

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

25 * Sec. 13. AS 28.35.032(a) is amended to read:

26 (a) If a person under arrest refuses the request of a law en-
27 forcement officer to submit to a chemical test under AS 28.35.031(a),
28 after being advised by the officer that the refusal will, if that per-
29 son was arrested for [WHILE] operating or driving a motor vehicle for

1 which a driver's license is required, result in the denial or revoca-
2 tion of the license or nonresident privilege to drive, that the refus-
3 al may be used against the person in a civil or criminal action or
4 proceeding arising out of an act alleged to have been committed by the
5 person while operating or driving a motor vehicle or operating an air-
6 craft or a watercraft while intoxicated, and that the refusal is a
7 misdemeanor, a chemical test shall not be given, except as provided by
8 AS 28.35.035.

9 * Sec. 14. AS 28.40.100(a)(19) is amended to read:

10 (19) "vehicular way or area" means a way, path or area,
11 other than a highway [OR PRIVATE PROPERTY], which is designated by
12 official traffic control devices or customary usage and which is open
13 to the public for purposes of pedestrian or vehicular travel [, AND
14 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
15 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
16 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

17 * Sec. 15. AS 29.53.020(a) is amended to read:

18 (a) The following property is exempt from general taxation:

19 (1) municipal, state or federally owned property, except
20 that private leaseholds, contracts or other interest in the property
21 shall be taxable to the extent of those interests;

22 (2) household furniture of the head of a family or a house-
23 holder not exceeding \$500 in value;

24 (3) property used exclusively for nonprofit religious,
25 charitable, cemetery, hospital or educational purposes;

26 (4) property of a nonbusiness organization composed en-
27 tirely of persons with 90 days or more of active service in the armed
28 forces of the United States whose conditions of service and separation
29 were other than dishonorable, or the property of the auxiliary of such

1 organization;

2 (5) money on deposit;

3 (6) the real property of certain residents of the state to
4 the extent and subject to the conditions provided in (e) of this
5 section;

6 (7) real property to the extent and subject to the condi-
7 tions provided in (j) of this section;

8 (8) inventories located within a foreign trade zone estab-
9 lished under AS 45.77.010, before those inventories are cleared by the
10 United States Customs Service and admitted into domestic commerce;

11 (9) real property or an interest in real property that is
12 exempt from taxation under 43 U.S.C. 1620(d), as amended;

13 (10) a motor vehicle of certain residents of the state to
14 the extent and subject to the conditions provided in (m) of this
15 section.

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

17 (m) The motor vehicle owned by a resident 65 years of age or
18 older on January 1 of the assessment year is exempt from the property
19 tax levied by a municipality under AS 29.53.010. Only one exemption
20 may be granted for the same motor vehicle and, if two or more persons
21 are eligible for an exemption for the same property, the parties shall
22 decide who shall receive the exemption. A motor vehicle that the
23 assessor determines after notice and hearing to the parties concerned
24 has been conveyed to the applicant primarily for the purpose of ob-
25 taining the exemption may not be exempted under this subsection.

26 (n) The state shall reimburse a municipality for the revenue
27 lost to it under (m) of this section. To the extent that a municipali-
28 ty exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
29 would otherwise be exempt under this section, no reimbursement will be

1 made under this subsection.

2 * Sec. 17. Sections 6, 14, and 15 of this Act take effect January 1,
3 1986.