

Offered: 2/18/86
Referred: Rules

Original sponsor: Halford

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 278 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to impoundment and registration of
7 motor vehicles; senior citizen motor vehicle tax
8 exemptions; licensing of certain drivers; fees for
9 driver's licenses and permits; refusal to submit to a
10 chemical test for intoxication; and the driver's
11 license compact."

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

13 * Section 1. AS 28.05.091 is amended to read:

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

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

- 1 (2) dismantling or wrecking; or
2 (3) storage without repair.

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

4 (c) If at the hearing under (a) of this section it appears that
5 the record of the person sustains suspension, revocation, limitation,
6 denial, or other remedial action, the hearing officer shall so order
7 and the department may suspend, revoke, limit, deny, or take other
8 remedial action against that person's license, registration, or title
9 and, if appropriate, the department shall adjust the person's point
10 total accumulated under AS 28.15.231.

11 * Sec. 3. AS 28.10.011 is amended to read:

12 Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle
13 driven, moved, or parked upon a highway or other public parking place
14 in the state shall be registered under this chapter except when the
15 vehicle is

- 16 (1) driven or moved on a highway only for the purpose of
17 crossing the highway from one private property to another, including
18 an implement of husbandry as defined by regulation;
19 (2) driven or moved on a highway under a dealer's plate or
20 temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
21 (3) special mobile equipment as defined by regulation;
22 (4) owned by the United States;
23 (5) moved by human or animal power;
24 (6) exempt under 50 U.S.C. App. 501-591 (Soldier's and
25 Sailor's Civil Relief Act);
26 (7) driven or parked only on private property;
27 (8) the vehicle of a nonresident as provided under
28 AS 28.10.121;
29 (9) a commercial interstate vehicle under AS 28.10.141;

- 1 (10) transported under a special permit under AS 28.10.151;
2 (11) driven or moved on a highway or vehicular way not
3 maintained primarily by the state and not connected by land to the
4 state highway system established under AS 19.10.020;
5 (12) a mobile home as defined by regulation.

6 * Sec. 4. AS 28.10.051 is amended to read:

7 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

8 The department may suspend or revoke the registration of a vehicle,
9 the certificate of registration or registration plates for a vehicle,
10 or a special permit when

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

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

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

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

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

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

29 (7) the vehicle has been reported to the department as

1 stolen or unlawfully converted; or

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

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

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

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

14 (c) A resident 65 years of age or older on January 1 of the year
15 the vehicle is registered is entitled to an exemption from the
16 registration fee required [TAX] under this section for one motor vehi-
17 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
18 (6). An exemption may not be granted except upon written application
19 for the exemption on a form prescribed by the department.

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

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

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

25 (2) special request plates including those authorized for
26 use by Alaska National Guard personnel only..... \$30 [\$20];
27 plus the fee required for that vehicle under (b)(1) or (2) of this
28 section; the fee required by this paragraph shall be collected only on
29 the first issuance and on the replacement of special request plates;

- 1 (3) a vehicle owned by a disabled veteran or other handi-
- 2 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
- 3 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;
- 4 (4) a vehicle owned by the state.....none;
- 5 (5) a vehicle owned by an elected state official....the
- 6 fee required for that vehicle under (b) of this section;
- 7 (6) a vehicle owned by a consular officer, unless waived
- 8 under AS 28.10.181.....\$30;
- 9 (7) a vehicle owned by a rancher, farmer, or dairyman and
- 10 registered under AS 28.10.181.....\$30;
- 11 (8) a snowmobile or off-highway vehicle.....\$ 5;
- 12 (9) an amateur mobile radio station vehicle,
- 13 (A) with a transceiver capable of less than 5-band
- 14 operation.....the
- 15 fee required for that vehicle under (b) or (c) of this section;
- 16 (B) in recognition of service to the public: a mobile
- 17 amateur radio station owned by an amateur with general class or
- 18 higher license, provided the station must be satisfactorily
- 19 proved capable of operating on at least five bands between 160
- 20 through 10 meters, must have an antenna, and must have a power
- 21 supply and wiring as a permanent part of the vehicle; the trans-
- 22 mitting unit may be removed from the car for service or dry
- 23 storage.....none
- 24 for a mobile amateur radio station vehicle included in (b)(1) or
- 25 (2) of this section;
- 26 (10) dealer registration plates,
- 27 (A) the initial set of plates.....\$40;
- 28 (B) each subsequent set of plates.....\$20;
- 29 (11) a vehicle owned by a municipality or charitable orga-

- 1 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
2 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
3 (13) a vehicle owned by a former prisoner of war.....none.

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

5 (d) The department may issue a special driver's permit to a
6 person who is at least 14 years of age with the consent of the
7 person's parents, [OR] guardians, or spouse who is 18 years of age or
8 older, for the purpose of driving a motor-driven cycle. This permit
9 may be issued upon application and successful completion of all
10 prescribed tests and fees, and is valid for the same period of time as
11 a driver's license. The permit is not valid in a municipality that by
12 ordinance prohibits the driving of a motor-driven cycle by a person
13 under the age of 16 years; a borough may adopt the ordinance on a
14 nonareawide basis only, unless the power to adopt it on an areawide
15 basis is acquired under AS 29.35.300 - 29.35.330 or former
16 AS 29.33.250 - 29.33.290.

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

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

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

28 (c) If a minor deposits, or there is deposited on behalf of the
29 minor, proof of financial responsibility for the minor's driving of a

1 motor vehicle, in the form and amount required in AS 28.20, then the
2 department may accept the application of the minor signed as required
3 under (a) of this section, and, while proof of financial responsibil-
4 ity is maintained, the parent, guardian, spouse, or other responsible
5 adult is not subject to the liability imposed under (b) of this
6 section.

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

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

13 * Sec. 12. AS 28.15.221(a) is amended to read:

14 (a) For the purpose of identifying habitually reckless or negli-
15 gent drivers and habitual or frequent violators of traffic laws, the
16 commissioner shall adopt regulations establishing a uniform system for
17 the suspension, revocation, limitation or denial of a driver's license
18 or driving privilege by assigning demerit points for convictions for
19 violations of traffic laws which are required to be reported to the
20 department under AS 28.15.191 and AS 28.37.130.

21 * Sec. 13. AS 28.15.231 is amended by adding a new subsection to read:

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

24 * Sec. 14. AS 28.15.271 is amended to read:

25 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
26 mits, including but not limited to renewals, are as follows:

- 27 (1) all classes of drivers' licenses..... \$10 [\$ 5];
28 (2) motor-driven cycles..... \$10 [\$ 2];
29 (3) instruction permit..... \$3 [\$ 1];

- 1 (4) duplicate of driver's license or instruction per-
2 mit..... \$3 [\$ 2];
3 (5) temporary license and renewal of permit... \$3 [\$ 1];
4 (6) school bus driver's permit..... \$3 [\$ 2].

5 * Sec. 15. 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.

18 * Sec. 16. AS 28 is amended by adding a new chapter to read:

19 CHAPTER 37. DRIVER LICENSE COMPACT.

20 ARTICLE 1. GENERAL PROVISIONS.

21 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
22 enacted into law and entered into with all other jurisdictions legally
23 joining in it in the form substantially contained in AS 28.37.110 -
24 28.37.190.

25 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
26 "licensing authority" with reference to this state means the division
27 of motor vehicles in the Department of Public Safety. The department
28 shall furnish to the appropriate authority of another party state the
29 information or documents reasonably necessary to facilitate the admin-

1 istration of AS 28.37.130 - 28.37.150.

2 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
3 trator provided for in AS 28.37.170 is not entitled to additional
4 compensation on account of service as the administrator, but is enti-
5 tled to expenses incurred in connection with the duties and res-
6 ponsibilities as the administrator, in the same manner as for expenses
7 incurred in connection with other duties or responsibilities of the
8 office or employment.

9 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
10 to this state, the term "executive head" means the governor.

11 ARTICLE 2. COMPACT TERMS.

12 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
13 states find that

14 (1) the safety of their streets and highways is materially
15 affected by the degree of compliance with state laws and local ordi-
16 nances relating to the operation of motor vehicles;

17 (2) violation of a law or ordinance is evidence that the
18 violator engages in conduct that is likely to endanger the safety of
19 persons and property;

20 (3) the continuance in force of a license to drive is
21 predicated upon compliance with laws and ordinances relating to the
22 operation of motor vehicles, in whichever jurisdiction the vehicle is
23 operated.

24 (b) It is the policy of the party states to

25 (1) promote compliance with the laws, ordinances, and
26 administrative regulations relating to the operation of motor vehicles
27 by their drivers in each of the jurisdictions where those drivers
28 operate motor vehicles;

29 (2) make the reciprocal recognition of licenses to drive

1 and eligibility for them more just and equitable by considering the
2 overall compliance with motor vehicle laws, ordinances, and adminis-
3 trative regulations as a condition precedent to the continuance or
4 issuance of a license by reason of which the licensee is authorized or
5 permitted to operate a motor vehicle in the party states.

6 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

7 (1) "conviction" means a conviction of an offense related
8 to the use or operation of a motor vehicle that is prohibited by state
9 law, municipal ordinance, or administrative regulation, or a forfei-
10 ture of bail, bond or other security deposited to secure appearance by
11 a person charged with having committed an offense described in this
12 paragraph, and that is required to be reported to the licensing au-
13 thority under AS 28.37.130;

14 (2) "home state" means the state that has issued and has
15 the power to suspend or revoke the use of the license or permit to
16 operate a motor vehicle;

17 (3) "state" means a state, territory, or possession of the
18 United States, the District of Columbia, or the Commonwealth of Puerto
19 Rico.

20 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
21 of a party state shall report each conviction of a person from another
22 party state occurring within its jurisdiction to the licensing author-
23 ity of the home state of the licensee. The report shall clearly iden-
24 tify the person convicted; describe the violation specifying the
25 section of the statute, code, or ordinance violated; identify the
26 court in which action was taken; indicate whether a plea of guilty or
27 not guilty was entered, or the conviction was a result of the forfei-
28 ture of bail, bond or other security; and shall include any special
29 findings made in connection with the conviction.

1 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
2 licensing authority in the home state, for the purposes of suspending,
3 revoking, or limiting the license to operate a motor vehicle, shall
4 give the same effect to the conduct reported under AS 28.37.130 as it
5 would if the conduct had occurred in the home state, in the case of a
6 conviction for

7 (1) manslaughter or negligent homicide resulting from the
8 operation of a motor vehicle;

9 (2) driving a motor vehicle while under the influence of
10 intoxicating liquor or a narcotic drug, or under the influence of any
11 other drug to a degree that renders the driver incapable of safely
12 driving a motor vehicle;

13 (3) any felony in the commission of which a motor vehicle
14 is used;

15 (4) failure to stop and render aid in the event of a motor
16 vehicle accident resulting in the death or personal injury of another.

17 (b) As to another conviction, reported under AS 28.37.130, the
18 licensing authority in the home state shall give the effect to the
19 conduct that is provided by the laws of the home state.

20 (c) If the laws of a party state do not provide for offenses or
21 violations denominated or described in precisely the words employed in
22 (a) of this section, the party state shall construe the denominations
23 and descriptions appearing in (a) of this section as being applicable
24 to and identifying the offenses or violations of a substantially
25 similar nature, and the laws of the party state shall contain the
26 provisions necessary to ensure that full force and effect is given to
27 this section.

28 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
29 Upon application for a license to drive, the licensing authority in a

1 party state shall ascertain whether the applicant has ever held, or is
2 the holder of a license to drive issued by another party state. The
3 licensing authority in the state where application is made may not
4 issue a license to drive to the applicant if

5 (1) the applicant has held a license, but the license has
6 been suspended by reason, in whole or in part, of a violation, and the
7 suspension period has not terminated;

8 (2) the applicant has held a license, but the license has
9 been revoked by reason, in whole or in part, of a violation, and the
10 revocation has not terminated; except that after the expiration of one
11 year from the date the license was revoked, the person may make appli-
12 cation for a new license if permitted by law; the licensing authority
13 may refuse to issue a license to an applicant if, after investigation,
14 the licensing authority determines that it will not be safe to grant
15 to the person the privilege of driving a motor vehicle on the public
16 highways;

17 (3) the applicant is the holder of a license to drive
18 issued by another party state and currently in force, unless the
19 applicant surrenders the license.

20 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as
21 expressly required by provisions of this chapter, nothing in this
22 chapter shall be construed to affect the right of a party state to
23 apply any of its other laws relating to licenses to drive to any
24 person or circumstance, nor to invalidate or prevent any driver li-
25 cense agreement or other cooperative arrangement between a party state
26 and a nonparty state.

27 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
28 licensing authority of each party state shall be the administrator of
29 the compact for that state. The administrators of all party states,

1 acting jointly, shall have the power to formulate all necessary and
2 proper procedures for the exchange of information under this compact.

3 (b) The administrator of each party state shall furnish to the
4 administrator of each other party state the information or documents
5 reasonably necessary to facilitate the administration of the compact.

6 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The
7 compact shall become effective as to any state in which the compact
8 becomes effective as the law of that state.

9 (b) A party state may withdraw from the compact by enacting a
10 statute repealing the compact as the law of the state, but a with-
11 drawal may not take effect until six months after the executive head
12 of the withdrawing state has given notice of the withdrawal to the
13 executive heads of all other party states. Withdrawal does not affect
14 the validity or applicability by the licensing authorities of states
15 remaining party to the compact of any report of conviction occurring
16 before the withdrawal.

17 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
18 compact shall be liberally construed so as to effectuate its purposes.
19 The provisions of the compact are severable and if any phrase, clause,
20 sentence, or provision of the compact is declared to be contrary to
21 the constitution of any party state or of the United States or the
22 applicability of it to a government, agency, person or circumstance is
23 held invalid, the validity of the remainder of the compact and the
24 applicability of it to any government, agency, person or circumstance
25 shall not be affected by it. If the compact is held contrary to the
26 constitution of any party state, the compact shall remain in full
27 force and effect as to the remaining states and in full force and
28 effect as to the state affected as to all severable matters.

29 * Sec. 17. AS 28.40.100(a)(19) is amended to read:

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