

Offered: 2/18/86
Referred: Rules

Original sponsor: Halford

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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CS FOR SENATE BILL NO. 278 (Finance) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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* Section 1. AS 28.05.091 is amended to read:

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Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE]. A motor vehicle that [WHICH] is driven on a highway or vehicular way or area, and that [WHICH] has been determined to be defective in equipment so as to be unsafe for driving, or on which the vehicle identification number has been removed, defaced, or otherwise altered, is an unlawful vehicle and may be impounded by a peace officer or an employee of the department officially designated for that purpose. The owner or person in lawful possession of a vehicle that is driven on a highway or vehicular way or area and that is so defective in equipment as to be unsafe for driving [THE VEHICLE] shall pay the necessary costs of impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

(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(11) is repealed and reenacted to read:

12 (11) being driven or moved on a highway, vehicular way, or a
13 public parking place in the state that is not connected by a land
14 highway or vehicular way to

15 (A) the land-connected state highway system, or

16 (B) a highway or vehicular way with an average daily
17 traffic volume greater than 499;

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

19 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
20 The department may suspend or revoke the registration of a vehicle,
21 the certificate of registration or registration plates for a vehicle,
22 or a special permit when

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

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

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

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

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

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

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

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

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

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

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

26 (c) A resident 65 years of age or older on January 1 of the year
27 the vehicle is registered is entitled to an exemption from the regis-
28 tration fee required [TAX] under this section for one motor vehicle
29 subject to registration under AS 28.10.421(b)(1), (2), (5), or (6).

1 An exemption may not be granted except upon written application for
2 the exemption on a form prescribed by the department.

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

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

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

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

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

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

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

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

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

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

24 (9) an amateur mobile radio station vehicle,

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

28 (B) in recognition of service to the public: a mobile
29 amateur radio station owned by an amateur with general class or

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

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

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

17 (d) The department may issue a special driver's permit to a per-
18 son who is at least 14 years of age with the consent of the person's
19 parents, [OR] guardians, or spouse who is 18 years of age or older,
20 for the purpose of driving a motor-driven cycle. This permit may be
21 issued upon application and successful completion of all prescribed
22 tests and fees, and is valid for the same period of time as a driver's
23 license. The permit is not valid in a municipality that by ordinance
24 prohibits the driving of a motor-driven cycle by a person under the
25 age of 16 years; a borough may adopt the ordinance on a nonareawide
26 basis only, unless the power to adopt it on an areawide basis is
27 acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
28 29.33.290.

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

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

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

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

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

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

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

26 (a) For the purpose of identifying habitually reckless or negli-
27 gent drivers and habitual or frequent violators of traffic laws, the
28 commissioner shall adopt regulations establishing a uniform system for
29 the suspension, revocation, limitation or denial of a driver's license

1 or driving privilege by assigning demerit points for convictions for
2 violations of traffic laws which are required to be reported to the
3 department under AS 28.15.191 and AS 28.37.130.

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

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

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

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

10 (1) all classes of drivers' licenses..... \$10 [\$ 5];

11 (2) motor-driven cycles..... \$10 [\$ 2];

12 (3) instruction permit..... \$3 [\$ 1];

13 (4) duplicate of driver's license or instruction per-
14 mit..... \$3 [\$ 2];

15 (5) temporary license and renewal of permit... \$3 [\$ 1];

16 (6) school bus driver's permit..... \$3 [\$ 2].

17 * Sec. 15. AS 28.35.032(a) is amended to read:

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

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

2 CHAPTER 37. DRIVER LICENSE COMPACT.

3 ARTICLE 1. GENERAL PROVISIONS.

4 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
5 enacted into law and entered into with all other jurisdictions legally
6 joining in it in the form substantially contained in AS 28.37.110 -
7 28.37.190.

8 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
9 "licensing authority" with reference to this state means the division
10 of motor vehicles in the Department of Public Safety. The department
11 shall furnish to the appropriate authority of another party state the
12 information or documents reasonably necessary to facilitate the admin-
13 istration of AS 28.37.130 - 28.37.150.

14 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
15 trator provided for in AS 28.37.170 is not entitled to additional
16 compensation on account of service as the administrator, but is enti-
17 tled to expenses incurred in connection with the duties and responsi-
18 bilities as the administrator, in the same manner as for expenses
19 incurred in connection with other duties or responsibilities of the
20 office or employment.

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

23 ARTICLE 2. COMPACT TERMS.

24 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
25 states find that

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

29 (2) violation of a law or ordinance is evidence that the

1 violator engages in conduct that is likely to endanger the safety of
2 persons and property;

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

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

8 (1) promote compliance with the laws, ordinances, and
9 administrative regulations relating to the operation of motor vehicles
10 by their drivers in each of the jurisdictions where those drivers
11 operate motor vehicles;

12 (2) make the reciprocal recognition of licenses to drive
13 and eligibility for them more just and equitable by considering the
14 overall compliance with motor vehicle laws, ordinances, and adminis-
15 trative regulations as a condition precedent to the continuance or
16 issuance of a license by reason of which the licensee is authorized or
17 permitted to operate a motor vehicle in the party states.

18 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

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

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

29 (3) "state" means a state, territory, or possession of the

1 United States, the District of Columbia, or the Commonwealth of Puerto
2 Rico.

3 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
4 of a party state shall report each conviction of a person from another
5 party state occurring within its jurisdiction to the licensing author-
6 ity of the home state of the licensee. The report shall clearly iden-
7 tify the person convicted; describe the violation specifying the
8 section of the statute, code, or ordinance violated; describe the
9 rights to hearing and due process given the person; identify the court
10 in which action was taken; indicate whether a plea of guilty or not
11 guilty was entered, or the conviction was a result of the forfeiture
12 of bail, bond or other security; and shall include any special
13 findings made in connection with the conviction.

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

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

22 (2) driving a motor vehicle while under the influence of
23 intoxicating liquor or a narcotic drug, or under the influence of any
24 other drug to a degree that renders the driver incapable of safely
25 driving a motor vehicle;

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

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

1 (b) As to another conviction, reported under AS 28.37.130, the
2 licensing authority in the home state shall give the effect to the
3 conduct that is provided by the laws of the home state if the offense
4 constituting the conduct report under AS 28.37.130 has elements simi-
5 lar to those of the home state as defined in the home state at the
6 time the offense constituting the conduct report under AS 28.37.130
7 was committed.

8 (c) If the laws of a party state do not provide for offenses or
9 violations denominated or described in precisely the words employed in
10 (a) of this section, the party state shall construe the denominations
11 and descriptions appearing in (a) of this section as being applicable
12 to and identifying the offenses or violations of a substantially
13 similar nature, and the laws of the party state shall contain the
14 provisions necessary to ensure that full force and effect is given to
15 this section.

16 (d) For the conduct reported under AS 28.37.130 to be given the
17 same effect as if the conduct had occurred in the home state, the
18 person must have been guaranteed substantially the same rights to
19 hearing and due process as required by the home state in prosecuting
20 an offense that has elements similar to the conduct reported under
21 AS 28.37.130

22 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
23 Upon application for a license to drive, the licensing authority in a
24 party state shall ascertain whether the applicant has ever held, or is
25 the holder of a license to drive issued by another party state. The
26 licensing authority in the state where application is made may not
27 issue a license to drive to the applicant if

28 (1) the applicant has held a license, but the license has
29 been suspended by reason, in whole or in part, of a violation, and the

1 suspension period has not terminated;

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

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

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

21 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
22 licensing authority of each party state shall be the administrator of
23 the compact for that state. The administrators of all party states,
24 acting jointly, shall have the power to formulate all necessary and
25 proper procedures for the exchange of information under this compact.

26 (b) The administrator of each party state shall furnish to the
27 administrator of each other party state the information or documents
28 reasonably necessary to facilitate the administration of the compact.

29 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The

1 compact shall become effective as to any state in which the compact
2 becomes effective as the law of that state.

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

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

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

24 (19) "vehicular way or area" means a way, path or area,
25 other than a highway [OR PRIVATE PROPERTY], which is designated by
26 official traffic control devices or customary usage and which is open
27 to the public for purposes of pedestrian or vehicular travel [, AND
28 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
29 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR

1 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].