

Offered: 5/11/86
Referred: Finance

Original sponsor: Halford

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 278 (Judiciary)
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 AS 28.10.011(11) is repealed and reenacted to read: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(b) is amended to read:

4 (b) The annual registration fees under this subsection are
5 imposed within the following classifications for:

6 (1) a passenger vehicle or motor home not used or main-
7 tained for the transportation of persons or property for hire or for
8 other commercial use \$35 [\$30];

9 (2) a pick-up truck or a van not exceeding 6,000 pounds un-
10 laden weight and not used or maintained for the transportation of per-
11 sons or property for hire or for other commercial use . . . \$40 [\$35];

12 (3) a taxicab \$70 [\$65];

13 (4) a motor bus with a seating capacity for 20 or more
14 persons and used exclusively for commercial purposes in the trans-
15 porting of visitors or tourists \$85 [\$80];

16 (5) a motorcycle or a motor-driven cycle \$20 [\$15];

17 (6) a two- or four-wheeled trailer not used or maintained
18 for the transportation of persons or property for hire or for other
19 commercial use, including, but not limited to, a boat trailer, baggage
20 trailer, box trailer, utility trailer or house trailer \$ 5.

21 * Sec. 8. AS 28.10.421(c) is amended to read:

22 (c) The annual registration fees under this subsection are
23 imposed and are based upon the actual unladen weight as established by
24 the manufacturer's advertised weight or upon the actual weight which
25 the owner shall furnish, subject to the approval of the commissioner
26 or the commissioner's representative, for a vehicle, including a motor
27 vehicle pulling a trailer or semi-trailer, used or maintained for the
28 transportation of passengers for hire, excepting taxicabs and buses
29 under (b) of this section, or for the transportation of property for

1 hire or for other commercial use, including a commercial vehicle such
2 as a trailer, semi-trailer, truck, wrecker, tow car, hearse,
3 ambulance, and tractor, as follows:

- 4 (1) up to and including 5,000 pounds \$50 [\$45];
- 5 (2) more than 5,000 pounds to and including 12,000 pounds
6 \$85 [\$80];
- 7 (3) more than 12,000 pounds to and including 18,000 pounds
8 \$155 [\$150];
- 9 (4) more than 18,000 pounds \$220 [\$215].

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

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

- 13 (1) an historic vehicle (one time only upon initial regis-
14 tration under AS 28.10.181).....\$10;
- 15 (2) special request plates including those authorized for
16 use by Alaska National Guard personnel only..... \$30 [\$20];
17 plus the fee required for that vehicle under (b)(1) or (2) of this
18 section; the fee required by this paragraph shall be collected only on
19 the first issuance and on the replacement of special request plates;
- 20 (3) a vehicle owned by a disabled veteran or other handi-
21 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
22 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;
- 23 (4) a vehicle owned by the state.....none;
- 24 (5) a vehicle owned by an elected state official.....the
25 fee required for that vehicle under (b) of this section;
- 26 (6) a vehicle owned by a consular officer, unless waived
27 under AS 28.10.181..... \$35 [\$30];
- 28 (7) a vehicle owned by a rancher, farmer, or dairyman and
29 registered under AS 28.10.181..... \$35 [\$30];

- 1 (8) a snowmobile or off-highway vehicle..... \$ 5;
- 2 (9) an amateur mobile radio station vehicle,
- 3 (A) with a transceiver capable of less than 5-band
- 4 operation.....the
- 5 fee required for that vehicle under (b) or (c) of this section;
- 6 (B) in recognition of service to the public: a mobile
- 7 amateur radio station owned by an amateur with general class or
- 8 higher license, provided the station must be satisfactorily
- 9 proved capable of operating on at least five bands between 160
- 10 through 10 meters, must have an antenna, and must have a power
- 11 supply and wiring as a permanent part of the vehicle; the trans-
- 12 mitting unit may be removed from the car for service or dry
- 13 storage.....none
- 14 for a mobile amateur radio station vehicle included in (b)(1) or
- 15 (2) of this section;
- 16 (10) dealer registration plates,
- 17 (A) the initial set of plates..... \$45 [\$40];
- 18 (B) each subsequent set of plates..... \$25 [\$20];
- 19 (11) a vehicle owned by a municipality or charitable orga-
- 20 nization meeting the requirements of AS 28.10.181(c)..... \$ 5;
- 21 (12) an occasional use vehicle under AS 28.10.181(k).. \$15;
- 22 (13) a vehicle owned by a former prisoner of war..... none.

23 * Sec. 10. AS 28.15.051(d) is amended to read:

24 (d) The department may issue a special driver's permit to a per-

25 son who is at least 14 years of age with the consent of the person's

26 parents, [OR] guardians, or spouse who is 18 years of age or older,

27 for the purpose of driving a motor-driven cycle. This permit may be

28 issued upon application and successful completion of all prescribed

29 tests and fees, and is valid for the same period of time as a driver's

1 license. The permit is not valid in a municipality that by ordinance
2 prohibits the driving of a motor-driven cycle by a person under the
3 age of 16 years; a borough may adopt the ordinance on a nonareawide
4 basis only, unless the power to adopt it on an areawide basis is
5 acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
6 29.33.290.

7 * Sec. 11. AS 28.15.071(a) is amended to read:

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

17 * Sec. 12. AS 28.15.071(c) is amended to read:

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

26 * Sec. 13. AS 28.15.171(a) is amended to read:

27 (a) The privilege of driving a motor vehicle on a highway or
28 vehicular way or area of this state given to a person licensed in an-
29 other jurisdiction is subject to suspension, [OR] revocation, or

1 limitation by the department or a court in the same manner and for the
2 same reasons as a driver's license issued under this chapter.

3 * Sec. 14. AS 28.15.221(a) is amended to read:

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

11 * Sec. 15. AS 28.15.231 is amended by adding a new subsection to read:

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

14 * Sec. 16. AS 28.15.271 is amended to read:

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

- 17 (1) all classes of drivers' licenses..... \$10 [\$ 5];
18 (2) motor-driven cycles..... \$10 [\$ 2];
19 (3) instruction permit..... \$3 [\$ 1];
20 (4) duplicate of driver's license or instruction per-
21 mit..... \$3 [\$ 2];
22 (5) temporary license and renewal of permit... \$3 [\$ 1];
23 (6) school bus driver's permit..... \$3 [\$ 2].

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

25 (a) If a person under arrest refuses the request of a law en-
26 forcement officer to submit to a chemical test under AS 28.35.031(a),
27 after being advised by the officer that the refusal will, if that per-
28 son was arrested while operating or driving a motor vehicle for which
29 a driver's license is required, result in the denial or revocation of

1 the license or nonresident privilege to drive, that the refusal may be
2 used against the person in a civil or criminal action or proceeding
3 arising out of an act alleged to have been committed by the person
4 while operating or driving a motor vehicle or operating an aircraft or
5 a watercraft while intoxicated, and that the refusal is a misdemeanor,
6 a chemical test may [SHALL] not be given, except as provided by
7 AS 28.35.035.

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

9 CHAPTER 37. DRIVER LICENSE COMPACT.

10 ARTICLE 1. GENERAL PROVISIONS.

11 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
12 enacted into law and entered into with all other jurisdictions legally
13 joining in it in the form substantially contained in AS 28.37.110 -
14 28.37.190.

15 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
16 "licensing authority" with reference to this state means the division
17 of motor vehicles in the Department of Public Safety. The department
18 shall furnish to the appropriate authority of another party state the
19 information or documents reasonably necessary to facilitate the admin-
20 istration of AS 28.37.130 - 28.37.150.

21 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
22 trator provided for in AS 28.37.170 is not entitled to additional
23 compensation on account of service as the administrator, but is enti-
24 tled to expenses incurred in connection with the duties and responsi-
25 bilities as the administrator, in the same manner as for expenses
26 incurred in connection with other duties or responsibilities of the
27 office or employment.

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

ARTICLE 2. COMPACT TERMS.

1
2 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
3 states find that

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

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

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

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

15 (1) promote compliance with the laws, ordinances, and
16 administrative regulations relating to the operation of motor vehicles
17 by their drivers in each of the jurisdictions where those drivers
18 operate motor vehicles;

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

25 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

26 (1) "conviction" means a conviction of an offense related
27 to the use or operation of a motor vehicle that is prohibited by state
28 law, municipal ordinance, or administrative regulation, or a forfei-
29 ture of bail, bond or other security deposited to secure appearance by

1 a person charged with having committed an offense described in this
2 paragraph, and that is required to be reported to the licensing au-
3 thority under AS 28.37.130;

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

7 (3) "state" means a state, territory, or possession of the
8 United States, the District of Columbia, or the Commonwealth of Puerto
9 Rico.

10 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
11 of a party state shall report each conviction of a person from another
12 party state occurring within its jurisdiction to the licensing author-
13 ity of the home state of the licensee. The report shall clearly iden-
14 tify the person convicted; describe the violation specifying the
15 section of the statute, code, or ordinance violated; identify the
16 court in which action was taken; indicate whether a plea of guilty or
17 not guilty was entered, or the conviction was a result of the forfei-
18 ture of bail, bond or other security; and shall include any special
19 findings made in connection with the conviction.

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

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

28 (2) driving a motor vehicle while under the influence of
29 intoxicating liquor or a narcotic drug, or under the influence of any

1 other drug to a degree that renders the driver incapable of safely
2 driving a motor vehicle;

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

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

7 (b) As to another conviction, reported under AS 28.37.130, the
8 licensing authority in the home state shall give the effect to the
9 conduct that is provided by the laws of the home state if the offense
10 constituting the conduct report under AS 28.37.130 has elements simi-
11 lar to those of the home state as defined in the home state at the
12 time the offense constituting the conduct report under AS 28.37.130
13 was committed.

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

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.