

Offered: 2/5/87  
Referred: Transportation

5-0097B

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 17 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to vandalism of official and private  
7 traffic control devices and damages to highways and  
8 roads."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 11.46 is amended by adding new sections to read:  
11 Sec. 11.46.460. INTERFERENCE WITH OR DAMAGE TO HIGHWAY OBSTRUC-  
12 TIONS OR CONSTRUCTION. (a) A driver or owner, or both, of a vehicle  
13 commits the crime of disregarding a highway obstruction, if the driver  
14 or owner, or both, drives a vehicle through, over, or around an ob-  
15 struction erected upon a highway under authority of AS 19.10.100.  
16 (b) A person commits the crime of interfering with a highway  
17 obstruction, if the person opens an obstruction erected upon a highway  
18 under authority of AS 19.10.100 without written permission from the  
19 engineer in charge of the highway.  
20 (c) A person commits the crime of destruction of highway con-  
21 struction, if the person knowingly damages the work upon a highway  
22 under construction.  
23 (d) Disregarding a highway obstruction, interfering with a  
24 highway obstruction, and destruction of highway construction are  
25 class A misdemeanors.  
26 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
27 DEVICE. (a) A person, except an employee of or a contractor for a  
28 state or municipal agency acting in an official capacity, commits the  
29 crime of unlawful possession of an official traffic control device if

1 the person possesses an official traffic control device.

2 (b) Unlawful possession of an official traffic control device is  
3 a class B misdemeanor and is punishable by a fine of

4 (1) not less than \$100 or more than \$500 for the first  
5 offense; or

6 (2) \$500 for each subsequent offense.

7 Sec. 11.46.464. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL

8 DEVICE. (a) A person, except an employee of or a contractor for a  
9 state or municipal agency acting in an official capacity, commits the  
10 crime of interference with an official traffic control device, if the  
11 person removes, relocates, defaces, alters, obscures, shoots at,  
12 destroys, or otherwise tampers with an official traffic control  
13 device.

14 (b) Interference with an official traffic control device is a  
15 class B misdemeanor and is punishable

16 (1) for the first offense, by a fine of not less than \$300  
17 or more than \$500, or by a sentence of not more than six months, or by  
18 both; and

19 (2) for the second and each subsequent offense, by a fine  
20 of not less than \$500 or more than \$1,000, or by a sentence of not  
21 less than six months or more than one year, or by both.

22 Sec. 11.46.466. INTERFERENCE WITH PRIVATE TRAFFIC CONTROL

23 DEVICE. (a) A person commits the crime of interference with a pri-  
24 vate traffic control device if the person removes, relocates, defaces,  
25 alters, obscures, shoots at, destroys, or otherwise tampers with a  
26 private traffic control device.

27 (b) Interference with a private traffic control device is a  
28 class B misdemeanor and is punishable by a fine of

29 (1) not less than \$100 or more than \$500 for the first

1 offense; or

2 (2) \$500 for each subsequent offense.

3 Sec. 11.46.468. FORFEITURE OF PROPERTY UPON CONVICTION. Motor  
4 vehicles, firearms, and other personal property used in aid of a  
5 violation of AS 11.46.460 - 11.46.466 may be forfeited to the state  
6 upon conviction of the offender for the crime.

7 \* Sec. 2. AS 11.46.490 is amended by adding new paragraphs to read:

8 (5) "official traffic control device" means a traffic  
9 control device placed on a highway, road, or trail by authority of a  
10 state or municipal agency or a contractor employed by a state or  
11 municipal agency;

12 (6) "private traffic control device" means a traffic con-  
13 trol device, other than an official traffic control device, used to  
14 protect persons or real or personal property from imminent danger of  
15 serious injury or to warn persons of the presence of an imminent  
16 hazard to persons or real or personal property;

17 (7) "traffic control device" includes a sign, signal, road  
18 marker, barricade, flare, warning light, reflector, railroad sign or  
19 signal, shield, insignia, milepost, or similar device intended to  
20 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
21 or motor vehicle traffic.

22 \* Sec. 3. AS 19.25.040 is amended to read:

23 Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
24 missioner of administration shall separately account for money depos-  
25 ited in the general fund that is derived from damages that are re-  
26 covered from vehicle owners, drivers, other persons, or insurance  
27 companies for damage to property related to state-owned roads and  
28 highways, including bridges, overpasses, signal poles, street lights  
29 and poles, traffic control devices [SIGNALS], guardrails, or fences.

1        The annual estimated balance in the account may be used by the legis-  
2        lature to make appropriations to the department for the purpose of  
3        repairing the damage.

4        \* Sec. 4. AS 19.25.030 is repealed.