

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR SENATE BILL NO. 17 (Transportation)  
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 unlawful possession and vandalism  
7 of official traffic control devices, disregard of a  
8 highway obstruction, and damages to highways."

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. DISREGARD OF A HIGHWAY OBSTRUCTION. (a) A  
12 person commits the crime of disregard of a highway obstruction if,  
13 without the right to do so or a reasonable ground to believe the  
14 person has the right, the person

15 (1) drives a vehicle through, over, or around an obstruc-  
16 tion erected upon a highway under authority of AS 19.10.100; or

17 (2) opens an obstruction erected upon a highway under  
18 authority of AS 19.10.100.

19 (b) Violation of this section is a class A misdemeanor.

20 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
21 DEVICE. (a) A person commits the crime of unlawful possession of an  
22 official traffic control device if, without the right to do so or a  
23 reasonable ground to believe the person has the right, the person pos-  
24 sesses an official traffic control device.

25 (b) Unlawful possession of an official traffic control device is  
26 a violation and is punishable by a fine of

27 (1) not less than \$100 for the first offense; or

28 (2) not less than \$300 for each subsequent offense.

29 \* Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third  
2 degree if, having no right to do so or any reasonable ground to be-  
3 lieve the person has such a right

4 (1) with intent to damage property of another, the person  
5 damages property of another in an amount of \$50 or more but less than  
6 \$500;

7 (2) the person drives, tows away, or takes the propelled  
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written  
10 agreement with the owner of the vehicle that includes an agreement to  
11 return the vehicle to the owner at a specified time, the person know-  
12 ingly retains or withholds possession of the vehicle without the  
13 consent of the owner for so long a period beyond the time specified as  
14 to render the retention or possession of the vehicle an unreasonable  
15 deviation from the agreement;

16 (4) the person tampers with a fire protection device in a  
17 building that is a public place;

18 (5) the person knowingly accesses a computer, computer  
19 system, computer program, computer network, or [ANY] part of a com-  
20 puter system or network; [OR]

21 (6) the person uses a device to descramble an electronic  
22 signal that has been scrambled to prevent unauthorized receipt or  
23 viewing of the signal unless the device is used only to descramble  
24 signals received directly from a satellite or unless the person owned  
25 the device before September 18, 1984; or

26 (7) the person knowingly removes, relocates, defaces,  
27 alters, obscures, shoots at, destroys, or otherwise tampers with an  
28 official traffic control device or damages the work upon a highway  
29 under construction.

1 \* Sec. 3. AS 11.46 is amended by adding a new section to read:

2           Sec. 11.46.487. FORFEITURE OF PROPERTY UPON CONVICTION. Fire-  
3 arms and other personal property, except a motor vehicle, used in aid  
4 of a violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be  
5 forfeited to the state upon conviction of the offender for the crime.

6 \* Sec. 4. AS 11.46.490 is amended by adding new paragraphs to read:

7           (5) "highway" has the meaning given in AS 19.45.001;

8           (6) "motor vehicle" has the meaning given in AS 28.40.100;

9           (7) "official traffic control device" means a traffic  
10 control device that has been placed on a highway by authority of a  
11 state or municipal agency, a utility, or a contractor employed by a  
12 state or municipal agency or a utility;

13           (8) "traffic control device" includes a sign, signal, road  
14 marker, barricade, flare, warning light, reflector, railroad sign or  
15 signal, shield, insignia, milepost, or similar device intended to  
16 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
17 or motor vehicle traffic.

18 \* Sec. 5. AS 19.25.040 is amended to read:

19           Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
20 missioner of administration shall separately account for money depos-  
21 ited in the general fund that is derived from damages that are re-  
22 covered from vehicle owners, drivers, other persons, or insurance  
23 companies for damage to property related to state-owned roads and  
24 highways, including bridges, overpasses, signal poles, street lights  
25 and poles, traffic control devices [SIGNALS], guardrails, or fences.  
26 The annual estimated balance in the account may be used by the legis-  
27 lature to make appropriations to the department for the purpose of  
28 repairing the damage.

29 \* Sec. 6. AS 19.25.030 is repealed.