

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 92

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to motor vehicles and related
7 functions of the Department of Public Safety and
8 Department of Commerce and Economic Development; and
9 providing for an effective date."

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

11 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

12 (31) regulation of motor vehicle dealers under AS 08.66.

13 * Sec. 2. AS 08.66.010 is amended to read:

14 Sec. 08.66.010. DEALERS TO REGISTER. A dealer in motor vehi-
15 cles, trailers, or semi-trailers shall, as a condition to engaging in
16 business in the state, register biennially with the department [DE-
17 PARTMENT OF PUBLIC SAFETY].

18 * Sec. 3. AS 08.66.030 is amended to read:

19 Sec. 08.66.030. FORM OF APPLICATION. The department [DEPARTMENT
20 OF PUBLIC SAFETY] shall prescribe and furnish the form of application
21 for dealer registration. The application shall contain

22 (1) the name under which the business is conducted;

23 (2) the location of business;

24 (3) the name and address of all persons having an interest
25 in the business, and in the case of a corporation the application
26 shall contain the name and address of the two principal officers;

27 (4) the name and make of all vehicles handled;

28 (5) whether or not used vehicles are handled;

29 (6) a statement that the applicant is a bona fide dealer in

1 individual sureties. The condition of the bond shall be that the
2 applicant will conduct business in accordance with this chapter and
3 will not commit fraud or make fraudulent representations in the course
4 of business.

5 (b) The bond shall be filed in the office of the commissioner
6 [OF PUBLIC SAFETY]. A surety may cancel the bond upon 30 days advance
7 notice in writing filed with the commissioner. However, cancellation
8 does not relieve a surety of liability arising on the bond from a sale
9 made by the bonded dealer before cancellation or a liability which has
10 accrued upon the bond before cancellation. The commissioner shall
11 retain the cancelled bond on file and may not relieve a surety of a
12 liability arising before cancellation.

13 * Sec. 6. AS 08.66.090 is amended to read:

14 Sec. 08.66.090. DEFINITIONS [DEALER DEFINED]. In this chapter

15 (1) "commissioner" means the commissioner of commerce and
16 economic development;

17 (2) "dealer" means a person, or an agent, broker or sales-
18 man or a person who is engaged in buying, selling or dealing in new or
19 used motor vehicles, trailers, or semi-trailers in the state; and

20 (3) "department" means the Department of Commerce and
21 Economic Development.

22 * Sec. 7. AS 18.65 is amended by adding a new section to article 3
23 read:

24 Sec. 18.65.320. CANCELLATION OF IDENTIFICATION CARD. (a) The
25 department shall cancel an identification card if the person to whom
26 the card was issued failed to give the required or correct information
27 in the person's application. Nothing in this section prohibits reap-
28 plication by the person or reissuance of the identification card.

29 (b) A person whose identification card has been cancelled shall

1 motor vehicles, trailers, or semi-trailers with an established busi-
2 ness at the location given;

3 (7) other information the department [DEPARTMENT OF PUBLIC
4 SAFETY] requires to administer this chapter.

5 * Sec. 4. AS 08.66.040 is amended to read:

6 Sec. 08.66.040. FILING APPLICATION FOR REGISTRATION. The appli-
7 cation shall be filed with the department [DEPARTMENT OF PUBLIC SAFE-
8 TY]. Upon receipt of the application the department shall examine it
9 and may make an investigation of the information in it. If the de-
10 partment is satisfied that the dealer is entitled to registration, and
11 the fees have been paid and a bond filed, the department shall assign
12 a distinctive registration number to the dealer and file the dealer's
13 application and index it alphabetically and numerically. A dealer is
14 registered when the department assigns a registration number.

15 * Sec. 5. AS 08.66.060 is amended to read:

16 Sec. 08.66.060. BOND. (a) Every applicant for dealer registra-
17 tion or for renewal of dealer registration shall file with the appli-
18 cation or request for renewal, and shall maintain in force while
19 registered, a bond in favor of the state, executed by an authorized
20 corporate surety approved by the commissioner [OF PUBLIC SAFETY], in
21 the amount of \$10,000, except that a dealer who sells only motorcycles
22 shall maintain in force while registered a bond in favor of the state,
23 executed and approved in the same manner as bonds required of other
24 dealers under this section, in the amount of \$3,000. Instead of a
25 corporate surety bond the commissioner may, in the commissioner's sole
26 discretion, accept a bond in the same amount with at least two indi-
27 vidual sureties, each justifying with real property in twice the
28 amount of the bond. The commissioner shall make the investigation
29 necessary to determine the actual financial responsibility of the

1 return the card to the department. Failure to return a cancelled card
2 within 10 days after receiving notice of the cancellation is a vio-
3 lation punishable by a fine of up to \$100.

4 * Sec. 8. AS 28.10.051 is amended to read:

5 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
6 The department may suspend or revoke the registration of a vehicle,
7 the certificate of registration or registration plates for a vehicle,
8 or a special permit when

9 (1) the department determines that the registration or
10 certificate, plate or permit was fraudulently procured or erroneously
11 issued;

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

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

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

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

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

27 (7) the vehicle has been reported to the department as
28 stolen or unlawfully converted; [OR]

29 (8) the department is otherwise required to do so under the

1 laws of this state; or

2 (9) the department determines that the owner of a vehicle
3 has violated the requirements of AS 28.10.146 or 28.10.147.

4 * Sec. 9. AS 28.10 is amended by adding new sections to read:

5 Sec. 28.10.146. REGISTRATION OF INTERSTATE RENTAL TRUCKS. (a)

6 Notwithstanding any other registration requirement of this chapter,
7 the owner or authorized representative of a fleet of 10 or more rental
8 trucks shall register that number of trucks which represents a certain
9 proportion of the total fleet in this state, and shall pay the fees
10 and taxes required by this chapter. The proportion required to be
11 registered is determined by dividing the total number of miles that
12 all trucks in the rental fleet operated in this state, during a calen-
13 dar year or other period established by the department by regulation,
14 by the total number of miles that all trucks in the rental fleet
15 operated in all states and the District of Columbia during that peri-
16 od.

17 (b) When applying for registration of trucks as required in (a)
18 of this section, the owner or authorized representative of the rental
19 fleet shall file with the department a certified report containing
20 verifiable data, reporting

21 (1) the total number of miles operated by all of the trucks
22 in the rental fleet in all jurisdictions during the preceding calendar
23 year or other period specified by the department;

24 (2) the total number of miles operated in this state by all
25 of the trucks in the rental fleet during the preceding calendar year
26 or other period specified by the department; and

27 (3) other information pertinent to vehicle registration as
28 the department may require.

29 (c) An owner or authorized representative whose application for

1 registration under this section has been accepted by the department
2 shall preserve the records on which the application was based for a
3 period of four years following the period upon which the application
4 was based. Upon request of the department, the owner or authorized
5 representative shall

6 (1) provide these records to the department for audit as to
7 the accuracy of reported information and the correct computation and
8 payment of fees and taxes; or

9 (2) pay the cost of such an audit by a representative of
10 the department at the place where the records are kept by the owner.

11 (d) After registration of, and payment of fees and taxes for,
12 the number of trucks required to be registered under (a) of this
13 section, all trucks identified as part of the rental fleet, and cur-
14 rently registered in any state or in the District of Columbia, may
15 operate in this state.

16 (e) If the department determines that the owner or authorized
17 representative of the fleet should have registered more trucks in this
18 state under the provisions of this section, the department may suspend
19 or revoke the registrations previously issued, and may deny future
20 registration of the fleet under (a) of this section, until the addi-
21 tional trucks have been registered. If registration of the rental
22 fleet under (a) of this section has been suspended, revoked, or denied
23 by the department, all trucks in the fleet present at any time in the
24 state must be registered under applicable Alaska law.

25 (f) Fees and taxes paid under this section do not satisfy or
26 offset other fees and taxes levied by the state or jurisdictions
27 within the state in connection with the ownership or operation of
28 rental trucks.

29 (g) As used in this section, "rental truck" means a truck that

1 is rented or offered for rent without a driver.

2 Sec. 28.10.147. REGISTRATION OF INTERSTATE RENTAL TRAILERS. (a)
3 Notwithstanding any other registration requirement of this chapter,
4 the owner or authorized representative of a fleet of 10 or more rental
5 trailers shall register the average number of trailers present in this
6 state, and shall pay the fees and taxes required by this chapter. The
7 average number of trailers is calculated as the total number of trail-
8 ers in the fleet which have been present at any time in the state
9 during a calendar year or other period established by the department
10 by regulation, divided by the number of calendar months in the period.

11 (b) When applying for registration of trailers as required in
12 (a) of this section, the owner or authorized representative of the
13 rental fleet shall file with the department a certified report con-
14 taining verifiable data as to the average number of trailers operating
15 in or through this state for the previous calendar year or other
16 period specified by the department.

17 (c) An owner or authorized representative whose application for
18 registration under this section has been accepted by the department
19 shall preserve the records on which the application was based for a
20 period of four years following the period upon which the application
21 was based. Upon request of the department, the owner or authorized
22 representative shall

23 (1) make these records available to the department at its
24 office for audit as to the accuracy of the number of vehicles reported
25 and the correct computation and payment of fees and taxes; or

26 (2) pay the cost of such an audit by a representative of
27 the department at the place where the records are kept by the owner.

28 (d) After registration of, and payment of fees and taxes for,
29 the number of trailers required to be registered under (a) of this

1 section, all trailers identified as part of the rental fleet, and
2 currently registered in any state or in the District of Columbia, may
3 operate in this state.

4 (e) If the department determines that the owner or authorized
5 representative of the fleet should have registered more trailers in
6 this state under the provisions of this section, the department may
7 suspend or revoke the registrations previously issued, and may deny
8 future registration under (a) of this section, until the additional
9 trailers have been registered. If registration under (a) of this
10 section has been suspended, revoked, or denied by the department, all
11 trailers in the fleet present at any time in the state must be duly
12 registered under applicable Alaska law.

13 (f) Fees and taxes paid under this section do not satisfy or
14 offset other fees and taxes levied by the state or jurisdictions
15 within the state in connection with the ownership or operation of
16 rental trailers.

17 (g) As used in this section, "rental trailer" means a trailer
18 that is rented or offered for rent for personal use, not for the
19 transportation of persons or property for hire or other commercial
20 use, and includes a boat trailer, baggage trailer, box trailer, utili-
21 ty trailer, house trailer, or travel trailer.

22 * Sec. 10. AS 28.10.381 is repealed and reenacted to read:

23 Sec. 28.10.381. FILING A SECURITY INTEREST. (a) A security
24 interest in a vehicle may be filed by delivering to the department

25 (1) a manufacturer's certificate of origin or an existing
26 certificate of title;

27 (2) an application for a new certificate of title, signed
28 by the registered owner and containing the name and address of any
29 lienholder and the date of the lienholder's security interest;

1 (3) applicable filing fees required by law; and
2 (4) other documents or information required by the depart-
3 ment.

4 (b) Upon approval of the application, the department shall send
5 to the person holding a lien or other encumbrance a new certificate of
6 title which displays the name of the owner, and indicating the exis-
7 tence of the lien or other encumbrance.

8 * Sec.11. AS 28.10.421(b) is amended to read:

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

11 (1) a passenger vehicle or motor home not used or main-
12 tained for the transportation of persons or property for hire or for
13 other commercial use.....\$30;

14 (2) a pick-up truck or a van not exceeding 6,000 pounds
15 unladen weight and not used or maintained for the transportation of
16 persons or property for hire or for other commercial use.....\$35;

17 (3) a taxicab.....\$70;

18 (4) a motor bus with a seating capacity for 20 or more
19 persons and used exclusively for commercial purposes in the transport-
20 ing of visitors or tourists.....\$85;

21 (5) a motorcycle or a motor-driven cycle.....\$20;

22 (6) a [TWO- OR FOUR-WHEELED] trailer not used or maintained
23 for the transportation of persons or property for hire or for other
24 commercial use, including, but not limited to, a boat trailer, baggage
25 trailer, box trailer, utility trailer, [OR] house trailer, travel
26 trailer, or a trailer rented or offered for rent.....\$ 5.

27 * Sec. 12. AS 28.10.495 is amended to read:

28 Sec. 28.10.495. PARKING PERMIT FOR VEHICLE TRANSPORTING DISABLED
29 PERSON. (a) Upon application by a disabled or medically handicapped

1 person, or by an organization that transports disabled or medically
2 handicapped persons, the department shall issue to the applicant,
3 without charge, a special permit bearing the control number of the
4 applicant. The permit issued under this section, when displayed in
5 the front windshield of a parked or standing vehicle, shall provide
6 for special consideration by the public with respect to the parking or
7 standing in designated spaces of a vehicle that [WHICH] is being used
8 for the transportation of a [THE] disabled or medically handicapped
9 person.

10 (b) A person is not entitled to use the special permit provided
11 for in (a) of this section except when providing transportation for a
12 [THE] disabled or handicapped person [WITH RESPECT TO WHOM THE PERMIT
13 WAS ISSUED]. Upon the death of a [THE] disabled or handicapped person
14 to whom a special permit has been issued, the special permit shall be
15 returned to the department. If an organization to which a special
16 permit has been issued ceases transporting disabled or handicapped
17 persons, or ceases operating, it shall return the special permit to
18 the department.

19 (c) Proof of disablement or medical handicap, for the purpose of
20 this section, shall be provided as specified in AS 28.10.181(d).

21 * Sec. 13. AS 44.33.020 is amended by adding a new paragraph to read:

22 (31) administer state laws relating to registration of
23 dealers in motor vehicles, trailers, or semi-trailers.

24 * Sec. 14. AS 28.05.011(10) and AS 28.10.181(g) are repealed.

25 * Sec. 15. This Act takes effect January 1, 1990.