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Referred: Rules

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Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 92 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to identification cards issued by
7 the Department of Public Safety, motor vehicle regis-
8 tration and registration fees, filing a lien on a
9 motor vehicle, and issuance of handicapped parking
10 permits; and providing for an effective date."

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

12 * Section 1. AS 18.65 is amended by adding a new section to article 3
13 to read:

14 Sec. 18.65.320. CANCELLATION OF IDENTIFICATION CARD. (a) The
15 department shall cancel an identification card if the person receiving
16 the card fails to give the required or correct information in the
17 person's application. Nothing in this section prohibits reapplication
18 by the person or reissuance of the identification card.

19 (b) A person whose identification card has been cancelled shall
20 return the card to the department. Failure to return a cancelled card
21 within 10 days after receiving notice of the cancellation is a vio-
22 lation punishable by a fine of up to \$100.

23 * Sec. 2. AS 28.10.051(a) is amended to read:

24 (a) The department may suspend or revoke the registration of a
25 vehicle, the certificate of registration or registration plates for a
26 vehicle, or a special permit when

27 (1) the department determines that the registration or
28 certificate, plate or permit was fraudulently procured or erroneously
29 issued;

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

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

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

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

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

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

18 (8) the department is otherwise required to do so under the
19 laws of this state; or

20 (9) the department determines that the vehicle owner has
21 violated the requirements of AS 28.10.146 or 28.10.147.

22 * Sec. 3. AS 28.10.108(b) is amended to read:

23 (b) Subject to the provisions of (f) of this section, a vehicle
24 subject to registration

25 (1) under AS 28.10.011 and 28.10.421(b)(3) and (4) and
26 (c)(1) - (4) shall have its initial registration, and may have its
27 annual registration, renewed during the month of December;

28 (2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3) [,
29 (6)] and (9) shall have its initial registration, and may have its

1 annual registration, renewed during the month of January.

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

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

4 Notwithstanding any other registration requirement of this chapter, a
5 fleet rental truck owner or authorized representative shall register a
6 percentage of the total fleet as determined under this subsection, and
7 shall pay the fees and taxes required by this chapter. The percentage
8 of fleet rental trucks required to be registered is equal to the total
9 number of miles that all trucks in the rental fleet were driven in
10 this state during a calendar year or other period established by the
11 department by regulation, divided by the total number of miles that
12 all trucks in the rental fleet were driven in all states and the
13 District of Columbia during that period.

14 (b) When applying for registration under (a) of this section,
15 the fleet rental owner or authorized representative shall file with
16 the department a certified report containing verifiable data, report-
17 ing

18 (1) the total number of miles operated by all of the trucks
19 in the rental fleet in all states and the District of Columbia during
20 the preceding calendar year or other period specified by the depart-
21 ment;

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

25 (3) other fleet rental truck registration information that
26 the department may require.

27 (c) A fleet rental owner or authorized representative whose
28 application for registration under this section has been accepted by
29 the department shall preserve records of the period on which the

1 application was based for four years. Upon request of the department,
2 the fleet rental owner or authorized representative shall

3 (1) provide records preserved under this subsection to the
4 department for audit; or

5 (2) pay the cost of an audit conducted by a representative
6 of the department at the office of the owner.

7 (d) After compliance with this section, all trucks identified as
8 part of the rental fleet, and currently registered in any state or in
9 the District of Columbia, may operate in this state.

10 (e) If the department determines that the fleet rental owner or
11 authorized representative has not registered fleet rental trucks as
12 required by this section, the department may suspend or revoke a
13 registration previously issued, and may deny future fleet rental
14 registration under (a) of this section, until the owner or authorized
15 representative has complied with this section. If registration under
16 (a) of this section has been suspended, revoked, or denied, all the
17 owner's fleet rental trucks present in the state must be registered
18 under applicable state law.

19 (f) A fee or tax paid as a result of registration required under
20 this section does not satisfy or offset other fees or taxes levied by
21 the state or a political subdivision in connection with the ownership
22 or operation of fleet rental trucks.

23 (g) In this section, "fleet" means a fleet of 10 or more rental
24 trucks that are rented or offered for rent without a driver.

25 Sec. 28.10.147. REGISTRATION OF INTERSTATE RENTAL TRAILERS. (a)
26 Notwithstanding any other registration requirement of this chapter, a
27 fleet rental trailer owner or authorized representative shall register
28 the average number of trailers present in this state as calculated
29 under this subsection, and shall pay the fees and taxes required by

1 this chapter. The average number of trailers is equal to the total
2 number of trailers in the fleet that were present at any time in the
3 state during a calendar year or other period established by the de-
4 partment by regulation, divided by the number of calendar months in
5 the period.

6 (b) When applying for registration of trailers as required under
7 (a) of this section, the fleet rental owner or authorized representa-
8 tive shall file with the department a certified report containing
9 verifiable data as to the average number of trailers that were present
10 at any time in the state for the previous calendar year or other
11 period specified by the department.

12 (c) A fleet rental owner or authorized representative whose
13 application for registration under this section has been accepted by
14 the department shall preserve records of the period on which the
15 application was based for four years. Upon request of the department,
16 the fleet rental owner or authorized representative shall

17 (1) provide records preserved under this subsection, to the
18 department at its office for audit; or

19 (2) pay the cost of an audit conducted by a representative
20 of the department at the office of the owner.

21 (d) After compliance with this section, all trailers identified
22 as part of the rental fleet, and currently registered in any state or
23 in the District of Columbia, may operate in this state.

24 (e) If the department determines that the fleet rental owner or
25 authorized representative has not registered fleet rental trailers as
26 required by this section, the department may suspend or revoke a
27 registration previously issued, and may deny future registration under
28 (a) of this section, until the owner has complied with this section.
29 If registration under (a) of this section has been suspended, revoked,

1 or denied, all the owner's fleet rental trailers present in the state
2 must be registered under applicable state law.

3 (f) A fee or tax paid as a result of registration required under
4 this section does not satisfy or offset other fees or taxes levied by
5 the state or a political subdivision in connection with the ownership
6 or operation of fleet rental trailers.

7 (g) In this section, "fleet" means a fleet of 10 or more rental
8 trailers that are rented or offered for rent for personal use, not for
9 the transportation of persons or property for hire or other commercial
10 use, and includes a boat trailer, baggage trailer, box trailer, utili-
11 ty trailer, house trailer, or travel trailer.

12 * Sec. 5. AS 28.10.381 is repealed and reenacted to read:

13 Sec. 28.10.381. FILING A LIEN OR ENCUMBRANCE. (a) A lien or
14 other encumbrance on a vehicle may be filed by delivering to the
15 department

16 (1) a manufacturer's certificate of origin or an existing
17 certificate of title;

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

21 (3) applicable filing fees required by law; and

22 (4) other documents or information required by the depart-
23 ment.

24 (b) Upon approval of the application, the department shall send
25 to the person holding a lien or other encumbrance a new certificate of
26 title which displays the name of the owner and indicates the existence
27 of the lien or other encumbrance.

28 * Sec. 6. AS 28.10.421(b) is amended to read:

29 (b) The annual registration fees under this subsection are im-

1 posed within the following classifications for:

2 (1) a passenger vehicle or motor home not used or main-
3 tained for the transportation of persons or property for hire or for
4 other commercial use.....\$35;

5 (2) a pick-up truck or a van not exceeding 6,000 pounds
6 unladen weight and not used or maintained for the transportation of
7 persons or property for hire or for other commercial use.....\$40;

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

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

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

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

18 * Sec. 7. AS 28.10.495(a) is amended to read:

19 (a) Upon application by a disabled or medically handicapped
20 person, or by an organization that transports disabled or medically
21 handicapped persons, the department shall issue to the applicant,
22 without charge, a special permit bearing the control number of the
23 applicant. The permit issued under this section, when displayed in
24 the front windshield of a parked or standing vehicle, shall provide
25 for special consideration by the public with respect to the parking or
26 standing in designated spaces of a vehicle that is being used for the
27 transportation of a [THE] disabled or medically handicapped person.

28 * Sec. 8. AS 28.10.495(b) is amended to read:

29 (b) A person is not entitled to use the special permit provided

1 for in (a) of this section except when providing transportation for a
2 [THE] disabled or handicapped person [WITH RESPECT TO WHOM THE PERMIT
3 WAS ISSUED]. Upon the death of a [THE] disabled or handicapped person
4 to whom a special permit has been issued, the special permit shall be
5 returned to the department. If an organization to which a special
6 permit has been issued ceases transporting disabled or handicapped
7 persons, or ceases operating, it shall return the special permit to
8 the department.

9 * Sec. 9. AS 28.10.181(g) and 28.10.421(d)(6) are repealed.

10 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).