

SB

96

COMMITTEE REPORT  
SENATE

FURTHER:

3/7/79

Date: 3/13/79

Mr. President:

The Committee on JUDICIARY has had SB 96  
relating to registration fees for special request, personalized license plates

under consideration and ~~(a majority of the committee)~~ (the committee)  
reports it back with the following recommendations:

do pass [ ] do not pass

do pass with attached amendments(s)

[ ] replace with CS for \_\_\_\_\_ [ ] same title  
[ ] new title

and recommends \_\_\_\_\_

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

3-7  
\_\_\_\_\_  
\_\_\_\_\_  
Shinn  
\_\_\_\_\_  
Don Bennett  
\_\_\_\_\_  
Bill Kay  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Bill Kay  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3-7  
CHAIRMAN

April 11, 1979

Penelope J. Cornelius  
Box 2668  
Fairbanks, Alaska 99707

Dear Mrs. Cornelius:

Senate Bill 90 left the Senate Judiciary committee several weeks ago and is now in Senate Rules. Senate Bill 105 is in the Senate State Affairs committee still; it has a further referral to Senate Finance, but not to Judiciary. I can think of no reason at this time why I would not vote for any or all of these bills if they come to the Senate floor.

It is not clear from the material you sent me whether you received a reply to your November 27th letter to the Division of Motor Vehicles. The director of that division, Mr. Vern Roberts, is a very competent individual and if he could not grant you any relief, then your only recourse would be passage of legislation.

Regards,

Robert H. Ziegler, Sr.

RHZ/pkz

Penelope J. Cornelius

P. O. Box 2668

Fairbanks, Alaska 99707

(907) 488-2912

April 4, 1979

The Honorable Robert Ziegler  
Alaska State Senate  
Juneau, Alaska 99801

Dear Senator Ziegler:

As you can see by the enclosed correspondence, I am writing in regards to Senate Bill 105, Senate Bill 96, and House Bill 105 dealing with the special license plate fees.

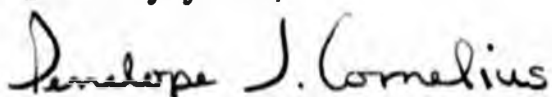
I have been corresponding with Representative Sally Smith about this issue and I am enclosing my first letter, as well as the last letter I have received from Sally.

I am extremely upset about this whole business, not because of the money amount involved, but the principle of the entire issue. I understand that Sally sent a copy of my last letter to her which dealt with the Galena resident's issue, which according to the news paper here in Fairbanks, is suppose to be holding up the passage of the resolution to change the special license plates. You should have a copy of that letter.

I have often felt that "getting on my soap box" and complaining about legislative actions does no good. This time I refuse to give up and am rattling your chain to see what good it might do. Your efforts to pass this bill are extremely important to me, as well as many others who are in the same boat at this time. May 31st is coming up quickly and I do not intend to pay the \$20.00 special fee, but without your help it looks like I may well have to because of the vehicle registration deadline.

Please let me know what your stand is on this issue and what your intentions are.

Sincerely yours,



Penelope J. Cornelius

PJC

Penelope J. Cornelius

P. O. Box 2668

Fairbanks, Alaska 99707

(907) 488-2912

November 27, 1978

State of Alaska  
Department of Public Safety  
Division of Motor Vehicles  
Special Programs Unit  
P. O. Box 960  
Anchorage, Alaska 99510

ATTENTION: Jean

Gentlemen:

On March 17, 1978 I contacted your department because I had recently purchased a new vehicle which I intended to transfer my personalized license plates to. I discovered that my plates were damaged beyond repair and requested a new set of plates for my new vehicle. I sent you a check in the amount of \$4.00 and you promptly sent me the replacement plates.

Recently I received your form letter stating that I would be required to pay an additional \$20.00 per year for special handling of my license plates, in addition to the \$30.00 renewal fees previously established. When I began using my personalized plates, four years ago, I was told that there would be a one-time charge of \$20.00 for the original plates and the reoccurring charge of \$30.00 per year. This has been true for the last four years. In your form letter you explained that if I did not desire to pay the additional \$20.00 per year to retain my personalized plates that I could sign a "release of interest authorization" which was enclosed with the letter. If I did so, you would send me a new set of regular license plates and I would have to relinquish my personalized plates.

Although your explanation for the additional \$20.00 per year charge was for "special handling", I still don't quite understand this reasoning. If a new set of plates cost me \$4.00 in March, and the special handling charge for the first set of new plates is \$20.00, what is the extra \$16.00 per year additional charge for? Not only are my plates EASIER to handle for the state -- because I don't have to wait in lines, etc. and I would get a small plastic renewal sticker just like everyone else, but when new plates are issued -- the cost is only a mere \$4.00 for my plates.

I would appreciate a full explanation of the actual reason for this governmental rip-off, with a copy of such a letter sent to the below mentioned so they may also be enlightened as to the additional costs.

Although I realize that personalized plates are not required by the State of Alaska and that they are the choice of the owner of the vehicle -- I don't believe that this additional \$20.00 per year is justified. Just what is the so called special handling, when new plates are issued only once every three years? The \$20.00 additional charges results in \$36.00 every three years overcharges and FOR WHAT? I computed the \$36.00 as follows:

\$20.00	--	previous charge for personalized plates, first year
30.00	--	Renewal fee, first year
20.00	--	Additional special handling charge, second year
30.00	--	Renewal fee, second year
20.00	--	Additional special handling charge, third year
30.00	--	Renewal fee, third year
<u>\$150.00</u>		TOTAL
90.00		Regular renewal fees
20.00		Previous charge for personalized plates
<u>4.00</u>		Actual cost of plates
<u>\$ 36.00</u>		"SPECIAL HANDLING CHARGES"

Does it cost the state of Alaska \$36.00 to send me a small plastic sticker each year it does not produce new license plates? What is this \$36.00 for? What special handling does the state have to exert toward personalized license plate owners other than the usual expenses incurred toward REGULAR license plate holders?

Thank you for your expedient reply to this request. I will await your reply.

Sincerely yours,

Penelope J. (Ka'iser) Cornelius

cc: Jay S. Hammond, Governor

Fairbanks Daily News Miner  
ATTEN: Letters to the Editor



REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS, ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99811

March 22, 1979

Penelope J. Cornelius  
P.O. Box 2668  
Fairbanks, Alaska 99707

Dear Ms. Cornelius:

We have looked into some of the questions you have expressed about special license plate fees and were able to find out just where the bills are sitting right now. We have taken the liberty of forwarding your letter to the Senate State Affairs Committee which is chaired by Senator Bob Mulcahy. They requested a copy of the letter because they were unaware of some of the problems you outlined.

Other members of the committee, should you wish to write to them individually are: Senator Tim Kelly, Senator Brad Bradley, Senator Pat Rodey, Senator Bob Ziegler.

That committee presently has before it HB 147 and SB 105, both of which deal with this issue. Another bill in which you may be interested, SB 96, is presently in the Senate Judiciary Committee, which is chaired by Senator Ziegler. Other members are: Senator Ed Dankworth, Senator Don Bennett, Senator Pete Meland and Senator Bill Ray.

I hope you don't feel that you're getting the runaround on this issue. We are trying to direct your comments where they will do the most good. Thanks for taking the time and effort to communicate your opinions on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sally Smith  
Alaska State Representative

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES AND DRIVERS SERVICES

P. O. BOX 960  
ANCHORAGE, ALASKA 99510

March 9, 1979

Senator Bob Ziegler, Chairman  
Senate Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Subject: Senate Bill #96

Dear Senator Ziegler:

This will confirm the telephone conversation between Guy Van Doren of your staff and myself on March 9, 1979 regarding Senate Bill 96, as amended by the Senate Finance Committee.

The language contained in this piece of legislation provides for the payment of twenty dollars upon the issuance and subsequent re-issuance of personalized license plates to the citizens of Alaska. This fee will, in most instances, cover the cost of the State operating the program of personalized plates. The language which was added to Senate Bill 96, previously contained in Senate Bill #117, was language suggested by the Division of Motor Vehicles in response to inquiry from the Senate, as language required to correct deficiencies or oversights in Chapter 178, SLA 1978.

You will recall that Chapter 178, SLA 1978 was the re-writing of Title 28 of Alaska Statutes and moved very rapidly at the close of the 1978 session of the Alaska State Legislature. The speed with which that piece of legislation moved inhibited the legislators' ability to give it the review that it deserved. The result of this hasty review was that certain oversights were left in that Bill which are now causing problems for Alaska citizens. Senate Bill #117 was designed to address and correct some of those problems.

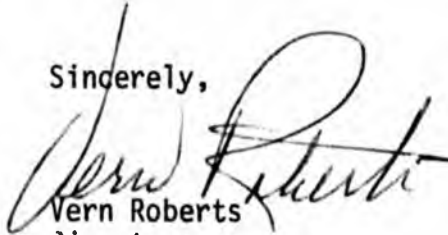
Senator Bob Ziegler

-2-

March 9, 1979

It is the position of the Alaska Division of Motor Vehicles that Senate Bill #96 as amended by the Senate Finance Committee should be passed and become law as it will result in reducing the inconvenience and excessive fees that are currently being paid by many of Alaska's citizens. If I can be of further assistance to you in your deliberations on this area of legislation, please do not hesitate to contact me.

Sincerely,



Vern Roberts  
Director

cc: William Nix, Commissioner  
Department of Public Safety

SB 96 and CSSB 96 RELATING TO REGISTRATION FEES FOR SPECIAL REQUEST,  
PERSONALIZED LICENSE PLATES.

The original bill sponsored by Senator Bradley changed existing law which required annual\*payment of \$20.00 in addition to the regular license plate fee for personalized license plates, to state that the person need pay the additional \$20.00 only if the license has been replaced by the department, i.e. new issue of plates, damaged plates, or lost plates.

The committee substitute was originally SB 117 by Senator Dankworth amending the motor vehicle code. The two bills have been combined in CSSB 96.

SECTION 1. Changes the requirement that every vehicle in the state must be registered. This requirement causes hardship in the rural areas of the state and for persons who use off-the-road vehicles (trail bikes, dune buggies etc.). Under the new language, only vehicles used on the highway system or other public parking places need to be registered.

SECTION 2. Provides that the department may issue a special license\* for occasional users of the highways.

Section 3. Provides that... (a) the department may register a vehicle even if it is not satisfied as to the ownership of the vehicle, but shall either

- (1) withhold issuance of a certificate of title until the applicant proves;
    - (A) Ownership and,
    - (B) proves there is no undisclosed security interest or,
  - (2) require applicant to file with the department wither;
    - (A) a bond prescribed by the department or,
    - (B) a deposit of cash.
- (b) The cash deposit or bond shall be equal to one and on-half times the value of the vehicle.
- (c) The cash deposit or bond shall be returned at the end of three years or when the vehicle is no longer registered in the state.

Sec. 28.10.493- Provides that if the owner of the vehicle fails to comply, he is guilty of a misdemeanor.

SECTION 4. Relates to special license plates (original SB 96)

SECTION 5. Sets the fee for occasional use license

SECTION 6. Makes it a felony to make a false statement regarding a vehicle title, title transfer, or certificate.

SECTION 7. Provides that law enforcement officers and employees of the department designated by the commissioner (i.e. workers who are responsible for title transfers and registration) may enforce this title and the regulations promulgated thereunder.

\* Emphasis added

Bob: I requested a definition of Hwy so we won't have any problem. As you can see by the enclosed memo "highway" as used in this bill is OK.

I have not copied the memo but will keep it in our files.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1979

SUBJECT: Definition of the term "highway" in CSSB 96

TO: Senator Robert H. Ziegler, Sr.  
Chairman, Senate Judiciary Committee

FROM: Richard A. Bradley  
Legislative Counsel *B*

Guy van Doren asked that I offer a meaning for the term "highway" as it is used in CSSB 96. His concern derived from the term's use in §1 of the bill.

The term "highway" is defined in AS 28; AS 28.35.260(a)(6) provides:

(6) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular traffic, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

The term "vehicular way or area" is defined by AS 28.35.260<sup>(a)</sup>(18) as

(18) "vehicular way or area" means a way, path or area, other than a highway or private property, which is designated by official traffic control devices or customary usage and which is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the department or other agency having jurisdiction over the way, path, or area.

Since the definitions in AS 28.35.260 apply generally to AS 28, they would be used in construing any amendments to the law within AS 28.

Senator Robert H. Ziegler, Sr.  
Page 2  
March 9, 1979

Reading the two definitions together, I conclude that the term "highways" comprehends a "way" that is publicly maintained for vehicular traffic. On the other hand, a "vehicular way or area" will comprehend a "way" that is neither a "highway" nor private property; what a "vehicular way or area" will include, therefore, are those "ways" that are dedicated to a public use [thus excluding private property] but which are not publicly maintained.

Dedication is the process typically occurring when a subdivisional plat is accepted; the roadways that exist on the plat are "dedicated" by the acceptance of the plat to a public use. They cease by that act to be private property even though the subdivided lots may not have been disposed of; if they are not maintained by a public authority, then they have not become "highways."

If I can assist further, please advise.

RAB:jdn

13-AAC 10:115 Df Hg

Section 28.10.181 (c) is amended to read Special Request Plates. Upon application and payment of \$20.00 by the owner of a passenger vehicle, non-commercial van or pick-up truck, or motor home the Department may design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The Department may in its discretion, disapprove the issuance of registration plates under this sub-section when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the Department. An additional payment of \$20.00 shall be paid for each replacement of such plates.

Section 29.10.421 (d)(2) is repealed.

REASON:

Existing law for an annual payment of \$20.00 in addition to regular registration fees for specialized plates is repugnant to the general public and has been mandated that it be repealed. The new law will now state, if passed, that the individual applicant for a specialized plate shall pay \$20.00 initially for the application and privilege of using the personalized plate, the same as in prior years, and will pay \$20.00 every time the plate is replaced due to loss, damage or replacement for a new license plate year.

Section 28.10.011 is amended to read VEHICLES SUBJECT TO REGISTRATION. Every vehicle [in the State] when driven or moved or parked upon a highway or in a public parking place in the State shall be registered under this chapter except when the vehicle is

(1) driven or moved on a (highway) only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulations;

(2) driven or moved on a highway under a dealer's plate or temporary permit as provided in Sec. 31 and 181 (k) of this chapter;

(3) special mobile equipment as defined by regulation;

(4) owned by the United States;

(5) moved by human or animal power;

(6) exempt under the Soldiers and Sailors Civil Release Act (50 U.S.C.A. Appr. 501 et seq.);

(7) driven or parked only on private property;

(8) a vehicle of a nonresident as provided under Section 121 of this chapter;

(9) a commercial inter-state vehicle under Sec. 141 of this chapter; or

(10) transported under a special permit under Sec. 151 of this chapter.

#### REASON

Existing statute states that with certain specific exceptions, every vehicle in this State is subject to registration and thus would be subject to title requirements. Under this law the way it currently reads places an hardship upon a certain percentage of vehicle owners in the State, that is, owners of vehicles that have not been subject to vehicle registration in the past. Example: trail bikes, dune buggies, and other off highway type vehicles, etc. Also, vehicles owned or possessed by people in the bush and non-urban areas who have come by their vehicles in the past through methods that are neither legal or illegal but have no way to prove their ownership to the vehicles in a manner prescribed by law. When these people become subject to registration, that is, subject to title requirements, they will be forced by statute to provide the same documentation as any other vehicle owner in order for them to comply to the law. They will be unable to do so. They will also in most cases be unable to provide proper bonding procedures because of lack of insurance agencies in these areas.

AS 28.10 is amended by adding a new section to read:  
WHEN NO SUPPORTING EVIDENCE OF OWNERSHIP.

(a) In addition to the other requirements of this chapter, an applicant for title and registration who has no supporting evidence of ownership, as stipulated in this chapter must:

(1) submit an affidavit affirming that he is the owner of the vehicle and that no liens or encumbrances exist on it;

(2) submit a surety bond, executed by a corporate surety, approved by the Department, posted with the State and held by it for at least two years, in the amount of the retail value of the vehicle as determined from a departmental listing, and

(3) submit a statement signed by the applicant holding the State harmless in all suits concerning questions of title and ownership to the vehicle and promising to indemnify the State for all judgements against it arising out of these actions.

(b) The applicant, in lieu of a surety bond, may file suit in district or magistrate court to mandate the Department to issue title in his name. The court may accept evidence including but not limited to affidavits, bills of sale, and oral testimony. The court, when satisfied that

the applicant is the rightful possessor and that there are no liens or encumbrances on the vehicle, may order the Department to issue title showing that the applicant is the registered and legal owner of vehicle title.

Section 28.10.491 (a) is amended by adding a new sub-section

(9) makes a false statement or who otherwise conceals or withholds a material fact in an application for registration or certificate of title or who affirms falsely with respect to a matter required to be sworn to, affirmed or furnished under this chapter, or regulations adopted under this chapter.

Section 28.10 is amended by adding a new section Failure to Deliver Title.

(a) A seller of a vehicle who fails to comply to Secs. 271 and 291 of this chapter is guilty of a misdemeanor.

(b) A seller of a vehicle who with intent to defraud fails to comply to Secs. 271 and 291 of this chapter is guilty of a felony, and upon conviction is punishable by imprisonment of not less than 1 year nor more than 2 years or by a fine of not more than \$2,000 or both.

Section 28.10 is amended by adding a new section, Unlawful To Park or Operate Unregistered Vehicle. No person may

drive or move or park upon a highway or in a public parking place, nor may an owner permit to be driven or parked, upon a highway or in a public parking place a vehicle which has not been registered under this chapter.

Section 28.05 is amended by adding a new section. Enforcement of Title. Peace officers and employees of the Department designated by the Commissioner shall enforce this title.

Section 28.10 is amended by adding the new section LICENSES FOR OCCASIONAL USERS OF HIGHWAYS.

(a) Upon application by the owner and under regulations adopted by the Commissioner of Public Safety, the Department shall issue a license to the owner of a vehicle used in relation to the operation of commercial fishing, mining, hunting, or farming operations and used only occasionally on the highway.

(b) In addition to the other requirements in this chapter, an applicant for occasional use registration must submit an affidavit affirming that the vehicle is used in relation to commercial fishing, mining, hunting or farming operations and travels upon the State highways are less than 5% of its total hours of operation.

(c) No person may transfer an occasional use registration license plate to another vehicle. Upon transfer or assignment of title to an occasional use vehicle, the registration plates remain with the vehicle if it continues to be an occasional use vehicle or must otherwise be returned to the Department by the new owner.

(d) The license shall be valid for 12 months.

(e) No person or company may possess more than 2 licenses at one time.

(f) The Department shall charge the owner an annual registration fee of \$15.00.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 96

Title An Act amending the Motor Vehicle Code and providing for an effective date

Requested by Senate Finance Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Division of Motor Vehicles - Department of Public Safety

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected N/A - Revenue to General Fund only

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-					
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-					

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	-0-					

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-					
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The passage of CSSB 96 will result in a reduction in revenue to the general fund based on the following assumptions:

4000 personalized plates x \$20 reduction :	\$80,000
350 occasional use plates x \$20 reduction :	\$ 7,000
	<u>\$87,000</u>

These estimates use the class of pickup trucks as being the primary vehicles to obtain occasional use plates.

IV. DATE 3/5/79

PREPARED BY Vern Roberts, Director

AGENCY Division of Motor Vehicles

PHONE 264-5551

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB 96 and CSSB 96 RELATING TO REGISTRATION FEES FOR SPECIAL REQUEST,  
PERSONALIZED LICENSE PLATES.

The original bill sponsored by Senator Bradley changed existing law which required annual payment of \$20.00 in addition to the regular license plate fee for personalized license plates, to state that the person need pay the additional \$20.00 only if the license has been replaced by the department, i.e. new issue of plates, damaged plates, or lost plates.

The committee substitute was originally SB 117 by Senator Dankworth amending the motor vehicle code. The two bills have been combined in CSSB 96.

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SECTION 2. Provides that the department may issue a special license\* for occasional users of the highways.

Section 3. Provides that... (a) the department may register a vehicle even if it is not satisfied as to the ownership of the vehicle, but shall either

- (1) withhold issuance of a certificate of title until the applicant proves;
    - (A) Ownership and,
    - (B) proves there is no undisclosed security interest or,
  - (2) require applicant to file with the department wither;
    - (A) a bond prescribed by the department or,
    - (B) a deposit of cash.
- (b) The cash deposit or bond shall be equal to one and on-half times the value of the vehicle.
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Sec. 28.10.493- Provides that if the owner of the vehicle fails to comply, he is guilty of a misdemeanor.

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SECTION 5. Sets the fee for occasional use license

SECTION 6. Makes it a felony to make a false statement regarding a vehicle title, title transfer, or certificate.

SECTION 7. Provides that law enforcement officers and employees of the department designated by the commissioner (i.e. workers who are responsible for title transfers and registration) may enforce this title and the regulations promulgated thereunder.

\* Emphasis added

PROPOSED AMENDMENTS

\* Section 3. AS 28.10.216 should be changed by adding a new subsection (d).

(d) the department shall place security deposited with it in the custody of the Department of Revenue.

\* Section 3. AS 28.10.216 should be changed by adding (e).

(e) the applicant, in lieu of a cash deposit or bond, may file suit in district or magistrate court to mandate the department to issue title in his name. The court may accept evidence including, but not limited to affidavits, bills of sale, and oral testimony. The court, when satisfied that there are no liens or encumbrances on the vehicle, may order the department to issue title showing the plaintiff as the legal owner of vehicle title.