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# Professor decries artifact marketing

FAIRBANKS (AP) — An Anchorage anthropology professor says something must be done about what he calls the massive and growing problem of unauthorized collecting of valuable relics and artifacts in Alaska.

"It involves truly impressive amounts of money, income for depressed areas that sometimes have little else going for them, issues involving the rights and responsibilities of contemporary Alaska natives, and many another can of worms," William Workman of the University of Alaska-Anchorage told his colleagues Friday in remarks at the 13th annual conference of the Alaska Anthropological Association.

Workman called for stronger legislation and an extensive public-education cam-

paign to make artifact collecting by both the average person and "affluent white art collectors" socially unacceptable behavior.

Academics from across Canada and the United States gathered at the Travelers Inn in downtown Fairbanks for the conference. Papers were to be presented on Russian-America history, Alaska archaeological discoveries, subsistence, cross-cultural education, native languages, Alaska art and history.

"The history of Alaska does not begin with 1867, as it does as far as Europeans are concerned," said Lydia Black, professor of anthropology at the University of Alaska-Fairbanks.

"As far as the native population is concerned, it begins 10,000 years ago," she said.

Fairbanks Daily News-Miner  
3/11/86

3/11/86

\* Anchorage Daily News

# Anthropologist urges action on unauthorized collecting of artifacts

The Associated Press

FAIRBANKS — An Anchorage anthropology professor said last week something must be done about what he called the massive and growing problem of unauthorized collecting of valuable relics and artifacts in Alaska.

"It involves truly impressive amounts of money, income for depressed areas that sometimes have little else going for them, issues involving the rights and responsibilities of contemporary Alaska Natives, and many another can of worms," William Workman of the University of Alaska-Anchorage told his colleagues Friday at the 13th annual conference of the Alaska Anthropological Association.

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presented on Russian-America history, Alaska archaeological discoveries, subsistence, cross-cultural education, Native languages, Alaska art and history and other topics.

"The history of Alaska does not begin with 1867, as it does as far as Europeans are concerned," said Lydia Black, professor of anthropology at the University of Alaska-Fairbanks.

"As far as the Native population is concerned, it begins 10,000 years ago," she said. "Alaska was also part of the Russian empire for 100 years, which left an impression on Alaska."

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : 02-12-86

**REQUEST**

Bill/Resolution No. : HB 438 #1  
 Title : Penalties: Historic Preservation Act Violations.  
 Sponsor : Rep Davis  
 Requestor : House Judiciary  
 Date of Request : 02-05-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
BRU: Parks & Recreation Mgmt  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Carol J. Wilson *CPW*  
 Division : Commissioner's Office

Phone : 465-2400  
 Date : 02-13-86

Approved by Commissioner : Wm D Amiel, Deputy  
 Agency : Natural Resources

Date : 2/13/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB 438 #2  
 Title : "An Act relating to penalties for violating the Alaska Historic Preservation Act;"  
 Sponsor : Repr. Davis  
 Requestor : House Judiciary Committee  
 Date of Request : February 11, 1986

**FISCAL DETAIL**

Agency Affected : Department of Law  
 BRU : Legal Services, Prosecution  
 Components : Legal Services Operations, Judicial Districts 1 thru 4

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

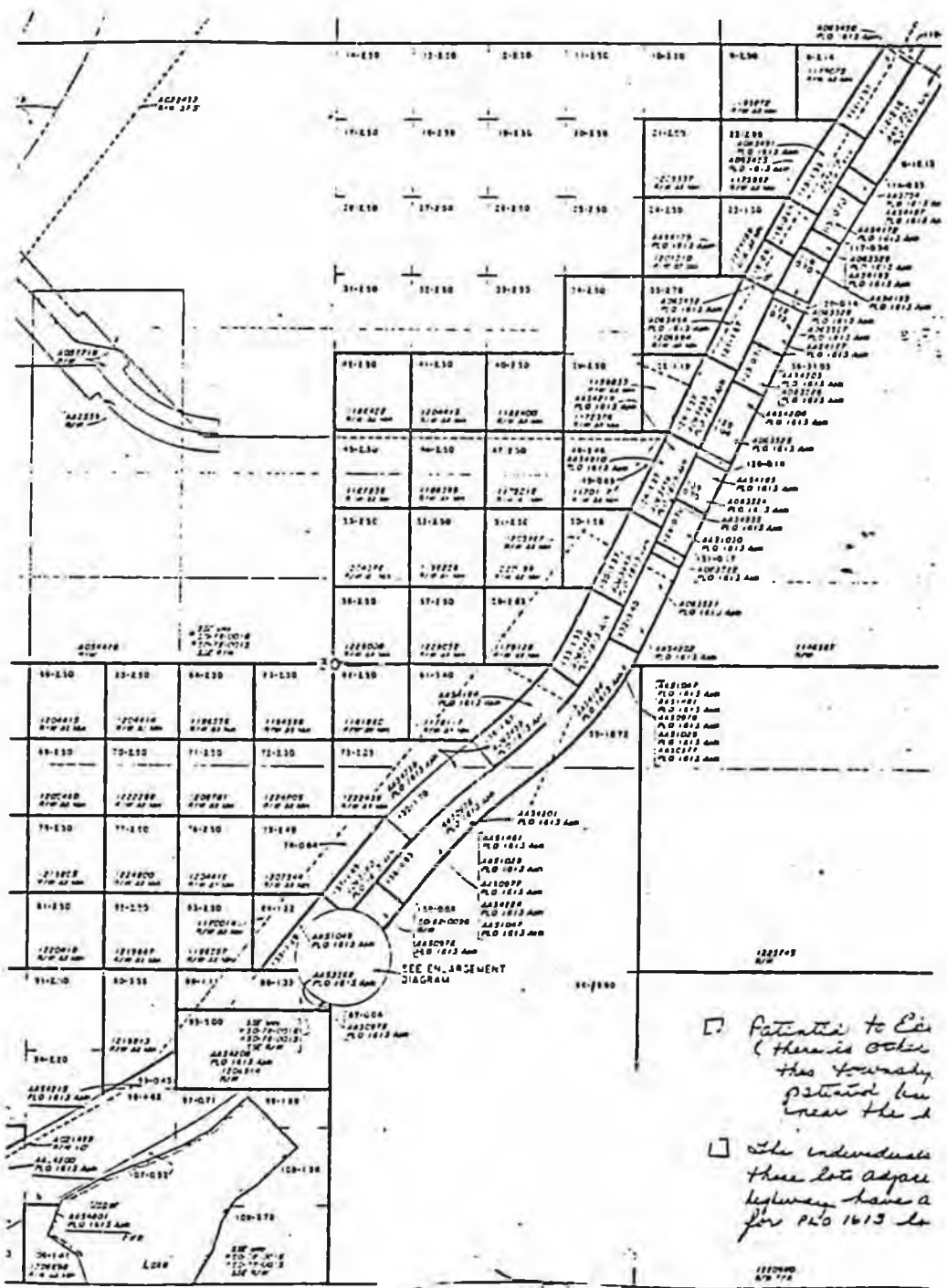
Reported violations of the Alaska Historic Preservation Act are minimal and they rarely occur. Consequently, we do not anticipate enough additional activity to warrant fiscal note costs.

Prepared by: Richard I. Pegues, Director Phone: 55-3672  
 Division: Administrative Services Division Date: 2/12/86  
 Approved by Commissioner: Richard I. Pegues / FOR Date: 2/12/86  
 Agency: Harold M. Brown, Attorney General  
Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

REVISED TOWNSHIP 15 NORTH, RANGE 1 WEST OF THE SECOND

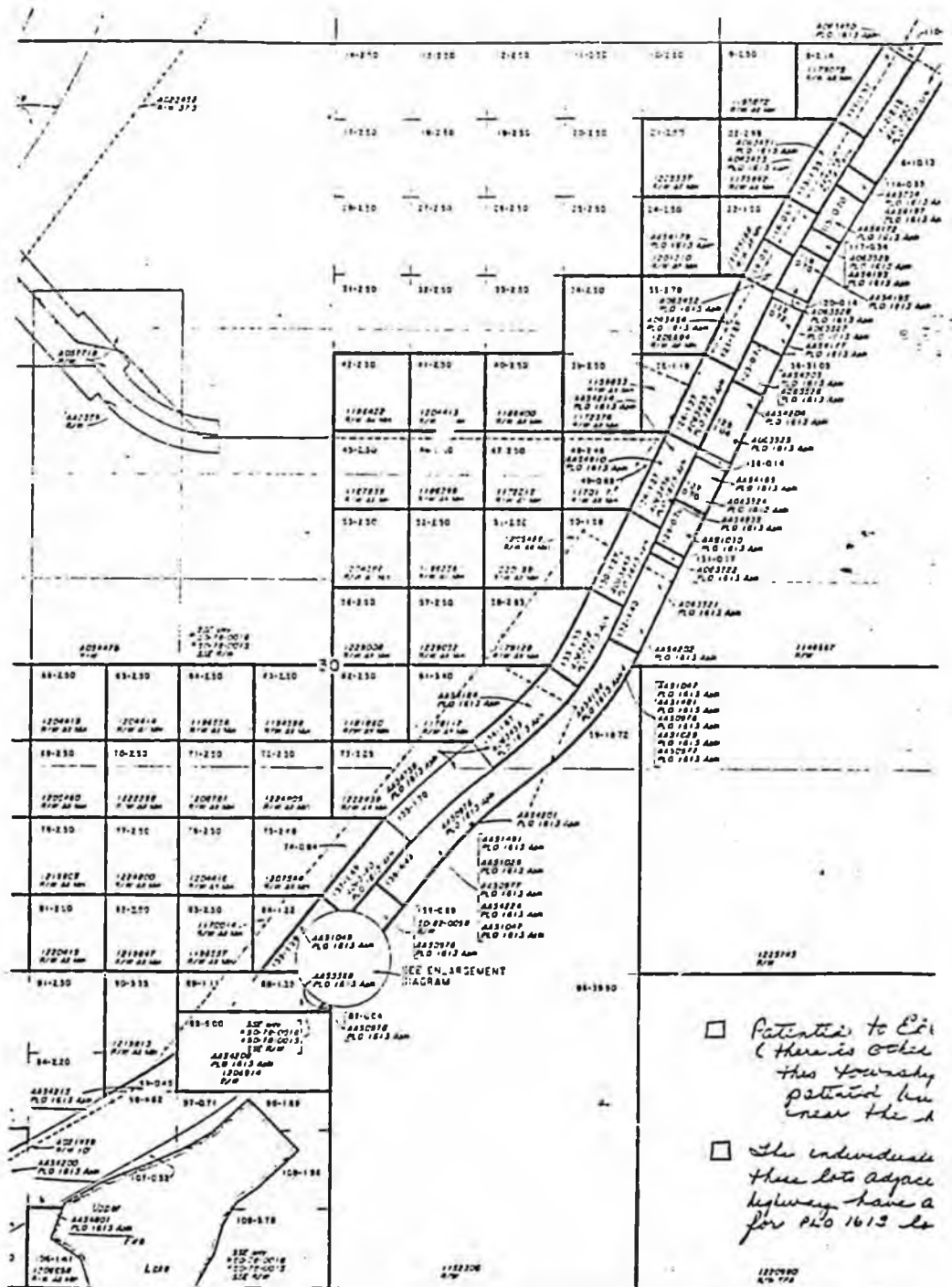


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- The individuals these lots adjoin highway have a for PLO 1613

SCALE

TOWNSHIP 15 NORTH, RANGE 1 WEST OF THE SECOND  
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 (GREEN CO. DOES NOT REFLECT TITLE CHANGES WHICH MAY HAVE EFFECTED BY LATER INSTRUMENTS OF OWNERS OR OTHERS)  
 IF WATER REFER TO THE CADASTRAL SURVEY FOR OTHER INFORMATION

WEED TOWNSHIP IS NORTH, RANGE 1 WEST OF THE 36TH



Patented to Ed  
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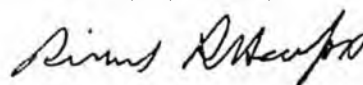
WARNING:  
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 ONLY AS A GRAPHIC DISPLAY OF TOWNSHIP SURVEY DATA  
 HEREON DO NOT REFLECT TITLE CHANGES WHICH MAY HAVE  
 EFFECTS BY LATER ADJUSTMENTS OF BUNDLES OR OTHER  
 INFORMATION REFER TO THE CADASTRAL SURVEY FOR OTHER  
 INFORMATION

Representative Mike Davis  
Interior House Delegation Office  
542 4th Ave, Suite C  
Fairbanks, Alaska 99701

Dear Mr. Davis

This is to express strong support for House Bill 438. It is absolutely essential that the plundering of Alaska's valuable artifacts, in particular historical aircraft or their parts, be stopped. Maximum felony penalties should be imposed on those who would illegally remove or assist in the removal of the artifacts. They are of great and increasing value both historically and monetarily to the people of Alaska. Even a penalty of \$100,00 might not deter the theft of, for example, a World War II airplane with a value of 1/4 to 1/2 a million dollars.

Sincerely yours,



Richard R. Hoopes, President IAAF  
120 Concordia Drive  
Fairbanks, AK 99709

477-6449

BENJAMIN B. TALLEY  
BRIG. GEN. U. S. ARMY, RETIRED  
STAR ROUTE BOX 600  
ANCHOR POINT, AK 99556  
(907) 235-7473

3 February 1986

The Honorable Mike Davis  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

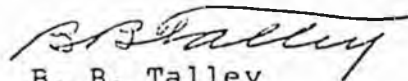
Dear Representative Davis:

I have just learned through Admiral James S. Russell that you have introduced legislation to protect World War II artifacts in Alaska.

There is a dire need for such protection, and I give this legislation my whole hearted support.

It would be appreciated if you would send me a copy of your bill so that I may discuss it with others.

Most sincerely,



B. B. Talley  
Officer in Charge of Army and  
Air Corps Construction in Alaska  
during WWII

cc: Admiral James S. Russell



KETCHIKAN  
HISTORICAL  
COMMISSION

POST OFFICE BOX 7055  
KETCHIKAN, ALASKA 99901  
907-225-6166

7

March 10, 1986

Representative Mike Davis  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, AK 99811

Dear Representative Davis:

The Ketchikan Historical Commission met on March 5, 1986 and voted to give support to HB 283 regarding historic preservation.

We have worked diligently in our programs to educate and promote historic preservation and restoration in the Ketchikan area. With the passage of HB 283, additional incentive would be given to those persons wishing to preserve their historic properties throughout Alaska.

We encourage you and your legislative counterparts to give total support to HB 283 during the current session.

Sincerely,

A handwritten signature in cursive script that reads "Bill Lattin". The signature is written in dark ink and is positioned above the typed name.

BILL LATTIN  
Chairman

cc: Governor Bill Sheffield

Paul Chatty  
Division of Parks & Recreation

# MEMORANDUM

# State of Alaska

Department of Natural Resources, Division of Parks and Outdoor Recreation

TO: Tom Moyer  
Legislative Aide  
Representative Davis' Office  
Alaska State Legislature

FROM: Judith E. Bittner *JB*  
Chief, Office of History & Archaeology  
Department of Natural Resources

REF: Changes to  
ACC.11.16

APR 24, 1966

The Alaska Historic Preservation Act, (AS 41.35.010) formulates as state law the preservation and protection of Alaska's historic, prehistoric and archaeological resources from loss, desecration and destruction. Title 11, Chapter 16 of the Alaska Administrative Code, establishes implementing regulations to deal with jurisdiction, title to collected items, the permitting process, reports, etc. related to these resources.

It is unlawful for a person to appropriate, excavate, remove, injure, or destroy without a permit from the Commissioner, any historic, prehistoric or archaeological resources of the state. There is, quite properly, a broad definition given to "historic, prehistoric and archaeological resources" under 41.35.230 ("deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in this state as well as to the natural history of the state.") Penalties are established under Section 41.35.200 for possessing, selling, buying or transporting within the state, or offering to sell, buy or transport within the state, historic, prehistoric or archaeological resources taken or acquired in violation of this section. Violators are guilty of a misdemeanor and, upon conviction, are punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both. (AS 41.35.210)

I am certain that aircraft and parts thereof are adequately covered under AS 41.35.230. Alaskan historic aircraft have been accorded recognition as historic artifacts and/or objects of antiquity by the Governor's Historic Sites Advisory Committee (established under AS 41.35.110) in nominations to the National Register of Historic Places and by award of grants to recover rare, endangered aircraft. I would suggest that changes should not be made to Section 11.16.110, a portion of the implementing regulations that define administrative responsibility for historic sites as being within the Division of Parks and Outdoor Recreation. Any changes in State law should, more appropriately, be made to AS 41.35.200. Mr. Long's efforts are in the right direction; as State Historic Preservation Officer I would support efforts to increase the penalty for violation of 41.35.200 from a misdemeanor to a felony.

MOYER.REP

ADMIRAL JAMES S. RUSSELL, USN (RETIRED)  
7734 WALNUT AVENUE SOUTHWEST  
TACOMA, WASHINGTON 98498

29 January 1986

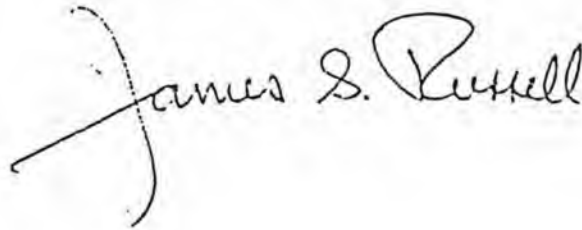
The Honorable Mike Davis  
Member of the State Legislature  
Representative of the 19th District  
Juneau, Ak., 99801

Dear Representative Davis

From one who flew and fought in Alaska in WW II, please accept my hearty endorsement of your effort to preserve for Alaskans those historic airplanes which, due to enemy action or weather, were wrecked and abandoned in the State of Alaska.

With all good wishes for your success.

Sincerely,

A handwritten signature in cursive script that reads "James S. Russell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Enclosure: News clip from Fairbanks paper

CC; Brig.Gen. Benjamin B. Talley, USA (retired)  
Anchor Point, AK.

Blind copy to: Mr. Everett Long, Box 1, Ester, AK, 99725



## North Star Flying Lions, Inc.

F.O. Box 31301, Fairbanks, Alaska  
99708

January 16, 1986

Representative Mike Davis  
Pouch V  
Juneau, Alaska 99811

Dear Mike:

The twenty five members of the North Star Flying Lions wish to lend their support to the proposed amendments of the Alaska Historic Preservation Act. We are deeply concerned regarding the removal of historical artifacts from Alaska.

We appreciate being made fully aware of this problem through Everett Long's recent Pilot's Corner column in the Fairbanks Daily News-Miner. The tragic loss of the planes mentioned in the column diminishes Alaska's aviation heritage, which we feel is incumbent on all of us to protect and preserve.

The proposed legislation to increase the civil penalty from \$1,000 to \$100,000 is a good start in getting the kind of attention that is apparently necessary to stem further acts of criminal removal (theft, if you will) of these rare planes.

Please include our organization as being 100% in favor of your proposed amendment. Members names will be sent on request.

Sincerely yours,

L. Stanley Zielinski  
President, 1985-86

LSZ:mv

CC: Letter to the Editor  
Fairbanks Daily News-Miner

FAIRBANKS AK,

Sunday, January 12, 1986

# Lawmaker is out to stem loss of aviation heritage

Preserving Alaska's aviation heritage is not simple, and competition for artifacts can be fierce.

The Alaska Historic Preservation Act was designed to protect historic, prehistoric and archeological resources. But its penalty of "up to \$1,000 and/or six months in

jail" has not been effective in protecting rare aircraft.

State Rep. Mike Davis, District 19, Fairbanks, plans to change that law.

Davis' proposed amendment will change it from a \$1,000 penalty and six months in jail, to \$5,000 with up

to one year in jail. In addition a civil penalty of \$100,000 per violation will be charged. The responsibility is also broadened to include those people who assist a person who violates the Alaska Historic Preservation Act.

"Something has to be done to stem the tide of our Alaskan heritage from leaving the state," Davis said. "The recent, and ongoing, issue of the P-40s is a good example of needed legislation."

The intent of the amendment is to take the profit out of stealing our Alaskan heritage. And stop those who are willing to claim rewards and make a profit out of finding artifacts for Outside interests.

Presently the charges are only a misdemeanor—still a minor criminal charge. Judith Bittner, Chief of the Office of History and

Everett Long

Pilot's  
Corner



Archaeology DNR recommends changing that to a felony charge. I share that recommendation, and Davis is seeking input on recommended charges in the amendment.

The objective is usually World War II fighters found in isolated areas of the state. They are rare, which dulls the effect of a \$1,000 fine, and isolated, which makes it difficult to catch a thief.

Within the last three or four

years, two P-51 Mustangs disappeared from a lake near Selawik, north of the Seward Peninsula. When asked, nobody in Kotzebue or Nome knew who took them. Nor did anyone working with state or federal agencies know anything about the missing aircraft.

Threatened aircraft in the Interior are P-39 Aircobras. The Interior and Arctic Alaska Aeronautical Foundation wishes to retrieve some of these rare WWII fighters for display in the Alaska Pioneer Air Museum.

The air museum's efforts are for public use and preservation of aviation heritage. Anyone who knows crashed or submerged WWII aircraft are encouraged to assist.

John Cooper, director of the Alaska Historical Transportation Museum in Palmer, says he supports Davis's amendment "100 percent."

People throughout Alaska are concerned about the loss of our history. The P-40s and Mustangs are only a part of the problem. Native artifacts on the coast are often raided by people with boat access. Archeological sites are indiscriminately robbed. It isn't just a problem involving WWII aircraft.

"I don't anticipate any opposition to this amendment," Davis said. "But it will take a concentrated effort by me and other interested people. I would certainly welcome any letters of support sent to me, or to your respective legislators."

Send letters of support to Rep. Mike Davis, Pouch V, Juneau, AK 99811. Anyone interested in protecting Alaska's treasures should support this amendment.

## Aviation Happenings

Aviation organizations can have their meetings and activities listed if they will send a schedule to the Pilot's Corner.

Jan. 20—Monday, 7:30 p.m.

General membership meeting

Yukon Squadron Civil Air Patrol

CAP hangar, East Ramp.

Jan. 21—Tuesday 7:30 p.m.

Interior & Arctic Alaska Aeronautical

Foundation meeting. Alaska

Room Fairbanks International Air

port terminal. Topics: Move meet-

ing location for accessible parking.

Proposed amendments to the Alas-

ka Historic Preservation Act.

A private pilot, Everett Long is a board member of the Interior and Arctic Alaska Aeronautical Foundation.

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# Protecting the heritage of aviation in Alaska

We are losing part of our aviation and state heritage. Artifacts of Alaska's aviation history are continually scavenged... Outside private interests. It's unfortunate, but aviation artifacts have become something of value.

Three public, nonprofit organizations are concerned with keeping Alaska's aviation heritage in Alaska. They are the Museum of Alaska Transportation and Industry in Palmer, The Alaskan Historical Aircraft Society in Anchorage, and the Interior and Arctic Alaska Aeronautical Foundation in Fairbanks.

Other organizations also are concerned with recovery of historic aircraft, but their efforts are structured to private use or gain.

The United States Historical Aircraft Preservation Museum, with Paul A. Fox as president, has interfered considerably with other legitimate recovery and preservation efforts.

Fox issued public notices claiming ownership to all downed military aircraft that were no longer claimed by the military. He then issued threats of legal action against any other organization that tried to salvage these aircraft. The notice was published in the Western Flyer, a Tacoma, Wash., aviation newspaper.

Fox's claim was denied by The U.S. Department of the Interior, which wrote, "We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft. Consequently, we are of the opinion that public notices may simply be ignored as legally innocuous."

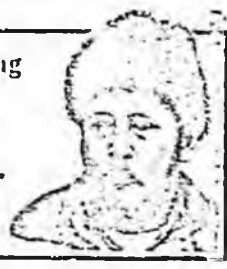
The problems have not stopped with the Department of Interior's decision. Seven Curtis P-40 crash sites have been scavenged in recent months; the Nome site was allegedly picked over by a member of Fox's organization.

The P-40 is a World War II fighter that was staged in Alaska during the war years. Like most WWII fighters, the P-40 is a rare airplane, worth about \$400,000 in flying condition. The destination of its recovered parts is Texas, not Alaska.

Site locations include federal, Native lands and land still in question. Alaska's state Department of Natural Resources, and the U.S.

Everett Long

Pilot's Corner



Commentary

"We are investigating (the theft or trespass) because two wrecks were on federal land," said Larry Hood, an agent with the USFWS. The fine is \$250 to \$500. A wrecked P-40 is worth over \$100,000.

"It's a big question of ownership after the fines have been paid," Hood said. The state and the three legitimate aircraft museum organizations are trying to have the P-40 seized and kept in Alaska. There are enough parts to make three complete restored aircraft. They would become part of the air museum displays in Fairbanks, Palmer, and Anchorage.

Paul Chattey, who represents the Department of Natural Resources' Office of History and Archeology, is among those who'd like to see more cooperation among the various preservation groups.

"We are concerned with aircraft that are covered by the Alaska Historic Preservation Act," Chattey said. "But that only applies to aircraft on state land. At the moment we need the cooperation of all groups, like the IAAAF, the museum in Palmer, and the Alaskan Historical Aircraft Society."

"Our position is this: If those P-40 parts are seized, they would be moved to storage at Palmer—and used for all Alaskans."

The Palmer museum has contacted U.S. Sen. Ted Stevens for help in seizing and keeping these aircraft in Alaska. The IAAAF and the AHAS support these efforts, and encourage people to express their views to Sen. Stevens. Locally, Rep. Mike Davis also is working to assist the effort.

It looks grim concerning saving the P-40s. Most of the salvaged parts are presently stored at Unalaska and Umnak Island. This "Gold Rush" on irreplaceable historic aircraft has got to be stopped. If not stopped, nothing will remain for educational and exhibit value

April 1981

**WUKLD**  
452-2688

**ALL DOWN PARKA, \$125.**

**MARK GAS & diesel heaters for interior & engine cooling systems of cars & trucks. Full repair & service on all types of gas heaters. Roger Lang's Volkswagen Shop. 479-2748.**

**MOVING - NEW BROWN plaid loveseat with oak trim; 1 year old brown naugahyde couch with pine trim, both good condition. 488-0101.**

**MUST SELL!! 1970 CJ-5, \$600 or best offer. 3 1974 Ski-Doo snowmobiles, \$600 or best offer. \$1,500 for all. 456-7762. Ask for Luann Berkley.**

**NEW TORO ELECTRIC power snow shovel. 100' cord included. \$75. Call 479-7676.**

**OWATONNA SKID LOADER (like Bob Cat), V-4 Ford propane engine. Gas or propane. Good running condition. \$4,500. 488-3967.**

**PIONEER VIDEO DISC player w/ remote control, 70 movies. \$3,600 value. Must sell. \$1,000. 457-1912 after 5pm.**

**POOL TABLE, \$75. New Scandia jacuzzi, 8'x8'x3'. Pump, filter, used boiler. \$4,000 or best. 457-8318.**

**POOL TABLE WITH accessories, \$225. 2 chrome mag wheels with fair tires, 10x15 Chevy, \$125. 479-4605.**

**POOL TABLE, 8 sticks, accessories, 3 1/2'x7'. New cover, \$500. Wood typewriter desk, 32x60, \$50. 488-2691.**

**PORTABLE CIRCULAR SAW MILL. Belsaw arbor, 30" and 42" diameter blades. Best offer. 451-6845.**

**REDUCE YOUR HEATING BILLS. Save on your heating bills. Purchase a new dress for your savings. Call 452-4154.**

**REWARD FOR INFORMATION on location of intact World War II aircraft: P-39, P-40, P-47, P-51 or P-63. Dave. 209-638-5406 collect.**

**SALE**

**GENETIC CAT  
PANTHER 440**

**\$2,850**

**REGULARLY \$3,499**

**See at**

**NORTHERN POWER**

**433 3rd St., G-7**

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**SATON BEAVER  
4x4, under 1000 lbs  
blade and  
650 Yamaha  
Cub, fuz**

**SHEEP  
12, 10, 8, 6  
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Miscellary**

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**WARN WINCHES  
Info, videos, sales, rental, 488-7676**

166

**50 HP EVENRUDE outboard. Completely rebuilt. Bored .07" size \$1,500. Pierce Enterprises 3724 evenings.**

**170 Motorcycles—See ad.**

**ALASKA  
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Your motorcycle headlighters  
Parts and accessories for all makes.

Yamaha  
Honda  
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**THREE  
WHEELS**

1877 COLLEGE RD

**ALI**

December 1,  
Marshall Drive off  
P... L... and Skyline.

**LEAVING ALASKA, like new winter clothes sizes 10-12, boots and miscellaneous. Saturday, 12/1, 9am-12pm. 4953 Dartmouth #2.**

**MOVING SALE: Saturday, 12/1, 10am-3pm. Mary Kay sell-out plus lots of goodies. Everything priced to go. 100 10th Avenue, 2C6.**

**MOVING SALE, furniture, household items, some tools, lawn furniture. 1228 Denali Way. Saturday only, 9am-3pm, December 1.**

**A MOVING SALE. Plants, Christmas toys, exercise bicycle, desks, shelves, microwave, new bicycle, TV, stereo, collector albums. 452-4855.**

**TV, STEREO, sewing machine, hexagon aquarium, mirrored plant stands, beds, desk, wicker, clothes. Saturday & Sunday, 10am to 4pm, 229 Well St.**

**2 APT. SALE: Christmas tree, 50,000 BTU Sears furnace, hand-crafted items, antique sewing machine. 1453 Etelson St, Apt. A & C. 451-0163.**

**160 Aircraft & Equipment**

**ALASKA'S WING  
SPECIAL  
LIMITED TIME OFFER**

456-4706, Metro Field.

**CESSNA 170B, 180 Lycoming, C5 prop, Avcon conversion. Leaving state and MUST sell this super clean, well-equipped bird. See at Fair International. Call for details (in Delta) at noon, or after 5pm.**

**FLIGHT INSTRUCTION for yours. FAA designee flight test examiner. 488-3649.**

**FLIGHT  
ALASKA  
Cut rate**

OR

18

# Editorials

Robert B. Atwood  
President and Publisher

T.A. Durr  
Managing Editor

## Aleutian relics

**MAYBE THE FEDS** — and all of us — need to rethink the idea of prohibiting the general public from picking up the debris of World War II that litters some of the remote areas and some of the unpopulated islands of the Aleutian Chain.

The Fish and Wildlife Service this week said it had issued a criminal citation against a Missouri man who hired a helicopter and flew out there to pick up some parts from three wrecked P-40 fighter planes that had been rusting away in splendid isolation on the west side of Unalaska Island for more than 40 years.

The federal agents filed charges of landing on refuge lands without permission (is that really a crime?) and then seized the old airplane parts — even though they admitted they don't exactly know what to do with them.

The man who got the parts knew what to do with them. He evidently had a market for them among old airplane buffs who restore World War II aircraft.

**IF YOU** think about it, what's wrong with that?

Why not invite anybody with the inclination and the talent to go out there and pick up whatever junk he can find?

We remember a few years ago when members of the staff of a United States senator were out in the Aleutians and happily picked up an armload of empty World War II-vintage Coca Cola

the name of the city they came from stamped on the bottom. Our recollection is that Seattle was the home base of these particular bottles.

The old Coke bottles, we're told, are great collectors' items — in high demand and worth money.

So what if somebody knew that and came away from a trip to the chain with a few souvenirs to sell or give away? In the process, some of the litter of World War II was hauled away and the islands were a little cleaner.

**THERE ARE** many remnants of World War II scattered around the Aleutians — plane wreckage, crumbling quonset huts, bottles, trash, probably a lot of brass casings from expended ammunition, empty oil drums, and who knows what all.

There have been proposals — and probably a lot of money spent — to finance government contracts to hire people to go out and restore the islands to their pristine beauty. They would be hauling away at taxpayer expense what evidently private scavengers, souvenir hunters and collectors would do for nothing.

Why not leave in place whatever nobody wants? That debris, worn by the ravages of 40 Aleutian winters, is part of the history of the islands. In time, it will all disappear.

Meanwhile, if some enterprising fellow wants to claim an old carburetor or wing strut or engine cowling,

ALASKA



## Political turnabout

This week the House of Representatives will get down to the lick-log on tax reform. That familiar old refrain, "Sure I'm for tax reform, but . . ." will no longer suffice. Each member will have to choose between the "Yes" button and the "No" button.

At this writing it appears that the majority will choose to vote "Yes," which makes infinite good sense. The wonder is that the issue is in doubt at all.

In similar fashion, the administration will have to put up or shut up. The simple fact is that the president can have a tax reform bill passed by the House if he really wants one, thus keeping the principal domestic priority of his second term alive.

The reason for both the ambivalence of the House and the timidity of the president has a lot more to do with politics than with substance



would lead one basic thrust of acluding the vers the fly by House to simplify the ta taxpayers, to shift away from indivi pense of busines denials from all s the tax base in p deficit-cutting ta the road.

Though the c less simple an the pres

# Old World War II wreckage in the Aleutians is not just 'junk'

Dear Editor:

I read with amazement the editorial, "Aleutian relics," which appeared in the Dec. 11 issue of The Anchorage Times. The author apparently is unaware or unappreciative of the intense effort by a handful of volunteer Alaskans to preserve Alaska's

## Letters to the editor

heritage for present and future residents and visitors.

If the remnants of Alaska's illustrious history is worthless junk, why do folks fly up here

from Missouri, rent helicopters and stay in hotels or tents at great expense just to pick up this "junk?" I offer that the reason is bucks, big bucks. A restored Cur-

tis P-40 Warhawk or Lockheed P-38 Lightning is worth \$300-400,000.

During the 1950s and 1960s these same aircraft could be purchased in good condition for as little as \$500. Now that 40 years of attrition has reduced the number to less than a dozen, their value has gone through the roof. Alaska is one of the last depositories of these machines in the wild and they are fairly well preserved by the cold climate.

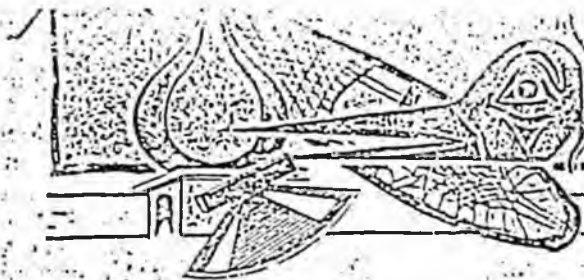
Not only are the salvagers taking the machines out of state, they are taking our history. What sacrifices of human life do the remains of the Aleutian Campaign represent? As a student of Alaskan history I have a deep appreciation of Alaskan heritage and tradition. This heritage is a source of pride and identity. Over the last century, the land of Alaska has been heavily looted by the carpetbaggers. Consequently many fine collections of Alaskan culture reside in museums somewhere other than Alaska.

If one cares to debate value of preserving Alaska's superb aviation history, take a look at the hundreds of air museums springing up around the world, many of them featuring Alaskan aircraft. Some of these include the National Air and Space Museum; the Air Force Museum in Dayton, Ohio; the Pacific Museum of Flight in Seattle; and the Airpower Museum in Iowa.

Aviation has almost single-handedly changed a centuries-old way of life for Alaskan residents. The issue of historical Alaskan aircraft as a cultural resource has been on the table for at least 10 years. A lot of hard work by volunteers as well as

contributions by the private sector and government have gone into resolving this issue. We are just now beginning to make some meaningful progress. For The Anchorage Times to degrade the intrinsic value of these artifacts borders on irresponsibility. You might as well invite folks to pilfer native artifacts and buy the vintage art collections, better yet, saw up Alaska's historic architecture and go into the firewood business.

Ted M. Spencer  
President  
Alaska Historical  
Aircraft Society  
7317 Michelin Place, No.



What to do With Alaska's Old Aircraft Relics

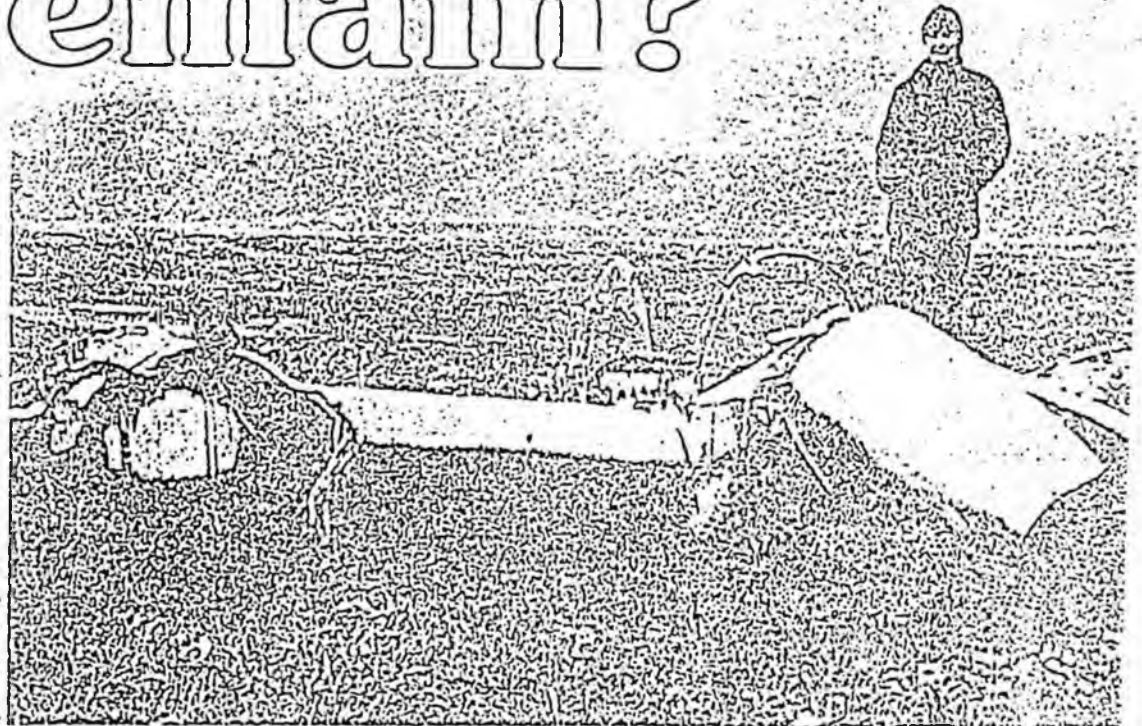
# Restore, Remove, or Remain?



One of the most notable remnants of modern warfare is aircraft. Hundreds of planes bit the dust in World War II as they perished in severe weather, were shot down by enemy fire, or were casualties of mechanical failure and human error.

In Alaska old aircraft are scattered throughout the state, but on the Aleutian Islands National Wildlife Refuge, there is a rich museum of abandoned aircraft from World War II lying in the isolated tundra. Only on the Aleutian Islands did enemy troops invade American soil during the war.

What to do with the remains of these aircraft is becoming an increasingly difficult question for the U.S. Fish and Wildlife Service, the agency which manages the refuge. In this age of public sentiment and legislation to preserve historic sites and objects, more and more people



(Top photo) #95 as it originally looked on the runway in the Aleutians during World War II. (photo) An unidentified woman stands by the remains of #95, a P-38G on the Aleutian Islands.

*Please refer to the U.S. Fish + Wildlife  
policy statement on the next page.*

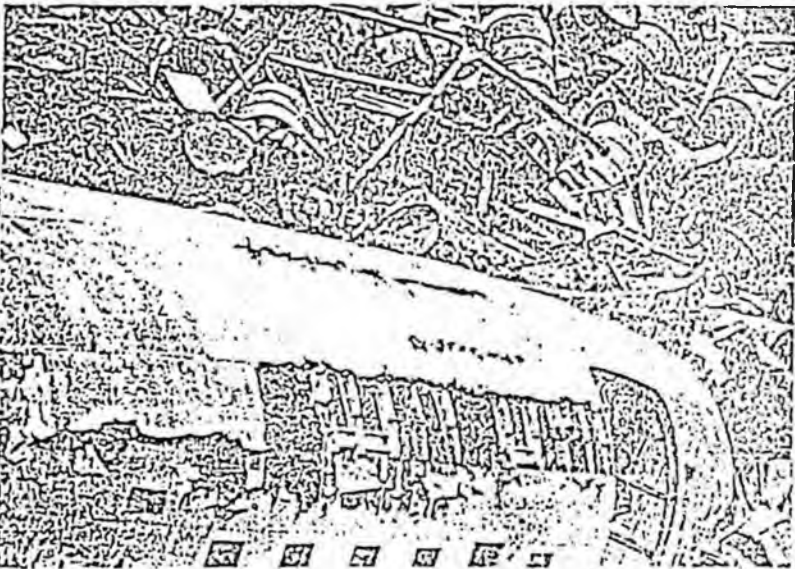
preservation interests are not the only motivation for removal of these planes. The blackmarket value of aircraft for private museums and collectors is on the increase. Many planes have already been vandalized for parts and some have even disappeared.

One plane that disappeared was a Curtis P-40E which was removed from Amchitka in the early 1970's. This was the type of plane flown by the 343rd Fighter Group, known as the Aleutian Tigers, commanded by Colonel Jack Chennault. The Tigers developed quite a reputation as the primary interceptors of Japanese planes during the war.

public viewing in an Alaskan museum.

"Out of sight is out of mind," Spencer says. "These planes should be preserved to commemorate the service that people put in — they should be memorials to those who died and suffered. If we don't commemorate those historic actions, there is something wrong."

Spencer cites a P-38G which remains on the Aleutians under surveillance by the U.S. Coast Guard as an example of the unique aircraft remaining on the islands. It is the only G model left in the world, and the State of Alaska has nominated it to the



Even the junk yards on Amchitka contain relics, such as this shot-up C-47.

As a start in dealing with the problem of downed aircraft, the U.S. Fish and Wildlife Service has developed a policy for activities connected with the old airplanes on Service land.

"These planes are not there for the taking," says Keith Schreiner, Alaska Area Director for the Service. "Unless an individual has the proper papers establishing ownership and assuring compliance with federal laws protecting historic objects, these planes will remain under the stewardship of the Fish and Wildlife Service."

Ted Spencer, president of the Alaskan Historical Aircraft Society, has taken a keen interest in the Aleutians. He says the islands are rich in aviation history with at least a dozen "significant relics".

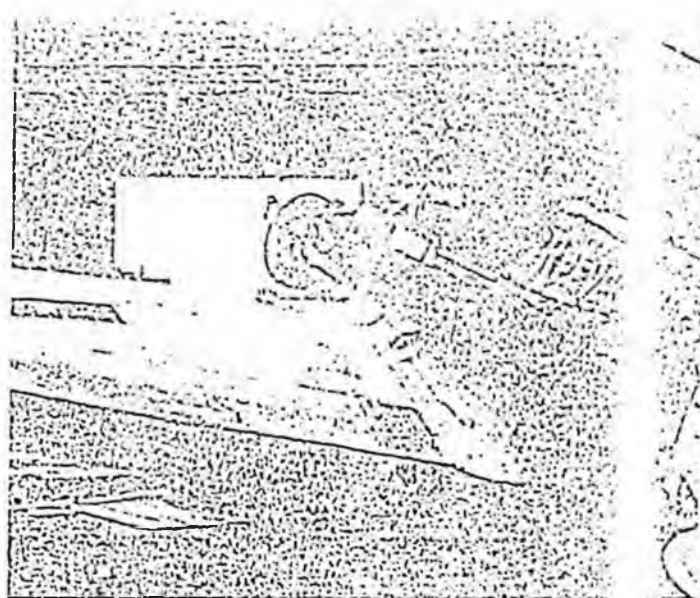
Spencer advocates protection for the airplanes at the very least and believes that eventually some of the planes should be removed,

National Register of Historic Places as an historic object. The P-38's were used in combat for the first time in the Aleutians. They were flown from California with Rand McNalley road maps, according to Spencer, and had their first aerial victories of the war when they were used to shoot down two four-engine Japanese "flying boats".

Should the planes be left to time and the elements, should they be removed to a museum, or should they be restored in place are all questions the Service is trying to deal with.

In the meantime, Schreiner stresses that removing parts or the plane itself from refuge lands is a federal crime. "Destruction or removal of government property is punishable by a \$500 fine and/or six months in prison and forfeiture of the object," Schreiner says.

It may be possible to obtain title to an abandoned aircraft if



This Curtis P-40E disappeared from Amchitka in the early 1970's.

no owner is found and if proper procedures are followed; however, if the aircraft is determined to be significant historically, disposition is generally limited.

"Our policy calls for the aircraft to be housed in a public place in Alaska and made accessible to the public," Schreiner says, "and any work done on the aircraft must be in harmony with its original character."

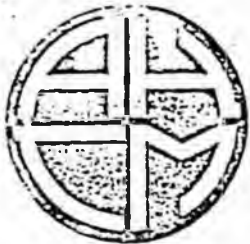
Basically, the Service policy requires establishing ownership of the aircraft, compliance with the 1966 Historic Preservation Act procedures, and use of environmentally sound removal techniques before a land use permit can be issued for removal.

For military aircraft, a statement must be obtained from the Air Force at Wright-Patterson Air Force Base in Ohio relinquishing all rights. A statement also is needed from the historian at Elmendorf Air Force Base to assure compliance with the Historic Preservation Act.

For removal of non-military Federal aircraft, the applicant must furnish a written statement from that Federal agency relinquishing all rights. For privately owned aircraft, the true owner must be located and a statement obtained stating abandonment or relinquishment to the applicant. If the owner cannot be located, the property will be subject to sale or other disposal according to Federal procedures. In all cases, compliance with procedures under the Historic Preservation Act must be followed before a permit can be granted for removal.

Advertisement for West Coast Super Excite. The text is partially obscured by a large, stylized graphic that reads "WEST COAST SUPER EXCITE". At the bottom right, there is a logo for "BEDDING" with the word "fort" underneath it.

Photo by Henry Peck



**ALASKA HISTORICAL and TRANSPORTATION MUSEUM**

Box 920 • Palmer, Alaska 99645 • Tel: (907) 745-4493

*Exhibit 103*

Honorable Ted Stevens  
 United States Senator  
 147 Russell Office Building  
 Washington, D.C. 20510

11/14/85

Dear Senator Stevens,

We need your help!!! We have been working with the State of Alaska Office of History and Archeology, the Governors Office, The Army Corps of Engineers and aviation historical groups across Alaska to formulate and expedite a rational plan for the assessment, recovery and exhibit placement, in Alaska, of World War II aircraft wrecks.

It has been a difficult process, but substantial progress has been made. The Governor of Alaska requested a plan dealing with the W.W. II aircraft recovery and exhibit from a coalition of groups in October of this year and the plan was produced and submitted on time. In cooperation with the mentioned state or federal agencies initially the coalition of non profit groups included this museum, as an established " physical " museum facility in Palmer, the Alaskan Aviation Committee of Anchorage and has expanded to include the Interior Alaska and Arctic Aeronautical Foundation of Fairbanks, which at this time is developing an aviation collection within the Gold Dome at Alaskaland.

At this critical time when we are getting an " Alaskans for Alaska " effort well underway a potentially major disaster is in the making. A combined group of in state and " outside " salvors has gone to both Unalaska and Umnak Islands and gathered up the remains of at least seven P-40 W.W.II fighter aircraft for shipment to the Lower 48 states. This involves federal lands and has been done without the necessary federal permits which should have been obtained from the U.S. Fish and Wildlife Service. It is also the second violation by the same group within several months as similar violations recently occurred on Amchitka Island and were documented by the U.S. Fish and Wildlife Service.

Our concern arises from the fact that the U.S. Fish and Wildlife Service has been forming a position on this particular instance which maintains that the violators will be fined ( \$250 ) for their trespass, but that they can have these historically important aircraft!!! For your information a rock bottom price for a flyable P-40 at this time is in the range of \$400,000. As useful parts alone the assembled wrecks represent, we estimate , a figure substantially in excess of \$400,000. Not a bad return for a couple of \$250 fines!!!

*762-*

Per Dave Olson of the U.S. Fish and Wildlife Office in Anchorage his agency is about to claim ownership of all other documented wrecks on their lands, but as these particular wrecks have been moved it would be difficult to prove ownership.

This is an indefensible position!! We have photographs of the wrecks in question as they were in place on federal lands, and this documentation has existed for years, these wrecks were included in our plan which was requested by the Governor of Alaska and the helicopter pilot in Dutch Harbor who actually airlifted these wrecks for the salvors has pointed out the origin points to Alaska State Troopers.

Is the U.S. Fish and Wildlife Service acting in an ethical, professional and non biased manner on this issue?? We believe not particularly when their past performance, please see the enclosed information, indicates that at least some U.S. Fish and Wildlife personnel in Alaska seem to have played favorites with Lower 48 collectors in the past. An Alaskan group long on the field definitely came out second best to the Confederate Airforce, in Texas. Does perhaps someone or a number of people in Alaskas U.S. Fish and Wildlife Service have a vested interest in the outside sale of these materials? Perhaps this question should also be examined.

What we want at this time is your help in stopping the drain of historical materials from Alaska which in turn will help us get in place an Alaskan system for dealing with these materials. We want the authority for collection or disposal of W.W.II aircraft, or any important aviation materials, on federal lands to be turned over to the State of Alaska Office of History and Archeology. At this moment we specifically want authority for the P-40s in question to be turned over to the State of Alaska Office of History and Archeology. That agency can then in turn work with our museum and its allied preservation groups to insure quality exhibits within Alaska and perhaps a funding base, via sales of aviation materials deemed surplus, for other important aviation history preservation activities.

We have included a letter we wrote to another historical group recently as part of our effort to include Alaskan interests in the current Army Corps of Engineers Aleutians/W.W.II cleanup impact study. It should clearly illustrate our position on historical aviation preservation in Alaska.

In closing I would like to add that after a great deal of effort and real pain on the part of Alaskans the proposed U.S. Fish and Wildlife stand on the P-40s in question will set a precedent which will virtually open Alaska up to a salvors "Gold Rush". Irreplaceable historical aircraft remains of high educational and exhibit value, worth virtually millions of dollars, will disappear and what will be left for our people, our children?

Please contact us for whatever additional information you might need.

Sincerely,

  
John Cooper  
Director



# United States Department of the Interior

8111

OFFICE OF THE SECRETARY

P. O. Box 100120  
Anchorage, Alaska 99510 - 0120

July 29, 1985

Aug 6 10 30 AM '85  
BLM AK-0201-31 12 00 PM '85  
BLM AK 50 950

## MEMORANDUM

**TO:** Regional Director, National Park Service  
Regional Director, Fish & Wildlife Service  
Area Director, Bureau of Indian Affairs  
State Director, Bureau of Land Management

**FROM:** Regional Environmental Officer - Alaska

**SUBJECT:** Ownership of Downed Aircraft from World War II Era  
on Public Domain Lands in Alaska

Enclosed for your information is a copy of the Deputy Regional Solicitor's opinion relating to Paul Fox's claim of Ownership of Downed Aircraft on Public Domain Land in Alaska.

The Regional Solicitor is also preparing an opinion on the general subject of Ownership of Downed Aircraft from the World War II Era on Public Domain Land in Alaska which I will forward to you upon receipt.

  
Paul Gates



United States Department of the Interior

OFFICE OF THE SOLICITOR  
ALASKA REGION

701 C Street, Box 34  
Anchorage, Alaska 99513

IN REPLY REFER TO:

RECEIVED

JUL 29 1985

Office of the Secretary,  
Anchorage, AK

July 29, 1985

MEMORANDUM

TO: Regional Environmental Officer  
Department of the Interior  
Office of the Secretary  
(Anchorage, Alaska)

FROM: Deputy Regional Solicitor  
Alaska Region (Anchorage, Alaska)

SUBJECT: Paul Fox's Claim of Ownership to Downed  
Aircraft on Public Domain Lands in Alaska

You have asked us to review and advise you of the legal sufficiency of notices of claimed ownership of all military aircraft downed in Alaska prior to November 19, 1961 published by a Mr. Paul Fox. We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft.

Consequently, we are of the opinion that the public notices may simply be ignored as legally innocuous.

*Dennis J. Hopewell*  
Dennis J. Hopewell

Published in the Western Flyer, a Tacoma based aviation newspaper.

## AVIATION BRIEFS

### ALASKA

ANCHORAGE, AK - The United States Historical Aircraft Preservation Museum will begin taking legal action against individuals or organizations that remove the wreckage of any military aircraft that crashed in the state of Alaska and the Aleutians before November 19, 1961. The museum has obtained ownership of all 169 military aircraft that meet that criterion, and it wants to recover

and restore them for display. Some of the hulks would be used only for parts; the museum wants to restore completely at least one example of each of the 40 types of aircraft that crashed.

The museum also has claimed salvage rights on sunken military vessels of the Japanese navy, six Japanese aircraft, and three anti-aircraft guns. For more information on the museum and its restoration project, contact Paul Fox, United States Historical Aircraft

Preservation Museum, PO Box 6813, Anchorage, AK 99502.

ANCHORAGE, AK - "Operation Springback," the FAA's special accident prevention program in Alaska, was a success, reported Franklin Cunningham, the agency's Alaskan director. "We are very pleased with the results of this special safety program. An analysis will be made to determine the success and cost of the

## PLANE TALK

UNITED STATES HISTORICAL  
AIRCRAFT PRESERVATION MUSEUM

ARCHAEOLOGY

WORLD WAR II and AIRCRAFT



P.O. BOX 6813  
ANCHORAGE, ALASKA 99502  
Phone: 907-242-1114  
Date: Apr 11, 1985

PUBLIC NOTICE NO. 1

Since 1980 as a non-profit, tax-exempt, public museum in Alaska, the United States Historical Aircraft Preservation Museum had been in the process of obtaining legal ownership of all downed military aircraft in Alaska. With the efforts of the Department of the Air Force legal staff and the U. S. Government, the USHAPM has registered and obtained such ownership of all military aircraft that crashed or otherwise lost in the state of Alaska and in the Aleutians prior to Nov. 19, 1961 which still remain either whole, destroyed, partially destroyed, uncovered, or unfound. The museum in the near future is going to attempt to remove all or partially all such military aircraft. Its goal is to obtain one aircraft of each type for public display in the state of Alaska. Since some of the aircraft are destroyed or partially destroyed, they will be used for parts only to make one whole aircraft. Since the USHAPM has ownership of these aircraft, effective April 11, 1985 our museum will take legal actions against any individuals or organizations that remove any of the aforementioned aircraft or aircraft parts. Our museum is asking the state and federal agencies not to issue any temporary use permit for military aircraft that crashed prior to November 19, 1961. Also we are asking the people of Alaska and the Lower 48 to contact us if they know of such individuals or organizations that attempt or have removed these military aircraft or aircraft parts for our museum to set in motion the proper actions.

Paul A. Fox, World War II Archaeologist  
United States Historical Aircraft Preservation Museum  
P. O. Box 6813, Anchorage, Alaska 99502

THE ALASKAN  
HISTORICAL AIRCRAFT  
SOCIETY

2397 East 47th Court  
Anchorage, Alaska 99507  
907-276-1807

June 7, 1979

Dear Sir:

The Alaskan Historical Aircraft Society would like to ardently protest the occurrence of a situation and the conduct of certain federal agencies. During April and May a group of gentlemen representing the Confederate Air Force of Harlingen Texas arrived in Alaska with a DC-3 cargo aircraft and a helicopter. Their intent was to salvage as much WWII aircraft or aircraft parts as was feasible. Their journeys took in the Alaskan Peninsula (King Salmon - Cold Bay - Chernofski) and eventually to Adak, a restricted entry Navy base in the Aleutians. There they spent five days and flew on government O.A.S. aircraft in the company of FWS personnel to areas containing actual or reported WWII aircraft wreckage. The survey aircraft was originally chartered to serve the native population at Atka Village, through the BIA. In questioning John Moore, Director of BIA in Juneau, he claims that BIA did not authorize the flying excursions by Confederate Air Force people. He indicates that the flights were FWS authorized as "refuge survey flights." He feels that the "truth" would never have come to light except that the aircraft got stuck in the sand at Tanaga Bay ( a rich historical area) and was 18 hours overdue for doing BIA work. The Coast Guard was called out for a search mission.

The FWS refuge manager in Adak, Mr. John Martin, indicates he thought that the flights had been authorized by BIA and the Office of Aircraft Services claims it doesn't know exactly what went on or who paid for the flights. All they did was fly the airplane and land it where ever the CAF indicated. The Confederate Air Force maintains the largest

# THE ALASKAN HISTORICAL AIRCRAFT SOCIETY

2397 East 47th Court  
Anchorage, Alaska 99507  
907-276-1807

Page 2

group flying WWII aircraft in the world and is a major salvager of aircraft, world wide.

The Alaskan Historical Aircraft Society has been working long and hard in a volunteer effort to preserve WWII aircraft in Alaska as valuable historic objects. These machines relate to an important stage of Alaska's development, not to mention the commendable services and events of human courage and sacrifice during the Aleutian Campaign. We're up against the fact that these museum objects are worth tens of thousands of dollars each on vintage aircraft market. Our complaint is this: why is a major aircraft salvager from the states afforded an expeditious tour of Aleutian wreckage sites apparently with government assistance and at government expense when the Alaskan Historical Aircraft Society cannot get similar accommodation when seeking to do the federal mandated task of gathering information for the National Register of Historic Places. This nomination work is necessary to get recognition of these aircraft as historic objects and thus cause them to be preserved in the interest of future generations of Alaskans. It is reflected in Executive Order 11593, and 36 CFR800 \_\_\_\_\_, that the various federal agencies have a responsibility to do this work. These machines are rare and are historic in the finest sense of historic value. We have established this with the submission and acceptance by the State of Alaska of our nominations of the P-38 on Attu and B-24D at Atka...nominations we put together from photos gleaned from private citizens in Nevada and Massachusetts; information that should have been provided by the federal government in light of Executive Order No. 11593 and 36 CFR800. The work is recognized and endorsed by the Manager of Federal Antiquities of the Heritage Conservation Recreation Service in Wash. D.C. Even though the nomination work is the responsibility of the federal agencies, our small group has endeavored to do it out of pocket and in spare time. We do this because the FWS Service in particular claims to have no time, manpower or funds to conduct such a survey and furthermore cannot offer us any assistance whatsoever in doing their job. They say only that they will issue us a special use permit. They cannot spare any people to assist or accompany us. When we ask what assurance we have that the machines are properly protected until a proper evaluation is done, the FWS claims no one can get into Adak without security clearance and must have legitimate interest there and that, according to Mr. Owen Vivian of the FWS, no salvage

# THE ALASKAN HISTORICAL AIRCRAFT SOCIETY

2397 East 47th Court  
Anchorage, Alaska 99507  
907-276-1807

Page 3

personnel would have entry to refuge lands. Yet the people with FWS in Adak can get aircraft together and find time to visit sites with prominent aircraft salvagers.

We feel this historical resource is being compromised by someone in the federal government. Aviation represents a fourth of Alaska's 20th Century development and not much has been done to save it in a heritage sense. The Alaska Historical Aircraft Society is trying desperately to preserve this history. Would you please earnestly investigate this matter? What we want to know is this:

1. Who sponsored the Confederate Air Force with the Navy at Adak.
2. Who paid for the accommodations and the government aircraft for the CAP survey team. Who authorized the aircraft's use. (FWS; USN; BIA; OAS) (aircraft costs: \$324/day + \$247/hr. for fuel + Misc.)
3. Where exactly did the crew from the CAF fly to and what did they take away.
4. Why does FWS personnel have time to accompany the people on permit (#A1-179-9 for Max Hoffman; CAF 116-S Ridge Ct. Ft. Collins, Col) and cannot assist the Alaskan Historical Aircraft Soc. personnel trying to perform federal mandated duties.
5. What part did the OAS play in this and what did pilot Dave Macelroy experience during the flights (i.e. log books)
6. Why cannot the AHAS get similar cooperation in their efforts to save this resource for Alaska.
7. Why are efforts to do nominations on valuable WWII aircraft being blocked by federal apathy.

If we cannot get some assistance, soon these historic aircraft will be scattered and broken down for parts and used to line the pockets of a few entrepreneurs. It's going to look bad if it is done with government assistance. Thank you for your time and energy concerning this situation. We know that you are busy.

Sincerely,

Dale Jackson

Sheila Dewey

Ted Spencer  
President

Vice President

Treasurer

H B

4 5 6



# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



ANCHORAGE  
P O BOX 104836  
ANCHORAGE AK 99510  
907 336 2425  
JUNEAU  
POUCH V  
STATE CAPITOL  
JUNEAU AK 99801  
907 465 3712

## House of Representatives

### MEMORANDUM

DATE: May 5, 1986

TO: Senator Patrick Rodey, Chairman  
Senate Judiciary Committee

FROM: Representative Pat Pourchot  
Representative Red Boucher

A handwritten signature in black ink, appearing to be "Pat Pourchot", written over the "FROM" field.

SUBJECT: CSSSHB 456 (Jud) Relating to Vehicle Registration

Pat, this bill addresses a "local hire" problem involving out-of-state vehicles. It has received no opposition, widespread support, and approval by the House with a vote of 39 to 1. Today, the Senate Transportation Committee waived hearing the bill.

We would greatly appreciate your consideration of our request to also waive the Judiciary hearing on CSSSHB 456 (Jud) so that the bill may be scheduled for a vote before the full Senate.

Attached is a packet containing information on this legislation. Please contact either Representative Boucher or me if you have any questions or desire additional information.

Thank you.

Attachment

## INDEX TO PACKET

1. CSSSHB 456 (Jud)  
- SSHB 456
2. Sectional Analysis
3. Summary
4. Position Paper  
- Department of Public Safety
5. Bill History
6. Alaska Statutes - Title 28, Chapter 10  
(Relating to Motor Vehicle Registration and Title)
7. Department of Public Safety Regulations  
(Relating to Motor Vehicle Registration and Title)
8. Fiscal Note  
- Department of Public Safety

Offered: 4/22/86  
Referred: Finance

Original sponsors: Pourchot and Boucher

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and  
7 noncommercial motor vehicles and providing a penalty  
8 for failure to obtain title or registration; and  
9 providing for an effective date."

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

11 \* Section 1. AS 28.10.121(a) is amended to read:

12 (a) A nonresident owner of a noncommercial vehicle registered  
13 outside the state is exempt from the registration provisions of this  
14 chapter for 60 [90] days after entry into the state if the vehicle at  
15 all times when driven in this state is registered in and has displayed  
16 upon it a currently valid registration plate issued for it by another  
17 jurisdiction. However, if the person becomes gainfully employed in  
18 the state or takes action that [WHICH] indicates an intention to  
19 acquire residence in the state, the person shall comply with the  
20 licensing and registration provisions of this chapter within 10 [15]  
21 days of commencement of employment or of taking action that [WHICH]  
22 indicates the person's intention to acquire residence. If the vehicle  
23 is a commercial vehicle, the vehicle must be registered when its  
24 commercial use begins except as provided in AS 28.10.011 and 28.10.-  
25 131(c) [IN ACCORDANCE WITH AS 28.10.141 AND OTHER APPLICABLE PRO-  
26 VISIONS OF THIS CHAPTER].

27 \* Sec. 2. AS 28.10.121 is amended by adding a new subsection to read:

28 (d) It is the responsibility of the person claiming exemption  
29 under this section to provide proof of qualification for the ex-

1       emption.

2       \* Sec. 3. AS 28.10.131(a) is amended to read:

3               (a) If a vehicle to be registered under this chapter is pre-  
4       viously registered outside the state, the jurisdiction of registry  
5       shall be stated in the application, and the owner shall surrender to  
6       the department all evidence of out-of-state registration in the  
7       owner's [HIS] possession or control except as provided in this section  
8       or AS 28.10.141, and the department may require verification of the  
9       vehicle identification number.

10       \* Sec. 4. AS 28.10.131 is amended by adding a new subsection to read:

11               (c) If the owner of a commercial vehicle desires to maintain  
12       title in another jurisdiction, the department, when satisfied that the  
13       applicant is temporarily operating in-state and is the lawfully regis-  
14       tered owner of the commercial vehicle, may register the commercial  
15       vehicle without issuing a title and shall type or stamp on the face of  
16       the State of Alaska certificate of registration "No Title Issued."

17       \* Sec. 5. AS 28.10.141 is amended to read:

18               Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course  
19       of regular interstate operation in this state [OF] a commercial  
20       vehicle licensed by the Interstate Commerce Commission under 49 U.S.C.  
21       1-1240 (Interstate Commerce Act) or regulated by the Federal Maritime  
22       Commission under 46 U.S.C. 804 (Interstate Commerce Act) is registered  
23       in another jurisdiction, and it is desirable to retain the  
24       registration and title of the vehicle in the other jurisdiction, the  
25       owner or an agent of the owner shall register the vehicle and pay all  
26       required fees and taxes and submit for inspection the certificate of  
27       registration issued by that jurisdiction. The department, when  
28       satisfied that the applicant is entitled to the exemption from the  
29       title requirements of this chapter, shall register the vehicle but may

1 not issue a certificate of title. [NOTICE OF THE FACT THAT THE  
2 VEHICLE IS REGISTERED IN ANOTHER JURISDICTION SHALL APPEAR ON THE  
3 CERTIFICATE OF REGISTRATION ISSUED BY THIS STATE AND IN THE RECORDS OF  
4 THE DEPARTMENT MAINTAINED UNDER AS 28.10.071.]

5 \* Sec. 6. AS 28.10.151 is amended to read:

6 Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS.  
7 When moved or driven under a special permit to be designed and issued  
8 by the department, the registration required by this chapter is not  
9 required of

10 (1) a vehicle under construction and which is not com-  
11 pleted;

12 (2) a vehicle while being moved from one place to another  
13 for the purpose of inspection, weighing, or meeting other requirements  
14 of the department; or

15 (3) a vehicle while being moved or driven from one location  
16 to another for the purpose of rebuilding, dismantling, or permanently  
17 removing the vehicle from the highways and vehicular ways and areas of  
18 the state;

19 (4) an unladen commercial vehicle making a single continu-  
20 ous trip by a noncircular route for a period of time not exceeding 10  
21 days.

22 \* Sec. 7. AS 28.10.151 is amended by adding a new subsection to read:

23 (b) A special permit issued under this section shall be promi-  
24 nently displayed.

25 \* Sec. 8. AS 28.10.201(d) is amended to read:

26 (d) Except for vehicles registered under AS 28.10.131(b) or (c)  
27 and 28.10.141, the department may not register a vehicle unless the  
28 applicant for registration at the same time applies for and obtains a  
29 certificate of title under this chapter, or presents satisfactory

1 evidence that a certificate of title was previously issued to the  
2 applicant. The department may not accept the application for the  
3 original certificate of registration or title to a vehicle unless the  
4 vehicle is in the state at the time of application. However, the  
5 department may accept an application for registration and certificate  
6 of title for a vehicle is not in the state when the application is  
7 made by a registered and bonded dealer or by a resident of the state  
8 when the application is accompanied by a manufacturer's statement of  
9 origin, or in the case of a used vehicle, when the application is  
10 accompanied by a certificate of title issued in another jurisdiction  
11 and a certificate of inspection by a peace officer of that jurisdic-  
12 tion stating that the vehicle has been determined to be the vehicle  
13 described in the certificate of title and that the vehicle has not  
14 been reported stolen.

15 \* Sec. 9. AS 28.10.451 is amended by adding a new subsection to read:

16 (b) Except as otherwise provided in this chapter, a person who  
17 violates this section shall be fined \$50. In addition to the fine of  
18 \$50, a person who continues to violate this section after being cited,  
19 shall be fined an additional \$10 for each day the person fails to  
20 properly title or register the vehicle, not to exceed \$250. The  
21 additional fine of \$10 a day under this subsection may not be imposed  
22 if the person who violates this section obtains proper title or  
23 registration within five days after being charged. A person who  
24 violates this section two or more times, within seven years of the  
25 prior violation, is guilty of a class B misdemeanor.

26 \* Sec. 10. This Act takes effect immediately in accordance with AS 01.-  
27 10.070(c).

Introduced: 2/12/86  
Referred: Transportation  
Judiciary and Finance

1 IN THE HOUSE

BY POURCHOT AND BOUCHER

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and  
7 noncommercial motor vehicles and providing a penalty  
8 for failure to obtain title or registration; and  
9 providing for an effective date."

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

11 \* Section 1. AS 28.10.121(a) is amended to read:

12 (a) A nonresident owner of a noncommercial vehicle registered  
13 outside the state is exempt from the registration provisions of this  
14 chapter for 60 [90] days after entry into the state if the vehicle at  
15 all times when driven in this state is registered in and has displayed  
16 upon it a currently valid registration plate issued for it by another  
17 jurisdiction. However, if the person becomes gainfully employed in  
18 the state or takes action that [WHICH] indicates an intention to  
19 acquire residence in the state, the person shall comply with the  
20 licensing and registration provisions of this chapter within 10 [15]  
21 days of commencement of employment or of taking action that [WHICH]  
22 indicates the person's intention to acquire residence. If the vehicle  
23 is a commercial vehicle, the vehicle must be registered when its  
24 commercial use begins except as provided in AS 28.10.011 and 28.10.-  
25 131(c) [IN ACCORDANCE WITH AS 28.10.141 AND OTHER APPLICABLE PRO-  
26 VISIONS OF THIS CHAPTER].

27 \* Sec. 2. AS 28.10.121 is amended by adding a new subsection to read:

28 (d) It is the responsibility of the person claiming exemption  
29 under this section to provide proof of qualification for the ex-

1       emption.

2       \* Sec. 3. AS 28.10.131(a) is amended to read:

3           (a) If a vehicle to be registered under this chapter is pre-  
4       viously registered outside the state, the jurisdiction of registry  
5       shall be stated in the application, and the owner shall surrender to  
6       the department all evidence of out-of-state registration in the  
7       owner's [HIS] possession or control except as provided in this section  
8       or AS 28.10.141, and the department may require verification of the  
9       vehicle identification number.

10       \* Sec. 4. AS 28.10.131 is amended by adding a new subsection to read:

11           (c) If the owner of a commercial vehicle desires to maintain  
12       title in another jurisdiction, the department, when satisfied that the  
13       applicant is temporarily operating in-state and is the lawfully regis-  
14       tered owner of the commercial vehicle, may register the commercial  
15       vehicle without issuing a title and shall type of stamp on the face of  
16       the State of Alaska certificate of registration "No Title Issued."

17       \* Sec. 5. AS 28.10.141 is amended to read:

18           Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course  
19       of regular interstate operation in this state [OF] a commercial  
20       vehicle licensed by the Interstate Commerce Commission under 49 U.S.C.  
21       1-1240 (Interstate Commerce Act) is registered in another jurisdic-  
22       tion, and it is desirable to retain the registration and title of the  
23       vehicle in the other jurisdiction, the owner or an agent of the owner  
24       shall register the vehicle and pay all required fees and taxes and  
25       submit for inspection the certificate of registration issued by that  
26       jurisdiction. The department, when satisfied that the applicant is  
27       entitled to the exemption from the title requirements of this chapter,  
28       shall register the vehicle but may not issue a certificate of title.  
29       [NOTICE OF THE FACT THAT THE VEHICLE IS REGISTERED IN ANOTHER

1 JURISDICTION SHALL APPEAR ON THE CERTIFICATE OF REGISTRATION ISSUED BY  
2 THIS STATE AND IN THE RECORDS OF THE DEPARTMENT MAINTAINED UNDER  
3 AS 28.10.071.]

4 \* Sec. 6. AS 28.10.151 is amended to read:

5 Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS.  
6 When moved or driven under a special permit to be designed and issued  
7 by the department, the registration required by this chapter is not  
8 required of

9 (1) a vehicle under construction and which is not com-  
10 pleted;

11 (2) a vehicle while being moved from one place to another  
12 for the purpose of inspection, weighing, or meeting other requirements  
13 of the department; or

14 (3) a vehicle while being moved or driven from one location  
15 to another for the purpose of rebuilding, dismantling, or permanently  
16 removing the vehicle from the highways and vehicular ways and areas of  
17 the state;

18 (4) an unladen commercial vehicle making a single continu-  
19 ous trip by a noncircular route for a period of time not exceeding 10  
20 days.

21 \* Sec. 7. AS 28.10.151 is amended by adding a new subsection to read:

22 (b) A special permit issued under this section shall be promi-  
23 nently displayed.

24 \* Sec. 8. AS 28.10.201(d) is amended to read:

25 (d) Except for vehicles registered under AS 28.10.131(b) or (c)  
26 and 28.10.141, the department may not register a vehicle unless the  
27 applicant for registration at the same time applies for and obtains a  
28 certificate of title under this chapter, or presents satisfactory  
29 evidence that a certificate of title was previously issued to the

1 applicant. The department may not accept the application for the  
2 original certificate of registration or title to a vehicle unless the  
3 vehicle is in the state at the time of application. However, the  
4 department may accept an application for registration and certificate  
5 of title for a vehicle is not in the state when the application is  
6 made by a registered and bonded dealer or by a resident of the state  
7 when the application is accompanied by a manufacturer's statement of  
8 origin, or in the case of a used vehicle, when the application is  
9 accompanied by a certificate of title issued in another jurisdiction  
10 and a certificate of inspection by a peace officer of that jurisdic-  
11 tion stating that the vehicle has been determined to be the vehicle  
12 described in the certificate of title and that the vehicle has not  
13 been reported stolen.

14 \* Sec. 9. AS 28.10.451 is amended by adding a new subsection to read:

15 (b) Except as otherwise provided in this chapter, a person who  
16 violates this section shall be fined \$50. In addition to the fine of  
17 \$50, a person who violates this section shall be fined an additional  
18 \$10 for each day the person fails to properly title or register the  
19 vehicle, not to exceed \$250. The additional fine of \$10 a day under  
20 this subsection may not be imposed if the person who violates this  
21 section obtains proper title or registration within five days after  
22 being charged. A person who violates this section two or more times,  
23 within five years of the prior violation, is guilty of a class B  
24 misdemeanor.

25 \* Sec. 10. This Act takes effect immediately in accordance with AS 01.-  
26 10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE  
JUNEAU ALASKA 99801  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1986

SUBJECT: Registration of Motor Vehicles - SSHB 456  
TO: Representative Pat Pourchot  
FROM: Michael F. Ford *m.f.*  
Legislative Counsel

The following is a sectional analysis of SSHB 456, as requested:

Section 1

Lowers the nonresident exemption from registration of a non-commercial vehicle from 90 to 60 days, and the requirement that registration take place after employment is lowered from 15 to 10 days after the person becomes employed. Requires commercial vehicles to be registered when use begins, except as provided in AS 28.10.011 and 28.10.131(c).

Section 2

Requires the person claiming nonresident exemption from registration to provide proof of qualification for the exemption.

Section 3

Technical amendment in conjunction with section 4.

Section 4

Allows the owner of a commercial vehicle temporarily operating in-state to register a commercial vehicle, while maintaining title in another jurisdiction.

Section 5

Requires owners of commercial vehicles licensed by the I.C.C. or the F.M.C., and registered in another jurisdiction.

Representative Pat Fourchoc  
Page 2  
April 30, 1986

who desire to retain registration and title in the other jurisdiction, to register the commercial vehicle, but exempts the owner from title requirements.

Section 6

Adds an additional exemption from registration requirements for an unladen commercial vehicle making a single continuous trip not exceeding 10 days.

Section 7

Requires special permits issued under AS 28.10.151 to be prominently displayed.

Section 8

Technical amendment in conjunction with section 4.

Section 9

Provides a penalty for failure to title or register a vehicle.

Section 10

Effective date.

MFF:mkr  
m5/044

SUMMARY

(Relating to Vehicle Registration)

Background

Current State law requires the registration of all vehicles owned by residents or persons working instate. However, many new residents, or nonresidents working temporarily instate, illegally maintain their vehicle registration in other states. These operators benefit from our roads and jobs without paying the required fees.

While current State law does require all commercial vehicles to register when instate use begins, the statutes do not specifically address nonresident commercial vehicles operating temporarily instate. Regulations now provide for the issuance of a special "trip permit" for such vehicles. However, with the exception of licensed ICC and FMC carriers, the regulations do not require the display of a license plate, the permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

Additionally, fees for temporary permits for nonresident commercial vehicles are now determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

CSSSHB 456 (Jud) would accomplish the following:

1. Shorten the length of time a nonresident, noncommercial vehicle is exempt from State registration requirements and require proof of any exemption from registration.
2. Eliminate the distinction between resident and nonresident commercial vehicles for purposes of registration, assessing fees, and display of license plates.
3. Limit the authority for issuance of special permits and the exemption from normal registration to only short-term, one-way unladen commercial vehicles and licensed ICC and FMC carriers. Permits would have to be prominently displayed.
4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

DEPARTMENT OF PUBLIC SAFETY

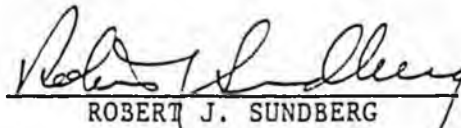
POSITION PAPER - CSSS HB 456(Jud)

Support

April 25, 1986

CSSS HB 456(Jud). An Act relating to registration of commercial and non-commercial motor vehicles and providing a penalty for failure to obtain title or registration.

All commercial vehicles may now obtain a "trip permit" that allows them to operate in Alaska for up to 90 days. This gives summer commercial operators an advantage over Alaska residents who must pay full fees. This bill restricts use of the trip permit to only licensed ICC carriers and requires temporary operators to pay full fees. This is done to put non-residents on an equal economic basis with Alaska residents while, at the same time, not placing a restrictive burden on legitimate interstate carriers.

  
ROBERT J. SUNDBERG  
Commissioner

CSSSHB 456 JUD

AN ACT RELATING TO REGISTRATION OF COMMERCIAL AND NONCOMMERCIAL MOTOR VEHICLES AND PROVIDING A PENALTY FOR FAILURE TO OBTAIN TITLE OR REGISTRATION; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: POURCHOT

CO-SPONSORS: BOUCHER

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) RLS

DATE		PAGE	ACTION
01/13/86	(H)	1779	READ THE FIRST TIME - REFERRAL(S)
02/12/86	(H)	2047	SPONSOR SUBSTITUTE INTRODUCED
03/26/86	(H)	2489	TRSP RPT WITH AMENDMENT 4DP 2NR
03/26/86	(H)	2490	ZERO FISCAL NOTE
04/22/86	(H)	2821	JUD RPT CS(JUD) 4DP 2NR
04/30/86	(H)	3003	FIN RPT CS(JUD) 11DP
04/30/86	(H)		RULES TO CALENDAR 5/1/86
05/01/86	(H)	3044	READ THE SECOND TIME
05/01/86	(H)	3044	JUD CS ADOPTED UNAN CONSENT
05/01/86	(H)	3044	AM NO 1 FAILED Y2 N38
05/01/86	(H)	3045	ADVANCED TO THIRD READING UNAN CONSENT
05/01/86	(H)	3045	READ THE THIRD TIME CSSSHB 456(JUD)
05/01/86	(H)	3045	PASSED Y39 N1
05/01/86	(H)	3045	EFFECTIVE DATE SAME AS PASSAGE
05/01/86	(H)	3054	TRANSMITTED TO (S)
05/02/86	(S)		READ THE FIRST TIME - REFERRAL(S)
			TRANSPORTATION
			JUDICIARY
			RULES

HB 452

HOUSE BILL NO. 452 by Martin, entitled:

"An Act relating to restricting the use of grant funds."

was read the first time and referred to the Community & Regional Affairs and Finance Committees.

HB 453

HOUSE BILL NO. 453 by Martin, entitled:

"An Act relating to the duties of the Legislative Budget and Audit Committee and restricting the use of certain grant funds."

was read the first time and referred to the Community & Regional Affairs and Finance Committees.

HB 454

HOUSE BILL NO. 454 by Larson by request of the Joint Special Committee on Legislative Salaries, entitled:

"An Act relating to compensation of state officers; establishing a commission on compensation of state officers; and providing for an effective date."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 455

HOUSE BILL NO. 455 by Larson by request of the Joint Special Committee on Legislative Salaries, entitled:

"An Act relating to the compensation of legislators; and providing for an effective date."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 456

HOUSE BILL NO. 456 by Pourchot and Boucher, entitled:

"An Act relating to issuance of temporary permits for commercial motor vehicles."

was read the first time and referred to the Transportation and Finance Committees.

February 12, 1986

HOUSE JOURNAL

2047

The citation was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE RESOLUTIONS

HCR 45

HOUSE CONCURRENT RESOLUTION NO. 45 by Clocksin, entitled:

Relating to the bicentenary of the United States Constitution.

was read the first time and referred to the State Affairs and Finance Committees.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE BILLS

SSHB 456

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 by Pourchot and Boucher, entitled:

"An Act relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; and providing for an effective date."

was read the first time and referred to the Transportation, Judiciary and Finance Committees.

HB 564

HOUSE BILL NO. 564 by Marrou, entitled:

"An Act relating to the State Physical Therapy Board; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Health, Education & Social Services and Finance Committees.

HB 402

"An Act relating to absentee voting."

and reports it back as follows: Hurley (Chairman), M.M. Miller, Collins and Boucher recommend do pass; Jenkins has no recommendation.

A fiscal note appears in House Journal Supplement No. 102.

HB 402 was referred to the Judiciary Committee.

HB 418

The Labor & Commerce has considered HOUSE BILL NO. 418 (relating to liability for providing emergency medical care) and reports it back as follows: Navarre (Chairman), Koponen, Hanley, Collins, Davis, Boucher and Pearce recommend do pass.

A zero fiscal note was attached.

HB 418 was referred to the Health, Education & Social Services Committee.

HB 440

The Resources Committee has considered HOUSE BILL NO. 440 (relating to a recreation management plan implementing the Bristol Bay Area Plan; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 440 (Resources) (same title) and reports it back as follows: Herrmann (Co-chair), Wallis, Thompson and Cato recommendation do pass; Sund, Shultz, Jenkins and Pearce have no recommendation.

A fiscal note appears in House Journal Supplement No. 102.

HB 440 was referred to the Finance Committee.

SSHB 456

The Transportation Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date) attaches the following amendment:

Amendment No. 1 by the Transportation Committee:

Page 2, line 21:

After "Act" add "or Federal Maritime Commission"

and reports it back as follows: Cato (Chairman), Pignalberi, Shultz and Davis recommend do pass; Marrou and Furnace have no recommendation.

SSHB 456

A zero fiscal note was attached.

SSHB 456 was referred to the Judiciary Committee.

SSHB 506

The Labor & Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (relating to insurance; effective date); recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Davis, Boucher, Collins and Pearce recommend do pass.

A zero fiscal note was attached.

SSHB 506 was referred to the Judiciary Committee.

HB 552

The Transportation Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Marrou and Shultz recommend do pass; Davis has no recommendation.

HB 552 was referred to the Finance Committee.

HB 559

The Finance Committee has considered HOUSE BILL NO. 559 (approving the sale of Kuparuk River Unit royalty oil by the State of Alaska to Petro Star, Inc. and Chevron U.S.A., Inc.; effective date) and reports it back as follows: Adams (Chairman), Cotten, Ringstad, Duncan, Szymanski, Frank, Larson, Pourchot and Rieger recommend do pass.

HB 559 was referred to the Rules Committee for placement on the calendar.

HB 631

The State Affairs Committee has considered HOUSE BILL NO. 631 (relating to elections; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 631 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman) and Boucher recommend do pass; Jenkins recommends do not pass; Collins has no recommendation.

HB 386

The Resources Committee has considered HOUSE BILL NO. 386 (relating to cabins on state land; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 386 (Resources) (same title) and reports it back as follows: Shultz (Co-chairman), Cato, Jenkins, Thompson and M.W. Miller recommend do pass; Sund and Herrmann have no recommendation.

A fiscal note appears in House Journal Supplement No. 121

The Speaker added a Judiciary Committee referral, and so HB 386 was referred to the Judiciary Committee.

HB 428

The Resources Committee has considered HOUSE BILL NO. 428 (relating to grazing districts), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 428 (Resources):

"An Act relating to controlled livestock districts."

and reports it back as follows: Shultz (Co-chairman), M.W. Miller, Thompson, Jenkins and Cato recommend do pass; Sund has no recommendation.

A zero fiscal note was attached.

HB 428 was referred to the Community & Regional Affairs Committee.

SSHB 456

The Judiciary Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary) (same title) and reports it back as follows: Sund (Chairman), Phillips, Taylor and Gruenberg recommend do pass; Clocksin and Pettyjohn have no recommendation.

SSHB 456 was referred to the Finance Committee.

HB 514

The Judiciary Committee has considered HOUSE BILL NO. 514 (relating to fire prevention activities; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 514 (Judiciary) (same title) and reports it back as follows: Sund (Vice-chairman), Gruenberg, Taylor, Phillips and Clocksin recommend do pass; Pettyjohn has no recommendation.

The Committee does not intend to prohibit senior citizens and handicapped individuals from reserving stateroom accommodations when traveling on free passage, but rather encourage and better enable Alaska senior citizens and handicapped individuals to utilize the cabin space that is generally available during the winter months."

CSSB 8(HESS)

The Rules Committee has submitted a zero fiscal note on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 8 (HESS) (relating to a personal safety curriculum in public schools).

CSSB 8(HESS) appears on today's calendar.

CSSB 204(Fin)

The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204 (Finance) (relating to contracts for architectural, engineering, and land surveying services; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Taylor, Phillips and Gruenberg recommend do pass; Clocksin and Pettyjohn have no recommendation.

CSSB 204(Fin) was referred to the Rules Committee for placement on the calendar.

CSSB 409(Res)

The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409 (Resources) (relating to a right to farm), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor, Pettyjohn, Phillips and Clocksin recommend do pass.

CSSB 409(Res) was referred to the Rules Committee for placement on the calendar.

SSHB 456

The Finance Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR

CSSSHB 338(Jud)am

Representative M.M. Miller gave notice of reconsideration of his vote on CSSSHB 338(Jud)am.

SSHB 456

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date) was read the second time with the Transportation Committee report (page 2489), the Judiciary Committee report (page 2821) and the Finance Committee report (page 3003).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSSSHB 456(Jud)

Amendment No. 1 by Marrou:

Page 2, lines 19-22:

Delete all new language

Representative Marrou moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Pourchot objected.

The question being: "Shall Amendment No. 1 be adopted?"  
The roll was taken with the following result:

CSSSHB 456(JUD) AM1

Yeas: 2 Furnace, Marrou

Nays: 38 Adams, Binkley, Boucher, Cato,  
Clocksin, Collins, Cotten, Davis,  
Duncan, Frank, Fuller, Goll,  
Gruenberg, Grussendorf, Hanley,  
Herrmann, Hurley, Jenkins,  
Koponen, Larson, Martin,  
Miller, M.M., Miller, M.W., Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Pourchot, Rieger,  
Ringstad, Shultz, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Excused: 0

Absent: 0

CSSSHB 456(Jud)

And so, Amendment No. 1 was not adopted.

Representative Clocksin moved and asked unanimous consent that CSSSHB 456(Jud) be considered engrossed, advanced to third reading and placed on final passage.

Representative Duncan placed a call of the House on CSSSHB 456(Jud).

The Speaker stated the call was satisfied.

Representative Clocksin placed a call of the House on the calendar.

There being no objection, CSSSHB 456(Jud) was advanced to third reading.

CSSSHB 456(Jud) was read the third time.

The question being: "Shall CSSSHB 456(Jud) pass the House?"  
The roll was taken with the following result:

CSSSHB 456(JUD)

Yeas: 39 Adams, Binkley, Boucher, Gato,  
Clocksin, Collins, Cotten, Davis,  
Duncan, Frank, Fuller, Furnace,  
Goll, Gruenberg, Grussendorf,  
Hanley, Herrmann, Hurley, Jenkins,  
Koponen, Larson, Martin,  
Miller, M.M., Miller, M.W., Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Pourchot, Rieger,  
Ringstad, Shultz, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Nays: 1 Marrou

Excused: 0

Absent: 0

And so, CSSSHB 456(Jud) passed the House.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSSSHB 456(Jud) was referred to the Chief Clerk for engrossment.

HB 402

A zero fiscal note was attached.

HB 402 was referred to the Rules Committee for placement on the calendar.

ENGROSSMENTCSHB 182(Fin)

CSHB 182(Fin) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSSSHB 456(Jud)

CSSSHB 456(Jud) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 589(Fin)am

CSHB 589(Fin)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HCS CSSB 67(HESS)

HCS CSSB 67(HESS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENTSCS CSHB 28(Fin)

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate and the engrossed and enrolled copies were transmitted to the Office of the Governor at 1:47 p.m., May 1, 1986:

SCS CSHB 28(Fin)  
Making a special appropriation from the undistributed income account in the Alaska permanent fund to the principal of the permanent fund; effective date

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS SS HB 456(Jud)  
 Title : An Act relating to registration of commercial motor vehicles and providing a penalty for failure...  
 Sponsor : Pourchoy  
 Requestor : House Finance  
 Date of Request : April 25, 1986

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Will not have any fiscal impact. There may be a slight increase in revenues, however, we are unable to predict the amount.

Prepared by : Kenneth Simpson *KAS* Phone : 269-5566  
 Division : Motor Vehicles Date : 4-23-86

Approved by Commissioner : [Signature] Date : 4/25/86  
 Agency : Public Safety

**Distribution (by Agency preparing fiscal note) :**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**Chapter 10. Vehicle Registration and Title.**

**Article**

1. Registration §§ 28.10.011 — 28.10.181
2. Title §§ 28.10.201 — 28.10.261
3. Transfer of Vehicle §§ 28.10.271 — 28.10.361
4. Filing Documents Evidencing Liens or Encumbrances §§ 28.10.371 — 28.10.401
5. Fees and Charges §§ 28.10.411 — 28.10.441
6. Registration and Title Violations §§ 28.10.451 — 28.10.493
7. General Provisions §§ 28.10.495 — 28.10.661

**NOTES TO DECISIONS**

Cited in *Newell v. National Bank*, Sup. Ct. Op. No. 2518 (File No. 5437), 646 P.2d 224 (1982); *Anderson v. Municipality of Anchorage*, Ct. App. Op. No. 39 (File No. 5318), 645 P.2d 203 (1982).

Collateral references. — 7A Am. Jur. 2d, *Automobiles and Highway Traffic*, § 51 et seq.  
60 C.J.S., *Motor Vehicles*, § 58 et seq.

**Article 1. Registration.**

Section	Section
11. Vehicles subject to registration	<del>108. Suspended registration</del>
21. Application for registration	<del>107. Suspended registration</del>
31. Temporary permits	<del>109. Renewal of registration</del>
41. Grounds for refusing registration	111. Renewal of registration
51. Department may suspend or revoke registration	121. Vehicles of nonresidents
61. Registration of vehicles with altered or missing identification number	131. Vehicles previously registered in other jurisdictions
71. Registration records and statistics: stolen vehicles	141. Interstate use of vehicles
81. Issuance of certificate of registration: certificate to be signed, carried and displayed	151. Vehicles transported under special permits
91. Lost or mutilated certificates of registration or registration plates	161. Registration plates to be furnished by department
	171. Display of registration plates
	181. Registration of unique and special vehicles and vehicles used for special purposes

*Sec. 28.10.010. Administration. (Repealed. § 7 ch 173 SLA 1973)*

**Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven, moved, or parked upon a highway or other 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 regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.131(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldier's and Sailor's Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) a commercial interstate vehicle under AS 28.10.141;
- (10) transported under a special permit under AS 28.10.151;
- (11) driven or moved on a highway or vehicular way not connected to the state highway system established under AS 19.10.020;
- (12) a mobile home as defined by regulation. (§ 7 ch 173 SLA 1973; am § 1 ch 54 SLA 1979; am § 1 ch 99 SLA 1983)

Effect of amendments. — The 1983 amendment added paragraph (12).

#### NOTES TO DECISIONS

For case construing former AS 28.10.040 and meaning of "cross the highway," see *Newell v. National Bank*, Sup Ct. Op. No. 2513 File No. 5417 846 P.2d 224 (1952).

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 73 to 84.  
60 C.J.S., Motor Vehicles, §§ 60, 61, 63 to 65.

Civil rights and liabilities as affected by failure to comply with regulations as to registration of automobile. 16 ALR 1173, 35 ALR 62, 33 ALR 1033, 43 ALR 1153, 54 ALR 374, 53 ALR 532, 61 ALR 1190, 78

ALR 1029, 97 ALR 1469, 111 ALR 1155, 163 ALR 1375.

Construction and application of exemption or exception from provisions of statute requiring registration. 91 ALR 422.

What constitutes farm vehicle, construction equipment, or vehicle temporarily on highway exempt from registration as motor vehicle. 27 ALR 413 543

*Sec. 28.10.020. Powers and duties. (Repealed, § 7 ch 173 SLA 1973)*

**Sec. 28.10.021. Application for registration.** (a) The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under AS 28.05.041. Before the issuance of a certificate of registration by the department, the owner shall pay all registration fees and taxes required under this chapter and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954) and shall comply with any other applicable statutes and regulations.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law, the mandatory automobile insurance requirement, and potential penalties for failure to comply with the law. (§ 7 ch 178 SLA 1978; am §§ 4, 17 ch 70 SLA 1984; am § 35 ch 21 SLA 1985; am § 1 ch 58 SLA 1985)

**Effect of amendments.** — The first 1985 amendment, effective May 10, 1985, deleted "and Alaska motor freight carrier and bus transportation fees required under AS 42," following "under this chapter" in the second sentence of subsection (a).

The second 1985 amendment, effective May 31, 1985, in the last sentence of

subsection (a) substituted "and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954)" for "and Alaska motor freight carrier and bus transportation fee required under AS 42" and inserted "shall" preceding "comply."

**Sec. 28.10.031. Temporary permits.** (a) When application, accompanied by the proper fee and tax, has been made for the registration of a vehicle, the vehicle may be driven pending the issuance of a certificate of registration by displaying a temporary permit issued by the department.

(b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by the dealer a temporary permit to drive the vehicle. A permit is effective for a period not to exceed 30 days. The commissioner shall adopt regulations governing the issuance of permits under this section.

(c) A person may not operate a vehicle under an expired permit issued under this section. (§ 7 ch 178 SLA 1978)

**Sec. 28.10.040. Registration.** [Repealed, § 7 ch 178 SLA 1978]

**Sec. 28.10.041. Grounds for refusing registration.** (a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;
- (7) the required fees or taxes have not been paid;
- (8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section;

(9) the vehicle is without a certificate of inspection required under AS 28.32.010;

(10) the vehicle is subject to a state-approved local emission inspection program adopted by municipal ordinance under AS 46.03.210, and the vehicle does not meet the standards of that program, unless the vehicle uses a fuel source that does not primarily emit carbon monoxide.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 — 28.05.141.

(c) The department shall refuse to register a vehicle subject to the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails to furnish proof, in the form prescribed by the U.S. Secretary of the Treasury, that the tax has been paid. (§ 7 ch 178 SLA 1978; am § 36 ch 21 SLA 1985; am § 1 ch 56 SLA 1985; am § 2 ch 58 SLA 1985; am § 1 ch 104 SLA 1985)

*Sec. 28.10.050. Application. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.051. Department may suspend or revoke registration.** The department may suspend or revoke the registration of a vehicle, the certificate of registration or registration plates for a vehicle, or a special permit when

(1) the department is satisfied that the registration or certificate, plate or permit was fraudulently or erroneously issued;

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

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

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

(5) a registration plate, permit, or certificate is knowingly displayed upon a vehicle other than the vehicle for which issued;

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

(7) the vehicle has been reported to the department as stolen or unlawfully converted; or

(8) the department is otherwise required to do so under the laws of this state. (§ 7 ch 178 SLA 1978)

**Collateral references.** — 7A Am. Jur. 2d. Automobiles and Highway Traffic. §§ 90, 91.

60 C.J.S., Motor Vehicles. §§ 127 to 131.  
Civil rights and liabilities as affected by failure to comply with regulations as to

registration of automobile. 16 ALR 1174, 35 ALR 62, 39 ALR 1038, 41 ALR 1151, 51 ALR 374, 58 ALR 532, 61 ALR 1190, 74 ALR 1028, 87 ALR 1469, 111 ALR 1175, 163 ALR 1375

*Sec. 28.10.060. Vehicles registered elsewhere. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.061. Registration of vehicles with altered or missing identification number.** When the vehicle identification number

required to be registered under this chapter has been altered, removed or defaced, or is not on the vehicle, the owner shall, immediately upon discovery, apply to the department for replacement of the identification number and for a new registration. The department shall search all available sources to determine the identification number originally assigned and, if the number is determined, shall replace it. If efforts to determine the original identification number fail, the owner shall furnish information to show that the owner is entitled to ownership of the vehicle and have it inspected by the department. The department, when satisfied as to the ownership of the vehicle, shall assign an identification number to the vehicle and have the number placed upon the vehicle to which it is assigned. The vehicle shall then be registered under the replaced or assigned identification number. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.070. Taxes. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.071. Registration records and statistics; stolen vehicles.** (a) The department shall review each application for registration received and, when satisfied that it is correct, register the vehicle and keep a record of the registration in suitable books, index cards or electronic or photographic recording and storage media, or in any combination of them. The record is referred to as the "vehicle register" and the vehicles as "registered vehicles." The department may compile a record of the number and types of vehicles registered in this state and may make statistical data available to the public for a fee as prescribed in regulations adopted by the commissioner.

(b) Records under this section shall be maintained

- (1) by a distinctive registration number assigned to the vehicle;
- (2) by the vehicle identification number, including but not limited to a record of identification numbers replaced or assigned under AS 28.10.061;
- (3) by the name and residence and mailing address of the owner; and
- (4) as otherwise required by the department.

(c) The department shall keep a record of the registrations of vehicles used in law enforcement work when secrecy is necessary. This record is separate from the vehicle register required by this section and may be disclosed only to and upon the request of the chief peace officer of a municipality, a state trooper district commander, the chief federal law enforcement officer assigned to the state, or to a court upon an appropriate order.

(d) The department shall maintain and appropriately index cumulative records of stolen, converted, recovered and unclaimed vehicles reported to it. The department may make and distribute weekly lists of these vehicles to peace officers and to other departments upon their request without charge and to the public for a reasonable fee as prescribed by the department. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.080. False statements. [Repealed. § 20 ch 241 SLA 1976.]*

**Sec. 28.10.081. Issuance of certificate of registration; certificate to be signed, carried and displayed.** (a) The department shall mail or deliver the certificate of registration to the owner. The certificate of registration shall contain the assigned registration number, the name, the residence and mailing addresses of the owner, the vehicle identification number, the fees paid and as much of the vehicle description appearing on the title as the commissioner considers necessary.

(b) Every certificate of registration shall, except when used to apply for renewal of registration or to transfer the registration, be carried in the vehicle to which it refers. The driver of a vehicle shall display the original certificate of registration or a legible photocopy if the original is on file at the address shown on the certificate of registration to a peace officer or an officer or employee of the department acting in an official capacity upon the request of that officer or employee. ( § 7 ch 178 SLA 1978)

Collateral references. — 60 C.J.S., operator of a motor vehicle not to carry or display his vehicle registration certificate. Motor Vehicles, § 106.  
Validity and construction of statute making it a criminal offense for the 6 ALR3d 506.

*Sec. 28.10.090. New vehicles. [Repealed, § 7 ch 173 SLA 1978.]*

**Sec. 28.10.091. Lost or mutilated certificates of registration or registration plates.** If a certificate of registration or a registration plate is lost, stolen, mutilated or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the certificate or plate was issued as shown by the records of the department shall, immediately upon discovering the fact, apply for a duplicate or substitute certificate of registration or registration plate and shall return to the department all parts of the original certificate of registration or registration plates that the applicant possesses. ( § 7 ch 173 SLA 1978)

*Sec. 28.10.100. Grounds for refusal. [Repealed, § 7 ch 173 SLA 1978.]*

*Sec. 28.10.101. Expiration of registration. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]*

*Sec. 28.10.105. Staggered registration. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]*

## NOTES TO DECISIONS

**Jury trial for violations.** — Subsection (a) of this section and the other registration statutes in pari materia do not specify a violation of the registration statutes as an infraction, and thus under AS 28.35.230, such a violation is a misde-

meanor punishable by up to 90 days imprisonment, and entitling a defendant to a jury trial, denial of which constitutes prejudicial error, requiring a new trial. *Epperly v. State*, Ct. App. Op. No. 111 (File No. 6590), 648 P.2d 609 (1982).

**Sec. 28.10.107. Staggered registration implementation.** [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

**Sec. 28.10.108. Registration procedures.** (a) A vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.

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

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

(2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3), (6) and (9) shall have its initial registration, and may have its annual registration, renewed during the month of January.

(c) A vehicle subject to registration and not described in (b) of this section shall have its initial registration, and may have its annual registration, renewed in the month of initial registration in the state, subject to the provisions of (f) of this section.

(d) A registered vehicle retains the same annual expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow annual registration to occur in the month of the owner's choice.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

(h) The department shall mail notice of registration expiration to the registered owner of record at the owner's mailing address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle by returning the notice form, together with appropriate fees, to the department by mail postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notice form. Upon receipt of a timely postmarked registration renewal and the appropriate fees

and taxes, the department shall renew the registration and mail the current registration card and registration plates or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

(1) the dealer is registered with the state; and

(2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section. (§ 38 ch 21 SLA 1985)

Effective dates. — Section 70, ch. 21, May 10, 1985, in accordance with AS SLA 1985, makes this section effective 01.10.070(c).

*Sec. 28.10.110. Registration card. (Repealed. § 7 ch 178 SLA 1978)*

**Sec. 28.10.111. Renewal of registration.** (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978; am § 39 ch 21 SLA 1985)

vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978)

**Collateral references.** — 60 C.J.S., Motor Vehicles, § 132.

**Sec. 28.10.120. Plates.** (Repealed. § 7 ch 178 SLA 1978.)

**Sec. 28.10.121. Vehicles of nonresidents.** (a) A nonresident owner of a noncommercial vehicle registered outside the state is exempt from the registration provisions of this chapter for 90 days after entry into the state if the vehicle at all times when driven in this state is registered in and has displayed upon it a currently valid registration plate issued for it by another jurisdiction. However, if the person becomes gainfully employed in the state or takes action which indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 15 days of commencement of employment or of taking action which indicates the person's intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins in accordance with AS 29.10.141 and other applicable provisions of this chapter.

(b) A vehicle owned by a nonresident and of a type subject to registration under this chapter, which is leased or rented to a person having an established place of business, a residence or employment in this state, is subject to registration under this chapter either by the owner or lessee.

(c) A vehicle under (a) of this section which is owned and driven by a full-time student pursuing a course of study beyond the high school level and upon which current, valid registration by another jurisdiction is maintained need not be registered in this state unless the student establishes residence or accepts full-time employment in the state. This exemption applies only to the extent that the jurisdiction in which the vehicle is registered grants the same exemptions and privileges to a vehicle registered in this state. (§ 7 ch 178 SLA 1978)

**Opinions of attorney general.** — The burden of proving the exemption provided by this section should be placed on vehicle owners seeking the benefit of the exemption. 1959 Op. Att'y Gen., No. 23, issued under former AS 28.10.540.

**Collateral references.** — 7A Am. Jur. 2d, Automobiles and Highway Traffic, § 36, 82.

60 C.J.S., Motor Vehicles, §§ 86 to 89. Statutes in relation to foreign owned vehicles operating within state. 22 ALR 1091, 138 ALR 1499.

Corporation domiciled in state but having branch trucking bases in other states, applicability of motor vehicle registration laws to. 16 ALR2d 1414

**Secs. 28.10.125 — 28.10.130. Historic vehicles; occasional use plates.** (Repealed. § 7 ch 178 SLA 1978.)

**Sec. 28.10.131. Vehicles previously registered in other jurisdictions.** (a) If a vehicle to be registered under this chapter is previously registered outside the state, the jurisdiction of registry shall be stated in the application, and the owner shall surrender to the department all evidence of out-of-state registration in his possession or control except as provided in AS 28.10.141, and the department may require verification of the vehicle identification number.

(b) If the owner is unable to provide the necessary evidence of ownership, the department, when satisfied that the applicant is the lawfully registered owner of the vehicle, may register the vehicle without issuing a title and shall type or stamp on the face of the State of Alaska certificate of registration "No Title Issued." The issuance of the Alaska certificate of title shall be withheld until the registered or legal owner provides for the surrender of the out-of-state title, or in the case of a nontitle state, documents which satisfy the department of ownership and any liens on the vehicle, or until the posting of a vehicle surety bond equal to the market value of the vehicle which bond shall be maintained for two years. ( § 7 ch 178 SLA 1978)

*Secs. 28.10.135, 28.10.140. Reflective plates; attachments. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.141. Interstate use of vehicles.** When, in the course of regular interstate operation, in this state of a vehicle registered in another jurisdiction, and it is desirable to retain the registration and title of the vehicle in the other jurisdiction, the owner or an agent of the owner shall register the vehicle and pay all required fees and taxes and submit for inspection the certificate of registration issued by that jurisdiction. The department, when satisfied that the applicant is entitled to the exemption from the title requirements of this chapter, shall register the vehicle but may not issue a certificate of title. Notice of the fact that the vehicle is registered in another jurisdiction shall appear on the certificate of registration issued by this state and in the records of the department maintained under AS 28.10.071. ( § 7 ch 178 SLA 1978)

*Collateral references. — 60 C.J.S., having branch trucking bases in other Motor Vehicles, § 67 states, applicability of motor vehicle registration laws to, 16 ALR2d 1414.*

*Sec. 28.10.150. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.151. Vehicles transported under special permits.** When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

(1) a vehicle under construction and which is not completed;

(2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department; or

(3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and venicular ways and areas of the state. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.160. Transfers. (Repealed, § 7 ch 178 SLA 1978)*

**Sec. 28.10.161. Registration plates to be furnished by department.** (a) Except as provided in AS 28.10.181(i), the department, upon registering a vehicle, shall issue the owner one fully reflectorized registration plate for a trailer or a motorcycle and two fully reflectorized registration plates for every other vehicle. Except as specifically provided in AS 28.10.181, the plate or plates shall remain with the vehicle as long as the vehicle is subject to registration under this chapter.

(b) After January 1, 1979, every passenger vehicle registration plate, except as specifically provided in AS 28.10.191, shall have displayed upon it

- (1) the Alaska flag;
- (2) the traditional colors of yellow-gold and blue;
- (3) the slogan "The Last Frontier";
- (4) the registration number assigned to the vehicle for which it is issued;
- (5) the name of this state which may be abbreviated; and
- (6) the registration year number or expiration date for which time it is validated; the registration year number or expiration date may be part of the license plate or contained on a suitable sticker or tab device issued by the department.

(c) The department may not adopt a new or altered passenger vehicle registration plate unless it substantially embodies the specifications of this section. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.170. Expiration. (Repealed, § 7 ch 178 SLA 1978)*

**Sec. 28.10.171. Display of registration plates.** (a) When two registration plates are issued for a vehicle, they shall be attached to the vehicle for which issued, one in front and the other in the rear. When one registration plate is issued, it shall be attached to the rear of the vehicle for which issued.

(b) Every registration plate issued under this chapter shall be securely fastened to the vehicle to which it is assigned, with the upper edge of the plate horizontal, at a height of not less than 12 inches from the ground measuring from the bottom of the plate, and maintained in a location and condition so as to be clearly legible. However, when considered necessary to insure legibility, the commissioner may provide by regulation for another method of installation. (§ 7 ch 178 SLA 1978)

Collateral references. — 7A Am. Jur. 60 C.J.S. Motor Vehicles §§ 105 to 107  
2d. Automobiles and Highway Traffic.  
§ 54.

*Secs. 28.10.172, 28.10.180. Staggered registration: renewal.  
(Repealed, § 7 ch 178 SLA 1978.)*

**Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.** (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) **Historic vehicles.** The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) **Special request plates.** Upon application by the owner of a passenger vehicle, noncommercial 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 subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) **Vehicles owned by disabled veterans and handicapped persons.** A

person who presents to the department written proof that the person is at least 70 per cent disabled or medically handicapped and should be given special consideration by the public with respect to the parking or standing of the person's vehicle in designated spaces, may register one passenger vehicle without charge. The proof required under this subsection may consist of evidence that the person receives at least 70 per cent disability compensation from a government agency at the time of registration or an affidavit signed by a physician licensed to practice medicine in this state. Upon the request of the applicant the department shall issue a specially designed registration plate which displays

- (1) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the armed forces of the United States; or
- (2) the standard handicap symbol (the wheelchair logo).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing shall include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection shall be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society or other entity organized, incorporated or headquartered in the state for educational, cultural, scientific or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official, for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "CO". However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle

not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and which vehicle is used exclusively to transport the person's own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on the person's ranch, farm or dairy may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates shall be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) Occasional users of highways. The department may issue a license to the owner of a vehicle which is only occasionally used on a highway. The applicant must show to the satisfaction of the department that the vehicle to be licensed under this subsection will travel upon state highways less than five per cent of its total hours of operation. The department may not issue more than two licenses under this subsection to a single person.

(l) Vehicles owned by former prisoners of war. The department, upon receipt of written proof, may issue without charge special registration plates for one noncommercial motor vehicle to a person who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner. (AS 7 ch 173 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984)

§ 28.10.190

MOTOR VEHICLES

§ 28.10.201

Effect of amendments. — The 1984 amendment added subsection (1)

2d. Automobiles and Highway Traffic, §§ 73 to 84.

Collateral references. — 7A Am. Jur.

60 C.J.S., Motor Vehicles, §§ 63 to 65

*Secs. 28.10.190, 28.10.200. Transfer of special plates: annual tax [Repealed, § 7 ch 178 SLA 1978.]*

Article 2. Title.

Section

201. Title required; exceptions  
211. Application for title  
216. Inadequate evidence of ownership  
221. Refusal, suspension, and revocation of title  
231. Certificate of title contents

Section

241. Delivery and effect of certificate of title  
251. Lost, stolen or mutilated certificate of title  
261. Evidence

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Collateral references. — 7A Am. Jur.  
2d. Automobiles and Highway Traffic,  
§§ 25 to 29.

60 C.J.S., Motor Vehicles, § 42.

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Sec. 28.10.201. Title required; exceptions. (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and 28.10.141, every owner of a vehicle subject to registration in this state shall apply for a certificate of title under this chapter.

(b) The owner of a vehicle described in AS 28.10.011 as being exempt from registration and the owner of a snowmobile or off-highway vehicle may not apply for, nor may the department issue, a certificate of title for such a vehicle. However, the department may issue a certificate of title to the owner of a vehicle exempt from registration under AS 28.10.011(3), (6), (7), (11), or (12) only upon application by that owner.

(c) The certificate of title issued may, when there is more than one owner, state the name of each owner in the conjunctive or in the disjunctive in order to indicate that the owners own the vehicle together or in the alternative.

(d) Except for vehicles registered under AS 28.10.131(b) and 28.10.141, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter, or presents satisfactory evidence that a certificate of title was previously issued to the applicant. The department may not accept the application for the original certificate of registration or title to a vehicle unless the vehicle is in the state at the time of application. However, the department may accept an application for registration and certificate of title for a vehicle is not in the

when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompanied by a manufacturer's statement of origin, or in the case of a used vehicle, when the application is accompanied by a certificate of title issued in another jurisdiction and a certificate of inspection by a peace officer of that jurisdiction stating that the vehicle has been determined to be the vehicle described in the certificate of title and that the vehicle has not been reported stolen. (§ 7 ch 178 SLA 1978; am § 2 ch 99 SLA 1983; am § 84 ch 6 SLA 1984)

**Effect of amendments.** — The 1983 and 1984 amendments changed the internal reference in the second sentence of subsection (b).

The 1984 amendment changed the internal reference in the second sentence in subsection (b).

NOTES TO DECISIONS

**Purpose of former chapter.** — The primary concern of the legislature in enacting former Chapter 10 was to facilitate the suppression of the traffic in stolen cars by requiring certificates of ownership.

*Blackard v City Nat'l Bank*, 16 Alaska 344, 42 F Supp 753 (D Alaska 1956)

As to the use of "dealer" in former AS 28.10.260, see *New & Used Auto Sales, Inc. v Dewey*, 14 Alaska 547

*Secs. 28.10.205, 28.10.210. Personalized plates: tax exemptions (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.211. Application for title.** (a) The owner of a vehicle required to be titled under this chapter shall apply for title by properly completing and surrendering the application as prescribed by the commissioner and by complying with all applicable laws and regulations, after which the department shall issue a certificate of title.

(b) An application for title or transfer of title shall contain

(1) the signature in ink of the owner, or if there is more than one owner, the signature in ink of at least one of the owners and the name of each owner stated in the conjunctive or in the disjunctive; and

(2) any other information reasonably required by the department.

(c) When an application for title refers to a new vehicle, the application shall be accompanied by a "manufacturer's statement of origin" and other information reasonably required by the department.

(d) An applicant for title to a vehicle transferred by court action on a lien or encumbrance shall surrender to the department a certified copy of the court order involuntarily transferring the vehicle.

(e) If a vehicle to be titled is a specially constructed or reconstructed vehicle, the fact shall be noted on the application for title. The department may require evidence of prior registration of, or issuance of title for, the vehicle and may require the applicant to furnish additional information as it considers necessary to establish ownership, including bills of sale, invoices for vehicle equipment, or a surety bond. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.215. Vehicles for disabled. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.216. Inadequate evidence of ownership.** a) When the department is not satisfied as to the ownership of a vehicle or believes that there may be undisclosed security interests in it, the department may register the vehicle but shall either

(1) withhold issuance of a certificate of title until the applicant presents documents sufficient to satisfy the department

(A) as to the ownership of the vehicle by applicant, and

(B) that there are no undisclosed security interests in the vehicle; or

(2) require the applicant, as a condition of the issuance of a certificate of title, to file with the department either

(A) a bond in the form prescribed by the department and executed by the applicant, or

(B) a deposit of cash.

(b) A bond or cash deposit filed under (a)(2) of this section shall be equal in amount to one and one-half times the value of the vehicle as determined by the department and be conditioned to indemnify former owners, secured parties, and subsequent purchasers of the vehicle and their successors against loss resulting from a defect in or undisclosed security interest on the title of the applicant. An injured party may sue on the bond for a breach of its conditions, but the liability of the surety or the department may not exceed the amount of the bond or deposit.

(c) The bond or deposit shall be returned (1) at the end of three years from its filing, or (2) when the vehicle is no longer registered in the state if (2) is earlier and if the certificate of title is surrendered to the department. Service on the department of notice that action is pending to recover on the bond or the deposit extends the periods established in this subsection until 45 days after a final decision in the action on the bond or on the deposit. (§ 3 ch 54 SLA 1979)

*Sec. 28.10.220. Farm vehicles. [Repealed, § 7 ch. 178 SLA 1978.]*

**Sec. 28.10.221. Refusal, suspension, and revocation of title.** a) The department may refuse to issue a certificate of title and may suspend or revoke a previously issued certificate of title when

(1) the certificate of title was fraudulently procured or erroneously issued or required information or fees have not been provided;

(2) the vehicle has been scrapped, dismantled or destroyed beyond repair;

(3) the vehicle has been reported to the department as stolen or unlawfully converted, until the department learns of the recovery of the vehicle or that the report of its theft or conversion was false or erroneous; or

(4) authorized by any other provision of law.

(b) Suspension or revocation of a certificate of title under (a) of this section does not affect the rights of a lienholder named on the certificate.

(c) A certificate of title which is suspended or revoked shall be returned immediately to the department by the owner or other person lawfully entitled to possession of the certificate of title. (S 7 ch 173 SLA 1978)

*Sec. 28.10.230. Sunday school buses. (Repealed. S 7 ch 173 SLA 1978.)*

**Sec. 28.10.231. Certificate of title contents.** (a) A certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the name and residence and mailing address of the owner;
- (3) the name and address of the primary lienholder, if any;
- (4) a description of the vehicle including its make, year of manufacture, identification number; and
- (5) other information the department may reasonably require.

(b) The certificate of title shall contain a space for the assignment and warranty of title by the owner or dealer selling the vehicle and a space for the assignment or release of the security interest of a lienholder, and may contain forms for application for title by a transferee, and for the naming of a primary lienholder.

(c) The department may not indicate on a certificate of title more than the primary lienholder and the primary registered owner when indicating lienholders and registered owners. (S 7 ch 173 SLA 1978)

*Sec. 28.10.240. Proration of tax. (Repealed. S 7 ch 173 SLA 1978.)*

**Sec. 28.10.241. Delivery and effect of certificate of title.** (a) The department shall deliver the certificate of title to the primary lienholder named in the certificate. Otherwise, delivery shall be to the registered owner.

(b) A certificate of title for a vehicle is not subject to attachment, execution or other judicial process, but this section does not prevent a lawful levy upon the vehicle. (S 7 ch 178 SLA 1978)

*Sec. 28.10.250. Special dealer tax. (Repealed. S 7 ch 173 SLA 1978.)*

**Sec. 28.10.251. Lost, stolen or mutilated certificate of title.** (a) If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the title as shown by the records of the department shall apply for and obtain a duplicate title upon furnishing information satisfactory to the department and payment of the prescribed fee. The duplicate title shall indicate that it is a duplicate title, and it shall be mailed or delivered to the first lienholder named in it or, if none, to the registered owner.

(b) A person who recovers an original title for which a duplicate has been issued shall immediately surrender the duplicate to the department. (S 7 ch 178 SLA 1978)

*Secs. 28.10.255, 28.10.260. Annual tax: certificate of title. (Repealed, § 7 ch 178 SLA 1978.)*

**Sec. 28.10.281. Evidence.** (a) In a civil or criminal proceeding when the title or right to possession of a vehicle is involved, the record of registrations and certificates of title as they appear in the files and records of the department are prima facie evidence of the ownership or right to possession. Proof of ownership or right to possession of a vehicle shall be made by a copy of the record certified by the department or by an original certificate of registration or title issued by the department.

(b) Lien information indicated upon the title shall be accepted as prima facie evidence of legal ownership and the filing of a lien. ( § 7 ch 178 SLA 1978)

**NOTES TO DECISIONS**

**Editor's notes.** — The cases cited in the note below were decided under former AS 28.10.360.

**Parties to an action may introduce evidence to show who is in fact the true owner of a vehicle required to be registered under the provisions of the Alaska Motor Vehicle Act.** State Farm Mut. Auto Ins. Co. v. Clark, 397 F. Supp. 745 D. Alaska 1975.

**Oral testimony.** — Subsection (a) does not preclude oral testimony as to the ownership, or right to possession, of a motor vehicle. Weaver v O'Meara Motor

Co. Sup. Ct. Op. No. 535 File No. 961, 452 P.2d 37 (1969).

Ordinarily oral evidence of a party that he owns property, or proof of possession, when not rebutted, is sufficient to establish the requisite ownership to maintain an action for property damage. Most courts have accepted such evidence as sufficient to establish the plaintiff's ownership of a motor vehicle so as to enable him to maintain an action for damages thereon. Weaver v O'Meara Motor Co. Sup. Ct. Op. No. 535 File No. 961, 452 P.2d 37 (1969).

**Collateral references.** — Presumption of ownership of automobile by one in whose name it is registered or whose license plates it bears. 103 ALR 138.

**Proof of title to motor vehicle requisite to recovery for injury thereof.** 7 ALR2d 1347.

Motor vehicle certificate of title or similar document as, in hands of one other than legal owner, indicia of ownership justifying reliance by subsequent purchaser or mortgagee without actual notice of other interests. 18 ALR2d 513

*Sec. 28.10.270. Application. (Repealed, § 7 ch 178 SLA 1978)*

**Article 3. Transfer of Vehicle.**

Section	Section
271. Transfer of vehicle by owner	331. Department to issue new certificates of title and registration
281. Transfer to dealer	341. Duty of lienholder in possession of title to transferred vehicle
291. Transfer from dealer	351. Dismantling or wrecking vehicles
301. Transfer of motor vehicle to minor	361. When transfer effective
311. Transfer by operation of law	
321. New owner to secure transfer of registration and new title	

Collateral references. — 7A Am Jur  
2d. Automobiles and Highway Traffic.  
§§ 30 to 48.  
60 C J S., Motor Vehicles. §§ 39 to 41

**Sec. 28.10.271. Transfer of vehicle by owner.** (a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in AS 28.10.181.

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in AS 28.10.291.

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under AS 28.10.321 and 28.10.361. The notice form to be provided by the department shall include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment; and
- (4) description and license number of vehicle. § 7 ch 175 SLA 1975.

#### NOTES TO DECISIONS

**Former law construed.** — See Harbor Ins. Co. v United States Fid. & Guar. Co., 330 F. Supp. 723 (D. Alaska, 1972); State Farm Mut. Auto. Ins. Co. v Clark, 397 F. Supp. 745 (D. Alaska, 1975); Graham v North River Ins. Co., Sup. Ct. Op. No. 1130, File No. 1945, 533 P.2d 20 (1975).

**Sec. 28.10.290. Title for vehicles of other state.** [Repealed. § 7 ch 178 SLA 1978.]

**Sec. 28.10.281. Transfer to dealer.** (a) When the owner of a registered vehicle transfers or assigns the owner's title or interest to a vehicle dealer under AS 28.10.271, the dealer is not required to present the certificates of registration and title to the department as provided in AS 28.10.321 and 28.10.361 until the vehicle is transferred by the dealer.

(b) A vehicle transferred to a dealer may not be driven unless it is re-registered under this chapter or is driven under dealer registration plates issued under AS 28.10.181(j). § 7 ch 175 SLA 1975.

## NOTES TO DECISIONS

Former law construed. — See Op. No. 1130, File No. 1245, 802 P.2d 20  
 Granham v. North River Ins. Co., Sup. Ct. 1973.

*Sec. 28.10.290. Temporary permits. (Repealed. § 7 ch 175 SLA 1978.)*

**Sec. 28.10.291. Transfer from dealer.** (a) A vehicle dealer, upon transferring a vehicle, shall execute an assignment and a warranty of title to the transferee as provided in AS 28.10.271 and furnish proof of the sale of the vehicle to the transferee.

(b) The dealer shall, within 30 days of the transfer of the vehicle, forward to the department the transferee's completed application for new certificates of title and registration except as provided in (c) of this section. The application shall contain the vehicle dealer's license number and shall be accompanied by any required fees and taxes.

(c) If the transferee indicates in a sworn affidavit that the transferee does not intend to use the vehicle in a manner requiring registration in this state, the dealer may deliver the certificate of title to the transferee directly. The dealer shall mail or deliver the affidavit to the department within five days of the transfer. § 7 ch 175 SLA 1978.

*Sec. 28.10.300. False statements. (Repealed. § 7 ch 175 SLA 1978.)*

**Sec. 28.10.301. Transfer of motor vehicle to minor.** (a) An agreement for the purchase of a motor vehicle by a minor who has not been emancipated is void unless a parent or guardian of the minor is also a party to the agreement.

(b) In this section, "emancipated" means that a minor to whom the term refers is a resident of this state and is at least 16 years of age, is living separate and apart from the minor's parents or guardian, and is capable of self-support and of managing the minor's own financial affairs.

(c) If a vehicle is improperly transferred to a minor, the title to and registration of the vehicle remains with the owner and does not transfer to the minor or the parent or guardian of the minor. However, if the certificate of title and registration for the vehicle has been delivered to the minor or the parent or guardian of the minor, that person shall immediately deliver the certificate of title and registration to the department. The department shall reissue title to the previous owner of record. § 7 ch 178 SLA 1978.

*Sec. 28.10.310. Refusal. (Repealed. § 7 ch 175 SLA 1978.)*

**Sec. 28.10.311. Transfer by operation of law.** (a) When the title to, or interest in, a registered vehicle passes to another person other than by a voluntary transfer, the registration of that vehicle expires.

(b) A person holding a certificate of title to a vehicle whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificates of title and registration to the department upon request of the department. The delivery of the certificates of title and registration to the department upon its request does not affect the rights of the person surrendering the certificate of title, and the action of the department in issuing a new certificate of title or registration as provided in this chapter is not conclusive upon the rights of an owner or lienholder named in the surrendered certificate of title. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.320. Issuance. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.321. New owner to secure transfer of registration and new title.** (a) Except as provided under AS 28.10.281 and 28.10.291, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978; am § 40 ch 21 SLA 1985)

**Effect of amendments.** — The 1985 amendment, effective May 10, 1985, deleted "and motor freight carrier or bus transportation fees, if any," following "lien fees" in subsection (b).

*Sec. 28.10.330. Delivery. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.331. Department to issue new certificates of title and registration.** The department, upon receipt of the certificate of title properly endorsed, the certificate of registration, the registration plates, if any, the application for new title and registration and all required fees and taxes, shall issue a certificate of title and a certificate of registration to the transferee or the lienholder lawfully entitled to the certificates. (§ 7 ch 178 SLA 1978)

#### NOTES TO DECISIONS

**Former law construed.** — See *Harbor Ins. Co. v. United States Fid. & Guar. Co.*, 350 F. Supp. 723 (D. Alaska 1972); *Christian v. State*, Sup. Ct. Op. No. 921 (File No. 1626), 513 P.2d 664 (1973); *Graham v. Black*, Superior Court, In. & Co. Dist. C.A. No. 71-3441 (1973); *State Farm Mut. Auto. Ins. Co. v. Clark*, 197 F. Supp. 745 (D. Alaska 1975); *Graham v. North River Ins. Co.*, Sup. Ct. Op. No. 1130 (File No. 1915), 513 P.2d 20 (1975).

*Sec. 28.10.340. Duplicates. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.341. Duty of lienholder in possession of title to transferred vehicle.** Upon request of an owner or transferee, a lienholder in possession of the certificate of title to a transferred vehicle shall, unless the transfer is in breach of a security agreement, deliver the certificate to the transferee. The delivery of the certificate of title does not affect the rights of the lienholder under the lienholder security agreement. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.350. Transfer. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.351. Dismantling or wrecking vehicle.** A person who dismantles, scraps or destroys a registered vehicle shall immediately forward to the department the certificates of title and registration and the registration plates for the vehicle. (§ 7 ch 178 SLA 1978)

*Secs. 28.10.355. 28.10.360. Purchase by minor; duty of new owner. (Repealed. § 7 ch 178 SLA 1978.)*

**Sec. 28.10.361. When transfer effective.** A transfer by an owner or dealer is not effective until all applicable provisions of this chapter have been complied with. However, an owner or dealer who has delivered possession of a vehicle to the transferee and has endorsed an assignment and warranty of title on the certificate of title and delivered the certificates of title and registration to the transferee or, in the case of a transfer from a dealer, delivered proof of the sale to the transferee, is not liable as the owner for any liabilities resulting from the driving or movement of the vehicle after the transfer. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.370. Issuance. (Repealed. § 7 ch 178 SLA 1978.)*

#### Article 4. Filing Documents Evidencing Liens or Encumbrances.

Section	Section
371. Filing documents evidencing liens or encumbrances	391. Filing and date of notice
381. Provisions for filing and issuance of title	401. Assignment or release by lienholder

Collateral references. — 7A Am Jur.  
 24. Automobiles and Highway Traffic.  
 §§ 31, 39, 46, 48.  
 60 C.J.S., Motor Vehicles, § 42.

**Sec. 28.10.371. Filing documents evidencing liens or encumbrances.** A conditional sales contract, chattel mortgage, or other lien or encumbrance or title retention document on a registered vehicle, other than a lien dependent upon possession, is not valid against a vehicle owner's creditor who acquires a lien dependent upon possession, or by levy or attachment, or against a subsequent purchaser or encumbrancer without notice, until the requirements of AS 28.10.371 — 28.10.401 are satisfied. (§ 7 ch 178 SLA 1975)

*Sec. 28.10.380. Dealer's transfer. (Repealed. § 7 ch 178 SLA 1975)*

**Sec. 28.10.381. Provisions for filing and issuance of title.** (a) A copy of the document creating and evidencing a lien or encumbrance shall be filed with the department.

(b) If a certificate of title is issued before a lien or encumbrance attaches, the copy of the document creating and evidencing the lien or encumbrance shall be accompanied by the certificate of title issued for the vehicle.

(c) If the vehicle is of a type subject to registration but is not registered and no certificate of title is issued for it, then the certified copy of the document creating and evidencing the lien or encumbrance shall be accompanied by an application from the owner for original certificates of registration and title. When a document creating and evidencing a lien or encumbrance is filed with the department, the lien filing fee required under AS 28.10.441 shall be paid.

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance. (§ 7 ch 178 SLA 1975)

*Sec. 28.10.390. Transfer to dealer. (Repealed. § 7 ch 178 SLA 1975)*

**Sec. 28.10.391. Filing and date of notice.** (a) The filing of the application and documents under AS 28.10.381 and the issuance of a new certificate of title are constructive notice of any liens or encumbrances against the vehicle described in the certificate to a creditor of the owner, or to a subsequent purchaser or encumbrancer. However, a lien or encumbrance on a vehicle for labor, material, transportation, storage or similar activity, whether or not dependent on possession for its validity, is subordinate only to a mortgage, conditional sale contract, or similar lien or encumbrance properly filed on or before the time that the vehicle is subject to, or comes into possession of, the lien or encumbrance claimant for the labor, material, transportation, storage or similar activity.

(b) If the documents referred to in AS 28.10.371 — 28.10.401 are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and filing of the documents by the department as shown in its endorsement on the documents.

(c) Filing as provided in AS 28.10.371 — 28.10.401 is the exclusive method of giving constructive notice of a lien or encumbrance on a registered vehicle, except as to a lien dependent upon possession.

(d) A lien or encumbrance, or a document creating and evidencing a lien or encumbrance is exempt from the other provisions of law which require or relate to the recording or filing of a document creating and evidencing a lien or encumbrance upon a vehicle of a type subject to registration under this chapter. (S 7 ch 178 SLA 1978)

#### NOTES TO DECISIONS

**Editor's notes.** — The cases cited in the note below were decided under former AS 28.10.510.

**Determination of priority of liens rests with the legislature, and its intent should be the controlling factor.** *Blackard v. City Nat'l Bank*, 16 Alaska 344, 142 F. Supp. 753 (D. Alaska 1956); *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 393), 409 P.2d 603 (1966).

**Mechanic's lien subordinated to prior recorded security interest.** — AS 34.35.200(2), when read in conjunction with former AS 28.10.510, evidenced the legislature's intent to subordinate a mechanic's lien to a prior recorded security interest. *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 393), 409 P.2d 603 (1966).

Therefore, the priority given to a mechanic's lien by AS 45.05.750 is not applicable. *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 393), 409 P.2d 603 (1966).

**If an artisan retains possession, he has a lien whether he records it or not.** The Motor Vehicle Act respects this right. *Blackard v. City Nat'l Bank*, 16 Alaska 344, 142 F. Supp. 753 (D. Alaska 1956).

**Effect of Uniform Commercial Code.** — Nothing contained in the Uniform Commercial Code altered the priorities under former AS 28.10.510 and AS 34.35.200. *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 393), 409 P.2d 603 (1966).

*Sec. 28.10.400. Transfer by dealer. (Repealed. S 7 ch 178 SLA 1978.)*

**Sec. 28.10.401. Assignment or release by lienholder.** (a) A person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign that person's title or interest in the vehicle to a person other than the owner without the consent of the owner and without affecting the interest of the owner or the registration of the vehicle. The person assigning the interest shall give written notice of the assignment to the owner. Upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown on the certificate and the name and address of the assignee, accompanied by the title fee required under AS 28.10.441, the department shall issue a new certificate of title.

(b) A person holding a lien or encumbrance upon a vehicle, as shown on a certificate of title, may release the lien or encumbrance or assign that person's interest to the owner of the vehicle without affecting the registration of the vehicle. Upon receiving a certificate of title upon which a lienholder has released or assigned the lienholder's interest to the owner, or upon receipt of a certificate not endorsed but accompanied by a legal release from a lienholder of the lienholder's interest to a vehicle, and upon payment of the title fee required under AS 28.10.441, the department shall issue a new certificate of title. (AS 28.10.410 ch 178 SLA 1978)

Sec. 28.10.410. *Transfer by operation of law. (Repealed. § 7 ch 175 SLA 1978.)*

#### Article 5. Fees and Charges.

##### Section

411. Registration fees levied  
421. Registration fee rates

423. Emission control inspection program fees

Sec. 28.10.411. **Registration fees levied.** (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) *(Repealed, 1983 Initiative Proposal No. 2, § 6.)*

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under AS 28.10.431(b) regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978; am § 85 ch 6 SLA 1984; am 1983 Initiative Proposal No. 2, § 6)

**Effect of amendments.** — The 1965 amendment repealed subsection (b), concerning payment of motor carrier fees.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground. (S 7 ch 173 SLA 1978; am S 55 ch 6 SLA 1984)

**Cross references.** — For nonapplicability of subsection (e) of this section to fees for guided tours through historical sites, see AS 41.35.045

**Effect of amendments.** — The 1984 amendment, in subsection (b), deleted "and bus transportation" following

"carrier" and "and the Alaska Bus Act, AS 42.15" following "Act."

**Collateral references.** — Validity of automobile registration or license fee as affected by classification or discrimination, 126 ALR 1419.

*Sec. 28.10.420. Assignment. [Repealed. S 7 ch 173 SLA 1978.]*

**Sec. 28.10.421. Registration fee rates.** (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

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

- (1) a passenger vehicle or motor home not used or maintained for the transportation of person or property for hire or for other commercial use ..... \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use ..... \$35;
- (3) a taxicab ..... \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists ... \$80;
- (5) a motorcycle or a motor-driven cycle ..... \$15;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer ..... \$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds ..... \$45;
- (2) more than 5,000 pounds to and including 12,000 pounds .... \$60;
- (3) more than 12,000 pounds to and including 18,000 pounds .. \$150;
- (4) more than 18,000 pounds ..... \$215.
- (d) The special registration fees under this subsection are imposed annually, unless otherwise specified, for:
  - (1) an historic vehicle (one time only upon initial registration under AS 28.10.181) ..... \$10;
  - (2) special request plates ..... \$20;  
plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;
  - (3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who complies with AS 28.10.411(c) ..... none;
  - (4) a vehicle owned by the state ..... none;
  - (5) a vehicle owned by an elected state official ..... the fee required for that vehicle under (b) of this section;
  - (6) a vehicle owned by a consular officer, unless waived under AS 28.10.181 ..... \$30;
  - (7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 ..... \$30;
  - (8) a snowmobile or off-highway vehicle ..... \$ 5;
  - (9) an amateur mobile radio station vehicle,
    - (A) with a transceiver capable of less than 5-band operation ..... the fee required for that vehicle under (b) or (c) of this section;
    - (B) in recognition of service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands between 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage ..... none for a mobile amateur radio station vehicle included in (b)(1) or (2) of this section;
  - (10) dealer registration plates,
    - (A) the initial set of plates ..... \$40;
    - (B) each subsequent set of plates ..... \$20;
  - (11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(c) ..... \$ 5;
  - (12) an occasional use vehicle under AS 28.10.181(h) ..... \$15;
  - (13) a vehicle owned by a former prisoner of war ..... none.
- (e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats.

camper unit, canopy or other equipment removed unless the other applicable registration fee is paid. (§ 7 ch 178 SLA 1978; am §§ 4, 5 ch 54 SLA 1979; am § 2 ch 151 SLA 1984; am § 41 ch 21 SLA 1985)

**Effect of amendments.** — The 1985 amendment, effective May 10, 1985, substituted "AS 28.10.108 and 28.10.111" for "AS 28.10.101 — 28.10.111" at the end of subsection (a).

**Sec. 28.10.423. Emission control inspection program fees.** In addition to the annual registration fee specified in AS 28.10.421, a \$1 fee is imposed upon every vehicle required to be inspected under an emission control program established under AS 46.03.210. This fee shall be collected at the same time and in the same manner as the registration fee. (§ 2 ch 56 SLA 1985)

**Effective dates.** — Section 4, ch. 56, SLA 1985 provides: "This Act takes effect July 1, 1985."

**Sec. 28.10.130 Release by lienholder.** (Repealed. § 7 ch 178 SLA 1978)

**Sec. 29.10.431. Annual motor vehicle registration tax.** (a) There is levied a motor vehicle registration tax within each municipality which elects, by passage of an appropriate ordinance, to come under this section. A municipality shall file a written notice of election with the department and may not rescind the notice for a subsequent fiscal year. The notice must be filed on or before January 1 of the year preceding the year election under this section is to become effective. If a municipality has, before October 15, 1975, levied a motor vehicle registration or ad valorem tax which has been repealed by a vote of the people at any regular or special municipal election, then the election provided for in this subsection is not effective until the ordinance passed by the local governing body has been approved by the people at the next regularly scheduled general or special municipal election.

(b) The tax is levied upon motor vehicles subject to the license tax under AS 29.10.411 and 29.10.421, not including mobile homes, and is based upon the age of vehicles as determined by model year according to the following schedule:

	Tax According to Age of Vehicle Since Model Year:							
	1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle								
1) motorcycle	\$ 5	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 2
2) vehicles specified in AS 29.10.421-b(1)	60	50	40	30	20	15	10	5
3) vehicles specified in AS 29.10.421-b(3)	80	50	30	20	20	15	10	5

Tax According to Age of  
Vehicle  
Since Model Year

	1st	2nd	3rd	4th	5th	6th	7th	8th or over
<b>Motor Vehicle</b>								
(4) vehicles speci- fied in AS 28.10.421(c)(1)-(4) 5,000 pounds or less	60	50	40	30	20	15	10	5
5,001-12,000 pounds	100	90	80	70	60	50	40	30
12,001-18,000 pounds	150	140	130	120	110	100	90	80
18,001 pounds or over	200	190	180	170	160	150	140	130
(5) vehicles speci- fied in AS 28.10.421(b)(4)	100	90	80	70	60	50	40	30
(6) vehicles speci- fied in AS 28.10.421(b)(6)	8	7	6	5	4	3	2	2
(7) vehicles speci- fied in AS 28.10.421(d)(9)	60	50	40	30	20	15	10	5
(8) vehicles speci- fied in AS 28.10.421(b)(2)	60	50	40	30	20	15	10	5
(9) vehicles speci- fied in AS 28.10.421(d)(10)	40							

(c) The registration tax shall be levied, collected, enforced and otherwise administered in the same manner as provided for the registration fees in this chapter. Only one registration tax may be collected with respect to the same motor vehicle in the year for which the tax is paid.

(d) If a person has paid both the registration fee levied in AS 28.10.411 and 28.10.421 and the registration tax levied in this section, and the department determines that the payor is entitled to a refund in whole or in part of the registration tax, the department shall make the refund to which the person is entitled. A refund may not be made unless application for a refund is filed with the department by December 31 of the year following the year for which the refund is claimed.

(e) The department shall refund money collected under this section, less five per cent as collection costs, to a municipality for which the money was collected, as determined by (1) the address of residence of an individual required to pay the tax, or (2) the situs of the vehicle if the vehicle is not owned by an individual; the tax situs is the location at which the motor vehicle is usually, normally, or regularly kept or used. For the first year in which the tax is levied within a municipality, the department may retain actual costs of collection of the tax within the municipality as determined by the department.

(f) Money received by an organized borough under this section shall be allocated by the borough by ordinance for city, area outside city, and service area purposes within the borough.

(g) Payment of the registration tax is in lieu of all local use taxes and ad valorem taxes on motor vehicles subject to the tax. A municipality which elects to come under the provisions of this section may not levy use or ad valorem taxes on motor vehicles subject to the registration tax during a fiscal year in which the election is in effect.

(h) A vehicle owned by a former prisoner of war exempted from registration fees under AS 28.10.421(d) is subject to a motor vehicle registration tax under this section. § 7 ch 175 SLA 1978; and 151 SLA 1984.

*Effect of amendments.* — The 1984 bill is amended by substitution of amendment added subsection (h) from registration to taxation, § 7 ch 175. Collateral references. — Validity of 125 ALR 1419. statutes imposing license tax on automo-

*Sec. 28.10.440. Dismantled vehicle. (Repealed. § 7 ch 175 SLA 1978.)*

**Sec. 28.10.441. Schedule of other fees and charges.** The following fees and charges are imposed by the department for the stated services which it provides:

- (1) title fee (including transfer of title) . . . . . \$ 5
  - (2) lien filing fee . . . . . \$ 2
  - (3) replacement of any registration plate set, including special request plates . . . . . \$ 5.
  - (4) duplicate of original certificate of title . . . . . \$ 5
  - (5) duplicate of certificate of registration . . . . . \$ 2
  - (6) temporary preregistration permit issued under AS 28.10.411 . . . . . \$ 5
  - (7) special transport permit issued under AS 28.10.151 . . . . . \$ 5
  - (8) special permit for vehicle used for transport of disabled person as provided in AS 28.10.217 . . . . . \$ 5
- § 7 ch 175 SLA 1978.

*Revisor's notes.* — AS 28.10.441 is amended by substitution of referred to in § 7 of this act, § 7 ch 175, consistent with AS 28.10.441.

Article 6. Registration and Title Violations.

Section	Section
451 Unlawful to violate provisions requiring registration and title	491 Improper use of evidence of registration or certificate of title
461 Driving vehicle without evidence of registration	491 Felonies relating to title, registration, identification number and removal and representation of titles
471 Driving vehicle when registration suspended or revoked or permit expired	493 Misdemeanors relating to titles

Collateral references. — 7A Am. Jur. 2d. Automobiles and Highway Traffic: §§ 92 to 95  
 60 C.J.S. Motor Vehicles: §§ 133 to 135;  
 61A C.J.S. Motor Vehicles: § 714-4  
 Civil rights and liabilities as affected by failure to comply with regulations re registration of automobile: 35 ALR 111-35 ALR 62, 38 ALR 1918-43 ALR 1129-54  
 ALR 174-58 ALR 332-61 ALR 1129-79  
 ALR 1929-87 ALR 1469, 111 ALR 1129-163 ALR 1973

*Sec. 28.10.450 Failure to endorse and deliver. Repealed. § 7 ch 173 SLA 1978.*

**Sec. 28.10.451. Unlawful to violate provisions requiring registration and title.** A person may not willfully attempt to defeat the provisions of this chapter or willfully fail to title or register a vehicle as required by this chapter, or otherwise willfully fail to comply with the requirements of this chapter. § 7 ch 173 SLA 1978.

*Sec. 28.10.460. Required insurance. Repealed. § 7 ch 173 SLA 1978.*

**Sec. 28.10.461. Driving vehicle without evidence of registration.** Except as otherwise expressly permitted in this chapter, a person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle required to be registered under this chapter unless valid registration plates, decals or permits for the current registration period are attached to and displayed on the vehicle in the manner required by this chapter, and unless a valid certificate of registration for the current registration period is carried, as required by this chapter, in the vehicle and is available for inspection by a peace officer or an authorized representative of the department. § 7 ch 173 SLA 1978.

Collateral references. — Lack of making it a criminal offense for the proper automobile registration as evidence operator of a motor vehicle not to carry or of operator's negligence. 73 ALR 162, 29 display his vehicle registration certificate. ALR3d 963  
 9 ALR3d 506  
 Validity and construction of statute

*Sec. 28.10.470 Filing liens. Repealed. § 7 ch 173 SLA 1978.*

**Sec. 28.10.471. Driving vehicle when registration suspended or revoked or permit expired.** A person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway

or vehicular way or area, a vehicle for which the registration or permit has been suspended or revoked or has expired. (S 7 ch 173 SLA 1975)

#### NOTES TO DECISIONS

Cited in *Lowry v State*, Ct. App. Op. No. 131 (File Nos. 6323, 6434, 655 P 23 750 (1992))

*Sec. 28.10.480 Filing provisions. (Repealed. S 7 ch 173 SLA 1975)*

**Sec. 28.10.481. Improper use of evidence of registration or certificate of title.** A person may not lend to another, or knowingly permit the use by another of, a certificate of registration or title, registration plate, decal, special plate, or permit issued under this chapter if the person to whom it is loaned or whose use is permitted is not entitled to its use, nor may a person display in or upon a vehicle a certificate of registration, registration plate, decal, special plate, or permit not issued for that vehicle or not otherwise lawfully used on that vehicle. (S 7 ch 173 SLA 1975)

*Sec. 28.10.490. New certificate. (Repealed. S 7 ch 173 SLA 1975)*

**Sec. 28.10.491. Felonies relating to title, registration, identification number, and removal and representation of vehicles.** A Upon conviction, a person is guilty of a felony who

(1) alters, forges or counterfeits a certificate of title or registration, or a registration plate, decal, tab or sticker of this or another jurisdiction;

(2) alters or forges an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title of this or another jurisdiction or on a form the department prescribes;

(3) has possession of or uses a certificate of title or registration, registration plate, decal, tab or sticker of this or another jurisdiction knowing it to have been altered, forged or counterfeited;

(4) wilfully removes or falsifies a vehicle identification number;

(5) wilfully conceals or misrepresents the identity of a vehicle or vehicle equipment;

(6) buys, receives, possesses, sells or disposes of a vehicle or vehicle equipment, knowing that a vehicle identification number or equipment has been unlawfully removed or falsified;

(7) removes from the state a vehicle which is the subject of a security interest created under AS 28.01 — 28.35 or under AS 45.01 — 45.09 without the written consent of the secured party, and with intent to defraud the secured party or the state; or

(8) represents a motor vehicle or house trailer to be a new vehicle and who sells or procures the sale of that motor vehicle as a new vehicle without presenting a manufacturer's statement of origin;

(9) makes a false statement or otherwise conceals or withholds

material fact in an application for registration or certificate of title or falsely affirms with respect to a matter required to be sworn to, affirmed, or furnished under this chapter or regulations adopted under this chapter.

(b) A person convicted of an offense under this section is punishable by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both. (§ 7 ch 178 SLA 1978; am § 6 ch 54 SLA 1979)

**Sec. 28.10.493. Misdemeanors relating to transfers.** (a) The owner of a vehicle who transfers a vehicle and fails to comply with the requirements of AS 28.10.271 is guilty of a class B misdemeanor.

(b) A vehicle dealer who transfers a vehicle and fails to comply with the requirements of AS 28.10.291 is guilty of a class B misdemeanor. (§ 3 ch 178 SLA 1979)

**Cross references.** — For sentences for class B misdemeanors, see AS 12.55.035(b)(4) and 12.55.135(b).

**Article 7. General Provisions.**

<p><b>Section</b> 495. Parking permit for vehicle transporting disabled person</p>	<p><b>Section</b> 502. Towing and storage lien 661. Definition of dealer</p>
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**Sec. 28.10.495. Parking permit for vehicle transporting disabled person.** (a) Upon application by a disabled or medically handicapped person, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle which is being used for the transportation of the disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for the disabled or handicapped person with respect to whom the permit was issued.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be provided as specified in AS 28.10.181(d). (§ 24 ch 178 SLA 1978; am § 1 ch 11 SLA 1980)

**Effect of amendments.** — The 1980 amendment rewrote the section.

*Sec. 28.10.500. Index of liens. (Repeated. § 7 ch 178 SLA 1978)*

*Sec. 28.10.501. (Renumbered as AS 28.10.661.)*

**Sec. 28.10.502. Towing and storage lien.** (a) A person engaged in the business of towing motor vehicles, who tows, transports or stores

a motor vehicle, has a possessory lien on the vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person, and the vehicle may be sold, as provided in (c) of this section, to pay the charges for towing, transportation or storage.

(b) A lien under this section is limited to towing and storage charges assessed according to the tariff filed by the carrier with the Alaska Transportation Commission; however, in the absence of a filed tariff, the towing or storage charge shall be the same as the lowest similar charge in the other filed tariffs covering the same service or route. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the Department of Public Safety or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

(c) If the motor vehicle remains unclaimed for a period of 30 days in the possession of the person who performed the towing, transportation or storage, it shall be sold on giving 20 days notice of the sale. The notice shall be delivered to the proper officer and personally served on the registered owner and all lienholders, if any, of the motor vehicle in the same manner as provided by law for service of summons. If either of these persons cannot be located and served personally, notice of the sale shall be forwarded to the registered owner and all lienholders, if any, at their last known address by certified mail, return receipt requested. This notice shall contain a description of the motor vehicle, including its registration plate number and vehicle identification number, together with the time and place of sale, a statement of the amount due, and the name and address of the person to whom the charges are due.

(d) The money realized from a sale made under this section shall be applied first to the payment of costs and expenses of the sale and secondly to the lawful charges of the person having a lien on the motor vehicle under this section. Remaining proceeds from the sale shall be retained by the Department of Public Safety to be distributed to the registered and legal owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of a titled motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien. (21 ch 178 SLA 1975)

Collateral references. — 18 Am. Jur. 2d, Garages, and Parking and Filling Stations, §§ 110, 114 to 151.  
 19 C.J.S., Motor Vehicles, §§ 725, 715(d), (g).

Lien for towing or storage, owned by public officer, of motor vehicle. 57 ALASKA 199

Secs. 28.10.510 — 28.10.540. *Liens: nonresident owners. [Repealed. § 7 ch 178 SLA 1978.]*

Sec. 28.10.550. *Notice of changes. [Repealed. § 20 ch 211 SLA 1976.]*

Secs. 28.10.560, 28.10.570. *Evidence: enforcement. [Repealed. § 7 ch 178 SLA 1978.]*

Sec. 28.10.580. *Lists of vehicles. [Repealed. § 29 ch 214 SLA 1975.]*

Secs. 28.10.590 — 28.10.660. *Miscellaneous offenses: general provisions. [Repealed. § 7 ch 178 SLA 1978.]*

**Sec. 28.10.661. Definition of dealer.** Unless otherwise specifically defined or unless the context otherwise requires, in this chapter and in regulations adopted under this chapter, "dealer" means a person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered under this chapter and who maintains a place of business or by word of mouth, advertising or in any other manner represents to be in the business of buying, selling or exchanging vehicles. § 7 ch 178 SLA 1978

Revisor's notes. — Formerly AS 28.10.501. Renumbered in 1978

NOTES TO DECISIONS

As to the use of the word "dealer" in former AS 28.10.260, relating to obtaining a certificate of title as a condition to registration, see *New & Used Auto Sales Inc. v Dewey*, 14 Alaska 647

Chapter 11. Abandoned Vehicles.

Section

- 10. Abandonment unlawful
- 20. Presumption of abandonment
- 30. Removal of abandoned vehicles
- 40. Notice to owners and lienholders
- 50. Vesting of title
- 60. Redemption

Section

- 70. Disposal of abandoned vehicles
- 80. Disposal facilities
- 90. Towing and storage lien on abandoned vehicle
- 100. Municipal abatement procedure
- 110. Abandoned motor vehicle fund

**Sec. 28.11.010. Abandonment unlawful.** (a) A person may not abandon a vehicle upon a highway or vehicular way or area.

(b) A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.

(c) A person who abandons a vehicle in a place specified in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.

**PART 4.  
DIVISION OF MOTOR VEHICLES**

**Chapter**

70. Vehicle Registration, Title, and Transfer  
(13 AAC 70.010-13 AAC 70.260)

**CHAPTER 70.  
VEHICLE REGISTRATION, TITLE,  
AND TRANSFER**

**Article**

1. Registration, Title and Transfer  
(13 AAC 70.010-13 AAC 70.250)  
2. General Provisions  
(13 AAC 70.260-13 AAC 70.270)

**ARTICLE 1.  
REGISTRATION, TITLE AND TRANSFER**

**Section**

10. Title and registration: burden of producing evidence of ownership on applicant  
20. Title and registration: grounds for refusing title or registration or transfer of title or registration  
30. Title and registration: ownership and transfer  
40. Title and registration after involuntary transfer of ownership by court order  
50. Title and registration after tax or customs sale  
60. Title and registration after death of registered owner  
70. Title and registration for a new vehicle not located in Alaska  
80. Title and registration for a used vehicle  
90. Title and registration for a vehicle purchased in foreign country other than Canada  
100. Title and registration for vehicle purchased in Canada  
110. Title and registration for assembled vehicle  
120. Title and registration when no supporting evidence of ownership  
130. Title and registration after dismantling or wrecking vehicle  
140. Registration for vehicle registered elsewhere  
150. Registration for occasional-use vehicle  
160. Registration for snowmobile

170. Personalized registration plates for motor vehicles  
180. Registration plates for handicapped registrant  
190. Registration plates for mobile amateur radio station owner  
200. Exemption from registration tax for military  
210. Exemption from license tax for charitable organization  
220. Refund of tax or fee  
230. Satisfaction and release of liens: procedures  
240. Duty of insurance company obtaining title to an unrepairable vehicle  
250. Temporary operating permits

**13 AAC 70.010. TITLE AND REGISTRATION: BURDEN OF PRODUCING EVIDENCE OF OWNERSHIP ON APPLICANT.**  
An applicant for title to and registration of a vehicle has the burden of producing evidence of ownership in all cases. The department will provide reasonable guidelines to assist applicants for title and registration whose vehicles are not listed on the state's records system. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.020. TITLE AND REGISTRATION: GROUNDS FOR REFUSING TITLE OR REGISTRATION OR TRANSFER OF TITLE OR REGISTRATION.**  
(a) The department will, in its discretion, refuse to issue title or registration or transfer title or registration if the application does not comply with the procedures established in the Alaska Motor Vehicle Act, AS 28.10 and the regulations in this chapter.

(b) If the department refuses to issue title or registration or transfer title or registration, it will promptly inform the applicant of its decision and briefly give reasons in writing for its action. An applicant may reapply after a refusal to act on an earlier application. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.110  
AS 28.10.310

**13 AAC 70.030. TITLE AND REGISTRATION: OWNERSHIP AND TRANSFER.** (a) The department will issue title and registration in the names of all owners of a vehicle upon the application and signature of one or more of the multiple owners.

(b) Title to and registration of a vehicle recorded in the names of more than one owner in the conjunctive will not be transferred or encumbered without the signature on the title of every owner or his legally recognized representative. Title and registration in the conjunctive are signified by use of the word "and" between names of the owners listed on the certificates of title and registration.

(c) Title to and registration of a vehicle recorded in the names of more than one owner in the disjunctive will be transferred or encumbered on the signature of one or more of the multiple owners or his legally recognized representative. Title and registration in the disjunctive are signified by use of the word "or" between the names of the owners listed on the certificates of title and registration.

(d) In this section, "legally recognized representative" means any person who is the heir, beneficiary, assignee, or devisee of an owner or who holds a power of attorney signed by an owner, authorizing the holder to transfer, assign or encumber title to the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.040. TITLE AND REGISTRATION AFTER INVOLUNTARY TRANSFER OF OWNERSHIP BY COURT ORDER.** In addition to the other requirements in AS 28.10, an applicant for title and registration after involuntary transfer by court order must submit a certified copy of a court order showing a transfer to the applicant of ownership of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.050. TITLE AND REGISTRATION AFTER TAX OR CUSTOMS SALE.** (a) In addition to the other requirements in AS 28.10, an applicant for title and registration who purchased a vehicle at a tax sale

must submit a copy of a bill of sale by the United States Internal Revenue Service, the Alaska Department of Revenue, or a municipality showing that the vehicle was sold for taxes owed upon it.

(b) In addition to the other requirements in

AS 28.10, an applicant for title and registration who purchased a vehicle at a sale by the United States Customs Service must submit a copy of a bill of sale issued by it. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.060. TITLE AND REGISTRATION AFTER DEATH OF REGISTERED OWNER.** (a) In addition to the other requirements in AS 28.10, an applicant for new title and registration after the death of the registered owner must submit the following documents:

(1) letters of administration issued to the applicant as the personal representative of the estate of the deceased; or

(2) a certified copy of a probated will or a will declared valid by an order of informal probate naming the applicant the devisee of the deceased's vehicle; and

(3) the current title to and registration of the vehicle.

(b) When the estate of the deceased can be summarily administered under AS 13.16.690, the applicant for new title and registration after the death of a registered owner, in addition to the other requirements in AS 28.10, must submit a certified copy of the closing statement for the estate showing the applicant to be the person entitled to the vehicle and current title to and registration of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.070. TITLE AND REGISTRATION FOR A NEW VEHICLE NOT LOCATED IN ALASKA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle not located in Alaska at the time of application must submit a manufacturer's certificate of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.060 AS 28.10.260

**13 AAC 70.080. TITLE AND REGISTRATION FOR A USED VEHICLE.** In addition to the other requirements in AS 28.10,

an applicant for title to and registration of a used vehicle must submit

(1) an affidavit affirming that the vehicle is located within the state; and

(2) current title to and registration of the vehicle, or current registration alone if the owner cannot surrender out-of-state title. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.090. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN FOREIGN COUNTRY OTHER THAN CANADA.** (a) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) a manufacturer's certificate of origin;

(2) DOD Form 430 or AD Form 89 issued by the Department of Defense or their successor forms; and

(3) other documents reasonably required by the department in its examination of the applications for title and registration.

(b) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a used vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) an affidavit affirming that the vehicle is located within the state;

(2) a bill of sale or comparable document evidencing a transfer of ownership and possession to the applicant;

(3) DOD Form 430 or AD Form 89 issued by the Department of Defense, or their successor forms; and

(4) other documents reasonably required by the department in its examination of the applications for title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.100. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN CANADA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in Canada must comply with sec. 70 of this chapter and an applicant for title and registration to a used vehicle purchased in Canada must comply with sec. 80 of this chapter. (Eff. 3/29/78, Reg. 65)

Authority: AS 20.50.090  
AS 20.50.260

**13 AAC 70.110. TITLE AND REGISTRATION FOR ASSEMBLED VEHICLE.** In addition to the other requirements in AS 28.10, an applicant for the title to and registration of a reconstructed vehicle or a vehicle assembled from a kit must submit a receipt of purchase for the engine, transmission, drive train, frame and body and other information reasonably required by the department in its examination of the applications for title and registration. The applicant may also be required to submit his vehicle to the department for an inspection for stolen parts before the issuance of title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.050

**13 AAC 70.120. TITLE AND REGISTRATION WHEN NO SUPPORTING EVIDENCE OF OWNERSHIP.** In addition to the other requirements in AS 28.10, an applicant for title and registration who has no supporting evidence of ownership must submit

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

(2) a cash bond or 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) 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

judgments against it arising out of these actions (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.130. TITLE AND REGISTRATION AFTER DISMANTLING OR WRECKING VEHICLE.** Title to and registration of a vehicle expires when it is disassembled or sold for scrap or parts. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.440

**13 AAC 70.140. REGISTRATION FOR VEHICLE REGISTERED ELSEWHERE.** The department will issue "No Alaska Title Issued" (NTI) registration only in the name of the owner shown on the records of the other state where the vehicle is registered. Lienholders recorded on the certificate of registration for another state will be shown on the NTI registration card issued by Alaska. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.060

**13 AAC 70.150. REGISTRATION FOR OCCASIONAL-USE VEHICLE.** (a) In addition to the other requirements in AS 28.10, 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 highways less than 10 percent of its total hours of operation.

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

(c) In this section, "occasional-use vehicle" means a motor vehicle as defined in AS 28.35.260(4) used in accordance with AS 28.10.127(a). (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.127

**13 AAC 70.160. REGISTRATION FOR SNOWMOBILE.** (a) In addition to the other requirements in AS 05.30, an applicant for registration of a snowmobile must submit a bill of sale for the vehicle. An applicant unable to

submit a bill of sale may be required to present the vehicle for an inspection of the serial number displayed on the frame and to submit an affidavit affirming that he is the owner and stating the circumstances under which he acquired ownership.

(b) When ownership of a registered snowmobile is transferred or assigned, the new owner shall notify the department of the change in ownership within 30 days and pay a transfer fee of \$2. When ownership of an unregistered snowmobile is transferred or assigned, the new owner shall notify the department of the change of ownership within 30 days and pay the original registration fee. (Eff. 3/29/78, Reg. 65)

Authority: AS 05.30.020  
AS 05.30.050  
AS 05.30.101

**13 AAC 70.170. PERSONALIZED REGISTRATION PLATES FOR MOTOR VEHICLES.** (a) The department will issue personalized registration plates for a pickup truck, van, motor home, or passenger car not used for commercial purposes.

(b) The department will not issue personalized registration plates displaying

(1) symbols in a combination identical to one already in use on a registration plate;

(2) a total of more than six or less than two symbols;

(3) the prefix "KL7";

(4) four consecutive numbers followed by two consecutive letters;

(5) three consecutive letters followed by three consecutive numbers;

(6) two consecutive letters followed by four consecutive numbers;

(7) symbols other than numbers or letters; or

(8) symbols in a combination which demeans any ethnic or racial group, carries a prurient meaning, or which is otherwise vulgar or indecent; any combination known by the department to be patently offensive to a person

of ordinary sensibilities will be considered vulgar or indecent or carrying a prurient meaning; any combination known by the department to be patently offensive to any racial or ethnic group will be considered demeaning to that group.

(c) The department will recall any personalized registration plate discovered to be in violation of subsection (b).

(d) In addition to the other requirements in AS 28.10, an applicant for personalized registration plates must submit five ranked combinations of symbols for the plates. No registrant may transfer personalized registration plates to another vehicle or person, except that a registrant may transfer plates to another vehicle registered in his name after proper application to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.200  
AS 28.10.120 AS 28.10.205

**13 AAC 70.180. REGISTRATION PLATES FOR HANDICAPPED REGISTRANT.** The department will issue only one set of special registration plates to each registrant under AS 28.10.200(b)(11). Special registration plates remain with the registrant if title or ownership to the vehicle is transferred. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.120  
AS 28.10.200

**13 AAC 70.190. REGISTRATION PLATES FOR MOBILE AMATEUR RADIO STATION OWNER.** (a) The department will issue special registration plates containing the prefix "KL7" to a mobile amateur radio station owner. Each registrant will be issued only one set of special registration plates.

(b) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on 75 meters through 10 meters must submit a copy of his amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied under AS 28.10.200(b)(7).

(c) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on frequencies other than 75

meters through 10 meters must submit a copy of his amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied upon the particular type of vehicle to be registered.

(d) A registrant may use mobile amateur radio registration plates as long as he retains a qualifying amateur radio operator's license issued by the Federal Communications Commission and otherwise complies with the requirements of law. After proper application to the department, the registration plates may be placed on another vehicle containing a mobile amateur radio station. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.120  
AS 28.10.060 AS 28.10.200

**13 AAC 70.200. EXEMPTION FROM REGISTRATION TAX FOR MILITARY.** A vehicle owned by a member of the armed forces of the United States on active duty, and a vehicle owned jointly by a member and one or more of his or her dependents, is exempt from registration if the vehicle is registered in a state of domicile other than Alaska. A vehicle owned solely by a dependent of a member of the armed forces of the United States on active duty is not exempt from registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
50 USC App. 574

**13 AAC 70.210. EXEMPTION FROM LICENSE TAX FOR CHARITABLE ORGANIZATION.** In addition to the other requirements in AS 28.10, a charitable organization applying for an exemption from the annual license tax must submit to the department, if requested by the department, a letter from the Internal Revenue Service establishing its tax exempt status. When the title to or ownership of a vehicle exempted from the annual license tax is transferred, the charitable organization shall surrender the registration plates to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.210

**13 AAC 70.220. REFUND OF TAX OR FEE.** The department will not refund a tax or fee paid by an applicant unless the applicant can prove

that the tax or fee has already been paid for the current licensing period or can demonstrate that a refund is necessary to correct an administrative error. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.230. SATISFACTION AND RELEASE OF LIENS; PROCEDURES.** (a) A lien recorded upon the title shall immediately be released by the lienholder upon satisfaction of the lien. Upon satisfaction, the lienholder shall release or assign his interest in the vehicle to the owner.

(b) An owner of a registered vehicle upon which a lien has been satisfied and released shall, within 10 days, apply for a new title, unless title to the vehicle will be transferred or assigned within 30 days of the release of the lien. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.430  
AS 28.10.450

**13 AAC 70.240. DUTY OF INSURANCE COMPANY OBTAINING TITLE TO AN UNREPAIRABLE VEHICLE.** An insurance company obtaining title to an unrepairable vehicle through the satisfaction of an insurance claim shall mark the word "junk" on the face of the certificate of title and surrender the current title and registration to the department. The vehicle may then be sold by a bill of sale which indicates that the title has been surrendered to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.250. TEMPORARY OPERATING PERMITS.** (a) The department will, in its discretion, issue a temporary operating permit without charge to an owner of an unladen vehicle, pending action on the application for title and registration.

(b) The department will, in its discretion, issue a noncommercial trip permit for a fee as established by statute to an owner of an unladen vehicle, allowing a single continuous trip by a noncircular route for a period of time not to exceed 20 days.

(c) The department will, in its discretion, issue for a fee as set by statute a nonresident vehicle permit to an owner of a laden vehicle, allowing

the commercial operation of a vehicle registered in another state. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.290  
AS 28.10.540

## ARTICLE 2. GENERAL PROVISIONS

### Section

260. Records of department  
270. Definitions

**13 AAC 70.260. RECORDS OF DEPARTMENT.** (a) Certified or uncertified copies of records made within the scope of duty of an employee or representative of the department, unless specifically declared confidential by statute or regulation, will be available during regular business hours upon request and payment of a reasonable fee equal to the cost to the department of copying the record.

(b) Records of applications for title and registration and records of the denial, suspension, or revocation of the title and registration, will be retained by the department for a period of three years following the final entry in the title history or registration file for a vehicle. After three years, the commissioner will, in his discretion, destroy records of no further service in carrying out the powers and duties of the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 09.25.110 AS 28.10.010  
AS 09.25.120 AS 28.10.020

**13 AAC 70.270. DEFINITIONS.** In this chapter

(1) "department" means the Alaska Department of Public Safety;

(2) "manufacturer's certificate of origin" includes a manufacturer's statement of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

## PART 5. VIOLENT CRIMES COMPENSATION BOARD

### Chapter

80. Violent Crimes Compensation  
(13 AAC 80.010-13 AAC 80.110)

### CHAPTER 80. VIOLENT CRIMES COMPENSATION

Editor's Note: As of Register 71, the material formerly located in 7 AAC 77 has been transferred to 13 AAC 80, in recognition of the relocation of the Violent Crimes Compensation Board by sec. 1, ch. 87 SLA 1978. The history notes for the sections in this chapter continue the history of these provisions from their former location.

### Section

10. Applications for compensation  
15. Investigation and consideration  
20. Hearings  
30. Attorney fees  
40. (Repealed)  
50. Standards for compensation  
60. Awarding compensation  
65. Recommencing suspended proceedings  
70. Finality of awards  
80. Recovery from a collateral source  
90. Emergency compensation  
100. Recovery from an offender  
110. Definitions

**13 AAC 80.010. APPLICATIONS FOR COMPENSATION.** (a) All applications for compensation shall be made on the form authorized by the board. The information required by the board shall be supplied in full by the claimant, or the claim may not be considered. Additional sheets may be used, as necessary, to complete descriptions of the injury, incident or expenses. For those unable to make applications for compensation themselves (e.g., minors or the mentally incompetent), claims may be filed by a parent, guardian or other individual authorized to administer the injured party's estate. The applicant shall sign his completed application under oath before a notary public.

(b) Those medical reports and examination results which are reasonably available shall be submitted by the applicant no less than 10 days before the date of the hearing. On the basis of their potential relative importance or material