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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
2/23	Bill reviewed in Committee
3/21	1 st hearing - held over
3/26	letter from Bill Brown re: variety
	steps
3/28	CS Drafted
3/28	2nd hearing

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB84(SA)
 Title: An Act relating to motor vehicle laws
 Sponsor: Rules/Governor
 Requestor: Sen. Judiciary
 Date of Request: 2-27-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-2650
 Division: Motor Vehicles Date: 2-27-85
 Approved by Commissioner: Michael J. Clemens Date: 2-27-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

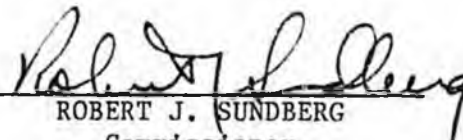
DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB84(SA)

February 27, 1985

CSSB84(SA) An Act relating to motor vehicle laws.

The Department supports this piece of legislation. It basically contains housekeeping measures which will enhance our operation by correcting problem areas we have experienced with Title 28.


ROBERT J. SUNDBERG
Commissioner

COMMITTEE REPORTS (Senate)(cont'd)

SB 75 (cont'd)

--Sec. 11, amendment to AS 28.35.030(c) (Operating a vehicle, aircraft or watercraft while intoxicated): "... In addition, if the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked"

--Sec. 12, amendment to AS 28.35.032(g) (Refusal to submit to chemical test): "... If the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked"

--Sec. 13, amendment to AS 28.40.050(b), (Penalty for violations of law, regulations, and municipal ordinances). Section establishes a maximum fine of \$500 for misdemeanor convictions under the motor vehicle code for which no specific penalty is set. Amendment: "In addition, the privilege to drive or to obtain a license or the registration of vehicles may be suspended or revoked."

Adds new Sec. 4 which enacts AS 28.15.176, "Suspension or Revocation of Privilege to Obtain a License." Allows the court or the Dept. of Public Safety (DPS) to suspend or revoke a person's privilege to obtain a driver's license in the same manner and for the same reasons as a driver's license. Provides that if a court or DPS is required by statute or regulation to suspend or revoke a license, then the privilege to obtain a license is automatically suspended or revoked if the person does not have a license. States that procedures and references in the motor vehicle code (AS 28) relating to the suspension or revocation of a license are equally applicable to the suspension or revocation of the privilege to obtain a driver's license.

Motor Vehicle
Laws
(amending)

SENATE BILL NO. 84, (see page 106). Reported back to the Senate on February 22 by State Affairs with the committee recommending it be replaced with a State Affairs CS and that it do pass. Concurring: Abood (Chairman), DeVries, Kelly, Ray and Vic Fischer. To Judiciary.

The State Affairs CS eliminates the portions of the bill (Secs. 8, 13 & 15) which would have established it as a privilege, not a right, to obtain a driver's license. Covered in CSSB 75(SA), above.

Excise Tax on
Cigarettes
(increasing)

SENATE BILL NO. 94, (see page 114). Reported back to the Senate on February 22 by Health, Education & Social Services with the committee recommending it be replaced with a HESS CS and that it do pass. Concurring: Fahrenkamp (Chmn.), DeVries, Sturgulewski and P. Fischer. To Finance.

The HESS CS increases the excise tax to "an amount sufficient to make the total of the federal tax and the additional state tax levied by this section on each cigarette imported or acquired in this state equal to (1) 9.5 mills on each small cigarette; and (2) 18.3 mills on each large cigarette." Small and large cigarettes

* DELIVER TO: JPOH
* ORIGINAL
* SENT: 04/09/85 TIME: 12:00
* FROM: PAULA GRAY
* SUBJECT: FOM-FAIRBANKS
* PRINT DATE: 04/09/85 TIME: 12:00
*

TO: SENATE JUDICIARY COMMITTEE

SENS: RODEY, KELLY, FAIKS, ~~HALFORD~~, ZIEGLER

INTERIOR DELEGATION

SENS: COGHILL, BENNETT, FAHRENKAMP

REPS: N.W. MILLER, RINGSTAD, FRANK, DAVIS, KOPONEN

FROM: WOLFGANG FALKE, PO BX 1166, FAIRBANKS, AK, 99707

PHONE: 452-4275-H

RE: CSSB 84, MOTOR VEHICLE LAWS, HEARING AT 1:30 TODAY

NOTE: COPIES OF THIS P.O.M. FOR SENATE JUDICIARY COMMITTEE MEMBERS WERE DELIVERED TO THE COMMITTEE CHAIRMAN FOR DISTRIBUTION BEFORE SENATE JUDICIARY HEARING AT 1:30 TODAY

MSG: AS 28.05.141 (C) AND (D) MUST REMAIN UNALTERED. THE PROPOSED CHANGES INVITE GESTAPO LIKE TACTICS TO CONFISCATE PRIVATE PROPERTY WITHOUT DUE PROCESS OF LAW. A TRIAL "DE NOVO" AND TO PROVIDE ADDITIONAL EVIDENCE MUST NOT BE DENIED.

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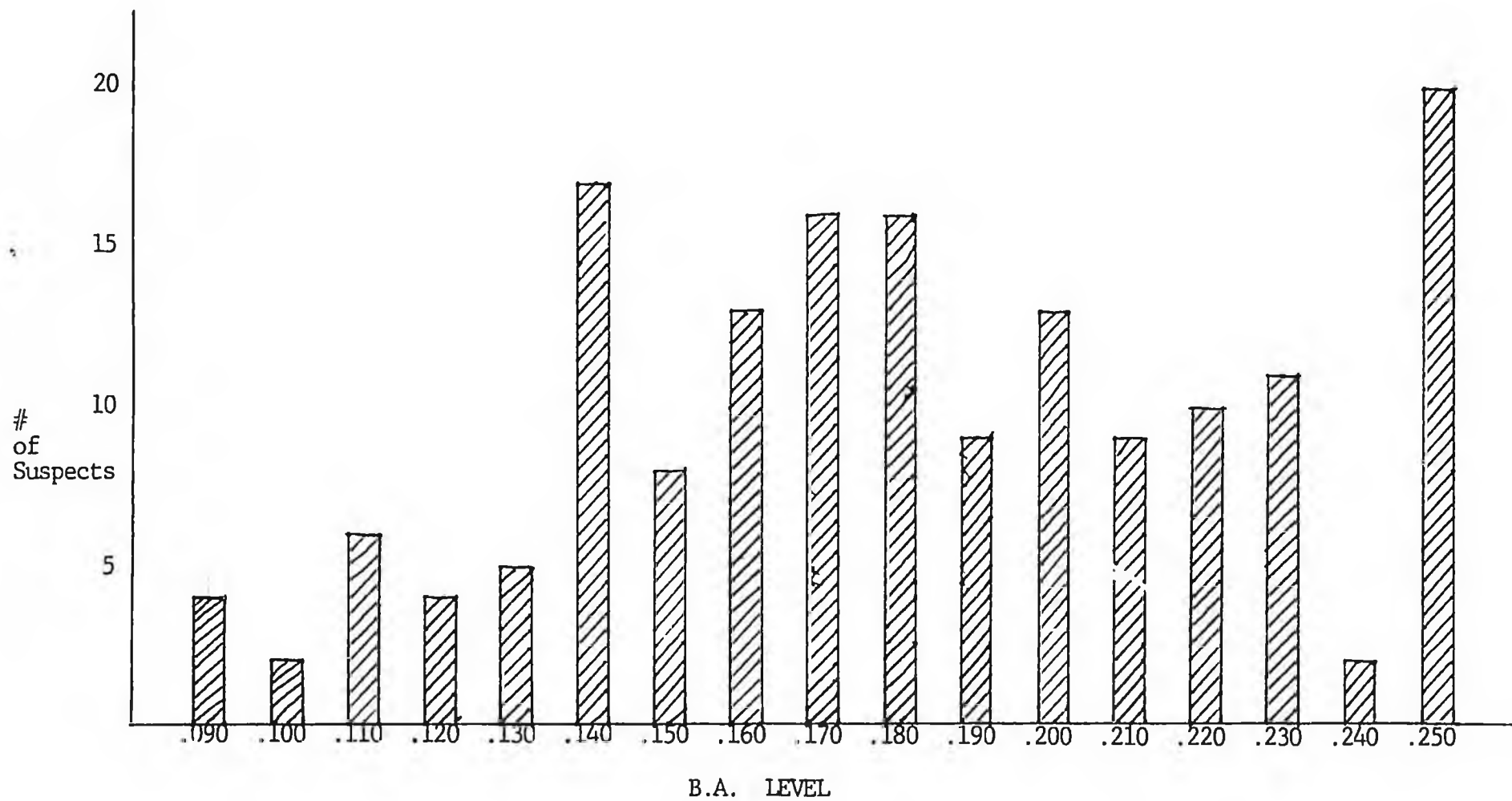
JUNEAU POLICE DEPARTMENT
BREATH TEST

Data Base	6/14/84 - 4/6/85
Total	193
Intoximeter 3000	167
PBT	98
Refusals	17
Other	9
Intox/PBT Pairs	94
Intox Values > PBT Values	61/94 (64%)

FAIRBANKS
BREATH/BLOOD ALCOHOL
TEST

Data Base	5/12/84-8/1/84
Total	50
# Negative Percent Difference (BAC lower)	6
# Positive Percent Difference (BAC higher)	35
# -0- Percent Difference (BAC the same)	9

JUNEAU POLICE DEPARTMENT BREATH TEST



PERCENT DIFFERENCE
BLOOD (BAC) / INTOXIMETER 3000

FAIRBANKS DWI CASES

DATE	DEFENDANT	INTOX	BAC	DIFFERENCE	%
5/12		.12	.13	.01	8.3
5/13		.10	.16	.06	60.0
5/14		.19	.19		0
5/16		.24	.24		0
5/19		.24	.28	.04	16.6
5/20		.25	.25		0
5/21		.21	.26	.05	23.8
5/21		.21	.28	.07	33.3
5/21		.20	.21	.01	5.0
5/22		.22	.26	.04	18.1
5/22		.16	.17	.01	6.2
5/29		.25	.25		0
5/30		.18	.19	.01	5.5
5/31		.21	.23	.02	9.5
5/31		.21	.21		0
5/24		.17	.23	.06	35.2
5/27		.19	.16	-.03	-15.7
6/3		.19	.18	-.01	- 5.2
6/3		.16	.19	.03	18.7
6/4		.34	.31	-.03	- 8.8
6/6		.22	.20	-.02	- 9.0
6/10		.14	.15	.01	7.1
6/12		.12	.15	.03	2.5
6/12		.16	.16		0
6/12		.15	.16	.01	6.6
6/13		.28	.29	.01	3.5
6/15		.20	.20		0
6/18		.13	.14	.01	7.6
6/20		.20	.21	.01	5.0
7/4		.20	.24	.04	20.0
7/4		.14	.14		0
7/5		.19	.20	.01	5.2
7/5		.08	.09	.01	12.5
7/3		.18	.19	.01	5.5
7/3		.20	.27	.07	3.5
7/3		.20	.23	.03	15.0
7/3		.21	.20	-.01	- 4.7
7/6		.16	.19	.03	18.7
7/6		.15	.16	.01	6.6
7/7		.23	.24	.01	4.3
7/10		.16	.18	.02	10.5
7/14		.18	.22	.04	22.2
7/15		.18	.19	.01	5.5
7/16		.18	.18		0
7/17		.18	.20	.02	11.1
7/24		.25	.24	-.01	- 4.0
7/31		.16	.18	.02	11.1
7/31		.18	.24	.06	33.3
7/31		.20	.23	.03	15.0
8/1		.25	.26	.01	4.0

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

BILL SHEFFIELD, GOVERNOR

P.O. BOX 20
JUNEAU, ALASKA 99802-0020

PHONE: (907)465-4335

March 26, 1985

Senator Patrick M. Rodey
Chairman, Senate Judiciary
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Rodey:


During testimony on SB 84, you requested information on personalized (vanity) license plates which I was not able to provide at that time. I have since determined that in 1984, DMV issued 2,532 new sets of this type plate.

If the fee was raised from \$20.00 at the time of initial application to \$50.00, the increased revenue to the State would be approximately \$76,000.00 annually. There is no way to predict how many people who pay the extra \$20.00 would decide not to purchase the special plates if the cost were increased.

In 1981, a survey was conducted by another state to determine the amount charged by different states for this type plate. Of the states responding, the fees ranged from \$10.00 to \$100.00. The average cost was \$32.00.

If I can be of any further assistance, let me know.

Sincerely,


Bill Brown
Chief of Driver Services

BB/nb
cc: Senator Jan Faiks

final
C.S.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 84 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws and senior
7 citizen motor vehicle tax exemptions; and providing
8 for an effective date."

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

10 * Section 1. AS 28.05.091 is amended to read:

11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
13 highway or vehicular way or area, and which has been determined to be
14 defective in equipment so as to be unsafe for driving, or on which the
15 vehicle identification number has been removed, defaced, or otherwise
16 altered, is an unlawful vehicle and may be impounded by a peace offi-
17 cer or an employee of the department officially designated for that
18 purpose. The owner or person in lawful possession of a vehicle that
19 is driven on a highway or vehicular way or area and that is so defec-
20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
21 the necessary costs of impounding and storing the vehicle. The im-
22 pounding of a vehicle is in addition to any other penalty. Nothing in
23 this section prevents the driving or moving of a defective vehicle in
24 the manner directed by the peace officer or employee to a place for

- 25 (1) the correction of a defect in the equipment;
- 26 (2) dismantling or wrecking; or
- 27 (3) storage without repair.

28 * Sec. 2. AS 28.05.141(c) is amended to read:

29 (c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.10.051 is amended to read:

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

12 (1) the department determines [IS SATISFIED] that the reg-
13 istration or certificate, plate or permit was fraudulently procured or
14 erroneously issued;

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

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

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

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

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

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

3 (8) the department is otherwise required to do so under the
4 laws of this state.

5 * Sec. 4. AS 28.10.181 is amended by adding a new subsection to read:

6 (m) Special request plates for Alaska National Guard personnel.
7 Upon application by the owner of a passenger vehicle, noncommercial
8 van or pick-up truck, or motor home who presents satisfactory proof of
9 current membership in the Alaska National Guard, the department may
10 design and issue registration plates that identify the vehicle as
11 registered to a member of the Alaska National Guard. The owner shall
12 return the registration plates to the department within 10 days fol-
13 lowing discharge from the Alaska National Guard.

14 * Sec. 5. AS 28.10.411(c) is amended to read:

15 (c) A resident 65 years of age or older on the date that the tax
16 is due is entitled to an exemption from the tax levied under AS 28.-
17 10.431(b) and the registration fee required [TAX] under this section
18 for one motor vehicle subject to registration under AS 28.10.421(b)-
19 (1), (2), (5), or (6). An exemption may not be granted except upon
20 written application for the exemption on a form prescribed by the
21 department.

22 * Sec. 6. AS 28.10.411(d) is repealed and reenacted to read:

23 (d) The Department of Community and Regional Affairs shall reim-
24 burse a municipality that elects to levy a tax under AS 28.10.431 for
25 revenue lost because of the exemption from the tax provided by (c) of
26 this section. If appropriations are less than the amount necessary
27 for full reimbursement to all municipalities under this section, pay-
28 ments to all municipalities entitled to receive reimbursement under
29 this section shall be prorated.

1 * Sec. 7. AS 28.10.421(d) is amended to read:

2 (d) The special registration fees under this subsection are
3 imposed annually, unless otherwise specified, for:

4 (1) an historic vehicle (one time only upon initial regis-
5 tration under AS 28.10.181).....\$10;

6 (2) special request plates including those authorized for
7 use by Alaska National Guard personnel only.....\$30;
8 plus the fee required for that vehicle under (b)(1) or (2) of this
9 section; the fee required by this paragraph shall be collected only on
10 the first issuance and on the replacement of special request plates;

11 (3) a vehicle owned by a disabled veteran or other handi-
12 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
13 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

14 (4) a vehicle owned by the state.....none;

15 (5) a vehicle owned by an elected state official.....the
16 fee required for that vehicle under (b) of this section;

17 (6) a vehicle owned by a consular officer, unless waived
18 under AS 28.10.181.....\$30;

19 (7) a vehicle owned by a rancher, farmer, or dairyman and
20 registered under AS 28.10.181.....\$30;

21 (8) a snowmobile or off-highway vehicle.....\$ 5;

22 (9) an amateur mobile radio station vehicle,

23 (A) with a transceiver capable of less than 5-band
24 operation.....the
25 fee required for that vehicle under (b) or (c) of this section;

26 (B) in recognition of service to the public: a mobile
27 amateur radio station owned by an amateur with general class or
28 higher license, provided the station must be satisfactorily
29 proved capable of operating on at least five bands between 160

1 through 10 meters, must have an antenna, and must have a power
2 supply and wiring as a permanent part of the vehicle; the trans-
3 mitting unit may be removed from the car for service or dry
4 storage.....none
5 for a mobile amateur radio station vehicle included in (b)(1) or
6 (2) of this section;

7 (10) dealer registration plates,

8 (A) the initial set of plates.....\$40;

9 (B) each subsequent set of plates.....\$20;

10 (11) a vehicle owned by a municipality or charitable orga-
11 nization meeting the requirements of AS 28.10.181(c).....\$ 5;

12 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;

13 (13) a vehicle owned by a former prisoner of war.....none.

14 * Sec. 8. AS 28.15.051(d) is amended to read:

15 (d) The department may issue a special driver's permit to a per-
16 son who is at least 14 years of age with the consent of the person's
17 parents, [OR] guardians, or spouse who is 18 years of age or older,
18 for the purpose of driving a motor-driven cycle. This permit may be
19 issued upon application and successful completion of all prescribed
20 tests and fees, and is valid for the same period of time as a driver's
21 license. The permit is not valid in a municipality which by ordinance
22 prohibits the driving of a motor-driven cycle by a person under the
23 age of 16 years; a borough may adopt the ordinance on a nonareawide
24 basis only, unless the power to adopt it on an areawide basis is
25 acquired under AS 29.33.250 - 29.33.290.

26 * Sec. 9. AS 28.15.071(a) is amended to read:

27 (a) The application of a person under the age of 18 years for an
28 instruction permit or driver's license must be signed by the father,
29 mother, [OR] guardian, or spouse who is 18 years of age or older, or

1 if there is no parent, [OR] guardian, or spouse, then by another re-
2 sponsible adult who is willing to assume the obligation imposed under
3 this section upon a person signing the application. The application
4 must be signed and verified before a person authorized to administer
5 oaths, or be signed in the presence of an authorized representative of
6 the department.

7 * Sec. 10. AS 28.15.071(c) is amended to read:

8 (c) If a minor deposits, or there is deposited on behalf of the
9 minor, proof of financial responsibility for the minor's driving of a
10 motor vehicle, in the form and amount required in AS 28.20, then the
11 department may accept the application of the minor signed as required
12 under (a) of this section, and, while proof of financial responsibil-
13 ity is maintained, the parent, guardian, spouse, or other responsible
14 adult is not subject to the liability imposed under (b) of this sec-
15 tion.

16 * Sec. 11. AS 28.15.171(a) is amended to read:

17 (a) The privilege of driving a motor vehicle on a highway or
18 vehicular way or area of this state given to a person licensed in an-
19 other jurisdiction is subject to suspension, [OR] revocation, or limi-
20 tation by the department or a court in the same manner and for the
21 same reasons as a driver's license issued under this chapter.

22 * Sec. 12. AS 28.15.231 is amended by adding a new subsection to read:

23 (f) The notice required under (a) of this section may be given
24 by first class mail.

25 * Sec. 13. AS 28.35.032(a) is amended to read:

26 (a) If a person under arrest refuses the request of a law en-
27 forcement officer to submit to a chemical test under AS 28.35.031(a),
28 after being advised by the officer that the refusal will, if that per-
29 son was arrested for [WHILE] operating or driving a motor vehicle for

1 which a driver's license is required, result in the denial or revoca-
2 tion of the license or nonresident privilege to drive, that the refus-
3 al may be used against the person in a civil or criminal action or
4 proceeding arising out of an act alleged to have been committed by the
5 person while operating or driving a motor vehicle or operating an air-
6 craft or a watercraft while intoxicated, and that the refusal is a
7 misdemeanor, a chemical test shall not be given, except as provided by
8 AS 28.35.035.

9 * Sec. 14. AS 28.40.100(a)(19) is amended to read:

10 (19) "vehicular way or area" means a way, path or area,
11 other than a highway [OR PRIVATE PROPERTY], which is designated by
12 official traffic control devices or customary usage and which is open
13 to the public for purposes of pedestrian or vehicular travel [, AND
14 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
15 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
16 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

17 * Sec. 15. AS 29.53.020(a) is amended to read:

18 (a) The following property is exempt from general taxation:

19 (1) municipal, state or federally owned property, except
20 that private leaseholds, contracts or other interest in the property
21 shall be taxable to the extent of those interests;

22 (2) household furniture of the head of a family or a house-
23 holder not exceeding \$500 in value;

24 (3) property used exclusively for nonprofit religious,
25 charitable, cemetery, hospital or educational purposes;

26 (4) property of a nonbusiness organization composed en-
27 tirely of persons with 90 days or more of active service in the armed
28 forces of the United States whose conditions of service and separation
29 were other than dishonorable, or the property of the auxiliary of such

1 organization;

2 (5) money on deposit;

3 (6) the real property of certain residents of the state to
4 the extent and subject to the conditions provided in (e) of this
5 section;

6 (7) real property to the extent and subject to the condi-
7 tions provided in (j) of this section;

8 (8) inventories located within a foreign trade zone estab-
9 lished under AS 45.77.010, before those inventories are cleared by the
10 United States Customs Service and admitted into domestic commerce;

11 (9) real property or an interest in real property that is
12 exempt from taxation under 43 U.S.C. 1620(d), as amended;

13 (10) a motor vehicle of certain residents of the state to
14 the extent and subject to the conditions provided in (m) of th's
15 section.

16 * Sec. 16. AS 29.53.020 is amended by adding new subsections to read:

17 (m) The motor vehicle owned by a resident 65 years of age or
18 older on January 1 of the assessment year is exempt from the property
19 tax levied by a municipality under AS 29.53.010. Only one exemption
20 may be granted for the same motor vehicle and, if two or more persons
21 are eligible for an exemption for the same property, the parties shall
22 decide who shall receive the exemption. A motor vehicle that the
23 assessor determines after notice and hearing to the parties concerned
24 has been conveyed to the applicant primarily for the purpose of ob-
25 taining the exemption may not be exempted under this subsection.

26 (n) The state shall reimburse a municipality for the revenue
27 lost to it under (m) of this section. To the extent that a municipal-
28 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
29 would otherwise be exempt under this section, no reimbursement will be

1 made under this subsection.

2 * Sec. 17. Sections 6, 14, and 15 of this Act take effect January 1,
3 1986.

2nd S.

Edwards
4/1/85✓

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 CS FOR SENATE BILL NO. 84 (Judiciary)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - FIRST SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws and senior
 7 citizen motor vehicle tax exemptions; and providing
 8 for an effective date."

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

10 * Section 1. AS 28.05.091 is amended to read:

11 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
 12 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a
 13 highway or vehicular way or area, and which has been determined to be
 14 defective in equipment so as to be unsafe for driving, or on which the
 15 vehicle identification number has been removed, defaced, or otherwise
 16 altered, is an unlawful vehicle and may be impounded by a peace offi-
 17 cer or an employee of the department officially designated for that
 18 purpose. The owner or person in lawful possession of a vehicle that
 19 is driven on a highway or vehicular way or area and that is so defec-
 20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
 21 the necessary costs of impounding and storing the vehicle. The im-
 22 pounding of a vehicle is in addition to any other penalty. Nothing in
 23 this section prevents the driving or moving of a defective vehicle in
 24 the manner directed by the peace officer or employee to a place for

- 25 (1) the correction of a defect in the equipment;
- 26 (2) dismantling or wrecking; or
- 27 (3) storage without repair.

28 * Sec. 2. AS 28.05.141(c) is amended to read:

29 (c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.10.051 is amended to read:

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

12 (1) the department determines [IS SATISFIED] that the reg-
13 istration or certificate, plate or permit was fraudulently procured or
14 erroneously issued;

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

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

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

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

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

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

3 (8) the department is otherwise required to do so under the
4 laws of this state.

5 * Sec. 4. AS 28.10.411(c) is amended to read:

6 (c) A resident 65 years of age or older on the date that the tax
7 is due is entitled to an exemption from the tax levied under AS 28.-
8 10.431(b) and the registration fee required [TAX] under this section
9 for one motor vehicle subject to registration under AS 28.10.421(b)-
10 (1), (2), (5), or (6). An exemption may not be granted except upon
11 written application for the exemption on a form prescribed by the
12 department.

13 * Sec. 5. AS 28.10.411(d) is repealed and reenacted to read:

14 (d) The Department of Community and Regional Affairs shall reim-
15 burse a municipality that elects to levy a tax under AS 28.10.431 for
16 revenue lost because of the exemption from the tax provided by (c) of
17 this section. If appropriations are less than the amount necessary
18 for full reimbursement to all municipalities under this section, pay-
19 ments to all municipalities entitled to receive reimbursement under
20 this section shall be prorated.

21 * Sec. 6. AS 28.10.421(d) is amended to read:

22 (d) The special registration fees under this subsection are
23 imposed annually, unless otherwise specified, for:

24 (1) an historic vehicle (one time only upon initial regis-
25 tration under AS 28.10.181).....\$10;

26 (2) special request plates including those authorized for
27 use by Alaska National Guard personnel only.....\$30;
28 plus the fee required for that vehicle under (b)(1) or (2) of this
29 section; the fee required by this paragraph shall be collected only on

1 the first issuance and on the replacement of special request plates;

2 (3) a vehicle owned by a disabled veteran or other handi-
3 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
4 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

5 (4) a vehicle owned by the state.....none;

6 (5) a vehicle owned by an elected state official.....the
7 fee required for that vehicle under (b) of this section;

8 (6) a vehicle owned by a consular officer, unless waived
9 under AS 28.10.181.....\$30;

10 (7) a vehicle owned by a rancher, farmer, or dairyman and
11 registered under AS 28.10.181.....\$30;

12 (8) a snowmobile or off-highway vehicle.....\$ 5;

13 (9) an amateur mobile radio station vehicle,

14 (A) with a transceiver capable of less than 5-band
15 operation.....the
16 fee required for that vehicle under (b) or (c) of this section;

17 (B) in recognition of service to the public: a mobile
18 amateur radio station owned by an amateur with general class or
19 higher license, provided the station must be satisfactorily
20 proved capable of operating on at least five bands between 160
21 through 10 meters, must have an antenna, and must have a power
22 supply and wiring as a permanent part of the vehicle; the trans-
23 mitting unit may be removed from the car for service or dry
24 storage.....none
25 for a mobile amateur radio station vehicle included in (b)(1) or
26 (2) of this section;

27 (10) dealer registration plates,

28 (A) the initial set of plates.....\$40;

29 (B) each subsequent set of plates.....\$20;

1 (11) a vehicle owned by a municipality or charitable orga-
2 nization meeting the requirements of AS 28.10.181(c).....\$ 5;

3 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;

4 (13) a vehicle owned by a former prisoner of war.....none.

5 * Sec. 7. AS 28.15.051(d) is amended to read:

6 (d) The department may issue a special driver's permit to a per-
7 son who is at least 14 years of age with the consent of the person's
8 parents, [OR] guardians, or spouse who is 18 years of age or older,
9 for the purpose of driving a motor-driven cycle. This permit may be
10 issued upon application and successful completion of all prescribed
11 tests and fees, and is valid for the same period of time as a driver's
12 license. The permit is not valid in a municipality which by ordinance
13 prohibits the driving of a motor-driven cycle by a person under the
14 age of 16 years; a borough may adopt the ordinance on a nonareawide
15 basis only, unless the power to adopt it on an areawide basis is
16 acquired under AS 29.33.250 - 29.33.290.

17 * Sec. 8. AS 28.15.071(a) is amended to read:

18 (a) The application of a person under the age of 18 years for an
19 instruction permit or driver's license must be signed by the father,
20 mother, [OR] guardian, or spouse who is 18 years of age or older, or
21 if there is no parent, [OR] guardian, or spouse, then by another re-
22 sponsible adult who is willing to assume the obligation imposed under
23 this section upon a person signing the application. The application
24 must be signed and verified before a person authorized to administer
25 oaths, or be signed in the presence of an authorized representative of
26 the department.

27 * Sec. 9. AS 28.15.071(c) is amended to read:

28 (c) If a minor deposits, or there is deposited on behalf of the
29 minor, proof of financial responsibility for the minor's driving of a

1 motor vehicle, in the form and amount required in AS 28.20, then the
2 department may accept the application of the minor signed as required
3 under (a) of this section, and, while proof of financial responsibil-
4 ity is maintained, the parent, guardian, spouse, or other responsible
5 adult is not subject to the liability imposed under (b) of this sec-
6 tion.

7 * Sec. 10. AS 28.15.171(a) is amended to read:

8 (a) The privilege of driving a motor vehicle on a highway or
9 vehicular way or area of this state given to a person licensed in an-
10 other jurisdiction is subject to suspension, [OR] revocation, or limi-
11 tation by the department or a court in the same manner and for the
12 same reasons as a driver's license issued under this chapter.

13 * Sec. 11. AS 28.15.231 is amended by adding a new subsection to read:

14 (f) The notice required under (a) of this section may be given
15 by first class mail.

16 * Sec. 12. AS 28.35.032(a) is amended to read:

17 (a) If a person under arrest refuses the request of a law en-
18 forcement officer to submit to a chemical test under AS 28.35.031(a),
19 after being advised by the officer that the refusal will, if that per-
20 son was arrested for [WHILE] operating or driving a motor vehicle for
21 which a driver's license is required, result in the denial or revoca-
22 tion of the license or nonresident privilege to drive, that the refus-
23 al may be used against the person in a civil or criminal action or
24 proceeding arising out of an act alleged to have been committed by the
25 person while operating or driving a motor vehicle or operating an air-
26 craft or a watercraft while intoxicated, and that the refusal is a
27 misdemeanor, a chemical test shall not be given, except as provided by
28 AS 28.35.035.

29 * Sec. 13. AS 28.40.100(a)(19) is amended to read:

1 (19) "vehicular way or area" means a way, path or area,
2 other than a highway [OR PRIVATE PROPERTY], which is designated by
3 official traffic control devices or customary usage and which is open
4 to the public for purposes of pedestrian or vehicular travel [, AND
5 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
6 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
7 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

8 * Sec. 14. AS 29.53.020(a) is amended to read:

9 (a) The following property is exempt from general taxation:

10 (1) municipal, state or federally owned property, except
11 that private leaseholds, contracts or other interest in the property
12 shall be taxable to the extent of those interests;

13 (2) household furniture of the head of a family or a house-
14 holder not exceeding \$500 in value;

15 (3) property used exclusively for nonprofit religious,
16 charitable, cemetery, hospital or educational purposes;

17 (4) property of a nonbusiness organization composed en-
18 tirely of persons with 90 days or more of active service in the armed
19 forces of the United States whose conditions of service and separation
20 were other than dishonorable, or the property of the auxiliary of such
21 organization;

22 (5) money on deposit;

23 (6) the real property of certain residents of the state to
24 the extent and subject to the conditions provided in (e) of this
25 section;

26 (7) real property to the extent and subject to the condi-
27 tions provided in (j) of this section;

28 (8) inventories located within a foreign trade zone estab-
29 lished under AS 45.77.010, before those inventories are cleared by the

1 United States Customs Service and admitted into domestic commerce;

2 (9) real property or an interest in real property that is
3 exempt from taxation under 43 U.S.C. 1620(d), as amended;

4 (10) a motor vehicle of certain residents of the state to
5 the extent and subject to the conditions provided in (m) of this
6 section.

7 * Sec. 15. AS 29.53.020 is amended by adding new subsections to read:

8 (m) The motor vehicle owned by a resident 65 years of age or
9 older on January 1 of the assessment year is exempt from the property
10 tax levied by a municipality under AS 29.53.010. Only one exemption
11 may be granted for the same motor vehicle and, if two or more persons
12 are eligible for an exemption for the same property, the parties shall
13 decide who shall receive the exemption. A motor vehicle that the
14 assessor determines after notice and hearing to the parties concerned
15 has been conveyed to the applicant primarily for the purpose of ob-
16 taining the exemption may not be exempted under this subsection.

17 (n) The state shall reimburse a municipality for the revenue
18 lost to it under (m) of this section. To the extent that a municipal-
19 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
20 would otherwise be exempt under this section, no reimbursement will be
21 made under this subsection.

22 * Sec. 16. Sections 5, 13, and 14 of this Act take effect January 1,
23 1986.

Edwards
3/28/85

1st CS

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 CS FOR SENATE BILL NO. 84 (Judiciary)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - FIRST SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws and senior
 7 citizen motor vehicle tax exemptions; and providing
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.05.091 is amended to read:

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 13 highway or vehicular way or area, and which has been determined to be
 14 defective in equipment so as to be unsafe for driving, or on which the
 15 vehicle identification number has been removed, defaced, or otherwise
 16 altered; is an unlawful vehicle and may be impounded by a peace offi-
 17 cer or an employee of the department officially designated for that
 18 purpose. The owner or person in lawful possession of a vehicle that
 19 is driven on a highway or vehicular way or area and that is so defec-
 20 tive in equipment as to be unsafe for driving [THE VEHICLE] shall pay
 21 the necessary costs of impounding and storing the vehicle. The im-
 22 pounding of a vehicle is in addition to any other penalty. Nothing in
 23 this section prevents the driving or moving of a defective vehicle in
 24 the manner directed by the peace officer or employee to a place for

- (1) the correction of a defect in the equipment;
- (2) dismantling or wrecking; or
- (3) storage without repair.

25 * Sec. 2. AS 28.05.141(c) is amended to read:

26 (c) If at the hearing under (a) of this section it appears that

1 the record of the person sustains suspension, revocation, limitation,
2 denial, or other remedial action, the hearing officer shall so order
3 and the department may suspend, revoke, limit, deny, or take other
4 remedial action against that person's license, registration, or title
5 and, if appropriate, the department shall adjust the person's point
6 total accumulated under AS 28.15.231.

7 * Sec. 3. AS 28.05.141(d) is amended to read:

8 (d) A person aggrieved by the decision of the hearing officer
9 may, within 30 days, initiate a proceeding in district court to re-
10 scind the department's action by filing a notice of appeal in accor-
11 dance with the applicable rules of court governing appeals in civil
12 matters. The district court shall base its review on the record of
13 the hearing, without taking additional testimony. The court may re-
14 verse the department's determination if the court finds that the hear-
15 ing officer misinterpreted the law, acted in an arbitrary and capri-
16 cious manner, or made a determination unsupported by the evidence in
17 the record. The filing of an appeal under this section does not auto-
18 matically stay the hearing officer's order. The court may grant a
19 stay of the order only upon a motion and hearing, and upon a finding
20 that there is a reasonable probability that the petitioner will pre-
21 vail on the merits and that the petitioner will suffer irreparable
22 harm if the order is not stayed [THE COURT SHALL CONDUCT A HEARING DE
23 NOVO. THE DECISION OF THE DEPARTMENT SUSPENDING, REVOKING, CANCELING,
24 LIMITING, RESTRICTING OR DENYING A LICENSE, REGISTRATION, TITLE,
25 PERMIT OR PRIVILEGE IS STAYED AND DOES NOT TAKE EFFECT DURING THE
26 PENDENCY OF AN APPEAL].

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

28 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
29 The department may suspend or revoke the registration of a vehicle,

1 the certificate of registration or registration plates for a vehicle,
2 or a special permit when

3 (1) the department determines [IS SATISFIED] that the reg-
4 istration or certificate, plate or permit was fraudulently procured or
5 erroneously issued;

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

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

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

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

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

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

23 (8) the department is otherwise required to do so under the
24 laws of this state.

25 * Sec. 5. AS 28.10.411(c) is amended to read:

26 (c) A resident 65 years of age or older on the date that the tax
27 is due is entitled to an exemption from the tax levied under AS 28.-
28 10.431(b) and the registration fee required [TAX] under this section
29 for one motor vehicle subject to registration under

1 AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted
 2 except upon written application for the exemption on a form prescribed
 3 by the department.

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 6 imposed annually, unless otherwise specified, for:

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 8 tration under AS 28.10.181).....\$10;

9 (2) special request plates.....\$20;

10 plus the fee required for that vehicle under (b)(1) or (2) of this
 11 section; the fee required by this paragraph shall be collected only on
 12 the first issuance and on the replacement of special request plates;

13 (3) a vehicle owned by a disabled veteran or other handi-
 14 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
 15 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

16 (4) a vehicle owned by the state.....none;

17 (5) a vehicle owned by an elected state official.....the
 18 fee required for that vehicle under (b) of this section;

19 (6) a vehicle owned by a consular officer, unless waived
 20 under AS 28.10.181.....\$30;

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 22 registered under AS 28.10.181.....\$30;

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24 (9) an amateur mobile radio station vehicle,
 25 (A) with a transceiver capable of less than 5-band
 26 operation.....the
 27 fee required for that vehicle under (b) or (c) of this section;

28 (B) in recognition of service to the public: a mobile
 29 amateur radio station owned by an amateur with general class or

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2 proved capable of operating on at least five bands between 160
3 through 10 meters, must have an antenna, and must have a power
4 supply and wiring as a permanent part of the vehicle; the trans-
5 mitting unit may be removed from the car for service or dry
6 storage.....none
7 for a mobile amateur radio station vehicle included in (b)(1) or
8 (2) of this section;

9 (10) dealer registration plates,

10 (A) the initial set of plates.....\$40;

11 (B) each subsequent set of plates.....\$20;

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19 parents, [OR] guardians, or spouse who is 18 years of age or older,
20 for the purpose of driving a motor-driven cycle. This permit may be
21 issued upon application and successful completion of all prescribed
22 tests and fees, and is valid for the same period of time as a driver's
23 license. The permit is not valid in a municipality which by ordinance
24 prohibits the driving of a motor-driven cycle by a person under the
25 age of 16 years; a borough may adopt the ordinance on a nonareawide
26 basis only, unless the power to adopt it on an areawide basis is
27 acquired under AS 29.33.250 - 29.33.290.

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29 (a) The application of a person under the age of 18 years for an

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2 mother, [OR] guardian, or spouse who is 18 years of age or older, or
3 if there is no parent, [OR] guardian, or spouse, then by another re-
4 sponsible adult who is willing to assume the obligation imposed under
5 this section upon a person signing the application. The application
6 must be signed and verified before a person authorized to administer
7 oaths, or be signed in the presence of an authorized representative of
8 the department.

9 * Sec. 9. AS 28.15.071(c) is amended to read:

10 (c) If a minor deposits, or there is deposited on behalf of the
11 minor, proof of financial responsibility for the minor's driving of a
12 motor vehicle, in the form and amount required in AS 28.20, then the
13 department may accept the application of the minor signed as required
14 under (a) of this section, and, while proof of financial responsibil-
15 ity is maintained, the parent, guardian, spouse, or other responsible
16 adult is not subject to the liability imposed under (b) of this sec-
17 tion.

18 * Sec. 10. AS 28.15.171(a) is amended to read:

19 (a) The privilege of driving a motor vehicle on a highway or
20 vehicular way or area of this state given to a person licensed in an-
21 other jurisdiction is subject to suspension, [OR] revocation, or limi-
22 tation by the department or a court in the same manner and for the
23 same reasons as a driver's license issued under this chapter.

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25 (f) The notice required under (a) of this section may be given
26 by first class mail.

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28 (a) If a person under arrest refuses the request of a law en-
29 forcement officer to submit to a chemical test under AS 28.35.031(a),

1 after being advised by the officer that the refusal will, if that per-
2 son was arrested for [WHILE] operating or driving a motor vehicle for
3 which a driver's license is required, result in the denial or revoca-
4 tion of the license or nonresident privilege to drive, that the refus-
5 al may be used against the person in a civil or criminal action or
6 proceeding arising out of an act alleged to have been committed by the
7 person while operating or driving a motor vehicle or operating an air-
8 craft or a watercraft while intoxicated, and that the refusal is a
9 misdemeanor, a chemical test shall not be given, except as provided by
10 AS 28.35.035.

11 * Sec. 13. AS 29.53.020(a) is amended to read:

12 (a) The following property is exempt from general taxation:

13 (1) municipal, state or federally owned property, except
14 that private leaseholds, contracts or other interest in the property
15 shall be taxable to the extent of those interests;

16 (2) household furniture of the head of a family or a house-
17 holder not exceeding \$500 in value;

18 (3) property used exclusively for nonprofit religious,
19 charitable, cemetery, hospital or educational purposes;

20 (4) property of a nonbusiness organization composed en-
21 tirely of persons with 90 days or more of active service in the armed
22 forces of the United States whose conditions of service and separation
23 were other than dishonorable, or the property of the auxiliary of such
24 organization;

25 (5) money on deposit;

26 (6) the real property of certain residents of the state to
27 the extent and subject to the conditions provided in (e) of this
28 section;

29 (7) real property to the extent and subject to the

1 conditions provided in (j) of this section;

2 (8) inventories located within a foreign trade zone estab-
3 lished under AS 45.77.010, before those inventories are cleared by the
4 United States Customs Service and admitted into domestic commerce;

5 (9) real property or an interest in real property that is
6 exempt from taxation under 43 U.S.C. 1620(d), as amended;

7 (10) a motor vehicle of certain residents of the state to
8 the extent and subject to the conditions provided in (m) of this
9 section.

10 * Sec. 14. AS 29.53.020 is amended by adding new subsections to read:

11 (m) The motor vehicle owned by a resident 65 years of age or
12 older on January 1 of the assessment year is exempt from the property
13 tax levied by a municipality under AS 29.53.010. Only one exemption
14 may be granted for the same motor vehicle and, if two or more persons
15 are eligible for an exemption for the same property, the parties shall
16 decide who shall receive the exemption. A motor vehicle that the
17 assessor determines after notice and hearing to the parties concerned
18 has been conveyed to the applicant primarily for the purpose of ob-
19 taining the exemption may not be exempted under this subsection.

20 (n) The state shall reimburse a municipality for the revenue
21 lost to it under (m) of this section. To the extent that a municipal-
22 ity exempts motor vehicles from taxation under AS 29.53.025(b)(4) that
23 would otherwise be exempt under this section, no reimbursement will be
24 made under this subsection.

25 * Sec. 15. Sections 5, 13, and 14 of this Act take effect January 1,
26 1986.