

S B

B

# STATE OF ALASKA THE LEGISLATURE

FOUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465-3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. TRANS.	3-21-88	1:30p.m.
S. FINANCE	2-18-88	8:40A.M.
S. TRANS.	4-9-87	2:03p.m.
S. SA	4-1-87	1:30p.m.
	3-25-87	1:30p.m.



Official Business

# Alaska State Legislature

House of Representatives

House Transportation Committee

P.O. Box V  
Juneau, Alaska  
99811

Phone:  
(907) 465-4859

March 21, 1988

\*\*\*\*\*

## COMMITTEE CALENDAR:

SB 3: "An Act relating to motor vehicle registration and registration plates; and providing for an effective date."

SJR 58: Relating to Cordova, Alaska, as the home port of the United States Coast Guard Cutter "Sweetbrier."

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

a notebook on SB 3 that includes:

inside cover: two letters, opposed  
item #1: memo from Senator Abood  
#2: CS SB 3 (Finance)  
#3: fiscal note and position paper -  
Department of Public Safety  
#4: sectional analysis  
#5: statutes  
#6: history of CS SB 3

a folder on SJR 58 that includes:

item #1: SJR 58  
#2: memo from Senator Kerttula  
#3: fiscal note - DOT/PF  
#4: resolution of support - city of Cordova

# CITY OF SEWARD

P.O. BOX 167  
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Telecopier (907) 224-3248

MAR 18 1988

March 14, 1988

The Honorable Bette M. Cato  
P.O. Box V  
Juneau, Alaska 99811

Dear Bette:

I am writing to express my concern with Senate Bill 3, currently in Committee. As you are probably aware, this bill will change vehicle licensing requirements from two vehicle identification plates, to one.

My reservations arise from the obvious impact that this would have upon law enforcement. Having just one plate on a vehicle, in the rear, would make identification of the vehicle very difficult. There are so many models of cars out today, that without two plates, it is very difficult to tell one from another. As an example, the typical armed robber does not back into a convenience store to attack. He pulls in with the front of the vehicle facing the store. He usually backs away. With two plates, there is a chance that witnesses may be able to identify the car. With the above scenario, and one plate in the rear, there is no chance.

Officers searching for a stolen car would be unable to check any oncoming vehicle. A vehicle would have to be parked before a check could be made.

As things are made more difficult for law enforcement, so too does public safety suffer. As your opportunity to express your opinion or vote on this bill arises, please take the above factors into consideration. I believe that the loss of this asset to law enforcement would have a strong impact upon our ability to protect the public safety.

Sincerely,

Louis A. Bencardino  
Chief of Police  
Seward Police Department

LAB/dra

INDEX

- I. MEMORANDUM TO REPRESENTATIVE CATO REQUESTING A HEARING ON CSSB 3(FINANCE)
- II. COPY OF CSSB 3(FINANCE)
- III. FISCAL NOTE/POSITION PAPER FROM THE DEPARTMENT OF PUBLIC SAFETY
- IV. SECTIONAL ANALYSIS
- V. STATUTES AFFECTED BY CSSB 3(FINANCE)
- VI. HISTORY OF CSSB 3(FINANCE)
  - a. Senate Journals showing committee reports and Senate vote
  - b. Summary of changes to SB 3
  - c. Committee Minutes
    - Senate Finance
    - Senate Transportation
    - Senate State Affairs
  - d. Copy of memorandum to Senate Finance briefly explaining requested changes for new committee substitute with attachment of letter from the Division of Motor Vehicles

# Soldotna Police Department

P. O. Box 2499  
Soldotna - Alaska 99669

MAR 18 1988



Duane Udland  
Chief of Police

March 16, 1988

Representative Bette Cato  
Alaska State Legislature  
P. O. Box V (MS 3100)  
Juneau, AK 99811

Dear Representative Cato,

I am writing to address CS for Senate Bill No. 3, which has to do with motor vehicle license plates. Under this bill, motor vehicles would be issued only one license plate instead of two.

I can appreciate the need for cutting costs wherever possible and from that point of view the bill is good. However, I would like for you and the Transportation Committee to consider that single license plates will make it more difficult for law enforcement and citizens to identify motor vehicles. With only one license plate, you reduce your chances of seeing the license numbers of vehicles that may have been involved in crimes.

Thank you for any consideration you and the Transportation Committee may give this.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland  
Chief of Police

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/26/88

FURTHER REFERRALS: Finance

DATE: March 21, 1988

The Transportation Committee has considered CSSB 3(Fin)

"An Act relating to motor vehicle registration and registration plates providing for an effective date."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published 2-18-88
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*Bill Anderson*  
*Bill Anderson*  
*Heinrich Springer*  
*Butte Cato*

**SIGNING OTHER RECOMMENDATIONS:**

*Mike Miller Do NOT PASS*  
*W.C. Pender (NO REC)*

*Butte Cato*  
Chairman's signature



# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747




CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

DATE: 08 MARCH 1988

TO: REPRESENTATIVE BETTE CATO, CHAIRMAN  
HOUSE TRANSPORTATION COMMITTEE

FROM: SENATOR MITCH ABOOD 

RE: SB 3 "AN ACT RELATING TO MOTOR VEHICLE  
REGISTRATION AND REGISTRATION PLATES; AND  
PROVIDING FOR AN EFFECTIVE DATE."

I respectfully request a hearing on SB 3 at your earliest possible convenience.

SB 3 requires the Department of Public Safety to issue one registration plate, instead of the existing requirement of two plates. This bill also requires the plate to be attached to the rear of the vehicle.

The bill tends to be rather lengthy due to the housekeeping measures of changing the plural language to singular in reference to the registration plates.

Committee Substitute for SB 3 (Finance) has strong support from the Department of Public Safety and they had indicated a cost saving of approximately \$60,000.

Thank you for your consideration in hearing SB 3 and moving it on to the next committee of referral.

Should you have any questions, please contact me or Rhonda Cargill of my staff at 465-4714.



# Alaska State Legislature House of Representatives

REPRESENTATIVE DRUE PEARCE  
DISTRICT 9, SEAT A  
MINORITY WHIP

MEMBER  
RESOURCES COMMITTEE  
TRANSPORTATION COMMITTEE  
COMMERCE AND ECONOMIC DEVELOPMENT  
BUDGET SUBCOMMITTEE

3111 C STREET, SUITE 150  
ANCHORAGE, ALASKA 99503  
(907) 561-2038

WHILE IN JUNEAU:  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4993

MAR 11 1988

## MEMORANDUM

TO: Representative Bette Cato  
Chair, House Transportation Committee

FROM: Representative Drue Pearce *Drue Pearce*

DATE: March 9, 1988

SUBJECT: Senate Bill 3 "An Act relating to motor vehicle registration plates; and providing for an effective date."

Today I talked with Jay Dulany, a constituent and President of the Sand Lake Community Council in my district. He is very concerned that SB 3 move through the House since it influences the budgetary process in the department for which he works.

I would appreciate it if you would considering calendaring SB 3 for hearing before House Transportation at your earliest convenience.

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747

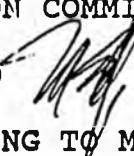


CHAIRMAN  
STATE AFFAIRS  
  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

DATE: 08 MARCH 1988

TO: REPRESENTATIVE BETTE CATO, CHAIRMAN  
HOUSE TRANSPORTATION COMMITTEE

FROM: SENATOR MITCH ABOOD 

RE: SB 3 "AN ACT RELATING TO MOTOR VEHICLE  
REGISTRATION AND REGISTRATION PLATES; AND  
PROVIDING FOR AN EFFECTIVE DATE."

I respectfully request a hearing on SB 3 at your earliest possible convenience.

SB 3 requires the Department of Public Safety to issue one registration plate, instead of the existing requirement of two plates. This bill also requires the plate to be attached to the rear of the vehicle.

The bill tends to be rather lengthy due to the housekeeping measures of changing the plural language to singular in reference to the registration plates.

Committee Substitute for SB-3 (Finance) has strong support from the Department of Public Safety and they had indicated a cost saving of approximately \$60,000.

Thank you for your consideration in hearing SB 3 and moving it on to the next committee of referral.

Should you have any questions, please contact me or Rhonda Cargill of my staff at 465-4714.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 3(Fin)  
PUBLISH DATE: (SENATE) 2/18/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: An Act relating to motor vehicle BRU: Motor Vehicles  
registration and registration plates...  
Sponsor: Abood Components: Field Services  
Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		(4.9)	(10.1)	(10.4)	(10.7)	(11.0)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	(4.9)	(10.1)	(10.4)	(10.7)	(11.0)

CAPITAL	-0-	(25.0)	(51.5)	(53.1)	(54.7)	(56.3)
---------	-----	--------	--------	--------	--------	--------

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	(4.9)	(10.1)	(10.4)	(10.7)	(11.0)
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	(4.9)	(10.1)	(10.4)	(10.7)	(11.0)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

Prepared by: Bill Brown Phone: 465-4335  
Division: Motor Vehicles Date: 2-4-88  
Approved by Commissioner: Walter H. Oster, Dep. Comm. Date: 2-4-88  
Agency: Public Safety

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

## CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 3(Fin) (Work Draft)

This bill reduces the number of license plates required on a motor vehicle from two to one. 50,000 sets of new license plates are issued annually. The cost savings would be \$1.00 per vehicle (Capital). 650,000 sets of tabs are issued annually. The cost savings would be \$.015 per vehicle (Operating). Effective date is January 1, 1989, thus one-half year savings is reflected in FY 90 and subsequent years.

At present, the FY 89 Capital request for the Department of Public Safety does not include any funding for the purchase of new license plates. The reduction shown in the Capital Budget category reflects only the amount of decrease in future requests.

BILL NO: WORK DRAFT  
CS SB 3(FIN)

DATE: February 4, 1988

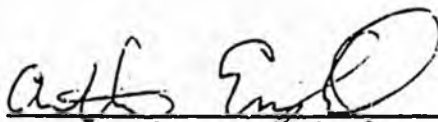
TITLE: An Act relating to  
motor vehicle registration...

CONTACT: Bill Brown  
465-4335

This bill reduces the number of license plates required to be displayed on a motor vehicle from two to one.

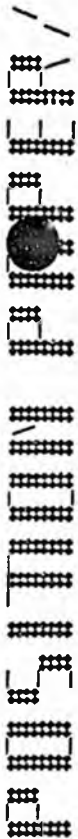
The one license will be displayed on the rear of the vehicle. At least twenty states currently issue only one plate, and others have introduced legislation to change to one plate. This is a cost savings measure with a total annual savings of over \$60,000.00.

The department supports this bill.



Arthur English  
Commissssioner

DEPARTMENT OF  
PUBLIC SAFETY



# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747



CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

## SECTIONAL ANALYSIS FOR CS FOR SB 3 (Finance)

"An Act relating to motor vehicle registration and registration plates; and providing for an effective date."

HOUSEKEEPING CHANGES (such as changing "plates" to "plate"; "are" to "is", etc.)

Section 1 AS 28.10 051  
Section 2 AS 28.10.091  
Section 3 AS 28.10.108(g)  
Section 4 AS 28.10 108(h)  
Section 5 AS 28.10.111(b)

Section 6. AS 28.10.161(a)

Requires the department to issue one registration plate, instead of the existing requirement of two plates.

According to the Department of Public Safety's position paper of February 8, 1988, this reduction will save the state over \$60,000.

Section 7. AS 28.10.171(b)

Requires the plate to be attached to the rear of the vehicle.

HOUSEKEEPING CHANGES

Sections 8 - 24

Section 25

Repeals AS 28.10.171(a) "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."

Section 26

Effective date

Effect of amendments. — The first 1985 amendment in paragraph (7) of subsection (a) deleted "motor freight carrier fees or bus transportation fees" following "taxes" and made a related stylistic change.

The second 1985 amendment added paragraph (10) of subsection (a).

The third 1985 amendment added subsection (c).

The fourth 1985 amendment added paragraph (9) of subsection (a).

**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 determines that the registration or certificate, plate or permit was fraudulently procured 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 area, 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; am § 4 ch 60 SLA 1986)

Effect of amendments. — The 1986 amendment in paragraph (1) substituted "determines" for "is satisfied" and inserted "procured."

**Sec. 28.10.081. Issuance of certificate of registration; certificate to be signed, carried and displayed.**

**NOTES TO DECISIONS**

Cited in *Resecker v. State*, Ct. App. Op. No. 636 (File No. A-1248), P.2d (1986).

Sec. 28.1  
SLA 1985.

Sec. 28.1  
1985. For

Sec. 28.1  
§ 37 ch 21

Sec. 28.1  
to be regist

dures set c  
(b) Subje  
registration

(1) unde:  
shall have  
tion, renew

(2) unde:  
shall have  
tion, renew

(c) A veh  
section sha

registration  
subject to

(d) A reg  
regardless

(e) The r  
to which ti

(f) Upon  
prorated ap  
have its re:  
annual reg

(g) The c  
of the prop  
tration for

expires.

(h) The c  
the regist

shown in th  
to registra

renew regi  
gether with

no later th  
upon the ve  
a timely p  
and taxes.

l. removed  
ately upon  
rtification  
search all  
originally  
er shall  
nership of  
artment,  
an iden-  
upon the  
gistered  
178 SLA

*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. 6 ALR3d 506.  
Validity and construction of statute making it a criminal offense for the

*Sec. 28.10.090. New vehicles. [Repealed, § 7 ch 178 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 178 SLA 1978)

*Sec. 28.10.100. Grounds for refusal. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.101. Expiration of registration.** After October 15, 1978 vehicles required to be registered under this chapter shall be registered as follows:

(1) Until December 31, 1978, every vehicle registered and every registration plate issued under this chapter expires at midnight on December 31 of each year. The owner of a registered vehicle may drive the vehicle under the registration for the preceding year until May 31 of the year for which the registration is required.

n vehi-  
tration  
cle and  
ords or  
y com-  
r" and  
pile a  
te and  
cribed

le;  
ed to  
AS  
and

eli-  
his  
and  
cer  
al  
an

a-  
as  
ts  
ir  
a-

ndment added  
ion 'a).  
ent added sub-

ndment added  
n

e registra-  
tion of a  
s for a vehi-

certificate,  
y issued;  
is mechani-  
lar way or  
e has been

destroyed

ix has not  
notice and

ingly dis-  
issued;  
has com-  
ion or the

stolen or

ie laws of  
(6)

l" and in-

; certifi-

*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.]*

*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

(c)

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)

**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)

*Effect of amendments.* — The 1985 fee required under AS 42" at the end of amendment deleted ", and any motor subsection (a). freight carrier (ee or bus transportation

**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 60 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 that indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 10 days of commencement of employment or of taking action that 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 except as provided in AS 28.10.011 and 28.10.131(c).

(b) A v tration u ing an est state, is s or lessee.

(c) A vi a full-tim level and tion is m student e: state. Thi in which privileges

(d) It is this sectio 178 SLA

*Effect of amendment, subsection (a) the first sent substituted "takes action.*

**Sec. 28. ditions. ( ously regis stated in th ment all ev or control e department ber.**

(b) If the ership, the fully registe issuing a t Alaska cert the Alaska legal owner the case of a ownership a cle surety b shall be m:

(c) If the another jur cant is tem owner of th

her juris-  
r is previ-  
y shall be  
he part-  
session or  
ment may

vidence of  
ant is the  
ne vehicle  
f the State  
ssuance of  
gistered or  
e, or in the  
rtment of  
f a vehicle  
ond shall

tachment.

course of  
istered in  
ration and  
n agent of  
and taxes  
ed by that  
nt in ti-  
pter, all  
tice of the  
all appear  
he records  
178 SLA

es in other  
hicle regis-  
4.

178.1

permits.  
nd issued  
ter is not

ed;

(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 vehicular 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 28.10.181, 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)

of the State  
h 178 SLA

on or" pre-  
ded subsec-

course of  
vehicle li-  
S.C. 1 —  
Maritime  
ed in an-  
tion and  
agent of  
fees and  
issued by  
licant is  
chapter,  
itle. (§ 7

ed the for-  
"Notice of  
istered in  
ar on the  
d by this  
partment  
L."

mits.  
ed and  
apter is

ed;  
for the  
of the

to an-  
tly re-  
areas

is trip  
days.  
ently  
(7)

Effect of amendments. — The 1987  
amendment, effective June 9, 1987, added  
subsections (a)(4) and (b).

**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 per-

son 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 non-profit 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 "cc." 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) Vehicle not exceed by a person operation and which ranch, farm supplies, c farm or da issued reg ing.

(i) Amateur radio holds an radio oper isfactory p transmitt applied fo: may regis license iss vehicle di plates. Th owner.

(j) Vehicle dealer ma this subse routine an vehicles, c entry to th case of a h dealer sell the vehic than five c dealer pla to defeat

(k) Occa cense to t highway. ment that upon state tion. The c subsection:

(l) Veh: upon rece tration pl has been determin

dicapped and respect to the l spaces, may roof required person receives government v a physician request of the registration

r's disability forces of the

30). aritable or and registra- e organiza- registration operated by of the state ration. The shall main- order of the vide a copy all include nation re- r this sub- m. For the ns a non- zed, incor- scien- ns of the

ment shall state offi- driven by is so that e plates. with the ce. nents. A shall be ' or "cc." onular with in-

(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.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard. The owner shall return the registration plates to the department within 10 days following discharge from the Alaska National Guard. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984; am § 5 ch 60 SLA 1986)

Effect of amendments. — The 1986 amendment added subsection (m).

Article 2. Title.

Section

201. Title required; exceptions

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) or (c) 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 which is not in the state when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompa-

nied b  
vehicl  
issued  
SLA 1

Effect:  
amendm  
subsect  
sentence  
inspectio

Sec.

Applic  
Op. No. 1  
1076 (198

Section  
321. New  
istra

Sec. 2  
and nev  
28.10.29:  
cates of  
apply for  
registrati  
(b) An  
accompan  
title and l  
tion, if ar

Effect of  
amendment

Section  
411. Registra  
421. Registra  
423. Emissio.  
fees

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 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); 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. 28.10.280. 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 178 SLA 1978)

Former Graham v

Sec. : 1978.]

Sec. : transfer title to the sale

(b) Tl forward new cer section. ber and

(c) If does not in this s freee di departr

Sec. :

Sec. : agreeme been err also a p

(b) In term rer living se capable affairs.

(c) If registra fer to th certifica the min immedi: departr of recor

Sec. :

Sec. : to, or ir: than by

(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 motor freight carrier or bus transportation fees, if any, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978)

**NOTES TO DECISIONS**

Former law construed. — See State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska 1975).

*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 Dist., C.A. No. 71-3441 (1973); State Farm 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 604 (1973); Graham v. Black, Superior Court, 3rd Jud. 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. 2

Sec. 2 transfer lienholder shall, upon the certificate does not rity agre

Sec. 2.

Sec. 2 dismantl forward the regis

Secs. 2 [Repeale

Sec. 2 or dealer have been delivered assignme delivered in the ca: transfere the drivi SLA 197

Sec. 2.

Section 371. Filing encu 381. Provi: title

Collater 2d. Autom: §§ 31, 39. - 60 C.J.S.

nterest  
ian by  
le and  
it. The  
tment  
dering  
a new  
is not  
in the

ation  
l and  
icates  
ly for  
ation.  
all be  
fer of  
fees,  
any.

title  
te of  
tion  
l all  
cate  
d to

arm  
upp.  
orth  
File

*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's 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. 2d, Automobiles and Highway Traffic, §§ 31, 39, 46, 48.  
60 C.J.S., Motor Vehicles, § 42.

very year dur-  
ion under this  
ent at the time  
of registration

f the year the  
e registration  
bject to regis-  
emption may  
emption on a  
78; am 1983  
m § 41 ch 37  
36; am § 3 ch

ment repealed  
exemption for  
or older.  
effective June  
on (e), concern-  
ark and camp  
1 fees.

erwise pro-  
paid to the  
28.10.111.  
imposed

ained for  
r commer-  
.....\$30;  
ls unladen  
persons or  
.....\$35;  
.....\$70;  
rsons and  
ng of visi-  
.....\$85;  
.....\$20;  
d for the  
mmercial

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 .....\$50;
- (2) more than 5,000 pounds to and including 12,000 pounds ....\$85;
- (3) more than 12,000 pounds to and including 18,000 pounds ..\$155;
- (4) more than 18,000 pounds .....\$220.

(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 including those authorized for use by Alaska National Guard personnel only .....\$30; 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 files a written application for an exemption on a form prescribed by the department ..... 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 .....\$35;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 .....\$35;

(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 from 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 .....\$45;

(B) each subsequent set of plates .....\$25;

(11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(e) .....\$ 5;

(12) an occasional use vehicle under AS 28.10.181(k) .....\$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; am §§ 7 — 9 ch 60 SLA 1986; am § 1 ch 70 SLA 1986)

14 -

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

The first 1986 amendment increased the fees in paragraphs (1) through (5) of subsection (b), increased the fees in subsection (c), and in subsection (d) in paragraph (2) added "including those authorized for use by Alaska National Guard personnel only" and increased the fee, ir

paragraph (3) substituted "files a written application for an exemption on a form prescribed by the department" for "complies with AS 28.10.411(c)," and increased the fees in paragraphs (6), (7) and (10).

The second 1986 amendment of paragraph (3) of subsection (d) made by § 1, ch. 70, SLA 1986 was identical to the amendment made by § 9, ch. 60, SLA 1986, which is already in effect.

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)

Sec. 28.10.431. 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, 1978, 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 elect  
ordinanc  
the peopl  
pal elect  
(b) Th  
under AS  
based up  
to the fc

Motor V  
(1) motc  
(2) vehi  
in A  
28.1  
(3) vehi  
in A  
28.1  
(4) vehi  
in A  
(c)1  
5.  
lc  
5.  
pc  
1:  
pc  
1.  
o:  
(5) vehi  
in .  
28.:  
(6) vehi  
in .  
28.:  
(7) vehi  
in .  
28.  
(8) vehi  
in  
28.

of

7th 8th  
or over

10 5

20 10

30 20

40 20

20 10

2 2

10 5

10 5

ced and  
re regis-  
collected  
ie tax is

in AS  
section,  
refund  
ll make  
e made  
ent by  
fund is

(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)(13) is subject to a motor vehicle registration tax under this section. (§ 7 ch 178 SLA 1978; am § 3 ch 151 SLA 1984)

**Effect of amendments.** — The 1984 bills as affected by constitutional provisions in relation to taxation, 5 ALR 759, amendment added subsection (h).  
**Collateral references.** — Validity of statutes imposing license tax on automo- 126 ALR 1419.

*Sec. 28.10.440. Dismantled vehicle. [Repealed, § 7 ch 178 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 . . . . . \$ 5;
  - (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 28.10.031 . . . . . none;
  - (7) special transport permit issued under AS 28.10.151 . . . \$ 5;
  - (8) special permit for vehicle used for transport of disabled or handicapped person as provided in AS 28.10.21 . . . . . none.
- (§ 7 ch 178 SLA 1978)

**Revisor's notes.** — AS 28.10-215, repealed in 1978. Present similar provisions may be found in AS 28.10.495.

e of

8th  
or over

and oth-  
registra-  
collected  
the tax is

d in AS  
s section,  
a refund  
all make  
be made  
Decem-  
claimed.  
section,  
rich the  
lence of  
hicle if  
ocation  
kept or  
municipal-  
tax

n shall  
e city,

taxes  
muni-  
may  
to the  
effect.  
from  
vehi-

it for  
part-  
ce in  
ns to

the department to carry out the purposes of this section. (§ 7 ch 178 SLA 1978; am § 3 ch 151 SLA 1984; am § 48 ch 138 SLA 1986)

Effect of amendments. — The 1986 amendment added subsection (i).

**Sec. 28.10.441. Schedule of other fees and charges.**

Revisor's notes. — AS 28.10.215, repealed in 1978. Present similar provisions referred to in (8) of this section, was repealed in AS 28.10.495.

**Article 7. General Provisions.**

Section 495. Parking permit for vehicle transporting disabled person	Section 502. Towing and storage lien
---	---

**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. Upon the death of the disabled or handicapped person, the special permit shall be returned to the department.

(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; am § 1 ch 11 SLA 1987)

Effect of amendments. — The 1987 amendment added the last sentence of subsection (b).

**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 pro-

Article 6. Registration and Title Violations.

Section  
 451. Unlawful to violate provisions requiring registration and title  
 461. Driving vehicle without evidence of registration  
 471. Driving vehicle when registration suspended or revoked or permit expired

Section  
 481. Improper use of evidence of registration or certificate of title  
 491. Felonies relating to title, registration, identification number, and removal and representation of vehicles  
 493. Misdemeanors relating to transfers

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 as to registration of automobile, 16 ALR 1108, 35 ALR 62, 38 ALR 1038, 43 ALR 1153, 54 ALR 374, 58 ALR 532, 61 ALR 1190, 78 ALR 1028, 87 ALR 1469, 111 ALR 1258, 163 ALR 1375.

*Sec. 28.10.450. Failure to endorse and deliver. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.451. Unlawful to violate provisions requiring registration and title.** A person may not wilfully attempt to defeat the provisions of this chapter or wilfully fail to title or register a vehicle as required by this chapter, or otherwise wilfully fail to comply with the requirements of this chapter. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.460. Required insurance. [Repealed, § 7 ch 178 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 178 SLA 1978)

Collateral references. — Lack of proper automobile registration as evidence of operator's negligence, 73 ALR 162, 29 ALR2d 963.

Validity and construction of statute

making it a criminal offense for the operator of a motor vehicle not to carry or display his vehicle registration certificate, 6 ALR3d 506.

*Sec. 28.10.470. Filing liens. [Repealed, § 7 ch 178 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 vehicle has been

Cited in No. 181 780 (1982)

Sec.

Sec. tificate the use plate. d person t its use. registra issued f (§ 7 ch

Sec.

Sec. cation Upon c

(1) al or a reg tion:

(2) a assignn this or

(3) h. registra knowin

(4) w (5) w vehicle

(6) b equipm has bee

(7) re interest: without: defrauc

(8) re and wh without:

(9) n

SB 410 cont'd

Senator Duncan moved for the adoption of Amendment No. 1 and asked unanimous consent. Senator Coghill objected.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 410(Resources) and pending Amendment No. 1 be held in second reading for tomorrow's calendar. Without objection, CS FOR SENATE BILL NO. 410(Resources) will be on the February 25 calendar.

SB 3

SENATE BILL NO. 3 "An Act relating to motor vehicle registration and registration plates" was read the second time.

Senator Halford moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2327. Without objection, CS FOR SENATE BILL NO. 3(Finance) "An Act relating to motor vehicle registration and registration plates; and providing for an effective date" was adopted.

CS FOR SENATE BILL NO. 3(Finance) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 3(Finance) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 3(Finance) was read the third time.

The question being: Shall CS FOR SENATE BILL NO. 3(Finance) "An Act relating to motor vehicle registration and registration plates; and providing for an effective date" pass the Senate? The roll was taken with the following result:

CSSB 3 FIN JRD

Yeas: 18 Abood, Binkley, Coghill, Duncan,  
Falks, Fanning, Fischer, Halford,  
Hensley, Jones, Josephson, Kelly,  
Kerttula, Rodey, Sturgulowski,  
Szymanski, Uehling, Zharoff

Nays: 0

Excused: 2 Eliason, Fahrenkamp

SB 3 cont'd

and so, CS FOR SENATE BILL NO. 3(Finance) passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 3(Finance) was referred to the Secretary for engrossment.

## SECOND READING OF SENATE RESOLUTIONS

SJR 61

SENATE JOINT RESOLUTION NO. 61 "Requesting the Government of the United States to reassert jurisdiction over Wrangel Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding outer continental shelf within the American waters of the Chukchi Sea and the East Siberian Seas and to pay the State of Alaska compensation for damages from their loss" was read the second time.

Senator Halford moved and asked unanimous consent that SENATE JOINT RESOLUTION NO. 61 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 61 was read the third time.

The question being: Shall SENATE JOINT RESOLUTION NO. 61 "Requesting the Government of the United States to reassert jurisdiction over Wrangel Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding outer continental shelf within the American waters of the Chukchi Sea and the East Siberian Seas and to pay the State of Alaska compensation for damages from their loss" pass the Senate? The roll was taken with the following result:

SCR 40

The Finance Committee considered SENATE CONCURRENT RESOLUTION NO. 40 "Relating to the revision of Title 2 of the Alaska Statutes" and a majority of the committee recommended the Transportation Committee Substitute offered on page 2205 be adopted and do pass. The report was signed by Senator Halford, Co-chairman and concurred in by Senators Duncan, Zharoff, Uehling and Binkley.

Zero fiscal note published today from Senate Finance Committee.

SENATE CONCURRENT RESOLUTION NO. 40 was referred to the Rules Committee.

SJR 64

The Labor and Commerce Committee considered SENATE JOINT RESOLUTION NO. 64 "Relating to resident hire on United States Department of Defense projects at Anchitka Island, Shemya Island, and Adak" and a majority of the committee recommended do pass. The report was signed by Senator Kelly, Chairman and concurred in by Senators Szymanski and Fahrenkamp.

Zero fiscal note published today from Senate Labor and Commerce Committee.

SENATE JOINT RESOLUTION NO. 64 was referred to the Rules Committee.

SB 3

The Finance Committee considered SENATE BILL NO. 3 "An Act relating to motor vehicle registration and registration plates" and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 3(Finance), entitled:

"An Act relating to motor vehicle registration and registration plates; and providing for an effective date."

and do pass. The report was signed by Senator Halford, Co-chairman and concurred in by Senators Duncan, Zharoff, Binkley and Uehling.

SB 3 cont'd

Fiscal note published today from Department of Public Safety.

SENATE BILL NO. 3 was referred to the Rules Committee.

HCR 33

The Community and Regional Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 33 "Relating to annexations recommended by the Local Boundary Commission" and recommended it be replaced with

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 33(C&RA)

Senator Sturgulewski, Chairman and Senator Halford signed "do pass." Senators Zharoff and Szymanski signed "no recommendation."

Zero fiscal note published today from Department of Community and Regional Affairs.

HOUSE CONCURRENT RESOLUTION NO. 33 was referred to the Rules Committee.

HCR 38

The Resources Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 38(Resources) "Requesting the Pacific Salmon Commission to increase Alaska's chinook salmon quota" and a majority of the committee recommended do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Sturgulewski, Zharoff, Duncan and Fischer.

HOUSE CONCURRENT RESOLUTION NO. 38 was referred to the Rules Committee.

HB 93

The Community and Regional Affairs Committee considered CS FOR HOUSE BILL NO. 93(Finance) an "An Act establishing six Recreation rivers; and providing for an effective date" and recommended it be replaced with

SJR 36 cont'd

and do pass. The report was signed by Senator Jones, Chairman and concurred in by Senators Abood, Coghill, Fahrenkamp and Kelly.

Zero fiscal note with analysis published today from Department of Transportation and Public Facilities.

SENATE JOINT RESOLUTION NO. 36 was referred to the Rules Committee.

SB 3

The Transportation Committee considered SENATE BILL NO. 3 (motor vehicle registration and registration plates) and recommended it be replaced with

CS FOR SENATE BILL NO. 3 (TRSP), entitled:  
" Act relating to motor vehicle registration and registration plates; increasing fees for driver's licenses, permits, and identification cards; and providing for an effective date."

and do pass. The report was signed by Senator Jones, Chairman and concurred in by Senators Coghill, Abood, Kelly and Fahrenkamp.

Revised fiscal note published today from Department of Public Safety.

SENATE BILL NO. 3 was referred to the Finance Committee.

SB 51

The Finance Committee considered SENATE BILL NO. 51 (alcohol) and a majority of the committee recommended do pass. The report was signed by Senator Binkley, Co-chairman and concurred in by Senators Duncan, Bennett, Uehling and Fischer.

SENATE BILL NO. 51 was referred to the Rules Committee.

SB 155

The Community and Regional Affairs Committee considered SENATE BILL NO. 155 (change, relocation, or removal of utility facilities incident to the construction of road or other projects by a municipality) and recommended it be replaced with

SCR 24 cont'd

## CS FOR SENATE CONCURRENT RESOLUTION NO. 24 (L&amp;C)

Senator Kelly, Chairman and Senator Eliason signed "do pass". Senator Szymanski signed "no recommendation".

Zero fiscal note published today from the Senate Labor and Commerce Committee.

SENATE CONCURRENT RESOLUTION NO. 24 was referred to the Rules Committee.

SJR 32

The Labor and Commerce Committee considered SENATE JOINT RESOLUTION NO. 32 (importation and sale of salmon reared in TBT-treated aquaculture pens). Senator Kelly, Chairman and Senator Eliason signed "do pass". Senator Szymanski signed "no recommendation".

Zero fiscal note published today from the Senate Labor and Commerce Committee.

SENATE JOINT RESOLUTION NO. 32 was referred to the Rules Committee.

SB 3

The State Affairs Committee considered SENATE BILL NO. 3 (motor vehicle registration and registration plates) and recommended it be replaced with

CS FOR SENATE BILL NO. 3 (SA), entitled:  
"An Act relating to forfeiture of motor  
vehicle registration and registration plates."

and do pass. The report was signed by Senator Abood, Chairman and concurred in by Senators Faiks, Josephson, Uehling and Hensley.

Fiscal note published today from the Department of Public Safety.

SENATE BILL NO. 3 was referred to the Transportation Committee.

# Alaska State Legislature



INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747

CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

DATE: 17 MARCH 1988  
TO: MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE  
FROM: Senator Mitch Abood  
RE: Summary of changes to CSSB 3 (Finance)

The following is a summary of the various versions of Senate Bill 3 and the reasons for those changes:

SB 3 "An Act relating to motor vehicle registration and registration plates."  
=====

- Authorizes the Department of Public Safety to design and issue special registration plates.
- Requires surrendering, to the court, registration and registration plates of a motor vehicle for:
  - a. a second conviction within a five year period or a third conviction within a ten year period, for driving while intoxicated or refusal to submit to a chemical test of breath.
  - b. driving a motor vehicle when that person's driver's license has been revoked and the revocation was imposed under AS 28.15.181(a) (5)
- Requires a person who has surrendered his plates to identify to the court all persons of his household who are 17 years of age or older to be included in the record of conviction.
- Requires the Department to provide each named person notification that the described persons driver's license has been revoked and the consequences of letting him drive without a valid driver's license.

- Allow transfer of ownership of the vehicle with the permission of the court.

In Senate Bill 3, I was attempting to reach the drunk drivers who have a problem with alcohol. Those that continue to drink and drive even after their driver's license has been revoked for DWI or for any other reason.

Senate Bill 3 would allow the State to, in some cases, forfeit the motor vehicle registration and license plates of a drunk driver in cases where that driver had a record of prior DWI's or refusing the breath test.

CSSB 3(State Affairs) "An Act relating to motor vehicle registration and registration plates."  
=====

- Authorizes the Department of Public Safety to design and issue special registration plates (no change from Senate Bill 3)

- Requires surrendering registration and registration plates to the court for the above offenses. The plates will be transmitted to the department. (Instead of leaving them with the court)

- Requires a person who has surrendered his plates to identify to the court all persons of his household who are 17 (instead of 16) years of age or older. (This bill also takes the names of persons in the household out of the conviction record).

- Requires the department to provide each named person notification that the described persons driver's license has been revoked and the consequences of letting him drive without a valid driver's license. (No Change)

- Allows transfer of ownership of the vehicle with the permission of the department (instead of the court).

The above amendments were made as a result of suggestions and discussions by -

Mothers Against Drunk Drivers, the Department of Public Safety and further discussions by the committee.

CSSB 3 (Transportation)

=====  
In addition to existing language:

- Increases by \$2 the fee for acquiring a driver's license, motorcycle license, instruction permit, school bus driver's permit, or state identification card.
- Requires the department to issue one registration plate, instead of the existing requirement of two plates.
- When one registration plate is issued, it shall be attached to the rear of the vehicle for which issued.
- Adds effective dates.

CSSB 3 (Finance) :

- =====  
- All sections are deleted except those dealing with requiring the Department of Public Safety to issue one registration plated, instead of the existing requirement of two plates.

After several discussions with the Department of Public Safety, we learned that information gathered from Minnesota, which has a similar program contained overstatements about the success rate of the program and the evidence of the program's effectiveness.

As you can see from the attached correspondence from Mr. Dulany of the Division of Motor Vehicles, I felt it best to follow the Department's suggestions on this program.

I have been assured by the Department of Public Safety, that no fee increase is necessary to run their existing program nor for the issuance of one license plates. With that, I chose not to increase the fee for driver's licenses or permits at a time of economic hardship our State is battling.

# Alaska State Legislature

INTERIM OFFICE  
3111 'C' STREET, SUITE 535  
ANCHORAGE, ALASKA 99503  
(907) 561-7614


WHILE IN SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4747



Senator Mitch Abood  
SENATE DISTRICT G-A

CHAIRMAN  
STATE AFFAIRS  
MAJORITY WHIP

MEMBER  
TRANSPORTATION  
COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
INTERNATIONAL TRADE

DATE: 04 FEBRUARY 1988  
TO: THE HONORABLE RICK HALFORD  
CO-CHAIRMAN, SENATE FINANCE COMMITTEE  
FROM: Senator Mitch Abood   
RE: CS SB 3 ( )

Please find attached a draft of a committee substitute for SB 3 which I would like the Senate Finance Committee to consider.

CS SB 3 ( ) deletes all sections of CS SB 3 (Transportation) except those dealing with requiring the Department of Public Safety to issue one registration plate, instead of the existing requirement of two plates.

After several discussions with the Department of Public Safety, we learned that information gathered from Minnesota, which has a similar program, contained overstatements about the success rate of the program. Also, I understand the evidence of that program's effectiveness was misleading.

As you can see from the attached correspondence from Mr. Dulany of the Division of Motor Vehicles, I felt it best to follow the Department's suggestion on this program.

I have been assured by the Department of Public Safety, that no fee increase is necessary to run their existing program, nor for the issuance of one license plate. With that, I chose not to increase the fee for driver's licenses or permits at a time when our State is experiencing economic hardship.

Should you have any questions or concerns, please contact me at 4714 or 4747. If for some reason I am not available,

please speak with Rhonda Cargill on my staff who has been working with me on this proposed legislation.

Thank you for your consideration of this matter.

MA/rmc

attachments

STATE OF ALASKA

STEVE COWPER, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

5700 EAST TUDOR ROAD  
ANCHORAGE, ALASKA 99507-1225  
PHONE: (907) 269-5551

December 10, 1987

The Honorable Mitch Abood  
Alaska State Legislature  
3111 C Street, Suite 535  
Anchorage, Alaska 99503

Dear Senator Abood:

As we discussed, I am very interested in insuring passage of those sections of Senate Bill 3 that allow for the issuance and use of a single rear license plate on motor vehicles. The resultant savings are critical to the viability of our 1989 capitol budget request.

There are technical problems in the sections requiring forfeiture of registrations and license plates, but I am more concerned about the effectiveness of a program of this type. I have had several telephone conversations with contacts in Minnesota and feel that the Minnesota representatives testifying before your committee on a similar program in their state rather overstated the success of the Minnesota program. There is no evidence of the program's effectiveness.

Ray Lewis, Research Consultant with the Minnesota Criminal Justice System DWI Task Force, has attempted to evaluate the Minnesota program on the basis of four or five years worth of data provided by the judicial practices in two counties. Mr. Lewis stated that the forfeiture of registrations and plates was only marginally effective with "...not a whole lot of deterrence in recidivism, but some lower frequency of driving during the license action..." for those in the study group. One judge indicated to Mr. Lewis that the forfeitures caught the attention of everyone the first year with some effectiveness, but DWI's went back up to previous levels in the second and subsequent years.

With 15,000 repeat offenders eligible for registration/plate forfeiture in 1986, from a total of 42,000 DWI convictions, only 123 special license plates were issued according to the Minnesota Violations Section. Nearly 4 million vehicles were registered in Minnesota during that year.

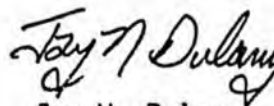
According to some testimony in the committee hearing on SB-3 the special license plate alone is sufficient probable cause for a police officer to stop the vehicle for further investigation. A Special Assistant Attorney General in Minnesota's Office of the Attorney General says that is untrue. There must be evidence of wrongdoing. According to several Alaska District Court judges the license plate alone is certainly insufficient to justify an investigatory stop.

The Alaska judges with whom I spoke were also uniformly opposed to provisions of the bill that required the surrender of the registration/plates to the court. If indeed at all enforceable, the provision would likely require additional appearances in court by defendants and subsequent additional warrants for those not appearing. One judge was concerned with the names of innocent family members becoming a part of the public record in a criminal proceeding. Another indicated that a significant portion of third offenders are driving vehicles belonging to others. While the court administration had little comment on the bill, had judges been asked to comment you would have been given a much clearer picture of the problems.

As I stated when we met on this issue, the passage of the one license plate provision is imperative. I wish it were in a separate bill. I would like to discuss this with you again at your convenience.

If you still want to pursue the registration/plate forfeiture I will insure that the appropriate people from this division work closely with you to iron out the technical problems.

Sincerely,

  
Jay N. Dulany  
Director

cc: Commissioner English