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**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : CSSB 17 (SA)  
Publish Date : \_\_\_\_\_

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

Agency Affected: DOT/PE

Title : An Act Relating to Sanctioning of Official

BRU : Engineering & Operations Standards

Private Traffic Control Devices & Damages to Highways & Roads

Sponsor : Falks and Sturgulewski

Components : \_\_\_\_\_

Requestor : JONES

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

No significant fiscal impact is anticipated.

*John J. Simpson, Director 2/5/87*

Prepared by: John J. Simpson, Director Phone: 465-2951  
Division: Engineering & Operations Standards Date: 2/5/87

Approved by Commissioner: *Robert L. Sullivan* Date: 2/14/87  
Agency: Department of Transportation and Public

Distribution (by preparer):

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



Dept. of Transportation & Public Facilities

# *Position Paper*

**BILL NO:** CSSB 17 (SA)

**APPROVED:** Rocky Gutierrez  
Commissioner

**TITLE:** An Act Relating to Vandalism of Official and  
Private Traffic Control Devices and Damages  
to Highways and Roads

**DATE:** February 5, 1987

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The Department has no objections to this legislation.

For further information call Susan Fleischhauer at 465-3900.

FISCAL NOTE

REQUEST

Revision Date: 2/23/88  
Title: "An Act relating to vandalism of  
official traffic control devices..."  
Sponsor: Sen. Faiks  
Requestor: House Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *G.C.A.*  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 2/23/88

Approved by Commissioner: *J. H. ...*, *Dep. Comm.*  
Agency: Public Safety

Date: 2-29-88

Distribution: (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

DRAFT

Bill Version: CSSB 17 ( )

Publish Date: \_\_\_\_\_

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

REQUEST

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

Title: "An Act relating to vandalism of official traffic control devices.."

Sponsor: Sen. Faiks

Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691

Date: 3/27/87

Approved by Commissioner: William R. Nix  
Agency: Public Safety

Date: 3/27/87

Distribution (by preparer):

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

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BILL NO: DRAFT CSSB 17 ( )

DATE: 3/31/87

TITLE: "An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damage to highways."

CONTACT: <sup>Jo</sup> James Vaden  
Deputy Commissioner

This bill groups these types of offenses in one area of statutes, clarifies penalties, and provides a mechanism for forfeiture of instrumentalities.

Provides penalties and/or forfeiture of property relating to unlawful possession and vandalism of official traffic control devices, disregard of erected highway obstructions, and damages to highways.

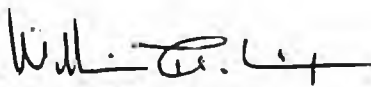
Sec. 11.46.460 provides authority to arrest or charge an individual who disregards traffic control devices or detours through construction zones, closed roadways, and barricaded traffic lanes.

Sec. 11.46.462 appears to be redundant to AS 11.46.190 "Theft by Receiving." However, this may be necessary to clarify forfeitures under Sec. 11.46.487 - 489 of this bill.

Sec. 11.46.484(a)(7) provides penalties for theft or vandalism of traffic control devices, etc.

Sec. 11.46.487-489 would allow for stiff penalties to be applied to individuals who knowingly violate the law. This would provide the Court with a mechanism to forfeit the instrumentalities of the offense to the State.

The Department of Public Safety supports this legislation.

  
\_\_\_\_\_  
William R. Nix  
Acting Commissioner

5-0097X ✓  
Utermohle  
4/1/87

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 17 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful possession and vandalism  
7 of official traffic control devices, disregard of a  
8 highway obstruction, and damages to highways."

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

10 \* Section 1. AS 11.46 is amended by adding new sections to read:

11 Sec. 11.46.460. DISREGARD OF A HIGHWAY OBSTRUCTION. (a) A  
12 person commits the crime of disregard of a highway obstruction if,  
13 without the right to do so or a reasonable ground to believe the  
14 person has the right, the person

15 (1) drives a vehicle through, over, or around an obstruc-  
16 tion erected upon a highway under authority of AS 19.10.100; or

17 (2) opens an obstruction erected upon a highway under  
18 authority of AS 19.10.100.

19 (b) Violation of this section is a class A misdemeanor.

20 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
21 DEVICE. (a) A person commits the crime of unlawful possession of an  
22 official traffic control device if, without the right to do so or a  
23 reasonable ground to believe the person has the right, the person pos-  
24 sesses an official traffic control device.

25 (b) Unlawful possession of an official traffic control device is  
26 a violation and is punishable by a fine of

27 (1) not less than \$100 for the first offense; or

28 (2) not less than \$300 for each subsequent offense.

29 \* Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third  
2 degree if, having no right to do so or any reasonable ground to be-  
3 lieve the person has such a right

4 (1) with intent to damage property of another, the person  
5 damages property of another in an amount of \$50 or more but less than  
6 \$500;

7 (2) the person drives, tows away, or takes the propelled  
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written  
10 agreement with the owner of the vehicle that includes an agreement to  
11 return the vehicle to the owner at a specified time, the person know-  
12 ingly retains or withholds possession of the vehicle without the  
13 consent of the owner for so long a period beyond the time specified as  
14 to render the retention or possession of the vehicle an unreasonable  
15 deviation from the agreement;

16 (4) the person tampers with a fire protection device in a  
17 building that is a public place;

18 (5) the person knowingly accesses a computer, computer  
19 system, computer program, computer network, or [ANY] part of a com-  
20 puter system or network; [OR]

21 (6) the person uses a device to descramble an electronic  
22 signal that has been scrambled to prevent unauthorized receipt or  
23 viewing of the signal unless the device is used only to descramble  
24 signals received directly from a satellite or unless the person owned  
25 the device before September 18, 1984; or

26 (7) the person knowingly removes, relocates, defaces,  
27 alters, obscures, shoots at, destroys, or otherwise tampers with an  
28 official traffic control device or damages the work upon a highway  
29 under construction.

1 \* Sec. 3. AS 11.46 is amended by adding a new section to read:

2       Sec. 11.46.487. FORFEITURE OF PROPERTY UPON CONVICTION. Fire-  
3 arms and other personal property, except a motor vehicle, used in aid  
4 of a violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be  
5 forfeited to the state upon conviction of the offender for the crime.

6 \* Sec. 4. AS 11.46.490 is amended by adding new paragraphs to read:

7           (5) "highway" has the meaning given in AS 19.45.001;

8           (6) "motor vehicle" has the meaning given in AS 28.40.100;

9           (7) "official traffic control device" means a traffic  
10 control device that has been placed on a highway by authority of a  
11 state or municipal agency, a utility, or a contractor employed by a  
12 state or municipal agency or a utility;

13           (8) "traffic control device" includes a sign, signal, road  
14 marker, barricade, flare, warning light, reflector, railroad sign or  
15 signal, shield, insignia, milepost, or similar device intended to  
16 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
17 or motor vehicle traffic.

18 \* Sec. 5. AS 19.25.040 is amended to read:

19       Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
20 missioner of administration shall separately account for money depos-  
21 ited in the general fund that is derived from damages that are re-  
22 covered from vehicle owners, drivers, other persons, or insurance  
23 companies for damage to property related to state-owned roads and  
24 highways, including bridges, overpasses, signal poles, street lights  
25 and poles, traffic control devices [SIGNALS], guardrails, or fences.  
26 The annual estimated balance in the account may be used by the legis-  
27 lature to make appropriations to the department for the purpose of  
28 repairing the damage.

29 \* Sec. 6. AS 19.25.030 is repealed.

5-0097L ✓  
 Utermohle  
 3/19/87

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 17 ( )  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 FIFTEENTH LEGISLATURE - FIRST SESSION  
 5 A BILL

6 For an Act entitled: "An Act relating to unlawful possession and vandalism  
 7 of official traffic control devices, disregard of a  
 8 highway obstruction, and damages to highways."

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

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 12 person commits the crime of disregard of a highway obstruction if,  
 13 without the right to do so or a reasonable ground to believe the  
 14 person has the right, the person

15 (1) drives a vehicle through, over, or around an obstruc-  
 16 tion erected upon a highway under authority of AS 19.10.100; or

17 (2) opens an obstruction erected upon a highway under  
 18 authority of AS 19.10.100.

19 (b) Violation of this section is a class A misdemeanor.

20 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
 21 DEVICE. (a) A person commits the crime of unlawful possession of an  
 22 official traffic control device if, without the right to do so or a  
 23 reasonable ground to believe the person has the right, the person pos-  
 24 sesses an official traffic control device.

25 (b) Unlawful possession of an official traffic control device is  
 26 a violation and is punishable by a fine of

27 (1) not less than \$100 for the first offense; or

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29 \* Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third  
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4 (1) with intent to damage property of another, the person  
5 damages property of another in an amount of \$50 or more but less than  
6 \$500;

7 (2) the person drives, tows away, or takes the propelled  
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written  
10 agreement with the owner of the vehicle that includes an agreement to  
11 return the vehicle to the owner at a specified time, the person know-  
12 ingly retains or withholds possession of the vehicle without the  
13 consent of the owner for so long a period beyond the time specified as  
14 to render the retention or possession of the vehicle an unreasonable  
15 deviation from the agreement;

16 (4) the person tampers with a fire protection device in a  
17 building that is a public place;

18 (5) the person knowingly accesses a computer, computer  
19 system, computer program, computer network, or [ANY] part of a com-  
20 puter system or network; [OR]

21 (6) the person uses a device to descramble an electronic  
22 signal that has been scrambled to prevent unauthorized receipt or  
23 viewing of the signal unless the device is used only to descramble  
24 signals received directly from a satellite or unless the person owned  
25 the device before September 18, 1984; or

26 (7) the person knowingly removes, relocates, defaces,  
27 alters, obscures, shoots at, destroys, or otherwise tampers with an  
28 official traffic control device or damages the work upon a highway  
29 under construction.

1 \* Sec. 3. AS 11.46 is amended by adding a new section to read:

2       Sec. 11.46.487. FORFEITURE OF PROPERTY UPON CONVICTION. (a)  
3 Motor vehicles, firearms, and other personal property used in aid of a  
4 violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be for-  
5 feited to the state upon conviction of the offender for the crime.  
6 The forfeiture under this section of a motor vehicle for which a  
7 driver's license is required is subject to the procedures set out  
8 under (b) - (d) of this section and AS 11.46.489.

9       (b) Upon receipt of a motion under this section for forfeiture  
10 of a motor vehicle for which a driver's license is required, the court  
11 shall schedule a hearing on the matter and shall notify the state and  
12 the convicted person of the time and place set for the hearing. At  
13 the hearing, the court may order the forfeiture of the motor vehicle  
14 if the court, sitting without a jury, determines by a preponderance of  
15 the evidence that the forfeiture of the motor vehicle will serve one  
16 or more of the following purposes:

17           (1) deterrence of the convicted person from the commission  
18 of future offenses under AS 11.46.460, 11.46.462, or 11.46.484(a)(7);

19           (2) protection of the safety and welfare of the public;

20           (3) deterrence of other persons who are potential offenders  
21 under AS 11.46.460, 11.46.462, or 11.46.484(a)(7); or

22           (4) expression of public condemnation of the serious or  
23 aggravated nature of the convicted person's conduct.

24       (c) Upon forfeiture of a motor vehicle under this section, the  
25 court shall require the surrender of the registration and certificate  
26 of title of the motor vehicle. The registration and certificate of  
27 title shall be delivered to the Department of Public Safety.

28       (d) If not released under AS 11.46.489, a motor vehicle for-  
29 feited under this section may be disposed of at the discretion of the

1 Department of Public Safety.

2 (e) Forfeiture of a motor vehicle under this section is without  
3 prejudice to the rights, and does not extinguish the claims, of a  
4 creditor with an interest in the motor vehicle.

5 \* Sec. 4. AS 11.46 is amended by adding a new section to read:

6 Sec. 11.46.489. REMISSION OF FORFEITURES. (a) Upon receiving  
7 notice from the court of the time and place set for a hearing under  
8 AS 11.46.487(b), the state shall provide to every person who has an  
9 ascertainable ownership or security interest in the motor vehicle  
10 written notice that includes

- 11 (1) a description of the motor vehicle;  
12 (2) the time and place of the forfeiture hearing;  
13 (3) the legal authority under which the motor vehicle may  
14 be forfeited;  
15 (4) notice of the right to intervene to protect the inter-  
16 est in the motor vehicle.

17 (b) At the hearing, a person who claims an ownership or security  
18 interest in the motor vehicle shall establish by a preponderance of  
19 the evidence that

- 20 (1) the petitioner has an interest in the motor vehicle  
21 acquired in good faith;  
22 (2) a person other than the petitioner was convicted of the  
23 offense that resulted in the forfeiture; and  
24 (3) before parting with the motor vehicle, the petitioner  
25 did not know or have reasonable cause to believe that it would be used  
26 in the commission of an offense.

27 (c) If a person satisfies the requirements of (b) of this sec-  
28 tion, the court shall order that an amount equal to the value of the  
29 petitioner's interest in the motor vehicle be paid to the petitioner

1 or the court shall order that the motor vehicle be released to the  
2 petitioner together with title to the motor vehicle.

3 \* Sec. 5. AS 11.46.490 is amended by adding new paragraphs to read:

4 (5) "highway" has the meaning given in AS 19.45.001;

5 (6) "official traffic control device" means a traffic  
6 control device that has been placed on a highway by authority of a  
7 state or municipal agency, a utility, or a contractor employed by a  
8 state or municipal agency or a utility;

9 (7) "traffic control device" includes a sign, signal, road  
10 marker, barricade, flare, warning light, reflector, railroad sign or  
11 signal, shield, insignia, milepost, or similar device intended to  
12 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
13 or motor vehicle traffic;

14 (8) "utility" has the meaning given in AS 42.05.720.

15 \* Sec. 6. AS 19.25.040 is amended to read:

16 Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
17 missioner of administration shall separately account for money depos-  
18 ited in the general fund that is derived from damages that are re-  
19 covered from vehicle owners, drivers, other persons, or insurance  
20 companies for damage to property related to state-owned roads and  
21 highways, including bridges, overpasses, signal poles, street lights  
22 and poles, traffic control devices [SIGNALS], guardrails, or fences.  
23 The annual estimated balance in the account may be used by the legis-  
24 lature to make appropriations to the department for the purpose of  
25 repairing the damage.

26 \* Sec. 7. AS 19.25.030 is repealed.  
27  
28  
29

5-0097L  
Utermohle  
3/10/87

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 17 ( )  
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4 FIFTEENTH LEGISLATURE - FIRST SESSION

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19 (b) Violation of this section is a class A misdemeanor.

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27 (1) not less than \$100 for the first offense; or

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29 \* Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third  
2 degree if, without having the [NO] right to do so or a [ANY]  
3 reasonable ground to believe the person has the [SUCH A] right

4 (1) with intent to damage property of another, the person  
5 damages property of another in an amount of \$50 or more but less than  
6 \$500;

7 (2) the person drives, tows away, or takes the propelled  
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written  
10 agreement with the owner of the vehicle that includes an agreement to  
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29 under construction.

1 \* Sec. 3. AS 11.46 is amended by adding a new section to read:

2       Sec. 11.46.489. FORFEITURE OF PROPERTY UPON CONVICTION. Motor  
3 vehicles, firearms, and other personal property used in aid of a  
4 violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be  
5 forfeited to the state upon conviction of the offender for the crime.  
6 The forfeiture of a motor vehicle is subject to the procedures set out  
7 under AS 28.35.036 and 28.35.037.

8 \* Sec. 4. AS 11.46.490 is amended by adding new paragraphs to read:

9       (5) "highway" has the meaning given in AS 19.45.001;

10       (6) "official traffic control device" means a traffic  
11 control device that has been placed on a highway by authority of a  
12 state or municipal agency, a utility, or a contractor employed by a  
13 state or municipal agency or a utility;

14       (7) "traffic control device" includes a sign, signal, road  
15 marker, barricade, flare, warning light, reflector, railroad sign or  
16 signal, shield, insignia, milepost, or similar device intended to  
17 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
18 or motor vehicle traffic;

19       (8) "utility" has the meaning given in AS 42.05.720.

20 \* Sec. 5. AS 19.25.040 is amended to read:

21       Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
22 missioner of administration shall separately account for money depos-  
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25 companies for damage to property related to state-owned roads and  
26 highways, including bridges, overpasses, signal poles, street lights  
27 and poles, traffic control devices [SIGNALS], guardrails, or fences.  
28 The annual estimated balance in the account may be used by the legis-  
29 lature to make appropriations to the department for the purpose of

1        repairing the damage.

2        \* Sec. 6. AS 28.35.036(c) is amended to read:

3            (c) Upon receipt of a motion for forfeiture, the court shall  
4        schedule a hearing on the matter and shall notify the state and the  
5        convicted person of the time and place set for the hearing. At the  
6        hearing, the court may order the forfeiture of the motor vehicle if  
7        the court, sitting without a jury, determines by a preponderance of  
8        the evidence that the forfeiture of the motor vehicle will serve one  
9        or more of the following purposes:

10            (1) deterrence of the convicted person from the commission  
11        of future offenses under AS 11.46.460, 11.46.462, 11.46.484(a)(7), or  
12        AS 28.35.030;

13            (2) protection of the safety and welfare of the public;

14            (3) deterrence of other persons who are potential offenders  
15        under AS 11.46.460, 11.46.462, 11.46.484(a)(7), or AS 28.35.030; or

16            (4) expression of public condemnation of the serious or  
17        aggravated nature of the convicted person's conduct.

18        \* Sec. 7. AS 28.35.036 is amended by adding a new subsection to read:

19            (f) After conviction of an offense under AS 11.46.460, 11.46.-  
20        462, or 11.46.484(a)(7) involving a motor vehicle of a type for which  
21        a driver's license is required, the state may move the court to order  
22        the forfeiture of the motor vehicle involved in the commission of the  
23        offense.

24        \* Sec. 8. AS 19.25.030 is repealed.

5-0097L  
Utermohle  
2/19/87

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 17 ( )  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to vandalism of official and private  
7 traffic control devices and damages to highways and  
8 roads."

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

10 \* Section 1. AS 11.61 is amended by adding new sections to article 1 to  
11 read:

12 Sec. 11.61.155. INTERFERENCE WITH OR DAMAGE TO HIGHWAY OBSTRUC-  
13 TIONS OR CONSTRUCTION. (a) A driver or owner, or both, of a vehicle  
14 commits the crime of disregarding a highway obstruction, if the driver  
15 or owner, or both, drives a vehicle through, over, or around an ob-  
16 struction erected upon a highway under authority of AS 19.10.100.

17 (b) A person commits the crime of interfering with a highway  
18 obstruction, if the person opens an obstruction erected upon a highway  
19 under authority of AS 19.10.100 without permission from the engineer  
20 in charge of the highway.

21 (c) A person commits the crime of destruction of highway con-  
22 struction, if the person knowingly damages the work upon a highway  
23 under construction.

24 (d) Disregarding a highway obstruction, interfering with a  
25 highway obstruction, and destruction of highway construction are  
26 class A misdemeanors.

27 Sec. 11.61.160. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
28 DEVICE. (a) A person, except an authorized person, commits the crime  
29 of unlawful possession of an official traffic control device if the

1 person possesses an official traffic control device.

2 (b) Unlawful possession of an official traffic control device is  
3 a class B misdemeanor and is punishable by a fine of

4 (1) not less than \$100 or more than \$500 for the first  
5 offense; or

6 (2) \$500 for each subsequent offense.

7 Sec. 11.61.165. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL  
8 DEVICE. (a) A person, except an authorized person, commits the crime  
9 of interference with an official traffic control device, if the person  
10 removes, relocates, defaces, alters, obscures, shoots at, destroys, or  
11 otherwise tampers with an official traffic control device.

12 (b) Interference with an official traffic control device is a  
13 class B misdemeanor and is punishable

14 (1) for the first offense, by a fine of not less than \$300  
15 or more than \$500, or by a sentence of not more than six months, or by  
16 both; and

17 (2) for the second and each subsequent offense, by a fine  
18 of not less than \$500 or more than \$1,000, or by a sentence of not  
19 less than six months or more than one year, or by both.

20 Sec. 11.61.170. INTERFERENCE WITH PRIVATE TRAFFIC CONTROL DE-  
21 VICE. (a) A person commits the crime of interference with a private  
22 traffic control device if the person removes, relocates, defaces,  
23 alters, obscures, shoots at, destroys, or otherwise tampers with a  
24 private traffic control device without the permission of the owner.

25 (b) Interference with a private traffic control device is a  
26 class B misdemeanor and is punishable by a fine of

27 (1) not less than \$100 or more than \$500 for the first  
28 offense; or

29 (2) \$500 for each subsequent offense.

1           Sec. 11.61.175. FORFEITURE OF PROPERTY UPON CONVICTION. Motor  
2 vehicles, firearms, and other personal property used in aid of a  
3 violation of AS 11.61.155 - 11.61.195 may be forfeited to the state  
4 upon conviction of the offender for the crime.

5           Sec. 11.61.195. DEFINITIONS. In AS 11.61.010 - 11.61.195

6           (1) "authorized person" means a person authorized by the  
7 Department of Transportation and Public Facilities or an employee or  
8 an agent, while acting within the scope of employment or agency, of a

9                   (A) state or municipal agency;

10                   (B) public utility;

11                   (C) contractor licensed under AS 08.18; or

12                   (D) business engaged in the manufacture, sale, or  
13 rental of traffic control devices;

14           (2) "highway" has the meaning given in AS 19.45.001;

15           (3) "obstruction" means a traffic control device placed  
16 upon a highway to exclude traffic or to control the flow or direction  
17 of traffic;

18           (4) "official traffic control device" means a traffic  
19 control device placed on a highway by an authorized person;

20           (5) "private traffic control device" means a traffic con-  
21 trol device, other than an official traffic control device, used to  
22 protect persons or property from imminent danger of serious injury or  
23 to warn persons of the presence of an imminent hazard to persons or  
24 property;

25           (6) "traffic control device" includes a sign, signal, road  
26 marker, barricade, flare, warning light, reflector, railroad sign or  
27 signal, shield, insignia, milepost, or similar device intended to  
28 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
29 or motor vehicle traffic.

1 \* Sec. 2. AS 19.25.040 is amended to read:

2           Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
3 missioner of administration shall separately account for money depos-  
4 ited in the general fund that is derived from damages that are re-  
5 covered from vehicle owners, drivers, other persons, or insurance  
6 companies for damage to property related to state-owned roads and  
7 highways, including bridges, overpasses, signal poles, street lights  
8 and poles, traffic control devices [SIGNALS], guardrails, or fences.  
9 The annual estimated balance in the account may be used by the legis-  
10 lature to make appropriations to the department for the purpose of  
11 repairing the damage.

12 \* Sec. 3. AS 19.25.030 is repealed.

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# Alaska State Legislature



Senate

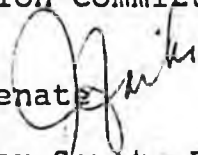
PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

February 23, 1987

## MEMORANDUM

TO: Senator Lloyd Jones, Chairman  
Senate Transportation Committee

FROM: Senator Jan Faiks   
President of the Senate

SUBJECT: Background to CS for Senate Bill 17  
An Act relating to vandalism of official  
traffic control devices and damages to highways  
and roads.

Senate Bill 17 has been referred to your committee for consideration. It was previously heard and passed by the Senate State Affairs Committee. This bill expands the current statutes relating to vandalism of official traffic control devices and damages to highways and roads.

Safety on our highways and roads has long been of prime concern to all Alaskans. In recent years, the increase in the number of vehicles on our roads, along with an increase in major highway construction projects has lead to an alarming rate of accidents.

Vandalism to traffic signs, barricades, warning lights, and other safety devices contributes greatly to the deaths, personal injuries, and property damages suffered each year on our highways, roads, waterways, and other public and private property. The intent of this legislation is to provide criminal sanctions for vandalism to and theft of traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

OUT OF SESSION

6000 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

Senate Bill 17 strengthens the current provisions found in AS 19.25.30-40 by incorporating language of the Model Statute on Vandalism as developed by the American Traffic Safety Services Association. The criminal sanctions specified by this bill conform with those currently provided under the Alaska Statutes.

The particular effects of the Senate State Affairs Committee Substitute for this bill are as follows:

Section 1. AS 11.61 is amended by adding new sections (11.61.155 - 11.61.195) which provide criminal sanctions for interference with or damage to highway obstructions or construction, or the unlawful possession of official traffic control devices by an unauthorized person. The sections proposed by this bill distinguish between both public and private traffic control devices which are utilized to warn of dangers to or protect real or private property, and define those persons whose use of such devices would be exempt from sanctions.

Section 2. AS 19.25.040 presently requires the commissioner of administration to separately account for money deposited in the general fund that is derived from damages to property related to state-owned highways and roads that are recovered from vehicle owners, drivers, or insurance companies. Such related property includes bridges, overpasses, signal poles, street lights and poles, traffic signals, guardrails, or fences.

This bill expands AS 19.25.040 to include "other person" in the class of persons from whom damages to property may be recovered. Additionally, it replaces the phrase "traffic signals" with the broader term "traffic control devices". The purpose of these amendments is to increase the amount of money deposited in the general fund for damages to state highways and roads.

Section 3. AS 19.25.030 is repealed, as its content (damages to obstructions, signs, and construction) is covered by proposed section 11.61.155 of this bill.

# Alaska State Legislature



PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

## Senate

March 10, 1987

### MEMORANDUM

TO: Senator Lloyd Jones, Chairman  
Senate Transportation Committee

FROM: Senator Jan Faiks *Jan Faiks*  
President of the Senate

SUBJECT: Background to CS prepared by sponsor for  
Senate Bill 17  
An Act relating to vandalism of official  
traffic control devices and damages to highways  
and roads.

Senate Bill 17 has been referred to your committee for consideration. It was previously heard and passed by the Senate State Affairs Committee. This bill expands the current statutes relating to vandalism of official traffic control devices and damages to highways and roads.

Safety on our highways and roads has long been of prime concern to all Alaskans. In recent years, the increase in the number of vehicles on our roads, along with an increase in major highway construction projects has lead to an alarming rate of accidents.

Vandalism to traffic signs, barricades, warning lights, and other safety devices contributes greatly to the deaths, personal injuries, and property damages suffered each year on our highways, roads, waterways, and other public and private property. The intent of this legislation is to provide criminal sanctions for vandalism to and theft of traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

OUT OF SESSION

6000 YUKON DRIVE ANCHORAGE, ALASKA 99516 . 907-274-6611

This bill received a CS from its first committee of referral, the Senate State Affairs Committee, and a different CS is now presented to this committee for consideration. Since filing, and upon further review of this bill, various concerns have been raised, which this new CS seeks to answer.

The particular effects of this new sponsor-requested committee substitute for Senate Bill 17 are as follows:

Section 1. AS 11.46 is amended by adding new sections (11.46.460 - 11.46.462) which provide criminal sanctions for the disregard of a highway obstruction or the unlawful possession of official traffic control devices by any person who neither has the right to do so nor a reasonable ground to believe that he does. Disregard of a highway obstruction is a class A misdemeanor. Unlawful possession of official traffic control is punishable by not less than \$100 for the first offense, and not less than \$300 for subsequent offenses.

Section 2. AS 11.46.484(a) is amended by adding a new section (7) which creates the crime of criminal mischief in the third degree for a person who knowingly removes, destroys, or otherwise tampers with an official traffic control device or damages work upon a highway under construction. Section (1) of this statute as presently enacted would cover those situations in which damage is done to the traffic control devices utilized private persons to protect their property or warn others of possible dangers. Therefore, no distinction need be made between "official" and "private" traffic control devices, as provided by the committee substitute prepared by the Senate State Affairs Committee.

Section 3. Amends AS 11.46 by adding a new section 11.46.489, which provides for the forfeiture of motor vehicles, firearms, and other personal property used to aid the commission of these acts to the state upon conviction.

Section 4. Adds new definitions to AS 11.46.490.

Section 5. AS 19.25.040 presently requires the commissioner of administration to separately account for money deposited in the general fund that is derived from damages to property related to state-owned highways and roads that are recovered from vehicle owners, drivers, or insurance companies. Such related property includes bridges, overpasses, signal poles, street lights and poles, traffic signals, guardrails, or fences.

This bill expands AS 19.25.040 to include "other person" in the class of persons from whom damages to property may be recovered. Additionally, it replaces the phrase "traffic signals" with the broader term "traffic control devices". The purpose of these amendments is to increase the amount of money deposited in the general fund for damages to state highways and roads.

Section 6. Amends the current forfeiture statute, AS 28.35.036(c) to include property subject to forfeiture under the acts proposed by this bill.

Section 7. Amends AS 28.35.036 which would enable the state to move the court to order the forfeiture of a motor vehicle involved in the commission of one of the acts proposed by this bill.

Section 8. Repeals AS 19.25.030, which is provided for in Section 1 and Section 2 of this bill.

SENATE COMMITTEE REPORT

FURTHER:

*Rule*

2/5/87

DATE TURNED INTO OFFICE April 2, 1987

Mr. President:

TRANSPORTATION Committee considered SB 17

relating to vandalism of official traffic control devices and damages to highways and roads.

and recommended:

replace with CS FOR SB 17 (Trsp) )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

2  zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures: William D. ...]*  
\_\_\_\_\_  
*Fahrentkamp*  
\_\_\_\_\_  
*Tim Kelly*  
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*[Handwritten signature: Lloyd Jones D. Pass]*  
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Draft CSSB 17(SA), relating to vandalism of  
traffic control devices and damages to highways

TO: Senator Mitch Abood, Chair  
Senate State Affairs Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies draft CSSB 17(State Affairs).

SB 17 relates to vandalism of traffic control devices and damages to highways and roads. Section 1 of SB 17 amends AS 19.25.030, which creates a class A misdemeanor for damages to obstructions and highway construction. Section 3 of SB 17 creates three new misdemeanor offenses in AS 19.25.

The draft CS, in addition to the specific changes to the definition of "private traffic control device" requested by staff, moves those provisions of the bill relating to crimes to AS 11, the Alaska Criminal Code. Since the content of those provisions relate more to crimes against property than to the maintenance and operation of roads and highways, it is more appropriate that the provisions be included in the Criminal Code.

In moving the provisions from AS 19.25 to AS 11.46 certain style changes were made to the provisions in order to conform with the drafting style for the Criminal Code. The substance of the provisions was not changed.

GU:mkr  
m8/076

Enclosure



SKILL  
RESPONSIBILITY  
INTEGRITY

THE ALASKA CHAPTER  
**ASSOCIATED GENERAL CONTRACTORS  
OF AMERICA, INC.**

BOX 92500 \* ANCHORAGE, ALASKA 99509  
TELEPHONE (907) 561-5354



3201 SPENARD ROAD  
ANCHORAGE  
WILLIAM E. SCHNEIDER  
EXECUTIVE DIRECTOR

February 9, 1987

Lloyd Jones  
Senate State Transportation Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: CSSB 17 (State Affairs)

Dear Chairman Jones:

This letter is to serve as written comment by the Alaska Chapter, Associated General Contractors on SB 17, "An Act Relating To Vandalism Of Official And Private Traffic Control Devices And Damages To Highway And Roads."

There are four major users of barricades and traffic control devices in the State of Alaska which I assume the legislature is trying to benefit by this legislation. First, state and local governments, whose maintenance crews traditionally perform work on the highways, use and erect various barricades. Second, contractors of all kinds throughout the state of Alaska utilize barricades when their work involves highway construction, underground construction under or near a road or highway, or building construction near a highway or road. Third, utility companies often are engaged in the construction or repair of their utilities which are adjacent to the roads and traffic control devices are utilized in that work. And fourth, companies involved in renting appropriate signs, barricades and other traffic control devices to any of the any preceding three entities.

As presently written, the construction industry and certainly some of the other users of barricades will be criminals under this proposed legislation.

Lloyd Jones  
February 9, 1987  
Page 2

Below, I have provided comment to the provisions contained in SB17.

COMMENTS

Page 1 - Line 11. Section 11.46.460(a)

This subsection makes the driver, or owner, of a vehicle driving around a "Road Closed" sign a class A misdemeanor. The deficiencies of this subsection are quite obvious. First, there are no exceptions. This means that most employees of DOT/PF working on a particular highway project commit a crime every time they drive by a "Road Closed" sign to get to the project they are assigned. Similarly, the contractor's agents and employees working on the project commit the same offense.

Secondly, the owner of the vehicle is also misdemeanor. Thus, the State of Alaska is guilty of a misdemeanor every time one of its DOT/PF employees drives past a "Road Closed" sign on the way to work. Similarly, so is the construction company under contract to the State.

I am sure this is not the Legislature's intent; however, it seems to be the clear and unequivocal reading of SB17.

Page 1 - Line 16. Section 11.46.460(b).

This subsection makes it a crime for a person to open a "Road Closed" sign without written permission from the "engineer in charge of the highway." First, I am not sure there is an "engineer in charge of the highway." There may be project engineers for a particular DOT/PF project; however, I am not sure they normally give written permission to the contractor allowing that contractor to take down "Road Closed" signs which were placed by that contractor.

Page 1 - Line 26. Section 11.46.462(a).

This section makes it unlawful to possess an official traffic control device unless the person is "an employee of or a contractor for a state or municipal agency acting in an official capacity." This provision leaves out mention of utility companies and their agents, employees and contractors; barricading companies which may rent barricades to utility companies, state and municipal agencies, or contractors; and it does not mention employees of or agents of a contractor. In short, many of the persons who are engaged in the placing (and the obvious possession) of barricades will be made criminals by this section.

Page 2 - Line 7. Section 11.46.464(a).

This section makes it a crime for a person to remove, relocate, deface, shoot at, etc. an official traffic control device unless that person is

Lloyd Jones  
February 9, 1987  
Page 3

"an employee of or a contractor for a state or municipal agencies acting in an official capacity." We have the same comments with respect to this section as with Section 11.46.462. Namely, there are many more entities involved in the removing of traffic control devices which should be included within the exception.

Page 3 - Lines 8-21.

This section of the bill defines "official traffic control devices", "private traffic control devices" and "traffic control devices." Quite frankly it becomes very difficult to differentiate between an official traffic control device and a private traffic control device particularly when that "traffic control device" could include a barricade, flare, reflector or some such similar device. How does the prosecution establish that a barricade in the possession of a suspect is an "official" barricade?

#### RECOMMENDATIONS

Section 11.46.460(a)

1. Eliminate reference to AS 19.10.100 which refers only to "Road Closed" signs;
2. Expand the application of this subsection to roads and not limit it to highways.
3. Exclude from the operation of this section those drivers or owners of vehicles engaged in the particular construction work or authorized to be present.

Section 11.46.460(b)

1. Eliminate reference to AS 19.10.100 which again refers only to "Road Closed" signs placed under the authority of DOT/PF.
2. Eliminate the written permission from the engineer in charge of the highway.
3. Eliminate from the statute the same category of persons excluded in our comments to Section 11.46.460(a).

Section 11.46.462 and 11.46.464.

Expand the group of persons excluded from the operation of these statutes as follows:

"A person, except an authorized employee or agent of: 1) a state or municipal agency; 2) a utility company; 3) a contractor registered under AS 8.18 or 4) a person engaged in the business of manufacturing, selling or renting traffic control devices, commits the crime of..."

Lloyd Jones  
February 9, 1987  
Page 4

In summary we appreciate the concern of the Legislature in addressing this issue; however, please be aware of the effects of this legislation on those which you are obviously trying to help. A thorough review of how other states have handled this problem may be appropriate before further action is taken on this matter.

Sincerely,

ALASKA CHAPTER  
ASSOCIATED GENERAL CONTRACTORS



William F. Reeves  
General Counsel

WFR/dlc

cc: Senator Jan Faiks  
Senator Arliss Sturgulewski  
Sue Fleischhauer, DOT/PF Legislative Liaison  
Jim Voights, NUCCA  
Ike Waldrop, NECA  
Dale Teel, President, Enstar Natural Gas  
Tom Stahr, General Manager, Municipal Light & Power  
John Harshman, General Manager, Anchorage Telephone Utility  
Rick Newland, General Manager, Chugach Electric Association  
Marie Wilson, Warning Lights of Alaska