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# HOUSE COMMITTEE REPORT

(7)

Date Referred: May 2, 1989

FURTHER REFERRALS:

Date of Committee Action: 3-6-90

The JUDICIARY Committee considered:

CSSB 92 (FINANCE)

CS FOR SENATE BILL NO. 92 (Finance)

[MISC. MOTOR VEHICLE LAW AMENDMENTS]

"An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

**RECOMMENDATIONS:**

- be replaced with HCS CSSB 92 (Jud)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to th. \_\_\_\_\_ Committee

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

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note Pub. Safety
- zero with analysis \_\_\_\_\_
- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

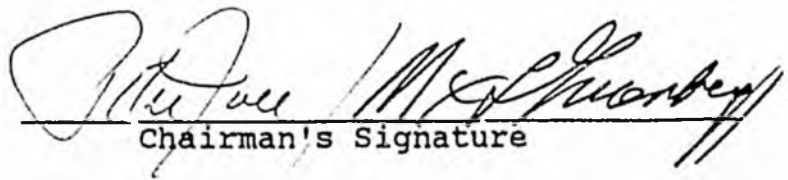
**SIGNING DO PASS:**

**SIGNING:**  
(Check approp. column)

Do Not  
Pass      No Rec      Amend

\_\_\_\_\_  
*Peter J. ...*  
 \_\_\_\_\_  
*Max ...*  
 \_\_\_\_\_  
*Cliff ...*  
 \_\_\_\_\_  
*Terry ...*  
 \_\_\_\_\_  
*Mike ...*  
 \_\_\_\_\_  
*Phy ...*  
 \_\_\_\_\_  
*Mike ...*  
 \_\_\_\_\_



  
 \_\_\_\_\_  
 Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 11/28/89 Agency Affected: Public Safety  
 Title: Miscellaneous motor vehicle BRU: Motor Vehicles  
law amendments  
 Sponsor: Rules/Governor Component: \_\_\_\_\_  
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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)

This bill contains provisions that will improve public service and streamline procedures for DMV. There will be no fiscal impact.

*JAC*  
11/28/89 Prepared by: Bill Brown  
Division: Motor Vehicles

Phone: 465-4335  
Date: 11/28/89

Approved by Commissioner: G.A.H. for Arthur English  
Agency: Department of Public Safety

Date: 11-29-89  
Page 1 of 1

# HOUSE COMMITTEE REPORT

(5)

Date Referred: April 19, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 5/2/89

The TRANS  
CS SB 92 FIN

Committee considered:

CS SB 92 FIN

[MISC. MOTOR VEHICLE LAW AMENDMENTS]

"An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

### RECOMMENDATIONS:

- be replaced with \_\_\_\_\_  the same title
- have 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):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

Bette Cato  
Ben ...  
Richard ...

	Do Not Pass	No Rec	Amend

Bette Cato  
Chairman's Signature

MAY 2, 1989

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COMMITTEE CALENDAR

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

CS/SB 92: "An Act relating to identification cards issued by the Department of Public Safety, motor vehicle registration and registration fees, filing a lien on a motor vehicle, and issuance of handicapped parking permits; and providing for an effective date."

HB 234: "An Act relating to standardized Railroad crossing permit agreements of the Alaska Railroad."

HJR 41: Relating to the safety of oil tanker traffic into and out of the Port of Valdez.

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FOLDER #1  
CS/SB 92

- 1: CS/SB 92
- 2: Fiscal Note/Department of Public Safety
- 3: Department of Public Safety Commentary
- 4: Letter to Sen. Kelly
- 5: Statutes

FOLDER #2  
HB 234

Packet provided by Rep. Miller

FOLDER #3  
HJR 41

- 1: HJR 41
- 2: Fiscal Note/House Resource Committee
- 3: House Committee Report/Resources
- 4: Article/Backup

FISCAL NOTE

REQUEST:

Revision Date: 04/14/89 Agency Affected: Public Safety  
 Title: An Act relating to BRU: Motor Vehicles  
identification cards issued ....  
 Sponsor: Rules/Governor Component: \_\_\_\_\_  
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

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)

This bill contains provisions that will improve public service and streamline procedures of DMV. There will be no fiscal impact.

Prepared by: Bill Brown  
 Division: Motor Vehicles

Phone: 465-4335  
 Date: 04/14/89

Approved by Commissioner: D.A.H. Arthur English  
 Agency: Department of Public Safety

Date: 4-14-89

DEPARTMENT OF PUBLIC SAFETY  
COMMENTARY

CSSB92 (Finance)

The bill contains several provisions that the division of motor vehicles, in DPS, believes will improve its service to the public or streamline its procedures. A section-by-section description of the bill follows.

Section 1 of the bill provides for the cancellation of identification cards issued under AS 18.65.310. The present law does not authorize DPS to cancel the card if it is later determined that it should not have been issued due to fraud or for some other reason. Identification cards are becoming more and more popular, and fraudulently obtained cards are becoming more common. The department needs statutory authority to cancel those cards under appropriate circumstances. This section also provides for a possible \$100 fine for failure to return a cancelled card to DPS.

Section 2 authorizes Public Safety to suspend or revoke the registration of interstate rental vehicles if it is determined the owner is not complying with fleet rental vehicle registration requirements.

Section 3 removes the part "[,(6)]" which refers to a section of law concerning foreign consul license plates. In Section 9 of this bill the section of law authorizing issuance of special license plates to consular officers of foreign governments is being repealed. The United

States Department of State, Office of Foreign Missions is now responsible for issuance of motor vehicle registrations to foreign mission personnel and their families and have asked the State to discontinue issuing consular plates.

Section 4 provides for the registration of interstate rental trucks and trailers. Alaska statutes do not address the issue of registration of trucks or trailers involved in an interstate rental business. Before 1984, there was no need for this type of legislation because no company offered this type of service to Alaska. However, in the past five years two major companies have started rental operations in the state. These companies typically offer one-way rentals of both trucks and trailers, and during a typical year the vehicles might operate in a number of different states. The entire rental fleet is very mobile and the vehicles not based in any one state. The time or miles spend in any state by any particular vehicle would be difficult to calculate, as these vehicles are used in uncontrolled private applications.

Unlike most other states, Alaska does not have a statute that allows registration of this type of vehicle other than on a full commercial vehicle basis. Paying full fees each time a new vehicle comes into the state for a short period would be overly burdensome and could possibly eliminate a valuable commercial service. To avoid this result, the division of motor vehicles has entered into agreements with interstate rental companies to register and pay fees on a fair share of their total fleet. There is no clearly defined authority for these agreements, however, and they are entirely voluntary.

The statutory scheme in this bill is similar to that used in most other states, and would allow a firm engaged in interstate vehicle rental business to register and pay fees in Alaska on a fair proportion of its vehicle fleet.

Section 5 eliminates the requirement that motor vehicle lien documents be filed with division of motor vehicles. When a person applies for a vehicle title in Alaska, current law (AS 28.10.381) requires that a copy of the document creating or evidencing a lien be filed with DPS. This requirement serves no useful purpose for the state or the public, and should be eliminated. There is no standard or legal requirement for the format of a lien document, so each one must be reviewed carefully as the vehicle title is processed; this delays processing. If the requirement to submit the lien document were eliminated, the same amount of protection could be afforded to both the public and lienholders by having the lienholder's name and address on the title application serve as evidence of the lien. Applicants are acknowledging the lien by signing the application under penalty of perjury. Most other states are successfully using this system.

The amendments in section 6 allow for registration of a broader range of non-commercial trailers. Current AS 28.10.421(b) allows only two- and four-wheel trailers to be registered in the non-commercial category. Travel trailers with six wheels are becoming increasingly common. One-wheel trailers are also still marketed. A common-sense policy dictates that these non-commercial one- and six- (or more) wheeled

trailers be registered on the same basis as the two-and four-wheeled trailers.

Section 7 allows the issuance of handicap parking permits to organizations. Current AS 28.10.495 allows issuance of a special permit to a disabled or medically handicapped person. The permit, when displayed in the front windshield of a motor vehicle, allows the use of designated parking spaces. The permit is intended for those handicapped individuals who are transported by others in vehicles that do not have a handicap license plate. As currently written, the statute only allows issuance of the permit to an individual; however, there are many organizations that transport disabled or handicapped persons. The amendments in sec. 7 authorize the issuance of permits to these organizations, allowing them to use special parking spaces.

Section 8 requires the handicapped parking permit to be returned to DMV if the organization that obtained one ceases transporting disabled or handicapped individuals.

Section 9 provides two needed repeals concerning issuance of "foreign consul" license plates. The sections being repealed allows the state to issue special license plates for vehicles owned by a consular office of a foreign government. In Alaska only two consular offices are truly official foreign missions: the Japanese and Korean missions. There are several other "honorary" consuls in the state, however, and consular plates have been issued to them in the past.

The United States Department of State, Office of Foreign Missions, through the Diplomatic Motor Vehicle Office, is now responsible for issuing drivers' licenses, motor vehicle registrations, and license plates to qualified, accredited foreign mission personnel and their family members throughout the country. The State Department has asked Alaska to stop issuing consular plates to "honorary consuls". With the State Department issuing all required driver and motor vehicle licenses for official consular officers, AS 28.10.181(g) and AS 28.10.421(d)(6) are unnecessary, and should be repealed.

Finally, section 10 provides for an effective date of January 1, 1990. Because this bill relates to a large number of functions of the Department of Public Safety, the most convenient effective date is the beginning of the calendar year. This will allow the department time to get needed procedures and forms into place, and to train personnel around the state.

## Sectional Analysis of CSSB 92 (Finance)

Section 1 gives Public Safety the authority to cancel an identification card if it is later determined the card should not have been issued due to fraud or some other reason.

Section 2 (See Section 4)

Section 3 removes the section "[, (6)]" referring to a section of law concerning foreign consul license plates. In section 9 of this bill the section of law authorizing issuance of special license plates to consular officers of foreign governments is being repealed. The United States Department of State, Office of Foreign Missions, is now responsible for issuance of motor vehicle registration to foreign mission personnel and their families, and have asked the State to discontinue issuing consular plates.

Section 4 provides for a method to register interstate rental trucks and trailers, and specifies how these rental agencies registration fees are to be pro-rated. Section 2 authorizes Public Safety to suspend or revoke the registration of interstate rental vehicles if it is determined the owner is not complying with the law.

Section 5 eliminates the requirement that a lien document be filed with DMV. DMV maintaining a copy of the lien document serves no useful purpose. This change will allow the same amount of protection to the public and the lienholder as they now have, yet remove unnecessary paper processing from DMV.

Section 6 allow for registration of a broader range of non-commercial trailers. Current law allows for only 2 and 4-wheel non-commercial trailers. Six-wheel travel trailers are becoming more popular, plus some one-wheel trailers are still being marketed.

Section 7 allows issuance of handicap parking permits to organizations. Currently the permits are only available to individuals who are handicapped or disabled. Many organizations transport disabled or handicapped persons, and this will allow issuance of the permit to these organizations.

Section 8 requires the handicap parking permit to be returned to DMV if the organization ceases transporting disabled or handicapped individuals.

Section 9 repeals two sections of current law dealing with the "foreign consul" license plates mentioned in Section 3.



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STATE OF ALASKA  
{ OFFICE OF THE GOVERNOR  
JUNEAU

January 9, 1989

The Honorable Tim Kelly  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to motor vehicles and related functions of the Department of Public Safety (DPS) and the Department of Commerce and Economic Development (DCED), which makes a number of needed changes in state law.

The bill contains several provisions that the division of motor vehicles, in DPS, believes will improve its service to the public or streamline its procedures. A section-by-section description of the bill follows.

Sections 1 -- 6 and 13 of the bill would require motor vehicle dealers to register with DCED rather than with DPS. Existing law (AS 08.66.010 -- 08.66.090) requires a dealer in motor vehicles, trailers, or semi-trailers to register with DPS. The dealer is required to pay fees and post a bond. However, the licensing of a business, even one dealing with motor vehicles, is a more appropriate function of DCED. That department has the staff and expertise to provide appropriate clerical and administrative support, in addition to enforcement and compliance personnel. The division of motor vehicles, in DPS, has no enforcement or compliance personnel in this area, and provides only limited clerical support for this program. Transfer of the registration requirement would also be more convenient for the dealers, who already are required to obtain a business license from the Department of Commerce and Economic Development. Transfer of this function would also free up motor vehicles personnel to perform other tasks more directly related to vehicle and operator licensing functions.

Section 7 of the bill provides for the cancellation of identification cards issued under AS 18.65.310. The present law does not authorize DPS to cancel the card if it is later determined that it should not have been issued due to fraud or for some other reason. Identification cards are becoming more and more popular, and fraudulently obtained cards are becoming more common. The department needs statutory authority to cancel those cards under appropriate circumstances. This section also provides for a possible \$100 fine for failure to return a cancelled card to DPS.

Sections 8 and 9 provide for the registration of interstate rental trucks and trailers. Alaska statutes do not address the issue of registration of trucks or trailers involved in an interstate rental business. Before 1984, there was no need for this type of legislation because no company offered this type of service to Alaska. However, in the past five years two major companies have started rental operations in the state. These companies typically offer one-way rentals of both trucks and trailers, and during a typical year the vehicles might operate in a number of different states. The entire rental fleet is very mobile and the vehicles are not based in any one state. The time or miles spent in any state by any particular vehicle would be difficult to calculate, as these vehicles are used in uncontrolled interstate applications.

Unlike most other states, Alaska does not have a statute that allows registration of this type of vehicle other than on a full commercial vehicle basis. Paying full fees each time a new vehicle comes into the state for a short period would be overly burdensome and could possibly eliminate a valuable commercial service. To avoid this result, the division of motor vehicles has entered into agreements with interstate rental companies to register and pay fees on a fair share of their total fleet. There is no clearly defined authority for these agreements, however, and they are entirely voluntary.

The statutory scheme in this bill is similar to that used in most other states, and would allow a firm engaged in interstate vehicle rental business to register and pay fees in Alaska on a fair proportion of its vehicle fleet.

Section 10 eliminates the requirement that motor vehicle lien documents be filed with the division of motor vehicles. When a person applies for a vehicle title in Alaska, current AS 28.10.381 requires that a copy of the document creating or evidencing a lien be filed with DPS. This requirement serves no useful purpose for the state or the public, and should be eliminated. There is no standard or legal requirement for the format of a lien document, so each one must be reviewed carefully as the vehicle title is processed; this delays processing. The additional document also increases

microfilm costs. If the requirement to submit the lien document were eliminated, the same amount of protection could be afforded to both the public and lienholders by having the lienholder's name and address on the title application serve as evidence of the lien. Applicants are acknowledging the lien by signing the application under penalty of perjury. Most other states are successfully using this system. Adoption of this amendment would free up staff time that could be devoted to other areas.

The amendments in sec. 11 allow for registration of a broader range of non-commercial trailers. Current AS 28.10.421(b) allows only two- and four-wheeled trailers to be registered in the non-commercial category. Travel trailers with six wheels are becoming increasingly common. One-wheel trailers are also still marketed. A common-sense policy dictates that these non-commercial one- and six- (or more) wheeled trailers be registered on the same basis as the two- and four-wheeled trailers.

Section 12 allows the issuance of handicap parking permits to organizations. Current AS 28.10.495 allows issuance of a special permit to a disabled or medically handicapped person. The permit, when displayed in the front windshield of a motor vehicle, allows the use of designated parking spaces. The permit is intended for those handicapped individuals who are transported by others in vehicles that do not have a handicap license plate.

As currently written, the statute only allows issuance of the permit to an individual; however, there are many organizations that transport disabled or handicapped persons. The amendments in sec. 12 authorize the issuance of permits to these organizations, allowing them to use special parking spaces.

Section 14 provides two needed repeals. The first is of AS 28.05.011(10), which relates to DPS registration of motor vehicle, trailer, and semi-trailer dealers. That function is transferred to the Department of Commerce and Economic Development by secs. 1 -- 6 of the bill.

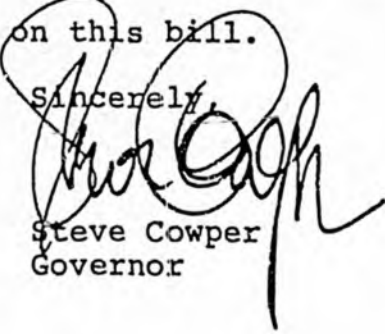
In addition, sec. 14 repeals the current law creating "foreign consul" license plates. AS 28.10.181(g) allows the state to issue special license plates for vehicles owned by a consular office of a foreign government. In Alaska only two consular offices are truly official foreign missions: the Japanese and Korean missions. There are several other "honorary" consuls in the state, however, and consular plates have been issued to them in the past.

The United States Department of State, Office of Foreign Missions, through the Diplomatic Motor Vehicle Office, is now responsible for issuing drivers' licenses, motor vehicle registrations, and license plates to qualified, accredited foreign mission personnel and their family members throughout the country. The State Department has asked Alaska to stop issuing consular plates to "honorary consuls." With the State Department issuing all required driver and motor vehicle licenses for official consular officers, AS 28.10.-181(g) is unnecessary, and should be repealed.

Finally, sec. 15 provides for an effective date of January 1, 1990. Because this bill relates to a large number of functions of the Department of Public Safety, the most convenient effective date is the beginning of the calendar year. This will allow the department time to get needed procedures and forms into place, and to train personnel around the state.

I urge your favorable action on this bill.

Sincerely,



Steve Cowper  
Governor

Most Village Public Safety Officers and Village Police Officers are not "police officers" under the definition in paragraph (3). Whether an individual officer is subject to regulation by the Alaska Police

Standards Council depends upon the circumstances of his or her employment and has to be determined on a case-by-case basis. July 1, 1984 Op. Att'y Gen.

Article 3. Identification Cards.

Section

310. Identification cards

**Sec. 18.65.310. Identification cards.** (a) Upon payment of a \$5 fee, the Department of Public Safety shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only.

(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department.

(c) Any person who knowingly makes a fraudulent written statement or application for an identification card concerning age, race, sex, or other identifying characteristics as required by the department is guilty of a misdemeanor.

(d) It is a misdemeanor for any person to possess, use, produce or manufacture a fraudulent identification card.

(e) It is a misdemeanor for any person to allow an identification card issued to them to be used by any other person.

(f) Any person who violates (c), (d), or (e) of this section is guilty of a misdemeanor punishable by a fine of \$500 or 60 days in jail, or both.

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older no charge may be made for issuance of the card. (§ 1 ch 37 SLA 1973; am § 1 ch 259 SLA 1976; am § 48 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "AS 28.15.111" for "AS 28.15.080" in subsection (a).

Article 4. Security Guards.

Section

- 400. License as security guard
- 410. Applications
- 420. Bonding and insurance
- 430. Duration of license
- 440. Revocation of license

Section

- 450. Regulations
- 460. Exceptions to licensure
- 470. Firearms training
- 480. Penalty
- 490. Definitions

Collateral references. — 2d, Occupations, Trades and Professions, §§ 1-24. 53 C.J.S., Licenses, §§ 11-13. Constitutionality of statute requiring proprietor of amusement to furnish fire insurance at his own expense. Liability for false imprisonment of a private person by a known or asserted peace officer to assist in making arrest to be unlawful. 29 AL

**Sec. 18.65.400. License for person employed as a security guard.** A person who has obtained a license under AS 18.65.400

**Sec. 18.65.410. Application for license as security guard.** An application for a license as a security guard must be made in accordance with the requirements required by the commission. The application must include a search of criminal records. The application must include a fee of \$25 for a security guard license. (§ 1 ch 59 SLA 1976)

**Sec. 18.65.420. Bond for issuance of a license.** Before the issuance of a license, the licensee must furnish a bond or proof of financial responsibility in accordance with the requirements of the commission. (§ 1 ch 59 SLA 1976)

**Sec. 18.65.430. Duration of license.** A license issued under AS 18.65.400 and may be renewed if the licensee pays a fee of \$25. (§ 1 ch 59 SLA 1976)

**Sec. 18.65.440. Revocation of license.** A license issued under AS 18.65.400 may be revoked for the following reasons:  
 (1) false statement made in accordance with the requirements of AS 18.65.400;  
 (2) failure to pay the fee required by AS 18.65.430;  
 (3) failure to furnish a bond or proof of financial responsibility in accordance with the requirements of AS 18.65.420;  
 (4) failure to comply with the requirements of AS 18.65.410.

(8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 — 28.05.141. (§ 7 ch 178 SLA 1978)

**Collateral references.** — 60 C.J.S.  
Motor Vehicles, § 100.

*Sec. 28.10.050. Application. [Repealed, § 7 ch 178 SLA 1978.]*

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

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

(2) the department determines that a registered vehicle is mechanically unsafe to be driven or moved on a highway, vehicular way or 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)

**Collateral references.** — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 90, 91. 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.  
60 C.J.S., Motor Vehicles, §§ 127 to 131.  
Civil rights and liabilities as affected by failure to comply with regulations as to

*Sec. 28.10.060. Vehicles registered elsewhere. [Repealed, § 7 ch 178 SLA 1978.]*

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

Collateral references. — 7A Am. Jur.  
2d, Automobiles and Highway Traffic,  
§§ 185 to 203.  
60 C.J.S. Motor Vehicles, § 26.

*Sec. 28.05.090. Citation form. [Repealed, § 6 ch 178 SLA 1978.]*

**Sec. 28.05.091. Seizure of unsafe or defectively equipped vehicle.** A motor vehicle which is driven on a highway or vehicular way or area, and which has been determined to be defective in equipment so as to be unsafe for driving, is an unlawful vehicle and may be impounded by a peace officer or an employee of the department officially designated for that purpose. The owner or person in lawful possession of the vehicle shall pay the necessary costs of impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

- (1) the correction of a defect in the equipment;
- (2) dismantling or wrecking; or
- (3) storage without repair. (§ 6 ch 178 SLA 1978)

**Sec. 28.05.095. Child safety devices.** [Effective June 8, 1985.]

(a) Except as provided in (b) of this section, a driver may not transport a child under the age of seven in a motor vehicle unless the driver has provided and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is between four and six years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a seatbelt, whichever is appropriate for the particular child.

(b) Subsection (a) does not apply to

- (1) a school bus or an emergency vehicle;
- (2) a child or class of children exempted by regulation under AS 28.05.096;
- (3) a child required to be restrained by seatbelts under (a) of this section if the motor vehicle is not equipped with seatbelts; or
- (4) a motor vehicle exempt under AS 28.10.011(11).

(c) A person may not remove a seatbelt from a vehicle solely to be exempted under (b)(3) of this section. (§ 1 ch 99 SLA 1984)

Effective dates. — Section 3, ch. 99, year after enactment. Chapter 99 was SLA 1984, makes this section effective one approved by the governor on June 8, 1984.

**Sec. 28.05.096. Exemptions and alternative safety devices.** [Effective June 8, 1985.] (a) The commissioner of public safety may

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§ 28.10.081

MOTOR VEHICLES

§ 28.10.108

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

**Sec. 28.10.081. Issuance of certificate of registration; certifi-  
cate 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. 28.10.101. Expiration of registration. [Repealed, § 7 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 proce-  
dures 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 registra-  
tion, 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 registra-  
tion, 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 regis-  
tration form displaying the month and year in which the registration  
expires.

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

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

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

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

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

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

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

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

(c) [Repealed, § 6 ch 70 SLA 1986.]

(d) [Repealed, § 41 ch 37 SLA 1986.]

(e) [Repealed, § 3 ch 89 SLA 1987.]

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986; am § 3 ch 89 SLA 1987)

**Effect of amendments.** — The 1985 amendment repealed subsection (b), concerning payment of motor carrier fees.

The first 1986 amendment repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The second 1986 amendment added subsection (f).

The third 1986 amendment repealed subsection (c), concerning exemption for residents 65 years of age or older.

The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees.

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

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

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$35;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$40;
- (3) a taxicab .....\$70;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists .....\$85;
- (5) a motorcycle or a motor-driven cycle .....\$20;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer .....\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle

pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as 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;

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- (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 Pearl Harbor survivor or a former prisoner of war .....none;
- (14) special request Winter Olympics commemorative plates .....\$ 70 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; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account may be appropriated by the legislature to the Alaska sports fund established under AS 05.35.150.

(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.

(f) In addition to the fees imposed under (b) and (d) of this section, the following special annual registration fee is imposed upon renewal of registration for a passenger vehicle, motor home, pick-up truck, or a van with special request Winter Olympics commemorative plates .....\$30; the commissioner of administration shall separately account for the fees received under this subsection that the department deposits in the general fund; the annual estimated balance in the account may be appropriated by the legislature to the Alaska sports fund established under AS 05.35.150. (§ 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; am §§ 6 — 8 ch 24 SLA 1988)

**Cross references.** — For legislative intent regarding appropriation of proceeds from sale of Winter Olympics plates, see sec. 1, ch. 24, SLA 1988 in the Temporary and Special Acts.

**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 para-

graph (2) added "including those authorized for use by Alaska National Guard personnel only" and increased the fee, in 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.

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

*Secs. 28.10.172, 28.10.180. Staggered registration; renewal.  
[Repealed, § 7 ch 178 SLA 1978.]*

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

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

(c) Special request plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

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

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

(1) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the armed forces of the United States; or

(2) the standard handicap symbol (the wheelchair logo).

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

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

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "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) 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. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984)

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issued in another jurisdiction. (§ 7 ch 178 SLA 1978; am § 2 ch 99 SLA 1983; am § 84 ch 6 SLA 1984; am § 8 ch 45 SLA 1987)

**Effect of amendments.** — The 1987 amendment in subsection (d) inserted "or (c)" in the first sentence and deleted "and a certificate of inspection by a peace officer of that jurisdiction stating that the vehicle has been determined to be the vehicle described in the certificate of title and that the vehicle has not been reported stolen" at the end of the section.

**Sec. 28.10.261. Evidence.**

**NOTES TO DECISIONS**

Applied in *Keltner v. Curtis*, Sup. Ct. Op. No. 2913 (File No. S-162), 695 P.2d 1076 (1985).

**Article 3. Transfer of Vehicle.**

**Section**

321. New owner to secure transfer of registration and new title

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

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

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

**Article 5. Fees and Charges.**

**Section**

- 411. Registration fees levied
- 421. Registration fee rates
- 423. Emission control inspection program fees

**Section**

- 431. Annual motor vehicle registration tax
- 441. Schedule of other fees and charges

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

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

(c) *[Repealed, § 6 ch 70 SLA 1986.]*

(d) *[Repealed, § 41 ch 37 SLA 1986.]*

(e) *[Repealed, § 3 ch 89 SLA 1987.]*

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986; am § 3 ch 89 SLA 1987)

**Effect of amendments.** — The 1985 amendment repealed subsection (b), concerning payment of motor carrier fees.

The first 1986 amendment repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The second 1986 amendment added subsection (f).

The third 1986 amendment repealed subsection (c), concerning exemption for residents 65 years of age or older.

The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees.

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

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

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$35;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$40;

(3) a taxicab .....\$70;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists .....\$85;

(5) a motorcycle or a motor-driven cycle .....\$20;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer .....\$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle

**Sec. 28.10.371. Filing documents evidencing liens or encumbrances.** A conditional sales contract, chattel mortgage, or other lien or encumbrance or title retention document on a registered vehicle, other than a lien dependent upon possession, is not valid against a vehicle owner's creditor who acquires a lien dependent upon possession, or by levy or attachment, or against a subsequent purchaser or encumbrancer without notice, until the requirements of AS 28.10.371 — 28.10.401 are satisfied. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.380. Dealer's transfer. [Repealed, § 7 ch 178 SLA 1978.]*

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

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

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

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.390. Transfer to dealer. [Repealed, § 7 ch 178 SLA 1978.]*

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

(b) If the received and after the date notice date. Otherwise, of the documents.

(c) Filing method of registered

(d) A lien or encumbrance require or evidencing registration

Editor's note below w/ 28.10.510.

Determines rests with the should be the v. City Nat'l Supp. 753 (1 Aurora Motoc: (File No. 593 Mechanic prior record 34.35.200(2), with former legislature's mechanic's li- interest. Dec Sup. Ct. Op. P.2d 603 (19

*Sec. 28. 1978.]*

**Sec. 28** son holdir dependent interest in consent of the regist give writt certificate shown on accompan ment sha.

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

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

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

(b) A vehicle dealer who transfers a vehicle and fails to comply with the requirements of AS 28.10.291 is guilty of a class B misdemeanor. (§ 3 ch 54 SLA 1979)

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

#### Article 7. General Provisions.

Section	Section
495. Parking permit for vehicle transporting disabled person	502. Towing and storage lien 661. Definition of dealer

**Sec. 28.10.495. Parking permit for vehicle transporting disabled person.** (a) Upon application by a disabled or medically handicapped person, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle which is being used for the transportation of the disabled or medically handicapped person.

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

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

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

*Sec. 28.10.500. Index of liens. [Repealed, § 7 ch 178 SLA 1978.]*

*Sec. 28.10.501. [Renumbered as AS 28.10.661.]*

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

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Section 5

*Sec. 28.10.380. Dealer's transfer. [Repealed, § 7 ch 178 SLA 1978.]*

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

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

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

(d) Upon receipt of the application and documents, the department shall endorse on them the date of receipt at the central office of the department and file them. If the department is satisfied as to the genuineness and regularity of the application, it shall issue a new certificate of title giving the name of the owner and a statement of liens or encumbrances certified to the department as existing against the vehicle. The certificate of title shall be delivered by the department to the person holding the lien or encumbrance. (§ 7 ch 178 SLA 1978)

*Sec. 28.10.390. Transfer to dealer. [Repealed, § 7 ch 178 SLA 1978.]*

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

(b) If the documents referred to in AS 28.10.271 — 28.10.401 are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and fil-

*Secs. 28.10.172, 28.10.180. Staggered registration; renewal. [Repealed, § 7 ch 178 SLA 1978.]*

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

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

(c) **Special request plates.** Upon application by the owner of a passenger vehicle, motorcycle, noncommercial van or pick-up truck, or motor home, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) **Vehicles owned by disabled veterans and handicapped persons.** A person who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped and

istration; renewal. [Re-

**and special vehicles**

a) The department shall issue special plates used for special purposes prescribed in this section. Notwithstanding, registration plates issued to a person or organization to which title or ownership is transferred or title or ownership is transferred under (b), plates issued under this section to a vehicle other than the vehicle for which approval of the department is required, or plates prescribed in AS 28.10.181, if the plates issued are transferred to a vehicle for which approval is required for the vehicle from the department, the person or organization shall pay the difference between the amount paid under this section and the amount paid for the transfer of the plates to the person or organization.

b) A motor vehicle may make application for a special plate under this subsection. The department shall issue special plates under this subsection if the requirements for special plates adopted by the commissioner are met. These plates shall be numbered under this subsection and shall display a distinctive numerical series.

c) The owner of a passenger vehicle, a pickup truck, or a motorcycle shall display registration plates on the vehicle. The department shall issue registration plates with numbers or combinations of numbers to the owner. The department shall issue registration symbols are a duplicate of the registration symbols and combinations are considered.

d) The department shall issue special plates to handicapped persons. The owner shall provide proof that the person is 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 percent 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 that 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 must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must 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.

holder of the lienholder's title fee required under a new certificate of title.

affected by classification or discrimination, 126 ALR 1419.

Section 9

law. [Repealed, § 7 ch 178

charges.

annual motor vehicle registration schedule of other fees and charges

J.S., Motor Vehicles, §§ 60, 136 to

ied. (a) For every year due to registration under this to the department at the time annual renewal of registration

al No. 2, § 6.]

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on January 1 of the year the exemption from the registration motor vehicle subject to registration (5), or (6). An exemption may be granted for the exemption on a 7 ch 178 SLA 1978; am 1983 ch 6 SLA 1984; am § 41 ch 37 § 6 ch 70 SLA 1986; am § 3 ch

The third 1986 amendment repealed subsection (c), concerning exemption for persons 65 years of age or older. The 1987 amendment repealed subsection (e), concerning inclusion of state park and camp ground fees in registration fees. Collateral references. — Validity of automobile registration or license fee as

Sec. 28.10.420. Assignment. [Repealed, § 7 ch 178 SLA 1978.]

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

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

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$35;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use .....\$40;

(3) a taxicab .....\$70;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists .....\$85;

(5) a motorcycle or a motor-driven cycle .....\$20;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer .....\$ 5.

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

(1) up to and including 5,000 pounds .....\$51;

(2) more than 5,000 pounds to and including 12,000 pounds .....\$86;

(3) more than 12,000 pounds to and including 18,000 pounds .....\$156;

(4) more than 18,000 pounds .....\$221

→ (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;

See next Page<sup>49</sup>

AS 28.10.421(d)(6)

# Section 9

§ 28.10.421

ALASKA STATUTES

§ 28.10.421

- (2) special request plates for
  - (A) Alaska National Guard personnel .....\$ 30;
  - (B) veterans or retired veterans .....\$ 30;
  - (C) recipients of the Purple Heart .....\$ 30;
  - (D) other special request plates .....\$ 30;

plus the fee required for that vehicle under (b) 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 Pearl Harbor survivor or a former prisoner of war ..... none;

(14) special request Winter Olympics commemorative plates ...\$70 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; the commissioner of administration shall separately account for the fees received

Original sponsor(s): Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 92 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to identification cards issued by  
7 the Department of Public Safety, motor vehicle regis-  
8 tration and registration fees, filing a lien on a  
9 motor vehicle, and issuance of handicapped parking  
10 permits; and providing for an effective date."

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

12 \* Section 1. AS 18.65 is amended by adding a new section to article 3  
13 to read:

14 Sec. 18.65.320. CANCELLATION OF IDENTIFICATION CARD. (a) The  
15 department shall cancel an identification card if the person receiving  
16 the card fails to give the required or correct information in the  
17 person's application. Nothing in this section prohibits reapplication  
18 by the person or reissuance of the identification card.

19 (b) A person whose identification card has been cancelled shall  
20 return the card to the department. Failure to return a cancelled card  
21 within 10 days after receiving notice of the cancellation is a vio-  
22 lation punishable by a fine of up to \$100.

23 \* Sec. 2. AS 28.10.051(a) is amended to read:

24 (a) The department may suspend or revoke the registration of a  
25 vehicle, the certificate of registration or registration plates for a  
26 vehicle, or a special permit when

27 (1) the department determines that the registration or  
28 certificate, plate or permit was fraudulently procured or erroneously  
29 issued;

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

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

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

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

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

16 (7) the vehicle has been reported to the department as  
17 stolen or unlawfully converted; [OR]

18 (8) the department is otherwise required to do so under the  
19 laws of this state; or

20 (9) the department determines that the vehicle owner has  
21 violated the requirements of AS 28.10.146 or 28.10.147.

22 \* Sec. 3. AS 28.10.108(b) is amended to read:

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

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

28 (2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3) [,  
29 (6)] and (9) shall have its initial registration, and may have its

1 annual registration, renewed during the month of January.

2 \* Sec. 4. AS 28.10 is amended by adding new sections to read:

3 Sec. 28.10.146. REGISTRATION OF INTERSTATE RENTAL TRUCKS. (a)

4 Notwithstanding any other registration requirement of this chapter, a  
5 fleet rental truck owner or authorized representative shall register a  
6 percentage of the total fleet as determined under this subsection, and  
7 shall pay the fees and taxes required by this chapter. The percentage  
8 of fleet rental trucks required to be registered is equal to the total  
9 number of miles that all trucks in the rental fleet were driven in  
10 this state during a calendar year or other period established by the  
11 department by regulation, divided by the total number of miles that  
12 all trucks in the rental fleet were driven in all states and the  
13 District of Columbia during that period.

14 (b) When applying for registration under (a) of this section,  
15 the fleet rental owner or authorized representative shall file with  
16 the department a certified report containing verifiable data, report-  
17 ing

18 (1) the total number of miles operated by all of the trucks  
19 in the rental fleet in all states and the District of Columbia during  
20 the preceding calendar year or other period specified by the depart-  
21 ment;

22 (2) the total number of miles operated in this state by all  
23 of the trucks in the rental fleet during the preceding calendar year  
24 or other period specified by the department; and

25 (3) other fleet rental truck registration information that  
26 the department may require.

27 (c) A fleet rental owner or authorized representative whose  
28 application for registration under this section has been accepted by  
29 the department shall preserve records of the period on which the

1 application was based for four years. Upon request of the department,  
2 the fleet rental owner or authorized representative shall

3 (1) provide records preserved under this subsection to the  
4 department for audit; or

5 (2) pay the cost of an audit conducted by a representative  
6 of the department at the office of the owner.

7 (d) After compliance with this section, all trucks identified as  
8 part of the rental fleet, and currently registered in any state or in  
9 the District of Columbia, may operate in this state.

10 (e) If the department determines that the fleet rental owner or  
11 authorized representative has not registered fleet rental trucks as  
12 required by this section, the department may suspend or revoke a  
13 registration previously issued, and may deny future fleet rental  
14 registration under (a) of this section, until the owner or authorized  
15 representative has complied with this section. If registration under  
16 (a) of this section has been suspended, revoked, or denied, all the  
17 owner's fleet rental trucks present in the state must be registered  
18 under applicable state law.

19 (f) A fee or tax paid as a result of registration required under  
20 this section does not satisfy or offset other fees or taxes levied by  
21 the state or a political subdivision in connection with the ownership  
22 or operation of fleet rental trucks.

23 (g) In this section, "fleet" means a fleet of 10 or more rental  
24 trucks that are rented or offered for rent without a driver.

25 Sec. 28.10.147. REGISTRATION OF INTERSTATE RENTAL TRAILERS. (a)  
26 Notwithstanding any other registration requirement of this chapter, a  
27 fleet rental trailer owner or authorized representative shall register  
28 the average number of trailers present in this state as calculated  
29 under this subsection, and shall pay the fees and taxes required by

1 this chapter. The average number of trailers is equal to the total  
2 number of trailers in the fleet that were present at any time in the  
3 state during a calendar year or other period established by the de-  
4 partment by regulation, divided by the number of calendar months in  
5 the period.

6 (b) When applying for registration of trailers as required under  
7 (a) of this section, the fleet rental owner or authorized representa-  
8 tive shall file with the department a certified report containing  
9 verifiable data as to the average number of trailers that were present  
10 at any time in the state for the previous calendar year or other  
11 period specified by the department.

12 (c) A fleet rental owner or authorized representative whose  
13 application for registration under this section has been accepted by  
14 the department shall preserve records of the period on which the  
15 application was based for four years. Upon request of the department,  
16 the fleet rental owner or authorized representative shall

17 (1) provide records preserved under this subsection, to the  
18 department at its office for audit; or

19 (2) pay the cost of an audit conducted by a representative  
20 of the department at the office of the owner.

21 (d) After compliance with this section, all trailers identified  
22 as part of the rental fleet, and currently registered in any state or  
23 in the District of Columbia, may operate in this state.

24 (e) If the department determines that the fleet rental owner or  
25 authorized representative has not registered fleet rental trailers as  
26 required by this section, the department may suspend or revoke a  
27 registration previously issued, and may deny future registration under  
28 (a) of this section, until the owner has complied with this section.  
29 If registration under (a) of this section has been suspended, revoked,

1 or denied, all the owner's fleet rental trailers present in the state  
2 must be registered under applicable state law.

3 (f) A fee or tax paid as a result of registration required under  
4 this section does not satisfy or offset other fees or taxes levied by  
5 the state or a political subdivision in connection with the ownership  
6 or operation of fleet rental trailers.

7 (g) In this section, "fleet" means a fleet of 10 or more rental  
8 trailers that are rented or offered for rent for personal use, not for  
9 the transportation of persons or property for hire or other commercial  
10 use, and includes a boat trailer, baggage trailer, box trailer, utili-  
11 ty trailer, house trailer, or travel trailer.

12 \* Sec. 5. AS 28.10.381 is repealed and reenacted to read:

13 Sec. 28.10.381. FILING A LIEN OR ENCUMBRANCE. (a) A lien or  
14 other encumbrance on a vehicle may be filed by delivering to the  
15 department

16 (1) a manufacturer's certificate of origin or an existing  
17 certificate of title;

18 (2) an application for a new certificate of title, signed  
19 by the registered owner and containing the name and address of any  
20 lienholder and the date of the lienholder's interest;

21 (3) applicable filing fees required by law; and

22 (4) other documents or information required by the depart-  
23 ment.

24 (b) Upon approval of the application, the department shall send  
25 to the person holding a lien or other encumbrance a new certificate of  
26 title which displays the name of the owner and indicates the existence  
27 of the lien or other encumbrance.

28 \* Sec. 6. AS 28.10.421(b) is amended to read:

29 (b) The annual registration fees under this subsection are im-

1 posed within the following classifications for:

2 (1) a passenger vehicle or motor home not used or main-  
3 tained for the transportation of persons or property for hire or for  
4 other commercial use.....\$35;

5 (2) a pick-up truck or a van not exceeding 6,000 pounds  
6 unladen weight and not used or maintained for the transportation of  
7 persons or property for hire or for other commercial use.....\$40;

8 (3) a taxicab.....\$70;

9 (4) a motor bus with a seating capacity for 20 or more  
10 persons and used exclusively for commercial purposes in the transport-  
11 ing of visitors or tourists.....\$85;

12 (5) a motorcycle or a motor-driven cycle.....\$20;

13 (6) a [TWO- OR FOUR-WHEELED] trailer not used or maintained  
14 for the transportation of persons or property for hire or for other  
15 commercial use, including, but not limited to, a boat trailer, baggage  
16 trailer, box trailer, utility trailer, [OR] house trailer, travel  
17 trailer, or a trailer rented or offered for rent.....\$ 5.

18 \* Sec. 7. AS 28.10.495(a) is amended to read:

19 (a) Upon application by a disabled or medically handicapped  
20 person, or by an organization that transports disabled or medically  
21 handicapped persons, the department shall issue to the applicant,  
22 without charge, a special permit bearing the control number of the  
23 applicant. The permit issued under this section, when displayed in  
24 the front windshield of a parked or standing vehicle, shall provide  
25 for special consideration by the public with respect to the parking or  
26 standing in designated spaces of a vehicle that is being used for the  
27 transportation of a [THE] disabled or medically handicapped person.

28 \* Sec. 8. AS 28.10.495(b) is amended to read:

29 (b) A person is not entitled to use the special permit provided

1 for in (a) of this section except when providing transportation for a  
2 [THE] disabled or handicapped person [WITH RESPECT TO WHOM THE PERMIT  
3 WAS ISSUED]. Upon the death of a [THE] disabled or handicapped person  
4 to whom a special permit has been issued, the special permit shall be  
5 returned to the department. If an organization to which a special  
6 permit has been issued ceases transporting disabled or handicapped  
7 persons, or ceases operating, it shall return the special permit to  
8 the department.

9 \* Sec. 9. AS 28.10.181(g) and 28.10.421(d)(6) are repealed.

10 \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).