

HEB

277



Alaska State Legislature
Representative Eugene Kubina
Minority Whip

During Session
Alaska State Capitol
Juneau, Alaska 99801-1182
907) 465 4659
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During Interim
PO Box 2463
Valdez, Alaska 99686
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Sponsor Statement

**HB 277 An Act Relating to Issuance of
Instruction Permits to Operate A Snowmobile**

Snowmobiles have become a safe, practical and common form of winter transportation. In Valdez and other municipalities, snowmobiles operate legally on city streets and other vehicular ways and are an important form of winter transportation.

A.S. 30.070 provides the authority to municipalities or organized boroughs to regulate snowmobiles by ordinance. The statute, however, is unclear whether a municipality may by ordinance allow snowmobile operators with instruction permits to operate on municipal roads.

This has caused some difficulty in Valdez where young adults with instruction permits, who are legally allowed to operate a car when accompanied by a licensed adult, can not operate a snowmobile under similar circumstances. They use the snowmobiles to travel to school, local businesses and to recreational areas outside of the city.

Furthermore, restricting young operators will make it difficult for families coming to Valdez as tourists to participate in the increasingly popular winter sports in the Valdez area. They will be forced to trailer snowmobiles to the outlying recreational areas instead of riding the snowmachines directly from town.

HB 277 would enable municipalities to promulgate an ordinance which would allow holders of instruction permits to operate snowmobiles on municipally maintained streets.

Passage of HB 277 would provide the opportunity for our youth to gain the experience of operating snowmobiles while under adult supervision, thus helping ensure that when they become fully licensed at 16, they are skilled and safe operators.

I urge your support.

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§ 05.30.020

AMUSEMENTS AND SPORTS

§ 05.30.070

Collateral references. — 7A Am. Jur. 60 C.J.S., Motor Vehicles, §§ 58-65, 2d, Automobiles and Highway Traffic, 97-101, 105-145, §§ 5, 55, 58, 215.

Sec. 05.30.020. Registration term and fee. A registration is valid for two years commencing September 1, 1968. The registration fee is \$5, which shall be paid into the general fund. (§ 1 ch 182 SLA 1968)

Sec. 05.30.030. Exemption from registration fee. Snow vehicles owned by the federal or state government or a political subdivision of the federal or state government shall be registered but are not required to pay a registration fee. (§ 1 ch 182 SLA 1968)

Sec. 05.30.040. Registration certificate and decals. (a) Upon registration of a snow vehicle, the registrant shall be issued a registration certificate and two numbered decals containing the registration number of the vehicle. Once a snow vehicle has been issued a number, it retains that number until the vehicle is destroyed, abandoned or permanently removed from the state. Numbered registration decals shall be displayed on each side of the cowling of a snow vehicle.

(b) As used in this section "cowling" means the forward or rear portion of a snow vehicle surrounding the motor and clutch assembly. (§ 1 ch 182 SLA 1968)

Revisor's notes. — Subsection (b) was formerly AS 05.30.120(1). Renumbered in 1981.

Sec. 05.30.050. Transfer of ownership. The Department of Public Safety shall adopt regulations to accomplish transfer of ownership of snow vehicles. (§ 1 ch 182 SLA 1968; am § 2 ch 214 SLA 1975)

Article 2. Regulation and Equipment.

Section

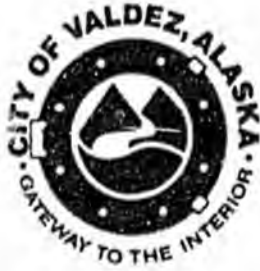
- 70. Regulation by political subdivision
- 80. Equipment required

Sec. 05.30.070. Regulation by political subdivision. A city of any class, or an organized borough in the area outside cities, may, by ordinance, regulate the use and operation of snow vehicles. (§ 1 ch 182 SLA 1968)

Opinions of attorney general. — This section does not authorize a municipality to allow use of a snow machine on a public roadway without a valid driver's license, since such activity would be directly contrary to the provisions of AS 28.15.011(b),

which requires a valid driver's license for operating a vehicle on a public roadway. June 25, 1986, Op. Att'y Gen.

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 5, 58, 59, 61, 215.



OFFICE OF THE MAYOR

March 16, 1995

Representative Gene Kubina
State Capitol, Room 406
Juneau, AK 99801-1162

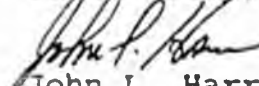
Dear Representative Kubina:

At the regular meeting of March 6, 1995, the Valdez City Council adopted Resolution #95-27 by unanimous vote of Council members present. A copy of the resolution is attached.

Resolution #95-27 requests an amendment to A.S. 28.15.051(a) to allow the operation of snow machines by drivers holding instruction permits. Valdez has a unique situation due to the amount of our annual snowfall, and snow machines are a reliable means of transportation in our community. We feel that allowing drivers holding instructional permits to operate snow machines would provide a safer transition from adolescence to adulthood in operating motor vehicles.

We appreciate your support in urging the Alaska State Legislature to amend A.S. 28.15.051(a). If you have any questions concerning this resolution, please contact me.

Yours truly,


John L. Harris
Mayor

Enclosure ✓

JLH:JD/jdf

RESOLUTION

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 95-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, URGING THE LEGISLATURE OF THE STATE OF ALASKA TO AMEND STATE LAW TO PERMIT THE OPERATION OF SNOW MACHINES ON CITY STREETS BY DRIVERS POSSESSING INSTRUCTION PERMITS

WHEREAS, A.S. 05.30.070 authorizes municipalities to regulate the use and operation of snow vehicles; and

WHEREAS, the City of Valdez permits the operation of snow machines of City streets pursuant to limitations set forth in Valdez Code Section 10.16.010; and

WHEREAS, the City Council of the City of Valdez finds that the public interests of health, welfare and safety are best served by permitting a driver holding an instruction permit to have a period of instruction and supervision in safely operating a snow machine on City streets; and

WHEREAS, AS 28.15.051(a) permits such a period of training and supervision for driver's holding instruction permits to operate motorcycles by requiring the permittee to be accompanied and immediately supervised by a person at least 19 years of age who has been licensed at least one year; and

WHEREAS, the same considerations of safety, instruction and supervision that apply to operating a motorcycle on public roadways apply equally to the operation of snow machines; and

WHEREAS, in municipalities where snow machines are permitted to be operated on public roadways, the law that permits motorcycles to be operated by drivers holding instruction permits should be extended to also permit this period of instruction and supervision for snow machine operators;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1: 1. In the interests of health, safety and welfare, the Alaska State Legislature is urged to amend A.S. 28.15.051(a) to read as follows:

Section 28.15.051. Instruction permit, temporary driver's license and special driver's permit. (a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under A.S. 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee must be accompanied by a person at least 19 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the drive when the permittee drives a motorcycle or a snowmobile in those municipalities where the operation of snowmobiles on public roadways is permitted. An instruction permit may be renewed.

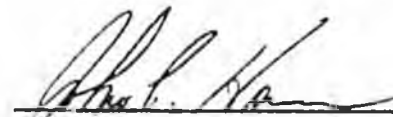
2. The Alaska State Legislature is urged to amend A.S. 28.15.051(b) to read as follows:

The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program that includes practice driving and is approved by the department. The restricted instruction permit allows the permittee, when the permittee has the permit in the permittee's immediate possession, to drive a specified type or class of motor vehicle; however, an approved instructor must occupy a seat beside the permittee or, if the permittee is driving a motorcycle, or snowmobile in municipalities permitting the operation of snowmobiles upon public roadways, the permittee must be accompanied by and under the immediate supervision of an approved instructor.

Section 2: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, on this 6th day of March, 1995.

CITY OF VALDEZ, ALASKA



John L. Harris, Mayor

ATTEST:




Jeanne Donald, CMC/A&E, City Clerk

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

April 10, 1995

The Honorable Gene Kubina
Alaska State Legislature
State Capitol, Room 406
Juneau, AK 99801-1182

Dear Representative Kubina:

Regarding CSHB 277() - Permits for Driving Snowmobiles, the Department of Public Safety has reviewed this work draft and feels that existing statutes and regulations are sufficient to require a person operating any type of motor vehicle on a highway, vehicular way or area, or other public property in this State, to possess a valid driver's license or learner's permit. Those cites are as follows:

- 1) AS 28.15.011 requires any person exercising their privilege to drive a motor vehicle in Alaska to have in their possession a valid license issued under the laws of this State.
- 2) AS 28.40.100(12) defines "motor vehicle" and would include snowmobiles and snow vehicles.
- 3) AS 05.30.010 - .050 requires all snow vehicles to be registered with the Department of Public Safety. Also see 13 AAC 70.160 - Registration for Snowmobile.
- 4) AS 05.30.120 defines "snow vehicle" to include snowmobiles.
- 5) AS 05.30.070 allows a city or municipality, by ordinance, to regulate the use and operation of snow vehicles to include snowmobiles.
- 6) 13 AAC 40.010(49) defines snowmobile.
- 7) 13 AAC 02.430 regulates the safe operation of a snowmobile or other off-highway vehicles.

The Honorable Gene Kubina
April 10, 1995
Page 2

In light of the above, if it is your desire to proceed with the hearing in (H) Transportation Committee on Monday, April 10, 1995, Juanita Hensley of my staff will be available to give technical testimony to the Committee.

Please contact my office if you need further assistance.

Sincerely,



Ronald L. Otte
Commission

Enclosures

9-LS0960C ✓

Ford

4/6/95

CS FOR HOUSE BILL NO. 277()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KUBINA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of instruction permits to operate a snowmobile."

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

3 * Section 1. AS 28.15.051(a) is amended to read:

4 (a) Except as provided in (b) of this section, a person who is at least 14 years
5 of age may apply to the department for an instruction permit. The department may,
6 after the applicant has successfully passed all parts of the examination under
7 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
8 The permit allows a person, while having the permit in the person's immediate
9 possession, to drive a specified type or class of motor vehicle on a highway or
10 vehicular way or area for a period not to exceed two years. The permittee must be
11 accompanied by a person at least 19 years of age who has been licensed at least one
12 year to drive the type or class of vehicle being used, who is capable of exercising
13 control over the vehicle and who occupies a seat beside the driver, or who
14 accompanies and immediately supervises the driver when the permittee drives a
15 motorcycle or drives a snowmobile on a municipally maintained highway, or

1 vehicular way or area as authorized by municipal ordinance. An instruction permit
2 may be renewed.

3 * Sec. 2. AS 28.15.051(b) is amended to read:

4 (b) The department, upon receiving proper application, may issue a restricted
5 instruction permit effective for a school year or for a more restricted period to an
6 applicant who is at least 14 years of age and who is enrolled in a driver education
7 program that includes practice driving and is approved by the department. The
8 restricted instruction permit allows the permittee, when the permittee has the permit
9 in the permittee's immediate possession, to drive a specified type or class of motor
10 vehicle; however, an approved instructor must occupy a seat beside the permittee or,
11 if the permittee is driving a motorcycle or is driving a snowmobile on a municipally
12 maintained highway, or vehicular way or area as authorized by municipal
13 ordinance. the permittee must be accompanied by and under the immediate
14 supervision of an approved instructor.