

LEG. FINANCE - BILLS 1985 - 1986 2177

SB 84

2177

COMMITTEE REPORT
SENATE

FURTHER:

4/10/85

Date _____

Mr. President

The Committee on FINANCE considered SB 84
Motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE

4/10/85

FURTHER

*SB 84 was
incorporated into
SB 218 (Fin)
Report out 4/10/85*

Mr. President

The Committee on FINANCE cc

Motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FINANCE

FURTHER:

2/22/85

Date 4-9-85

Mr. President

The Committee on JUDICIARY considered SB 84
Motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB84 (Judiciary)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Rich Halford
Jan Fuchs
P. Z...

Chairman Tim Kelly - Acting ^{D. Pass}

Chairman recommendation _____

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

1/22/85

Date

2/2/85

Mr. President

The Committee on STATE AFFAIRS considered SB 84
motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 84 (SA)
- new title
- same title and recommends I do pass
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edna De Vries

Tim Kelly

Bill Ray

V. J. Schuman

Michael Wood

Chairman

Do Pass

Chairman recommendation

Offered: 4/10/85
Referred: Finance

Original sponsor: Rules/Governor

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

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

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

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

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

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

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

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

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

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

8 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
9 The department may suspend or revoke the registration of a vehicle,
10 the certificate of registration or registration plates for a vehicle,
11 or a special permit when

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (9) an amateur mobile radio station vehicle,

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

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

1 through 10 meters, must have an antenna, and must have a power
2 supply and wiring as a permanent part of the vehicle; the trans-
3 mitting unit may be removed from the car for service or dry
4 storage.....none

5 for a mobile amateur radio station vehicle included in (b)(1) or
6 (2) of this section;

7 (10) dealer registration plates,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 organization;

2 (5) money on deposit;

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

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

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

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

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

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

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

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

1 made under this subsection.

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

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Offered: 2/22/85
Referred: Judiciary and Finance

Original sponsor: Rules/Governor

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

6 For an Act entitled: "An Act relating to motor vehicle laws."

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

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

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

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

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

27 (c) If at the hearing under (a) of this section it appears that
28 the record of the person sustains suspension, revocation, limitation,
29 denial, or other remedial action, the hearing officer shall so order
30

...end, revoke, limit, deny, or take other
... that person's license, registration, or title
... appropriate, the department shall adjust the person's point
... local accumulated under AS 28.15.231.

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

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

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

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR PEVOKE REGISTRAT
27 The department may suspend or revoke the registration of a vehi
28 the certificate of registration or registration plates for a vehi
29 or a special permit when

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

1 and the department may suspend, revoke, limit, deny, or take other
2 remedial action against that person's license, registration, or title
3 and, if appropriate, the department shall adjust the person's point
4 total accumulated under AS 28.15.231.

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10 matters. The district court shall base its review on the record of
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12 verse the department's determination if the court finds that the hear-
13 ing officer misinterpreted the law, acted in an arbitrary and capri-
14 cious manner, or made a determination unsupported by the evidence in
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16 matically stay the hearing officer's order. The court may grant a
17 stay of the order only upon a motion and hearing, and upon a finding
18 that there is a reasonable probability that the petitioner will pre-
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21 NOVO. THE DECISION OF THE DEPARTMENT SUSPENDING, REVOKING, CANCELING,
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25 * Sec. 4. AS 28.10.051 is amended to read:

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle,
29 or a special permit when

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

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

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

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

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

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

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

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

23 * Sec. 5. AS 28.10.105(f) is amended to read:

24 (f) The registration period of a [EVERY] vehicle registered un-
25 der this section and AS 28.10.107 may, at the option of the owner, be
26 [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by pay-
27 ment of the proportionate prorated applicable fees to allow annual
28 registration to occur in any month of the owner's choice. The regis-
29 tered owner of a vehicle may exercise this option only once for each

1 vehicle.

2 * Sec. 6. AS 28.10.411(c) is amended to read:

3 (c) A resident 65 years of age or older on the date that the tax
4 is due is entitled to an exemption from the tax under AS 28.10.431(b)
5 and the registration fee [TAX] under this section for one motor vehi-
6 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
7 (6). An exemption may not be granted except upon written application
8 for the exemption on a form prescribed by the department.

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

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

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

14 (2) special request plates.....\$20;
15 plus the fee required for that vehicle under (b)(1) or (2) of this
16 section; the fee required by this paragraph shall be collected only on
17 the first issuance and on the replacement of special request plates;

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

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

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

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

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

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29 (9) an amateur mobile radio station vehicle,

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

4 (B) in recognition of service to the public: a mobile
5 amateur radio station owned by an amateur with general class or
6 higher license, provided the station must be satisfactorily
7 proved capable of operating on at least five bands between 160
8 through 10 meters, must have an antenna, and must have a power
9 supply and wiring as a permanent part of the vehicle; the trans-
10 mitting unit may be removed from the car for service or dry
11 storage.....none
12 for a mobile amateur radio station vehicle included in (b)(1) or
13 (2) of this section;

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

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28 license. The permit is not valid in a municipality which by ordinance
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age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.33.250 - 29.33.290.

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

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

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

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

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

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

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

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

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

4 (a) If a person under arrest refuses the request of a law en-
5 forcement officer to submit to a chemical test under AS 28.35.031(a),
6 after being advised by the officer that the refusal will, if that per-
7 son was arrested for [WHILE] operating or driving a motor vehicle for
8 which a driver's license is required, result in the denial or revoca-
9 tion of the license or nonresident privilege to drive, that the refus-
10 al may be used against the person in a civil or criminal action or
11 proceeding arising out of an act alleged to have been committed by the
12 person while operating or driving a motor vehicle or operating an air-
13 craft or a watercraft while intoxicated, and that the refusal is a
14 misdemeanor, a chemical test shall not be given, except as provided by
15 AS 28.35.035.
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Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 84

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws."

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

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

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

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

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

27 (c) If at the hearing under (a) of this section it appears that
28 the record of the person sustains suspension, revocation, limitation,
29 denial, or other remedial action, the hearing officer shall so order

1 and the department may suspend, revoke, limit, deny, or take other
2 remedial action against that person's license, registration, or title
3 and, if appropriate, the department shall adjust the person's point
4 total accumulated under AS 28.15.231.

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

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

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

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle,
29 or a special permit when

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

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

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

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

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

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

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

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

23 * Sec. 5. AS 28.10.105(f) is amended to read:

24 (f) The registration period of a [EVERY] vehicle registered un-
25 der this section and AS 28.10.107 may, at the option of the owner, be
26 [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by pay-
27 ment of the proportionate prorated applicable fees to allow annual
28 registration to occur in any month of the owner's choice. The regis-
29 tered owner of a vehicle may exercise this option only once for each

1 vehicle.

2 * Sec. 6. AS 28.10.411(c) is amended to read:

3 (c) A resident 65 years of age or older on the date that the tax
4 is due is entitled to an exemption from the tax under AS 28.10.431(b)
5 and the registration fee [TAX] under this section for one motor vehi-
6 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
7 (6). An exemption may not be granted except upon written application
8 for the exemption on a form prescribed by the department.

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

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

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

14 (2) special request plates.....\$20;
15 plus the fee required for that vehicle under (b)(1) or (2) of this
16 section; the fee required by this paragraph shall be collected only on
17 the first issuance and on the replacement of special request plates;

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

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

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

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

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

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

29 (9) an amateur mobile radio station vehicle,

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

4 (B) in recognition of service to the public: a mobile
5 amateur radio station owned by an amateur with general class or
6 higher license, provided the station must be satisfactorily
7 proved capable of operating on at least five bands between 160
8 through 10 meters, must have an antenna, and must have a power
9 supply and wiring as a permanent part of the vehicle; the trans-
10 mitting unit may be removed from the car for service or dry
11 storage.....none
12 for a mobile amateur radio station vehicle included in (b)(1) or
13 (2) of this section;

14 (10) dealer registration plates,

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

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

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

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

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

21 * Sec. 8. AS 28.15.031(b) is amended to read:

22 (b) The department may not issue an original or duplicate driv-
23 er's license to, nor renew or reinstate the driver's license of, a
24 person

25 (1) whose license is suspended or revoked, except as other-
26 wise provided in this chapter;

27 (2) who fails to appear in court for the adjudication of a
28 certain vehicle, driver or traffic offense when the person's appear-
29 ance is required by statute, regulation or court rule;

1 (3) who is an habitual user of alcohol or another drug to
2 such a degree that the person is incapable of safely driving a motor
3 vehicle;

4 (4) who has previously been adjudged to be afflicted with,
5 or suffering from, a mental disability or a disease and who has not,
6 at the time of application for the license, been restored to competen-
7 cy by the methods provided by law;

8 (5) when the department, based upon medical evidence, has
9 determined that because of the person's physical or mental disability
10 the person is not able to drive a motor vehicle safely;

11 (6) who is unable to understand official traffic control
12 devices as displayed in this state or who does not have a fair knowl-
13 edge of traffic laws and regulations, as demonstrated by an examina-
14 tion;

15 (7) who has knowingly made a false statement in the per-
16 son's application for a license or has committed fraud in connection
17 with the person's application for, or in obtaining or attempting to
18 obtain, a license, or who has not applied under oath on the form
19 provided for the purpose of obtaining or attempting to obtain a li-
20 cense or permit; or

21 (8) who is required under AS 28.20 to furnish proof of
22 financial responsibility and who has not done so;

23 (9) whose ability to apply for a driver's license has been
24 suspended or revoked.

25 * Sec. 9. AS 28.15.051(d) is amended to read:

26 (d) The department may issue a special driver's permit to a per-
27 son who is at least 14 years of age with the consent of the person's
28 parents, [OR] guardians, or spouse who is 18 years of age or older,
29 for the purpose of driving a motor-driven cycle. This permit may be

1 issued upon application and successful completion of all prescribed
2 tests and fees, and is valid for the same period of time as a driver's
3 license. The permit is not valid in a municipality which by ordinance
4 prohibits the driving of a motor-driven cycle by a person under the
5 age of 16 years; a borough may adopt the ordinance on a nonareawide
6 basis only, unless the power to adopt it on an areawide basis is
7 acquired under AS 29.33.250 -- 29.33.290.

8 * Sec. 10. AS 28.15.071(a) is amended to read:

9 (a) The application of a person under the age of 18 years for an
10 instruction permit or driver's license must be signed by the father,
11 mother, [OR] guardian, or spouse who is 18 years of age or older, or
12 if there is no parent, [OR] guardian, or spouse, then by another re-
13 sponsible adult who is willing to assume the obligation imposed under
14 this section upon a person signing the application. The application
15 must be signed and verified before a person authorized to administer
16 oaths, or be signed in the presence of an authorized representative of
17 the department.

18 * Sec. 11. AS 28.15.071(c) is amended to read:

19 (c) If a minor deposits, or there is deposited on the minor's
20 behalf, proof of financial responsibility for the minor's driving of a
21 motor vehicle, in the form and amount required in AS 28.20, then the
22 department may accept the application of the minor signed as required
23 under (a) of this section, and, while proof of financial responsibil-
24 ity is maintained, the parent, guardian, spouse, or other responsible
25 adult is not subject to the liability imposed under (b) of this sec-
26 tion.

27 * Sec. 12. AS 28.15.171(a) is amended to read:

28 (a) The privilege of driving a motor vehicle on a highway or
29 vehicular way or area of this state given to a person licensed in

1 another jurisdiction is subject to suspension, [OR] revocation, or
2 limitation by the department or a court in the same manner and for the
3 same reasons as a driver's license issued under this chapter.

4 * Sec. 13. AS 28.15 is amended by adding a new section to read:

5 Sec. 28.15.176. SUSPENSION OR REVOCATION OF ABILITY TO APPLY FOR
6 A LICENSE. (a) A court or the department may suspend or revoke a
7 person's ability to apply for a driver's license in this state in the
8 same manner and for the same reasons as a court or the department may
9 suspend or revoke a driver's license issued under this chapter. For
10 this purpose, the terms "driver's license" or "license" as used in
11 this title may be construed as "ability to apply for a driver's li-
12 cense."

13 (b) This section applies to a person who

14 (1) has not been issued a driver's license under this
15 chapter, whether or not the person is eligible to apply for such a
16 license; and

17 (2) does not have a privilege to drive in this state.

18 * Sec. 14. AS 28.15.231 is amended by adding a new subsection to read:

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

21 * Sec. 15. AS 28.20.090(a) is amended to read:

22 (a) If a person required to deposit security under this chapter
23 fails to deposit security within 10 days after the department sends
24 notice, the department shall suspend

25 (1) the license of each driver involved in the accident;

26 (2) the privilege of operating a vehicle subject to regis-
27 tration if the driver is a nonresident;

28 (3) the privilege of the owner to operate or permit the
29 operation within this state of a vehicle subject to registration if

1 the owner is a nonresident;

2 (4) the ability to apply for a driver's license if the
3 person has not been issued a license under this title and does not
4 have a privilege to drive in this state.

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

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

01-85 84

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which makes many badly needed amendments to the motor vehicle laws contained in AS 28. These amendments address a variety of issues. The bill alters existing statutes to more accurately reflect the current practices of the division of motor vehicles (DMV) in the Department of Public Safety, to allow DMV to adopt more efficient procedures, and to address some inadvertent omissions in current law.

Section 1 of the bill amends AS 28.05.091 to make it clear that a peace officer may impound a motor vehicle if the vehicle's identification number has been altered or removed. Law enforcement officers often must impound such vehicles in order to investigate whether the vehicle has been stolen, but the language of the current impoundment statute does not clearly authorize a seizure of this sort. Under the proposed language, the owner of an impounded vehicle would not be required to pay any costs associated with impoundment or storage of the vehicle. The owner of an impounded vehicle would be entitled to request a hearing to contest the impoundment. See existing AS 28.05.131.

Section 2 of the bill amends a general provision regarding DMV administrative hearings to make it clear that a hearing officer may take appropriate action against a person's vehicle title or registration as well as against the person's driver's license. This amendment would bring the language of AS 28.05.141(c) into conformity with AS 28.05.131(a), with current administrative practices, and with common sense interpretation.

Section 3 of the bill amends AS 28.05.141(d), which deals with a motorist's right to appeal from an administrative

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hearing officer's decision. The new language would allow a motorist to appeal a hearing officer's decision to the district court, and specifies the scope of appellate review. Existing law allows a hearing de novo -- a complete new hearing on the same issues which were decided at the administrative hearing. In many cases, this makes the entire administrative hearing process superfluous. A motorist dissatisfied with a hearing officer's decision will commonly request a de novo hearing in district court, and DMV personnel and their witnesses are forced to present the entire case over again. This is not an efficient use of either administrative or judicial resources. The new language is modelled upon the provisions adopted by the legislature in 1983 regarding the appeal rights granted to a person whose driver's license has been administratively revoked because he drove while intoxicated or refused to take a breath test. See AS 28.15.166(m) and (n).

The amendment contained in sec. 4 of the bill clarifies AS 28.10.051(1), which authorizes DMV to suspend or revoke a motor vehicle certificate of registration if it was fraudulently obtained. Unless an emergency requires immediate action, a motorist has the right to request a hearing under AS 28.05.131 before DMV suspends or revokes a registration certificate.

For the convenience of vehicle owners, current AS 28.10.105(f) allows an owner to register a vehicle for a portion of a year so that annual registration fees for all vehicles owned by that person will be due at the same time under the state's staggered registration system. This privilege has been abused by some owners who have repeatedly registered and paid fees on a vehicle for only part of a year, rather than for the entire year. AS 28.10.105 was never intended to allow a vehicle to be routinely registered for a period of less than a year. The amendment to the statute contained in sec. 5 of the bill states that an owner may exercise this partial-year payment option only once per motor vehicle.

The changes made in secs. 6 and 7 of the bill correct an ambiguity in current law. AS 28.10.411 establishes a state motor vehicle registration fee. AS 28.10.431 authorizes municipalities to levy a motor vehicle registration tax, which may be collected by DMV on behalf of the municipality at the same time that state registration fees are collected. Present AS 28.10.411(c) exempts a resident 65 years of age or older from payment of "tax under this section" for one motor vehicle. This language does not make sense, as AS 28.10.411 levies a fee. A tax is

authorized under AS 28.10.431. The new language makes it clear that a resident aged 65 years or older on the date the tax is due is exempt from payment of both the registration fee and the tax. This is in accord with DMV's present interpretation of the existing language. The amendment specifies that the exemption applies to one personal vehicle, but not to commercial vehicles. This would fulfill the original intent of the provision, which was to excuse senior citizens from paying the costs of registering one personal vehicle, rather than to benefit commercial businesses.

Sections 8, 13, and 15 of this bill provide that a person's "ability to apply for a license" may be suspended or revoked in the same manner and under the same conditions as a person's driver's license may be suspended or revoked under existing law. In the case of Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska App. 1982), the Alaska Court of Appeals held that a person who had never applied for a driver's license could not be charged with the misdemeanor crime of driving while license suspended (DWLS) for driving after DMV had suspended his "privilege to drive" following an accident for which he failed to establish financial responsibility. The court held that since the defendant had never had a license, there was nothing for DMV to suspend, and the most that the defendant could be charged with was driving without a valid license.

Driving without a valid license in violation of AS 28.15.011 carries a maximum penalty of 90 days in jail, a \$500 fine, or both. See AS 28.35.230(a) and (b). In contrast, DWLS carries a maximum penalty of one year in jail, a \$5,000 fine, or both. See AS 28.15.291(d). Additionally, a conviction for driving without a valid license does not require the mandatory minimum sentences which must be imposed following a conviction for DWLS. See AS 28.15.291(a) and (c).

In a very real sense, persons such as defendant Francis are more blatant violators of the motor vehicle laws than the "average" DWLS offender. Not only did Francis drive after receiving a suspension notice from DMV, he drove (and was involved in an accident) without ever obtaining a license in the first place. Such blatant disregard of the licensing laws should not be rewarded with lesser criminal penalties. The amendments included in this bill will make offenders like Francis subject to the general DWL laws and their more serious penalties.

class

Under current law, a person under age 18 may not apply for a driving instruction permit or a motorcycle driver's permit unless a parent or guardian signs the application and agrees to assume responsibility for damage caused by the negligence or willful misconduct of the minor. In the case of a minor who is married, however, a parent may be unavailable or unwilling to assume this responsibility. The language contained in secs. 9, 10, and 11 of this bill allows a spouse 18 years of age or older to sign the necessary application forms and assume this responsibility on behalf of the minor.

AS 28.15.171 presently provides that DMV may suspend or revoke a nonresident's privilege to drive in this state in the same manner and for the same reasons that an Alaska driver's license may be suspended or revoked. Section 12 of the bill amends AS 28.15.171 to clarify that a court also has this authority, and allows the court or DMV to place a limitation on the non-resident's privilege to drive.

Section 14 of the bill specifically authorizes DMV to use first class mail to notify a driver that he is half-way to losing his license because of the accumulation of points resulting from traffic law violations. Existing AS 28.05.121 is a general provision which requires notice to be made by personal delivery, or by registered or certified mail, "unless a different method of giving notice is otherwise expressly provided." "Half-way" notices are currently being sent by first class mail in accordance with 13 AAC 08.220(c). The proposed amendment is intended to meet the requirements of AS 28.05.121 and to bring the statutory language in line with existing regulations and procedures.

The amendment contained in sec. 16 of the bill is a minor one which is intended only to clarify AS 28.35.032(a), which established the misdemeanor crime of refusal to take a breath test. The new language provides that a person's license may be revoked if he was "arrested for operating or driving a motor vehicle for which a driver's license is required." The current law contains the language "arrested while operating" Obviously, a DWI offender would never be arrested while he was driving. The arrest always occurs after the offender's vehicle has been stopped.

Adoption of these amendments to AS 28 will clarify some imprecise language contained in the current law, and will

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enable DMV to more efficiently administer the state's motor vehicle laws. I therefore urge your prompt action on this bill.

Sincerely,



Bill Sheffield
Governor

AL

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 84
Title: An Act relating to motor vehicle laws.
Sponsor: Rules by request of Governor
Requestor: Senate State Affairs
Date of Request: 1-25-85

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 12-10-84
Approved by Commissioner: [Signature] Date: 12/11/84
Agency: _____

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

7/1/84

ALASKA STATE LEGISLATURE

14th... Legislature FIRST Session

SENATE BILL NO. 84

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act relating to motor vehicle laws."

Introduced in the Senate ... 1/22/19 85

HISTORY IN THE SENATE

19 85	Read first time and referred to Committee on
1 22	State Affairs, Judiciary and Finance
2 22	Reported back with recommendation that <i>replace</i>
	<i>w/CS, 5 do pass to Jud.</i>
4 10	<i>Jud: Replace w/CS, not title, do pass to Finance.</i>
	<i>File</i>
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

SECTIONAL ANALYSIS FOR PROPOSED CS SENATE BILL 84 (Finance)

An Act relating to motor vehicle laws and senior citizen motor vehicle tax exemptions and providing for an effective date

Section 1

This bill amends Article 2 of Title 28 (Motor Vehicles) relating to vehicle equipment standards. Under current law, a vehicle that is defective or unsafe is considered an unlawful vehicle and may be impounded by the police. This section adds language making any vehicle on which the identification number has been removed or altered an unlawful vehicle which makes it subject to impoundment.

Section 2

This section amends Article 3, Subpoenas, Notices and Hearings by amending general provisions regarding DMV administrative hearings. It would allow the hearing officer to take appropriate action against a person's vehicle title and registration. This change codifies current administrative practices.

Section 3

Technical change which clarifies existing law.

Section 4

Adds a new section to current law regarding issuance of special license plates. Members of the Alaska National Guard would be eligible to apply for a special license plate indicating their membership in the Guard.

Section 5

Technical changes which clarifies the distinction between tax and fee as it relates to senior citizen exemptions.

Section 6

This section raises the fee charged for personalized license plates from the current \$20 to \$30. This change was added in the Judiciary Committee. Alaska National Guard plates would also be considered special request plates and subject to a yearly fee of \$30.00.

Sections 7, 8 and 9

Under current law, a person under age 18 may not apply for a learner's permit unless a parent or guardian signs the application and agrees to assume responsibility for damage caused by the minor. In the case of a minor who is married, a parent may be unavailable or unwilling to assume this responsibility. These sections allow a spouse 18 years of age or older to sign the necessary application forms and assume this responsibility on behalf of the minor.

Section 10

Current law provides that the Department of Motor Vehicles may suspend or revoke a non-resident's privilege to drive. This section would give DMV the authority to place a limitation on the non-resident's privilege to drive.

Section 11

This section specifically authorizes DMV to use first class mail to notify a driver that points have been assessed against him for traffic violations. This change would bring the law in line with current departmental procedures.

Section 12

Technical change which clarifies existing law.

Section 13

This section was added by the Judiciary Committee at the request of the Department of Law. This change is based upon a recent court decision Conner vs. State of Alaska and involves a person that was apprehended for driving with a suspended license in a grocery store parking lot. The court ruled that current law specifically exempted this person from prosecution because he was driving on private property. This section would delete that reference to private property.

Comments

The Finance Committee Substitute made 4 changes from the Judiciary Committee Substitute. The first, corrected a drafting error on Page 4, Line 7 of the Judiciary CS. It did not accurately reflect the increase in special request plates from \$20 to \$30.

The remaining 3 changes deleted Sections 6, 15, 16 and 17 of the Judiciary CS because they were part of the Municipal Code rewrite legislation that passed last year.

AMENDMENT BY FERGUSON

Add anew section to read:

Sec. 3. AS 28.10.11(11) is amended to read:

(11) driven or moved on a highway or vehicular way not maintained
by the state and not connected by land to the state highway system under
AS 19.10.20;

Renumber remaining sections accordingly.

2/6/50

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

(c) 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 [TAX] 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.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 84 (Jud)
 Title : An Act relating to motor
 vehicle laws and senior citizen
 motor vehicle tax exemptions.
 Sponsor : Rules / Governor
 Requestor : Senate Finance
 Date of Request : 2/05/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles
 Components : Vehicle Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		16.3	17.1	18.0	18.9	19.8
TRAVEL						
CONTRACTUAL		19.5	5.2	5.6	5.9	6.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		35.8	22.4	23.6	24.8	26.0

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

REVENUE		115.0	40.0	40.0	40.0	40.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND		35.8	22.4	23.6	24.8	26.0
FEDERAL FUNDS						
OTHER						
TOTAL		35.8	22.4	23.6	24.8	26.0

POSITIONS :

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Page 2.

Prepared by : Charles R. Hosack *CRH/BBS* Phone : 269-5551
 Division : Motor Vehicles Date : 2-5-86

Approved by Commissioner : [Signature] Date : 2/5/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 84 (Jud)

ANALYSIS

There are approximately 3,500 members in the Alaska National Guard, and of these, 1,000 members live in areas where vehicle registration is not required. Of the remaining 2,500 members, it is assumed that at least 500 will have more than one vehicle. The cost estimates are based on 3,000 registrations the first year, and 1,500 registrations or plate transfers in the succeeding years. Inflation is figured at 5% annually.

100 Personal Services

1 MVR III (PPT) to process special registrations and plate transfers	16.3	16.3
----------------------------------------------------------------------	------	------

300 Contractual Services

License Plates (3,000 @ \$5 for the first year. and 500 each succeeding year)	15.0	
Mail Costs	2.0	
DP Programming (To establish new class of registration and fee schedule. First year only)	2.0	
Forms	.5	<u>19.5</u>
	TOTAL	35.8

REVENUE

Revenue estimates are based on the 3,000 new registrations at \$30, and the \$10 increase for 2,500 personalized plates each year. The revenue estimates could vary depending on the number of National Guard members who took advantage of the special plate.

In succeeding years, the revenue would be based on 500 new National Guard plates at \$30, and 2,500 plates with a \$10 increase.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS SB84 (Finance)
 Title: _____
Senator Ferguson's amendment

 Sponsor: _____
 Requestor: Senate Finance
 Date of Request: 2-7-86

FISCAL DETAIL

Agency Affected: Public Safety
 BRU: Motor Vehicles

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND					
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS :

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS : Attach a separate page if necessary

Preliminary estimates indicate no fiscal impact. Appears wording will not accomplish the Amenders intent. There are roads in the Kotzebue area which are part of the state highway system under AS 19.10.020, therefore, would not exempt vehicles from registration.

Prepared by: Bill Brown Phone: 465-2650
 Division: Motor Vehicles Date: 2-11-86
 Approved by Commissioner: [Signature] Date: 2/11/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

AMENDMENT BY FERGUSON
SB 84 (FIN) PAGE 2, LINE 7

Add a new section to read:

Sec. 3. AS 28.10.11(11) is amended to read:

(11) driven or moved on a highway or vehicular way not maintained primarily by the state and not connected by land to the state highway system under AS 19.10.20;

12

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 84
 Title: An Act relating to motor vehicle laws.
 Sponsor: Rules by request of Governor
 Requestor: Senate State Affairs
 Date of Request: 1-25-85

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-4335
 Division: Motor Vehicles Date: 12-10-84
 Approved by Commissioner: [Signature] Date: 12/11/84
 Agency: _____

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CCSB 84 (Jud)
 Title: "An Act relating to motor vehicle laws"
 Sponsor: Rules/Governor
 Requestor: S. Finance
 Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		15.5	16.4	17.4	18.4	19.5
200 TRAVEL						
300 CONTRACTUAL		19.5	3.0	8.4	8.9	9.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		35.0	24.4	25.8	27.3	29.0
CAPITAL						
REVENUE		115.0	35.0	35.0	35.0	35.0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		35.0	24.4	25.8	27.3	29.0
FEDERAL FUNDS						
OTHER						
TOTAL		35.0	24.4	25.8	27.3	29.0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 5/09/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 5/9/85

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

7/1/84

Analysis

There are approximately 3,500 members in the Alaska National Guard and of these, 1,000 members live in areas where vehicle registration is not required. Of the remaining 2,500 members, it is assumed that at least 500 will have more than one vehicle. The cost estimates are based on 3,000 registrations the first year and 1,500 registrations or plate transfers in the succeeding years. Inflation is figured at 6% annually.

100 Personal Services \$15.5

1 MVR III (PPT)
To process special registrations and
plate transfers

300 Contractual Services

License Plates \$15.0
(3,000 @ \$5 for the first year.
Each succeeding year 1,000 @ \$5).

Mail Costs 2.0

DP Programming 2.0
(To establish new class of
registration and fee schedule.
First year cost only.)

Forms .5

Line 300 Sub-total \$19.5

Total \$35.0

Revenue

Revenue estimates are based on the 3,000 new registrations at \$30 and the \$10 increase for 2,500 personalized plates each year. The revenue estimates would only be realized if each National Guard member took advantage of the special plate.

In succeeding years, the revenue would be based on 500 new National Guard plates at \$30 and 2,500 plates with a \$10 increase.

1.	POSITION TITLE Motor Vehicle Representative III				RANGE/STEP 10/B	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAP.	
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				<p>This position will be responsible for accepting, verifying and processing 3,000 applications for issuance of National Guard license plates. After the first year this position will be responsible for the maintenance of this program which includes issuance of new plates and transfer of the plates to other vehicles. The position will also be responsible for cancelling the plates once the person leaves the National Guard and is no longer eligible for the plates.</p>						
	1		2	3							
	PERSONAL SERVICES										
5.	Salary 10B	\$1893/month	11,358								
6.	Benefits	18.0577%	2,051								
7.	Supplemental Benefits		696								
8.	Fixed Benefits		1,366								
9.	TOTAL PERSONAL SERVICES		01	15,471							
10.	Travel		02								
11.	Contractual		03								
12.	Commodities		04								
13.	Equipment		05								
14.	Other										
15.	TOTAL COST			15.5							
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts	1002								
17.		C.F. Match	1003								
18.		General Funds	1004	15.5							
19.		I-A Receipts	1005								
20.		Program Receipts	1028								
21.		Other									
FOR BSM USE ONLY											
KEY NUMBER											

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Vehicle Services

Page 1 of 1
Revised Date _____

FY 86

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-2650
 Division: Motor Vehicles Date: 2-27-85

Approved by Commissioner: Michael J. Clemens Date: 2-27-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER
CSSB-84(JUD)
Support with amendments

April 25, 1985

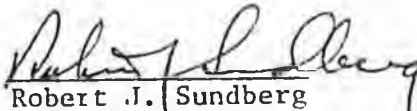
CSSB-84(JUD) An Act relating to motor vehicle laws

The department supports this piece of legislation with the amendments. With the exception of Section 4, this bill basically contains housekeeping measures which will enhance our operation by correcting problem areas we have experienced and/or can foresee in the future.

Section 4 requires the design and issuance of special license plates to members of the National Guard. This is a new class of plates that will require special ordering and special procedures for issuance and for turn-in.

The proposed amendments delete the requirement to issue special license plates to the Alaska National Guard and the increase to the special request plate fee. The division does not argue with the service performed by the National Guard, but there are many other deserving groups such as volunteer firemen, emergency medical technicians, doctors, etc., that have requested special plates. Due to special ordering and procedures required to assure correct issue of these plates and due to the numbers involved, these special classes of plates are more costly to issue than regular plates. The division feels that the special plates serve little or no practical purpose in return for the costs incurred.

There are approximately 3,500 Army and Air National Guard members in the state and a large percentage of these are in the Scout Battalions in Native villages in western Alaska where few vehicles are owned or registered. These members would not benefit from this law and this special plate would mainly be available only to the members of the National Guard in urban areas.


Robert J. Sundberg
Commissioner

Offered: 4/10/85
Referred: Finance

Original sponsor: Rules/Governor

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

5 A BILL

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

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

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

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

25 (1) the correction of a defect in the equipment;

26 (2) dismantling or wrecking; or

27 (3) storage without repair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) special request plates including those authorized for
7 use by Alaska National Guard personnel only.....\$30;

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

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

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

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

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

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

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

22 (9) an amateur mobile radio station vehicle,
23 (A) with a transceiver capable of less than 5-band

24 operation.....the
25 fee required for that vehicle under (b) or (c) of this section;

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

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

7 (10) dealer registration plates,
 8 (A) the initial set of plates.....\$40;
 9 (B) each subsequent set of plates.....\$20;

10 (11) a vehicle owned by a municipality or charitable orga-
 11 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
 12 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
 13 (13) a vehicle owned by a former prisoner of war.....none.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 organization;

2 (5) money on deposit;

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

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

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

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

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

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

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

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

1 made under this subsection.

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

Offered: 2/22/85
Referred: Judiciary and Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 84 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws."

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

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

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

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

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

27 (c) If at the hearing under (a) of this section it appears that
28 the record of the person sustains suspension, revocation, limitation,
29 denial, or other remedial action, the hearing officer shall so order

1 and the department may suspend, revoke, limit, deny, or take other
2 remedial action against that person's license, registration, or title
3 and, if appropriate, the department shall adjust the person's point
4 total accumulated under AS 28.15.231.

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

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

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

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle,
29 or a special permit when

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

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

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

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

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

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

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

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

23 * Sec. 5. AS 28.10.105(f) is amended to read:

24 (f) The registration period of a [EVERY] vehicle registered un-
25 der this section and AS 28.10.107 may, at the option of the owner, be
26 [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by pay-
27 ment of the proportionate prorated applicable fees to allow annual
28 registration to occur in any month of the owner's choice. The regis-
29 tered owner of a vehicle may exercise this option only once for each

1 vehicle.

2 * Sec. 6. AS 28.10.411(c) is amended to read:

3 (c) A resident 65 years of age or older on the date that the tax
4 is due is entitled to an exemption from the tax under AS 28.10.431(b)
5 and the registration fee [TAX] under this section for one motor vehi-
6 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
7 (6). An exemption may not be granted except upon written application
8 for the exemption on a form prescribed by the department.

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

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

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

14 (2) special request plates.....\$20;
15 plus the fee required for that vehicle under (b)(1) or (2) of this
16 section; the fee required by this paragraph shall be collected only on
17 the first issuance and on the replacement of special request plates;

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

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

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

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

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

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

29 (9) an amateur mobile radio station vehicle,

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

4 (E) in recognition of service to the public: a mobile
5 amateur radio station owned by an amateur with general class or
6 higher license, provided the station must be satisfactorily
7 proved capable of operating on at least five bands between 160
8 through 10 meters, must have an antenna, and must have a power
9 supply and wiring as a permanent part of the vehicle; the trans-
10 mitting unit may be removed from the car for service or dry
11 storage.....none
12 for a mobile amateur radio station vehicle included in (b)(1) or
13 (2) of this section;

- 14 (10) dealer registration plates,
 - 15 (A) the initial set of plates.....\$40;
 - 16 (B) each subsequent set of plates.....\$20;
- 17 (11) a vehicle owned by a municipality or charitable orga-
18 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
- 19 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
- 20 (13) a vehicle owned by a former prisoner of war.....none.

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

22 (d) The department may issue a special driver's permit to a per-
23 son who is at least 14 years of age with the consent of the person's
24 parents, [OR] guardians, or spouse who is 18 years of age or older,
25 for the purpose of driving a motor-driven cycle. This permit may be
26 issued upon application and successful completion of all prescribed
27 tests and fees, and is valid for the same period of time as a driver's
28 license. The permit is not valid in a municipality which by ordinance
29 prohibits the driving of a motor-driven cycle by a person under the

1 age of 16 years; a borough may adopt the ordinance on a nonareawide
2 basis only, unless the power to adopt it on an areawide basis is
3 acquired under AS 29.33.250 - 29.33.290.

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

5 (a) The application of a person under the age of 18 years for an
6 instruction permit or driver's license must be signed by the father,
7 mother, [OR] guardian, or spouse who is 18 years of age or older, or
8 if there is no parent, [OR] guardian, or spouse, then by another re-
9 sponsible adult who is willing to assume the obligation imposed under
10 this section upon a person signing the application. The application
11 must be signed and verified before a person authorized to administer
12 oaths, or be signed in the presence of an authorized representative of
13 the department.

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

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

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

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

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

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

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

4 (a) If a person under arrest refuses the request of a law en-
5 forcement officer to submit to a chemical test under AS 28.35.031(a),
6 after being advised by the officer that the refusal will, if that per-
7 son was arrested for [WHILE] operating or driving a motor vehicle for
8 which a driver's license is required, result in the denial or revoca-
9 tion of the license or nonresident privilege to drive, that the refus-
10 al may be used against the person in a civil or criminal action or
11 proceeding arising out of an act alleged to have been committed by the
12 person while operating or driving a motor vehicle or operating an air-
13 craft or a watercraft while intoxicated, and that the refusal is a
14 misdemeanor, a chemical test shall not be given, except as provided by
15 AS 28.35.035.

Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 84

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws."

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

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

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

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

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

27 (c) If at the hearing under (a) of this section it appears that
28 the record of the person sustains suspension, revocation, limitation,
29 denial, or other remedial action, the hearing officer shall so order

1 and the department may suspend, revoke, limit, deny, or take other
2 remedial action against that person's license, registration, or title
3 and, if appropriate, the department shall adjust the person's point
4 total accumulated under AS 28.15.231.

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

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

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

26 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
27 The department may suspend or revoke the registration of a vehicle,
28 the certificate of registration or registration plates for a vehicle,
29 or a special permit when

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

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

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

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

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

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

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

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

23 * Sec. 5. AS 28.10.105(f) is amended to read:

24 (f) The registration period of a [EVERY] vehicle registered un-
25 der this section and AS 28.10.107 may, at the option of the owner, be
26 [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by pay-
27 ment of the proportionate prorated applicable fees to allow annual
28 registration to occur in any month of the owner's choice. The regis-
29 tered owner of a vehicle may exercise this option only once for each

1 vehicle.

2 * Sec. 6. AS 28.10.411(c) is amended to read:

3 (c) A resident 65 years of age or older on the date that the tax
4 is due is entitled to an exemption from the tax under AS 28.10.431(b)
5 and the registration fee [TAX] under this section for one motor vehi-
6 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
7 (6). An exemption may not be granted except upon written application
8 for the exemption on a form prescribed by the department.

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

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

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

14 (2) special request plates.....\$20;
15 plus the fee required for that vehicle under (b)(1) or (2) of this
16 section; the fee required by this paragraph shall be collected only on
17 the first issuance and on the replacement of special request plates;

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

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

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

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

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

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

29 (9) an amateur mobile radio station vehicle,

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

4 (B) in recognition of service to the public: a mobile
5 amateur radio station owned by an amateur with general class or
6 higher license, provided the station must be satisfactorily
7 proved capable of operating on at least five bands between 160
8 through 10 meters, must have an antenna, and must have a power
9 supply and wiring as a permanent part of the vehicle; the trans-
10 mitting unit may be removed from the car for service or dry
11 storage.....none
12 for a mobile amateur radio station vehicle included in (b)(1) or
13 (2) of this section;

- 14 (10) dealer registration plates,
15 (A) the initial set of plates.....\$40;
16 (B) each subsequent set of plates..\$20;
17 (11) a vehicle owned by a municipality or charitable orga-
18 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
19 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
20 (13) a vehicle owned by a former prisoner of war.....none.

21 * Sec. 8. AS 28.15.031(b) is amended to read:

22 (b) The department may not issue an original or duplicate driv-
23 er's license to, nor renew or reinstate the driver's license of, a
24 person

25 (1) whose license is suspended or revoked, except as other-
26 wise provided in this chapter;

27 (2) who fails to appear in court for the adjudication of a
28 certain vehicle, driver or traffic offense when the person's appear-
29 ance is required by statute, regulation or court rule;

1 (3) who is an habitual user of alcohol or another drug to
2 such a degree that the person is incapable of safely driving a motor
3 vehicle;

4 (4) who has previously been adjudged to be afflicted with,
5 or suffering from, a mental disability or a disease and who has not,
6 at the time of application for the license, been restored to competen-
7 cy by the methods provided by law;

8 (5) when the department, based upon medical evidence, has
9 determined that because of the person's physical or mental disability
10 the person is not able to drive a motor vehicle safely;

11 (6) who is unable to understand official traffic control
12 devices as displayed in this state or who does not have a fair knowl-
13 edge of traffic laws and regulations, as demonstrated by an examina-
14 tion;

15 (7) who has knowingly made a false statement in the per-
16 son's application for a license or has committed fraud in connection
17 with the person's application for, or in obtaining or attempting to
18 obtain, a license, or who has not applied under oath on the form
19 provided for the purpose of obtaining or attempting to obtain a li-
20 cense or permit; or

21 (8) who is required under AS 28.20 to furnish proof of
22 financial responsibility and who has not done so;

23 (9) whose ability to apply for a driver's license has been
24 suspended or revoked.

25 * Sec. 9. AS 28.15.051(d) is amended to read:

26 (d) The department may issue a special driver's permit to a per-
27 son who is at least 14 years of age with the consent of the person's
28 parents, [OR] guardians, or spouse who is 18 years of age or older,
29 for the purpose of driving a motor-driven cycle. This permit may be

1 issued upon application and successful completion of all prescribed
2 tests and fees, and is valid for the same period of time as a driver's
3 license. The permit is not valid in a municipality which by ordinance
4 prohibits the driving of a motor-driven cycle by a person under the
5 age of 16 years; a borough may adopt the ordinance on a nonareawide
6 basis only, unless the power to adopt it on an areawide basis is
7 acquired under AS 29.33.250 -- 29.33.290.

8 * Sec. 10. AS 28.15.071(a) is amended to read:

9 (a) The application of a person under the age of 18 years for an
10 instruction permit or driver's license must be signed by the father,
11 mother, [OR] guardian, or spouse who is 18 years of age or older, or
12 if there is no parent, [OR] guardian, or spouse, then by another re-
13 sponsible adult who is willing to assume the obligation imposed under
14 this section upon a person signing the application. The application
15 must be signed and verified before a person authorized to administer
16 oaths, or be signed in the presence of an authorized representative of
17 the department.

18 * Sec. 11. AS 28.15.071(c) is amended to read:

19 (c) If a minor deposits, or there is deposited on the minor's
20 behalf, proof of financial responsibility for the minor's driving of a
21 motor vehicle, in the form and amount required in AS 28.20, then the
22 department may accept the application of the minor signed as required
23 under (a) of this section, and, while proof of financial responsibil-
24 ity is maintained, the parent, guardian, spouse, or other responsible
25 adult is not subject to the liability imposed under (b) of this sec-
26 tion.

27 * Sec. 12. AS 28.15.171(a) is amended to read:

28 (a) The privilege of driving a motor vehicle on a highway or
29 vehicular way or area of this state given to a person licensed in

1 another jurisdiction is subject to suspension, [OR] revocation, or
2 limitation by the department or a court in the same manner and for the
3 same reasons as a driver's license issued under this chapter.

4 * Sec. 13. AS 28.15 is amended by adding a new section to read:

5 Sec. 28.15.176. SUSPENSION OR REVOCATION OF ABILITY TO APPLY FOR
6 A LICENSE. (a) A court or the department may suspend or revoke a
7 person's ability to apply for a driver's license in this state in the
8 same manner and for the same reasons as a court or the department may
9 suspend or revoke a driver's license issued under this chapter. For
10 this purpose, the terms "driver's license" or "license" as used in
11 this title may be construed as "ability to apply for a driver's li-
12 cense."

13 (b) This section applies to a person who

14 (1) has not been issued a driver's license under this
15 chapter, whether or not the person is eligible to apply for such a
16 license; and

17 (2) does not have a privilege to drive in this state.

18 * Sec. 14. AS 28.15.231 is amended by adding a new subsection to read:

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

21 * Sec. 15. AS 28.20.090(a) is amended to read:

22 (a) If a person required to deposit security under this chapter
23 fails to deposit security within 10 days after the department sends
24 notice, the department shall suspend

25 (1) the license of each driver involved in the accident;

26 (2) the privilege of operating a vehicle subject to regis-
27 tration if the driver is a nonresident;

28 (3) the privilege of the owner to operate or permit the
29 operation within this state of a vehicle subject to registration if

1 the owner is a nonresident;

2 (4) the ability to apply for a driver's license if the
3 person has not been issued a license under this title and does not
4 have a privilege to drive in this state.

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

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

COMMITTEE REPORT
SENATE

FINANCE

FURTHER:

2/22/85

Date 4-9-85

Mr. President

The Committee on JUDICIARY considered SB 84
Motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB84 (Judiciary)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Rich Halford

Jan Fuchs

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Uui Tim Kelly - Acting ^{D. Pass}
Chairman

Chairman recommendation _____

COMMITTEE REPORT
SENATE

1/22/85

FURTHER:

JUDICIARY
FINANCE

Date

2/2/85

Mr. President

The Committee on STATE AFFAIRS considered SB 84
motor vehicle laws.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 84 (LSA)
- new title
- same title and recommends I do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna De Vries
Tim Kelly
Bill Ray
V. Fischer

MEMBERS HAVING
OTHER RECOMMENDATIONS

Michael Reed
Chairman

Bob Ross
Chairman recommendation

Old

Ford
2/5/86 ✓

Toss

Original sponsor: Rules/Governor

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IN THE SENATE

COMMITTEE

CS FOR SENATE BILL NO. 84 (Finance)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to motor vehicle laws and senior citizen motor vehicle tax exemptions."

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

* Section 1. AS 28.05.091 is amended to read:

Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE]. A motor vehicle that [WHICH] is driven on a highway or vehicular way or area, and that [WHICH] has been determined to be defective in equipment so as to be unsafe for driving, or on which the vehicle identification number has been removed, defaced, or otherwise altered, 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 a vehicle that is driven on a highway or vehicular way or area and that is so defective in equipment as to be unsafe for driving [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.

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

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

Ford
2/5/86 ✓

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 84 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle laws and senior
7 citizen motor vehicle tax exemptions."

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15 defaced, or otherwise altered, is an unlawful vehicle and may be
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18 possession of a vehicle that is driven on a highway or vehicular way
19 or area and that is so defective in equipment as to be unsafe for
20 driving [THE VEHICLE] shall pay the necessary costs of impounding and
21 storing the vehicle. The impounding of a vehicle is in addition to
22 any other penalty. Nothing in this section prevents the driving or
23 moving of a defective vehicle in the manner directed by the peace
24 officer or employee to a place for

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

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

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