

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 3

3

SBB

SENATE COMMITTEE REPORT

FURTHER:

4/10/87

DATE TURNED INTO OFFICE

2/18/88

Mr. President:

FINANCE

Committee considered

SB 3

motor vehicles regristration and registration plates.

and recommended:

[x] replace with CS FOR SB 3 (Fin) [] same title
[] or adopt CS FOR [x] new title

[] attached amendment(s) and

[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [x] attached or [] adopted fiscal note(s)

[x] new [] updated or [] previous

[] zero [x] fiscal impact (savings)

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Handwritten signatures of committee members under 'MEMBERS SIGNING DO PASS'.

Blank lines under 'OTHER RECOMMENDATIONS'.

Chairman signature and recommendation: Rich Haldord do pass

[] Committee Backup Attached

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: An Act relating to motor vehicle registration and registration plates...
Sponsor: Abood
Requestor: Senate Finance

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-0-	(25.0)	(51.5)	(53.1)	(54.7)	(56.3)
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

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

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

RECEIVED
 FEB 5 1988

CONTINUATION OF FISCAL NOTE ANALYSIS

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

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

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

Original sponsor: Abood

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 3 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle registration and
7 registration plates; and providing for an effective
8 date."

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

10 * Section 1. AS 28.10.051 is amended to read:

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

12 The department may suspend or revoke the registration of a vehicle,
13 the certificate of registration or a registration plate [PLATES] for a
14 vehicle, or a special permit when

15 (1) the department determines that the registration or
16 certificate, plate, or permit was fraudulently procured or erroneously
17 issued;

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

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

24 (4) the department determines that a required fee or tax
25 has not been paid and the fee or tax is not paid upon reasonable
26 notice and demand;

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

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

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

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

8 * Sec. 2. AS 28.10.091 is amended to read:

9 Sec. 28.10.091. LOST OR MUTILATED CERTIFICATE [CERTIFICATES] OF
10 REGISTRATION OR REGISTRATION PLATE [PLATES]. If a certificate of
11 registration or a registration plate is lost, stolen, mutilated or
12 becomes illegible, the owner or legal representative or successor in
13 interest of the owner of the vehicle for which the certificate or
14 plate was issued as shown by the records of the department shall,
15 immediately upon discovering the fact, apply for a duplicate or sub-
16 stitute certificate of registration or registration plate and shall
17 return to the department all parts of the original certificate of
18 registration or the registration plate [PLATES] that the applicant
19 possesses.

20 * Sec. 3. AS 28.10.108(g) is amended to read:

21 (g) The department shall issue to the registered owner, upon
22 receipt of the proper application and fees, a registration plate, tab
23 [PLATES, TABS] and registration form displaying the month and year in
24 which the registration expires.

25 * Sec. 4. AS 28.10.108(h) is amended to read:

26 (h) The department shall mail notice of registration expiration
27 to the registered owner of record at the owner's mailing address as
28 shown in the records of the department. An owner of a vehicle subject
29 to registration who has received notice under this subsection may

1 renew registration of the vehicle by returning the notice form, to-
2 gether with appropriate fees, to the department by mail postmarked no
3 later than the fifth day of the registration renewal period shown upon
4 the vehicle's current registration or notice form. Upon receipt of a
5 timely postmarked registration renewal and the appropriate fees and
6 taxes, the department shall renew the registration and mail the cur-
7 rent registration card and registration plate or tab [PLATES OR TABS]
8 to the owner at the owner's mailing address as shown in the depart-
9 ment's records.

10 * Sec. 5. AS 28.10.111(b) is amended to read:

11 (b) The department may receive an application for the renewal of
12 vehicle registration and issue a new certificate of registration at
13 any time before the expiration of the annual registration as pre-
14 scribed in regulations adopted by the commissioner. Nothing in this
15 section prevents the commissioner from providing for multi-year regis-
16 tration; however, a person may not display the new registration plate
17 [PLATES] on a vehicle before a date which may be set by the commis-
18 sioner.

19 * Sec. 6. AS 28.10.161(a) is amended to read:

20 (a) The [EXCEPT AS PROVIDED IN AS 28.10.181(i), THE] department,
21 upon registering a vehicle, shall issue the owner one fully reflector-
22 ized registration plate for the [A TRAILER OR A MOTORCYCLE AND TWO
23 FULLY REFLECTORIZED REGISTRATION PLATES FOR EVERY OTHER] vehicle.
24 Except as specifically provided in AS 28.10.181, the plate must [OR
25 PLATES SHALL] remain with the vehicle as long as the vehicle is sub-
26 ject to registration under this chapter.

27 * Sec. 7. AS 28.10.171(b) is amended to read:

28 (b) Every registration plate issued under this chapter shall be
29 securely fastened to the rear of the vehicle to which it is assigned,

1 with the upper edge of the plate horizontal, at a height of not less
2 than 12 inches from the ground measuring from the bottom of the plate,
3 and maintained in a location and condition so as to be clearly legi-
4 ble. However, when considered necessary to insure legibility, the
5 commissioner may provide by regulation for another method of installa-
6 tion.

7 * Sec. 8. AS 28.10.181(a) is amended to read:

8 (a) The department shall register unique and special vehicles
9 and vehicles used for special purposes and issue registration plates
10 as provided in this section. Notwithstanding other provisions of this
11 chapter, a registration plate [PLATES] issued under this section
12 remains [REMAIN] with the person or organization to whom it was [THEY
13 ARE] issued when vehicle ownership is transferred or title or interest
14 in the vehicle is assigned, except for a plate [PLATES] issued under
15 (b), (h), and (i) of this section. A registration plate [REGISTRATION
16 PLATES] issued under this section may not be used on, or transferred
17 to, a vehicle other than the vehicle for which the plate was [PLATES
18 ARE] issued without the approval of the department and payment of any
19 required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and
20 28.10.441; however, if a plate [THE PLATES] issued under (c), (f), or
21 [AND] (j) of this section is [ARE] transferred to a vehicle for which
22 the registration fee is more than the fee for the vehicle from which
23 the plate was [PLATES ARE] transferred, the owner shall pay the dif-
24 ference between the two fees. A registration plate [REGISTRATION
25 PLATES] issued under this section to which a person is no longer
26 entitled or a plate that has been transferred [THE TRANSFER OF THE
27 PLATES] to another vehicle which the department does not approve shall
28 be returned immediately to the department by the person or organiza-
29 tion to whom the plate was [PLATES WERE] originally issued.

1 * Sec. 9. AS 28.10.181(b) is amended to read:

2 (b) Historic vehicles. The owner of an historic vehicle may
3 make application for special registration under this subsection. The
4 department, when satisfied that the vehicle meets the requirements for
5 historic vehicle registration under regulations adopted by the commis-
6 sioner, shall register the vehicle and issue a [TWO] permanent regis-
7 tration plate [PLATES] of distinctive design and color bearing no
8 date. This plate must [THESE PLATES] remain with the vehicle as long
9 as it is registered under this subsection. A vehicle [VEHICLES]
10 qualifying for registration under this subsection shall be issued a
11 registration plate [PLATES] numbered in a separate numerical series
12 beginning with "Historic Vehicle No. 1."

13 * Sec. 10. AS 28.10.181(c) is amended to read:

14 (c) Special request plate [PLATES]. Upon application by the
15 owner of a passenger vehicle, noncommercial van or pick-up truck, or
16 motor home, the department may design and issue a registration plate
17 [PLATES] containing a series of not more than six letters or numbers
18 or combination of letters and numbers as requested by the owner. The
19 department may, in its discretion, disapprove the issuance of a regis-
20 tration plate [PLATES] under this subsection when the requested sym-
21 bols are a duplication of an existing registration or when the symbols
22 are considered unacceptable by the department.

23 * Sec. 11. AS 28.10.181(f) is amended to read:

24 (f) Vehicles owned by elected state officials. The department
25 shall issue a special registration plate [PLATES] to each incumbent
26 elected state official for display on a noncommercial motor vehicle
27 [VEHICLES] owned and driven by the official. The department shall
28 number or design the plate [PLATES] so that registration by an elected
29 state official is indicated upon the plate [PLATES]. The registration

1 plate [PLATES] issued under this subsection remains [REMAIN] with the
2 owner of the vehicle only during the official's term of office.

3 * Sec. 12. AS 28.10.181(g) is amended to read:

4 (g) Vehicles owned by consular officers of foreign governments.
5 A vehicle owned by a consular officer of a foreign government shall be
6 issued a registration plate [PLATES] displaying the title "consular
7 corps" or "cc." However, the commissioner may waive the registration
8 of consular vehicles and the payment of fees and taxes when consistent
9 with international treaties or agreements.

10 * Sec. 13. AS 28.10.181(h) is amended to read:

11 (h) Vehicles owned by ranchers, farmers, and dairymen. A vehi-
12 cle not exceeding an unladen total gross weight of 16,000 pounds,
13 owned by a person deriving the person's primary source of livelihood
14 from the operation of a ranch, farm, or dairy where the person resides
15 full-time, and which vehicle is used exclusively to transport the
16 person's own ranch, farm, or dairy products to and from the market or
17 to transport supplies, commodities or equipment to be used on the
18 person's ranch, farm, or dairy, may be registered under this sub-
19 section and may be issued a registration plate [PLATES] of a distinc-
20 tive design or system of numbering.

21 * Sec. 14. AS 28.10.181(i) is amended to read:

22 (i) Amateur mobile radio station vehicles. A validly licensed
23 amateur radio operator who presents satisfactory proof that the owner
24 holds an unexpired Federal Communications Commission amateur radio
25 operator's license of any renewable class, and who presents satisfac-
26 tory proof that the vehicle contains or carries an amateur radio
27 transmitter and receiving unit of a type applicable to the license
28 class applied for, and who is permitted by law to operate a fixed
29 station, may register one amateur mobile radio station vehicle for

1 each radio license issued by the federal government and may receive
2 for the vehicle a distinctive registration plate [PLATES INSTEAD OF
3 REGULAR REGISTRATION PLATES]. The number on the plate [PLATES] shall
4 be the radio call sign of the owner.

5 * Sec. 15. AS 28.10.181(j) is amended to read:

6 (j) Vehicles owned by dealers. A state-registered and bonded
7 vehicle dealer may apply for dealer registration plates. A plate
8 issued under this subsection may be used only on dealer-owned vehicles
9 during the routine and normal course of the dealer's business, exclud-
10 ing service vehicles, or for transporting an unregistered vehicle from
11 a port of entry to the dealer's facilities or from one dealer to
12 another or, in the case of a house trailer, from the retail facility
13 to a trailer space. If the dealer sells or transfers the vehicle, the
14 dealer plate [PLATES] may be used on the vehicle by the new owner or
15 transferee for a period of not more than five days after the sale or
16 transfer. The department may seize the dealer plate [PLATES] if it has
17 reason to believe that the plate is [PLATES ARE] being used to defeat
18 the purposes of, or is [ARE] in violation of, this chapter.

19 * Sec. 16. AS 28.10.181(l) is amended to read:

20 (l) Vehicles owned by former prisoners of war. The department,
21 upon receipt of written proof, may issue without charge a special
22 registration plate [PLATES] for one noncommercial motor vehicle to a
23 person who has been a prisoner of war during a declared war or other
24 conflict, as determined by the Department of Defense under federal
25 regulations. The design and color of the prisoner of war plate
26 [PLATES] shall be solely within the discretion of the commissioner.

27 * Sec. 17. AS 28.10.181(m) is amended to read:

28 (m) Special request plate [PLATES] for Alaska National Guard
29 personnel. Upon application by the owner of a passenger vehicle,

1 noncommercial van or pick-up truck, or motor home who presents satis-
2 factory proof of current membership in the Alaska National Guard, the
3 department may design and issue a registration plate [PLATES] that
4 identifies [IDENTIFY] the vehicle as registered to a member of the
5 Alaska National Guard. The owner shall return the registration plate
6 [PLATES] to the department within 10 days following discharge from the
7 Alaska National Guard.

8 * Sec. 18. AS 28.10.271(a) is amended to read:

9 (a) When the owner of a registered vehicle transfers or assigns
10 the owner's title or interest in the vehicle, the registration of the
11 vehicle expires; however, the registration plate remains [PLATES
12 REMAIN] on the vehicle except as otherwise provided in AS 28.10.181.

13 * Sec. 19. AS 28.10.281(b) is amended to read:

14 (b) A vehicle transferred to a dealer may not be driven unless
15 it is re-registered under this chapter or is driven under a dealer
16 registration plate [PLATES] issued under AS 28.10.181(j).

17 * Sec. 20. AS 28.10.331 is amended to read:

18 Sec. 28.10.331. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE
19 AND REGISTRATION. The department, upon receipt of the certificate of
20 title properly endorsed, the certificate of registration, the regis-
21 tration plate [PLATES], if any, the application for new title and
22 registration and all required fees and taxes, shall issue a certifi-
23 cate of title and a certificate of registration to the transferee or
24 the lienholder lawfully entitled to the certificates.

25 * Sec. 21. AS 28.10.351 is amended to read:

26 Sec. 28.10.351. DISMANTLING OR WRECKING VEHICLE. A person who
27 dismantles, scraps, or destroys a registered vehicle shall immediately
28 forward to the department the certificates of title and registration
29 and the registration plate [PLATES] for the vehicle.

1 * Sec. 22. AS 28.10.421(d)(10) is amended to read:

2 (10) dealer registration plate [PLATES],

3 (A) an [THE] initial plate [SET OF PLATES] . . . \$45;

4 (B) each subsequent plate [SET OF PLATES]. . . \$25;

5 * Sec. 23. AS 28.10.441 is amended to read:

6 Sec. 28.10.441. SCHEDULE OF OTHER FEES AND CHARGES. The follow-
7 ing fees and charges are imposed by the department for the stated
8 services which it provides:

9 (1) title fee (including transfer of title)..... \$ 5;

10 (2) lien filing fee..... \$ 5;

11 (3) replacement of any registration plate [SET], including
12 a special request plate [PLATES] \$ 5;

13 (4) duplicate of original certificate of title..... \$ 5;

14 (5) duplicate of certificate of registration..... \$ 2;

15 (6) temporary preregistration permit issued under AS 28.-
16 10.031 none;

17 (7) special transport permit issued under AS 28.10.151 ...
18 \$ 5;

19 (8) special permit for vehicle used for transport of dis-
20 abled or handicapped person as provided in AS 28.10.215..... none.

21 * Sec. 24. AS 28.10.461 is amended to read:

22 Sec. 28.10.461. DRIVING VEHICLE WITHOUT EVIDENCE OF REGISTRA-
23 TION. Except as otherwise expressly permitted in this chapter, a
24 person may not drive or move, nor may an owner knowingly permit to be
25 driven or moved, on a highway or vehicular way or area, a vehicle
26 required to be registered under this chapter unless a valid registra-
27 tion plate, decal, or permit [PLATES, DECALS OR PERMITS] for the
28 current registration period is [ARE] attached to and displayed on the
29 vehicle in the manner required by this chapter, and unless a valid

1 certificate of registration for the current registration period is
2 carried, as required by this chapter, in the vehicle and is available
3 for inspection by a peace officer or an authorized representative of
4 the department.

5 * Sec. 25. AS 28.10.171(a) is repealed.

6 * Sec. 26. This Act takes effect January 1, 1989.
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Alaska State Legislature




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CHAIRMAN
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MAJORITY WHIP

MEMBER
TRANSPORTATION
COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
INTERNATIONAL TRADE

Senator Mitch Abood
SENATE DISTRICT G-A

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

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

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

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

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

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

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

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

Thank you for your consideration of this matter.

MA/rmc

attachments

Alaska State Legislature

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CHAIRMAN
STATE AFFAIRS

MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

SECTIONAL ANALYSIS FOR CS FOR SB 3 ()

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

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

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

Section 6. AS 28.10.161(a)

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

According to the memorandum of March 27, 1987 from the Attorney General's office to the Governor, this reduction will save the state approximately \$60,000 a year in associated costs.

Section 7. AS 28.10.171(b)
Requires the plate to be attached to the rear of the
vehicle.

HOUSEKEEPING CHANGES

Sections 8 - 24

Section 25

Repeals AS 28.10.171(a) "Display of registration plates.
(a) When two registration plates are issued for a vehicle,
they shall be attached to the vehicle for which issued, one
in front and the other in the rear. When one registration
plate is issued, it shall be attached to the rear of the
vehicle for which issued."

Section 26

Effective date

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
707 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 9, 1987

SUBJECT: Sectional analysis of CSSB 3()
TO: Senator Mitch Abood
FROM: Michael F. Ford *m.f.*
Legislative Counsel

The following is a sectional analysis of CSSB 3():

Section 1 - Increases the fee for identification cards issued by the department.

Sections 2-6 - Housekeeping changes.

Section 7 - Requires the department to issue one registration plate, instead of the existing requirement of two plates.

Section 8 - Requires the plate to be attached to the rear of the vehicle.

Sections 9-18 - Housekeeping changes.

Section 19 - Authorizes the Department of Public Safety to design and issue a special registration plate.

Sections 20-24 - Housekeeping changes.

Section 25 - Establishes a fee for a special request plate issued under AS 28.10.181(n).

Sections 26-27 - Housekeeping changes.

Section 28 - Increases certain license and permit fees.

Section 29 - Requires the surrender of registration and the registration plate of a motor vehicle involved in certain repeat driving offenses. Establishes procedures for surrender of the registration and registration plate and for issuance

Senator Abood
Page 2
April 9, 1987

of temporary registration and a special plate. Requires a person who surrenders their registration and plate to identify certain family members, and requires the department to provide notice to the family members of the license revocation and the consequences of allowing a person without a driver's license to operate their vehicle. Allows transfer of ownership of the vehicle with permission of the department.

Section 30 - Repealer.

Sections 31-32 - Effective dates.

MFF:mkr
m10/125

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

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

Article 3. Identification Cards.

Section

310. Identification cards

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

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

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

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

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

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

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older no charge may be made for issuance of the card. (§ 1 ch 37 SLA 1973; am § 1 ch 259 SLA 1976; am § 48 ch 39 SLA 1982)

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

Article 4. Security Guards.

Section

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

Section

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

(6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;

(7) the required fees or taxes have not been paid;

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

(9) the vehicle is without a certificate of inspection required under AS 28.32.010;

(10) the vehicle is subject to a state-approved local emission inspection program adopted by municipal ordinance under AS 46.03.210, and the vehicle does not meet the standards of that program, unless the vehicle uses a fuel source that does not primarily emit carbon monoxide.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 -- 28.05.141.

(c) The department shall refuse to register a vehicle subject to the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails to furnish proof, in the form prescribed by the U.S. Secretary of the Treasury, that the tax has been paid. (§ 7 ch 178 SLA 1978; am § 36 ch 21 SLA 1985; am § 1 ch 56 SLA 1985; am § 2 ch 58 SLA 1985; am § 1 ch 104 SLA 1985)

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

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

The third 1985 amendment added subsection (c).

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

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

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

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

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

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

(5) a registration plate, permit, or certificate is knowingly displayed upon a vehicle other than the vehicle for which issued.

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

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

(8) the department is otherwise required to do so under the laws of this state. (§ 7 ch 178 SLA 1978; am § 4 ch 60 SLA 1986)

Effect of amendments. -- The 1986 "determines" for is omitted and an amendment in paragraph (1) substituted "series procured"

Sec. 28.10.101. Expiration of registration. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.105. Staggered registration. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.107. Staggered registration implementation. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.108. Registration procedures. (a) A vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.

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

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

(2) under AS 28.10.181, 28.10.411 and 28.10.421(b)(3), (6) and (9) shall have its initial registration, and may have its annual registration, renewed during the month of January.

(c) A vehicle subject to registration and not described in (b) of this section shall have its initial registration, and may have its annual registration, renewed in the month of initial registration in the state, subject to the provisions of (f) of this section.

(d) A registered vehicle retains the same annual expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow annual registration to occur in the month of the owner's choice.

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§ 28.10.080

MOTOR VEHICLES

§ 28.10.101

Sec. 28.10.080. False statements. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.10.081. Issuance of certificate of registration; certificate to be signed, carried and displayed. (a) The department shall mail or deliver the certificate of registration to the owner. The certificate of registration shall contain the assigned registration number, the name, the residence and mailing addresses of the owner, the vehicle identification number, the fees paid and as much of the vehicle description appearing on the title as the commissioner considers necessary.

(b) Every certificate of registration shall, except when used to apply for renewal of registration or to transfer the registration, be carried in the vehicle to which it refers. The driver of a vehicle shall display the original certificate of registration or a legible photocopy if the original is on file at the address shown on the certificate of registration to a peace officer or an officer or employee of the department acting in an official capacity upon the request of that officer or employee. (§ 7 ch 178 SLA 1978)

Collateral references. — 60 C.J.S., operator of a motor vehicle not to carry or display his vehicle registration certificate, Motor Vehicles, § 106.

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

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

Sec. 28.10.091. Lost or mutilated certificates of registration or registration plates. If a certificate of registration or a registration plate is lost, stolen, mutilated or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the certificate or plate was issued as shown by the records of the department shall, immediately upon discovering the fact, apply for a duplicate or substitute certificate of registration or registration plate and shall return to the department all parts of the original certificate of registration or registration plates that the applicant possesses. (§ 7 ch 178 SLA 1978)

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

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

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

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- (6) the department determines that the owner of a vehicle has committed an offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;
- (7) the vehicle has been reported to the department as stolen or unlawfully converted; or
- (8) the department is otherwise required to do so under the laws of this state. (§ 7 ch 178 SLA 1978; am § 4 ch 60 SLA 1986)

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

Sec. 28.10.101. Expiration of registration. [Repealed. § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.105. Staggered registration. [Repealed, § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.107. Staggered registration implementation. [Repealed. § 37 ch 21 SLA 1985. For current law see AS 28.10.108.]

Sec. 28.10.108. Registration procedures. (a) A vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.

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

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

(2) under AS 28.10.181, 28.10.411 and 28.10.421(d)(3), (6) and (9) shall have its initial registration, and may have its annual registration, renewed during the month of January.

(c) A vehicle subject to registration and not described in (b) of this section shall have its initial registration, and may have its annual registration, renewed in the month of initial registration in the state, subject to the provisions of (f) of this section.

(d) A registered vehicle retains the same annual expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow annual registration to occur in the month of the owner's choice.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

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

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

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

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

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

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

Sec. 28.10.111. Renewal of registration. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner. (§ 7 ch 173 SLA 1978; am § 39 ch 21 SLA 1985)

§ 28.10.151

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§ 28.10.160

MOTOR VEHICLES

§ 28.10.171

(2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department; or

(3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and vehicular ways and areas of the state. (§ 7 ch 178 SLA 1978)

Sec. 28.10.160. Transfers. [Repealed. § 7 ch 178 SLA 1978.]

Sec. 28.10.161. Registration plates to be furnished by department. (a) Except as provided in AS 28.10.181(i), the department, upon registering a vehicle, shall issue the owner one fully reflectorized registration plate for a trailer or a motorcycle and two fully reflectorized registration plates for every other vehicle. Except as specifically provided in AS 28.10.181, the plate or plates shall remain with the vehicle as long as the vehicle is subject to registration under this chapter.

(b) After January 1, 1979, every passenger vehicle registration plate, except as specifically provided in AS 28.10.181, shall have displayed upon it

- (1) the Alaska flag;
- (2) the traditional colors of yellow-gold and blue;
- (3) the slogan "The Last Frontier";
- (4) the registration number assigned to the vehicle for which it is issued;
- (5) the name of this state which may be abbreviated; and
- (6) the registration year number or expiration date for which time it is validated; the registration year number or expiration date may be part of the license plate or contained on a suitable sticker or tab device issued by the department.

(c) The department may not adopt a new or altered passenger vehicle registration plate unless it substantially embodies the specifications of this section. (§ 7 ch 178 SLA 1978)

Sec. 28.10.170. Expiration. [Repealed. § 7 ch 178 SLA 1978.]

Sec. 28.10.171. Display of registration plates. (a) When two registration plates are issued for a vehicle, they shall be attached to the vehicle for which issued, one in front and the other in the rear. When one registration plate is issued, it shall be attached to the rear of the vehicle for which issued.

(b) Every registration plate issued under this chapter shall be securely fastened to the vehicle to which it is assigned, with the upper edge of the plate horizontal, at a height of not less than 12 inches from the ground measuring from the bottom of the plate, and maintained in a location and condition so as to be clearly legible. However, when considered necessary to insure legibility, the commissioner may provide by regulation for another method of installation. (§ 7 ch 178 SLA 1978)

Registration between
November 1 and November 30
December 1 and December 31

Anniversary Period
10th
10th

(d) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(e) The department shall send by United States mail, to the registered owner of record at the owner's recorded mailing address as shown in the records of the department, notification of registration expiration.

(f) Owners of vehicles subject to registration who have received notification under (e) of this section may renew registration of the vehicle by returning by United States mail to the department the notification form and appropriate fees. Registration in this manner shall be postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notification form.

(g) The department, upon receipt of a registration renewal application and appropriate fees and taxes, which have been timely mailed in accordance with (f) of this section, shall renew the registration and send to the owner, at the owner's last recorded mailing address as shown upon the department's records, current registration card and registration plates or tabs.

(h) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer.

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

(j) The exemption from paying of fees and taxes as set out in (h) of this section applies to dealers only if

- (1) the dealer is registered with the state; and
- (2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption. (§ 7 ch 178 SLA 1978)

Sec. 28.10.110. Registration card. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.111. Renewal of registration. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required registration fee and tax, and any motor freight carrier fee or bus transportation fee required under AS 42.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a

vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978)

Collateral references. — 60 C.F.S., Motor Vehicles, § 132

Sec. 28.10.120. Plates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.121. Vehicles of nonresidents. (a) A nonresident owner of a noncommercial vehicle registered outside the state is exempt from the registration provisions of this chapter for 90 days after entry into the state if the vehicle at all times when driven in the state is registered in and has displayed upon it a currently valid registration plate issued for it by another jurisdiction. However, if the person becomes gainfully employed in the state or takes action which indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 15 days of commencement of employment or of taking action which indicates the person's intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins in accordance with AS 28.10.111 and other applicable provisions of this chapter.

(b) A vehicle owned by a nonresident and of a type subject to registration under this chapter, which is leased or rented to a person having an established place of business, a residence or employment in this state, is subject to registration under this chapter either by the owner or lessee.

(c) A vehicle under (a) of this section which is owned and driven by a full-time student pursuing a course of study beyond the high school level and upon which current, valid registration by another jurisdiction is maintained need not be registered in this state unless the student establishes residence or accepts full-time employment in the state. This exemption applies only to the extent that the jurisdiction in which the vehicle is registered grants the same exemptions and privileges to a vehicle registered in this state. (§ 7 ch 178 SLA 1978)

Opinions of attorney general. — The burden of proving the exemption provided by this section should be placed on vehicle owners seeking the benefit of the exemption. 1959 Op. Atty Gen., No. 23, issued under former AS 28.10.510.

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, § 56, 82.

60 C.F.S., Motor Vehicles, §§ 132-134.
Statutes in relation to motor vehicles operating within the state, 1961, LRS MR 1499.

Corporation domiciled in state but having branch trucking business in other states, applicability of motor vehicle registration laws to it. MR 63 1411.

Secs. 28.10.125 -- 28.10.130. Historic vehicles, occasional use plates. [Repealed, § 7 ch 178 SLA 1978.]

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Registration between
November 1 and November 30
December 1 and December 31

Anniversary Period
10th
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(b) A vehicle owned by a nonresident and of a type subject to registration under this chapter, which is leased or rented to a person having an established place of business, a residence or employment in this state, is subject to registration under this chapter either by the owner or lessee.

(c) A vehicle under (a) of this section which is owned and driven by a full-time student pursuing a course of study beyond the high school level and upon which current, valid registration by another jurisdiction is maintained need not be registered in this state unless the student establishes residence or accepts full-time employment in the state. This exemption applies only to the extent that the jurisdiction in which the vehicle is registered grants the same exemptions and privileges to a vehicle registered in this state. (§ 7 ch 178 SLA 1978)

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Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 56, 82.

60 C.F.S., Motor Vehicles, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Corporation domiciled in state but having branch tracking business in other states applicable of motor vehicle registration laws to 16, 31, 34, 41, 4.

Secs. 28.10.125 — 28.10.130. Historic vehicles, occasional use plates. [Repealed, § 7 ch 178 SLA 1978.]

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

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

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

- (1) the dealer is registered with the state; and
- (2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

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

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

Sec. 28.10.111. Renewal of registration. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978; am § 39 ch 21 SLA 1985)

Effect of amendments. The 1985 fee required under AS 28.10.181 at the end of amendment deleted "and any motor" and "subject to" and "freight carrier fee for bus transportation".

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

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

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

(d) Vehicles owned by disabled veterans and handicapped persons. A person who presents to the department written proof that the per-

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

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

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

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

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

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "cc." However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 10,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full time, and which vehicle is used exclusively to transport the person's own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on the person's ranch, farm or dairy, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates shall be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a point of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) Occasional users of highways. The department may issue a license to the owner of a vehicle which is only occasionally used on a highway. The applicant must show to the satisfaction of the department that the vehicle to be licensed under this subsection will travel upon state highways less than five per cent of its total hours of operation. The department may not issue more than two licenses under the subsection to a single person.

(l) Vehicles owned by former prisoners of war. The department, upon receipt of written proof, may issue without charge special registration plates for one noncommercial motor vehicle to a person who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulation.

The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard. The owner shall return the registration plates to the department within 10 days following discharge from the Alaska National Guard. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1981; am § 5 ch 60 SLA 1986)

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

Article 2. Title.

Sec. 28.10.261. Evidence.

NOTES TO DECISIONS

Applied in *Kelner v. Curtis*, Sup. Ct. Op. No. 2913 (File No. S 162, 695 P.2d 520 (1985)).

Article 3. Transfer of Vehicle.

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

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

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

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

Article 5. Fees and Charges.

Section 111. Registration fee levied.	Section 121. Registration fee rates.
121. Registration fee rates.	123. Fair use control in park program fees.

Sec. 28.10.111. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) *(Repealed, 1983 Initiative Proposal No. 2, § 61)*
 (c) *(Repealed effective January 1, 1987)* A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

(d) *(Repealed, § 41 ch 37 SLA 1986)*
 (e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.121(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground.

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.121(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1981; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 10 SLA 1986)

Effect of amendments. — The 1985 amendment repealed subsection (d), concerning payment of motor carrier fees. The first 1986 amendment, effective May 26, 1986, repealed subsection (d), concerning payments to the Department of Community and Regional Affairs. The second 1986 amendment, effective January 1, 1987, repealed subsection (e), concerning exemption of one motor vehicle of age 65 or older.

Sec. 28.10.121. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

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

(1) a passenger vehicle or motor home not used or marketed for the transportation of persons or property for hire or for other commercial use

Collateral references. — 7A Am. Jur.
2d. Automobiles and Highway Traffic,
§§ 30 to 48
60 C.J.S., Motor Vehicles, §§ 39 to 41.

Sec. 28.10.271. Transfer of vehicle by owner. (a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in AS 28.10.181.

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in AS 28.10.291.

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under AS 28.10.321 and 28.10.361. The notice form to be provided by the department shall include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment; and
- (4) description and license number of vehicle. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Former law construed. — See Harbor Ins. Co. v. United States Fid. & Guar. Co., 350 F. Supp. 723 (D. Alaska, 1972); State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska, 1975); Graham v. North River Ins. Co., Sup. Ct. Op. No. 1130 (File No. 1945), 533 P.2d 20 (1975).

Sec. 28.10.280. Title for vehicles of other state. (Repealed, § 7 ch 178 SLA 1978.)

Sec. 28.10.281. Transfer to dealer. (a) When the owner of a registered vehicle transfers or assigns the owner's title or interest to a vehicle dealer under AS 28.10.271, the dealer is not required to present the certificates of registration and title to the department as provided in AS 28.10.321 and 28.10.361 until the vehicle is transferred by the dealer.

(b) A vehicle transferred to a dealer may not be driven unless it is re-registered under this chapter or is driven under dealer registration plates issued under AS 28.10.181(j). (§ 7 ch 178 SLA 1978)

(b) A person holding a certificate of title to a vehicle whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificates of title and registration to the department upon request of the department. The delivery of the certificates of title and registration to the department upon its request does not affect the rights of the person surrendering the certificate of title, and the action of the department in issuing a new certificate of title or registration as provided in this chapter is not conclusive upon the rights of an owner or lienholder named in the surrendered certificate of title. (§ 7 ch 178 SLA 1978)

Sec. 28.10.320. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

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

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and motor freight carrier or bus transportation fees, if any, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

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

Sec. 28.10.330. Delivery. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.331. Department to issue new certificates of title and registration. The department, upon receipt of the certificate of title properly endorsed, the certificate of registration, the registration plates, if any, the application for new title and registration and all required fees and taxes, shall issue a certificate of title and a certificate of registration to the transferee or the lienholder lawfully entitled to the certificates. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Former law construed. — See Harbor Ins. Co. v. United States Fid. & Guar. Co., 350 F. Supp. 723 (D. Alaska 1972); Christian v. State, Sup. Ct. Op. No. 921 (File No. 1626), 513 P.2d 664 (1974); Graham v. Black, Superior Court, 3rd Jud.

Dist., C.A. No. 71-3441 (1973); State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska 1975); Graham v. North River Ins. Co., Sup. Ct. Op. No. 1130 (File No. 1945), 533 P.2d 20 (1975).

Sec. 28.10.340. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.341. Duty of lienholder in possession of title to transferred vehicle. Upon request of an owner or transferee, a lienholder in possession of the certificate of title to a transferred vehicle shall, unless the transfer is in breach of a security agreement, deliver the certificate to the transferee. The delivery of the certificate of title does not affect the rights of the lienholder under the lienholder's security agreement. (§ 7 ch 178 SLA 1978)

Sec. 28.10.350. Transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.351. Dismantling or wrecking vehicle. A person who dismantles, scraps or destroys a registered vehicle shall immediately forward to the department the certificates of title and registration and the registration plates for the vehicle. (§ 7 ch 178 SLA 1978)

Secs. 28.10.355, 28.10.360. Purchase by minor, duty of new owner. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.361. When transfer effective. A transfer by an owner or dealer is not effective until all applicable provisions of this chapter have been complied with. However, an owner or dealer who has delivered possession of a vehicle to the transferee and has endorsed an assignment and warranty of title on the certificate of title and delivered the certificates of title and registration to the transferee or, in the case of a transfer from a dealer, delivered proof of the sale to the transferee, is not liable as the owner for any liabilities resulting from the driving or movement of the vehicle after the transfer. (§ 7 ch 178 SLA 1978)

Sec. 28.10.370. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

Article 4. Filing Documents Evidencing Liens or Encumbrances.

Section	Section
371. Filing documents evidencing liens or encumbrances	391. Filing and date of notice
381. Provisions for filing and issuance of title	401. Assignment or release by lienholder

Collateral references. — 7A Am. Jur. 2d, Automobiles, and Highway Traffic, §§ 31, 39, 46, 48.
60 C.J.S., Motor Vehicles, § 42.

(b) A person holding a certificate of title to a vehicle whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificates of title and registration to the department upon request of the department. The delivery of the certificates of title and registration to the department upon its request does not affect the rights of the person surrendering the certificate of title, and the action of the department in issuing a new certificate of title or registration as provided in this chapter is not conclusive upon the rights of an owner or lienholder named in the surrendered certificate of title. (§ 7 ch 178 SLA 1978)

Sec. 28.10.320. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

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

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and motor freight carrier or bus transportation fees, if any, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

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

Sec. 28.10.330. Delivery. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.331. Department to issue new certificates of title and registration. The department, upon receipt of the certificate of title properly endorsed, the certificate of registration, the registration plates, if any, the application for new title and registration and all required fees and taxes, shall issue a certificate of title and a certificate of registration to the transferee or the lienholder lawfully entitled to the certificates. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Former law construed. -- See Harbor Ins. Co. v. United States Fid. & Guar. Co., 350 F. Supp. 723 (D. Alaska 1972); Christian v. State, Sup. Ct. Op. No. 921 (File No. 1626), 513 P.2d 664 (1973); Graham v. Black, Superior Court, 3rd Jud.

Dist., C.A. No. 71-3111 (1973); State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska 1975); Graham v. North River Ins. Co., Sup. Ct. Op. No. 1130 (File No. 1945), 531 P.2d 20 (1975).

Sec. 28.10.340. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.341. Duty of lienholder in possession of title to transferred vehicle. Upon request of an owner or transferee, a lienholder in possession of the certificate of title to a transferred vehicle shall, unless the transfer is in breach of a security agreement, deliver the certificate to the transferee. The delivery of the certificate of title does not affect the rights of the lienholder under the lienholder's security agreement. (§ 7 ch 178 SLA 1978)

Sec. 28.10.350. Transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.351. Dismantling or wrecking vehicle. A person who dismantles, scraps or destroys a registered vehicle shall immediately forward to the department the certificates of title and registration and the registration plates for the vehicle. (§ 7 ch 178 SLA 1978)

Secs. 28.10.355, 28.10.360. Purchase by minor, duty of new owner. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.361. When transfer effective. A transfer by an owner or dealer is not effective until all applicable provisions of this chapter have been complied with. However, an owner or dealer who has delivered possession of a vehicle to the transferee and has endorsed an assignment and warranty of title on the certificate of title and delivered the certificates of title and registration to the transferee or, in the case of a transfer from a dealer, delivered proof of the sale to the transferee, is not liable as the owner for any liabilities resulting from the driving or movement of the vehicle after the transfer. (§ 7 ch 178 SLA 1978)

Sec. 28.10.370. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

Article 4. Filing Documents Evidencing Liens or Encumbrances.

Section	Section
371. Filing documents evidencing liens or encumbrances	391. Filing and date of notice
381. Provisions for filing and issuance of title	401. Assignment of release by lienholder

Collateral references. -- 7A Am. Jur. 2d, Automobiles, and Highway Traffic §§ 31, 39, 46, 48
60 C.J.S., Motor Vehicles, § 42

The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner.

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

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

Article 2. Title.

Sec. 28.10.261. Evidence.

NOTES TO DECISIONS

Applied in *Keltner v. Curtis*, Sup. Ct. Op. No. 2913 (File No. S 162), 695 P.2d 723 (1985).

Article 3. Transfer of Vehicle.

Section

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

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

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

Effect of amendments. — The 1985 amendment deleted "and motor freight" and "and motor freight" following "lien fees" in subsection (b).

Article 5. Fees and Charges.

Section

411. Registration fees levied

421. Registration fee rates

423. Emission control inspection program fees

Section

411. Registration fees levied

421

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

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

(c) *[Repealed effective January 1, 1987.]* A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

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

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground.

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 50 SLA 1986)

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

The first 1986 amendment, effective May 26, 1986, repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The second 1986 amendment, effective August 1, 1986, amended subsection (f).

The third 1986 amendment, effective January 1, 1987, repealed subsection (c) concerning exemption for 65-year-olds of age or older.

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

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

(1) a passenger vehicle or motor home not used or intended for the transportation of persons or property for hire or for other commercial use.

- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$10;
- (3) a taxicab \$70;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$85;
- (5) a motorcycle or a motor-driven cycle \$20;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer \$ 5.

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

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

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

- (1) an historic vehicle (one time only upon initial registration under AS 28.10.181) \$10;
- (2) special request plates including those authorized for use by Alaska National Guard personnel only \$30; plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;
- (3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;
- (4) a vehicle owned by the state none;
- (5) a vehicle owned by an elected state official the fee required for that vehicle under (b) of this section;
- (6) a vehicle owned by a consular officer, unless waived under AS 28.10.181 \$35;

- (7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 \$15;
- (8) a snowmobile or off highway vehicle \$ 5;
- (9) an amateur mobile radio station vehicle

(A) with a transmitter capable of less than 5 band operation the fee required for that vehicle under (b) or (c) of this section;

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

- (10) dealer registration plates.
 - (A) the initial set of plates \$15;
 - (B) each subsequent set of plates \$25;
- (11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(e) \$ 5.
- (12) an occasional use vehicle under AS 28.10.181(f) \$15.
- (13) a vehicle owned by a former prisoner of war none.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the applicable registration fee is paid (S 7 ch 178 SLA 1978; am S 1, 5 ch 54 SLA 1979; am S 2 ch 151 SLA 1980; am S 11 ch 21 SLA 1985; am §§ 7 -- 9 ch 60 SLA 1986; am S 1 ch 70 SLA 1986).

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

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

paragraph (3), stated the written application for an exemption on a form prescribed by the department for municipalities, veterans, disabled persons and residents and the fee in paragraph (1) of (e).

The second 1986 amendment, in paragraph (3) of subsection (d) of (e) ch 10, SVA 1986, increased the fee to the amount in ch 10, SVA 1986.

§ 28.10.431

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§ 28.10.440

MOTOR VEHICLES

§ 28.10.441

(e) The department shall refund money collected under this section, less five per cent as collection costs, to a municipality for which the money was collected, as determined by (1) the address of residence of an individual required to pay the tax, or (2) the situs of the vehicle if the vehicle is not owned by an individual; the tax situs is the location at which the motor vehicle is usually, normally, or regularly kept or used. For the first year in which the tax is levied within a municipality, the department may retain actual costs of collection of the tax within the municipality as determined by the department.

(f) Money received by an organized borough under this section shall be allocated by the borough by ordinance for city, area outside city, and service area purposes within the borough.

(g) Payment of the registration tax is in lieu of all local use taxes and ad valorem taxes on motor vehicles subject to the tax. A municipality which elects to come under the provisions of this section may not levy use or ad valorem taxes on motor vehicles subject to the registration tax during a fiscal year in which the election is in effect.

(h) A vehicle owned by a former prisoner of war exempted from registration fees under AS 28.10.421(d)(13) is subject to a motor vehicle registration tax under this section. (§ 7 ch 178 SLA 1978; am § 3 ch 151 SLA 1984)

Effect of amendments. — The 1984 bills as affected by constitutional provisions in relation to taxation, 5 ALR 759.

Collateral references. — Validity of statutes imposing license tax on automo- 126 ALR 1419.

Sec. 28.10.440. Dismantled vehicle. (Repealed, § 7 ch 178 SLA 1978.)

Sec. 28.10.441. Schedule of other fees and charges. The following fees and charges are imposed by the department for the stated services which it provides:

- (1) title fee (including transfer of title) \$ 5;
 - (2) lien filing fee \$ 5;
 - (3) replacement of any registration plate set, including special request plates \$ 5;
 - (4) duplicate of original certificate of title \$ 5;
 - (5) duplicate of certificate of registration \$ 2;
 - (6) temporary preregistration permit issued under AS 28.10.031 none;
 - (7) special transport permit issued under AS 28.10.151 \$ 5;
 - (8) special permit for vehicle used for transport of disabled or handicapped person as provided in AS 28.10.215 none.
- § 7 ch 178 SLA 1978)

Revisor's notes. — AS 28.10.215, repealed in 1978. Present similar provisions may be found in AS 28.10.495.

Article 6. Registration and Title Violations.

Section

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

Section

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

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 92 to 95.
 60 C.J.S., Motor Vehicles, §§ 133 to 135;
 61A C.J.S., Motor Vehicles, § 714(4).
 Civil rights and liabilities as affected by

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

Sec. 28.10.450. Failure to endorse and deliver. (Repealed, § 7 ch 178 SLA 1978.)

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

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

Sec. 28.10.461. Driving vehicle without evidence of registration. Except as otherwise expressly permitted in this chapter, a person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle required to be registered under this chapter unless valid registration plates, decals or permits for the current registration period are attached to and displayed on the vehicle in the manner required by this chapter, and unless a valid certificate of registration for the current registration period is carried, as required by this chapter, in the vehicle and is available for inspection by a peace officer or an authorized representative of the department. (§ 7 ch 178 SLA 1978)

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

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

Sec. 28.10.470. Filing liens. (Repealed, § 7 ch 178 SLA 1978.)

Sec. 28.10.471. Driving vehicle when registration suspended or revoked or permit expired. A person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway

§ 28.15.231

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978: am § 14 ch 60

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§ 28.15.271

MOTOR VEHICLES

§ 28.15.291

contendere, or a forfeiture of bail, or as a result of a trial, for violation of the traffic laws.

(e) The points assessed and the application of them against the licensee by the department under this section are in addition to, and not in substitution for, other provisions of this chapter and are not a substitute for any penalty imposed by a court.

(f) The notice required under (a) of this section may be given by first class mail. (§ 19 ch 178 SLA 1978: am § 15 ch 60 SLA 1986)

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

Article 4. Fees.

Section 271. Fees

Sec. 28.15.271. Fees. The fees for drivers' licenses and permits, including but not limited to renewals, are as follows:

- (1) all classes of drivers' licenses \$10;
 - (2) motor-driven cycles \$10;
 - (3) instruction permit \$3;
 - (4) duplicate of driver's license or instruction permit \$3;
 - (5) temporary license and renewal of permit \$3;
 - (6) school bus driver's permit \$3.
- (§ 19 ch 178 SLA 1978: am § 16 ch 60 SLA 1986)

Effect of amendments. — The 1986 amendment increased the fees.

Article 5. Driver License Violations.

Sec. 28.15.291. Driving while license canceled, suspended, revoked or in violation of limitation.

NOTES TO DECISIONS

Required mental state. — Proof of criminal negligence is the required mental state to show a violation of AS 28.15.291. *Gregory v. State*, Ct. App. Op. No. 614 (File No. A-1102), 717 P.2d 428 (1986).

Probable cause to arrest for driving with revoked license. — See *Ford v. State*, Ct. App. Op. No. 474 (File No. A-496), 699 P.2d 889 (1985).

Prerequisite to suspension. — A driver's license or privilege to drive cannot properly be suspended unless the

driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), 700 P.2d 815 (1985).

Conviction affirmed through notice of suspension of license not received. — Where the appellant had been furnished with written notice of the financial responsibility law as required by AS 25.20.050 and had expressly been told that his license would be suspended if he did not comply with the financial respon-

D R A F T

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will decrease the cost to the state of registering motor vehicles, and increase the general fund receipts generated by the issuance of drivers' licenses, instruction permits, school bus drivers' permits, and identification cards.

The bill does two things. First, sec. 5 of the bill amends existing law to require that the Department of Public Safety (DPS) issue only one metal registration plate per motor vehicle, rather than the two plates now required for all vehicles except motorcycles and trailers. This simple change will save the state approximately \$60,000 a year in costs associated with the purchase and issuance of these plates. As stated in sec. 6 of the bill, the single plate must be displayed on the rear of each vehicle. The changes made in secs. 2 -- 4 and 7 -- 17 of the bill are merely conforming amendments needed to make it clear that the law no longer requires the issuance of more than one registration plate for any single vehicle.

Second, secs. 1 and 18 of the bill increase by \$2 the fee that a person must pay to obtain a driver's license, motorcycle license, instruction permit, school bus driver's

permit, or state identification card. This modest increase will cover the cost of continuing to provide photographs on licenses and ID cards. As a cost-saving measure, we considered eliminating photographs from these licenses and cards. To ensure adequate identification of drivers and ID card holders, however, we concluded that it was preferable to continue the practice of affixing photographs to these documents, but to require that the individual seeking the document reimburse the state for the cost of this practice. The fee increase is expected to produce about \$400,000 a year in additional revenue to the state.

In this period of declining revenues, the state must make all reasonable efforts to reduce the cost of providing essential state services and to generate additional revenue. Although relatively minor, the cost-cutting measures contained in the bill, and, if appropriated to DPS, the revenue generated by the bill, will help to offset the reductions that have been made in the DPS operating budget and to ensure the continued efficiency of motor vehicle registration and licensing services. I therefore urge your prompt and favorable action on this bill.

Sincerely,

Steve Cowper
Governor

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

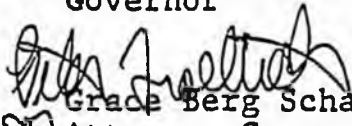
STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

March 27, 1987

M E M O R A N D U M

TO: Honorable Steve Cowper
Governor

FROM: 
Grace Berg Schaible
Attorney General

RE: Attached bill on motor vehicle
registration and license fees
Our file: 773-87-0101

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER'S OFFICE
Juneau, Alaska

MAR 31 1987

Attached is a bill, requested by the Department of Public Safety (DPS), which makes cost-saving and revenue-generating changes in the laws regarding motor vehicle registration and driver licensing. The request for this bill was approved by Pete Jeans on January 5, 1987.

The bill reduces the number of metal registration plates required for a motor vehicle from two to one, thereby saving the state approximately \$60,000 a year in associated costs. The bill also increases by \$2 the fee that a person must pay to obtain a driver's license, certain permits, or a state identification card (DPS originally requested, and received approval for, a \$1 increase). This increase is intended to cover the cost of continuing to include photographs on these licenses and cards. (DPS had considered the elimination of these photos as a way to lessen the cost of providing licensing services and to help absorb the recent reduction in its operating budget.) This small increase in fees is expected to generate approximately \$400,000 in additional revenue annually.

A draft transmittal letter to the legislature, explaining the bill in more detail, is also attached.

GBS:GAH:so:nb

cc w/enc.: Hon. William Nix, Acting Commissioner
Department of Public Safety

Alaska State Legislature

INTERIM OFFICE
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(907) 274-2843

WHILE IN SESSION
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Senator Mitch Abood
SENATE DISTRICT G-A

CHAIRMAN
STATE AFFAIRS
MAJORITY WHIP

MEMBER
TRANSPORTATION
COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
INTERNATIONAL TRADE

April 8, 1987

MEMORANDUM

TO: Members
Senate Transportation Committee

FROM: Senator Mitch Abood *MAA*

RE: CSSB 3, "An Act relating to motor vehicle registration and registration plates."

Attached please find a new draft -- CS for SB 3 as well as a sectional analysis. For your convenience, I have highlighted the language in the new draft which is being added. In addition, I have attached the following:

1. A memorandum from the Attorney General giving an explanation of the new language.
2. A letter from Governor Cowper explaining the purpose of the new language.
3. Statutes effected
4. A fiscal note from the Department of Motor Vehicles reflecting the revenue changes.

With the new language added, CS for SB 3 would accomplish the following:

1. Authorize the Department of Public Safety to design and issue special registration plates.
2. Establish a \$25 fee for acquiring special registration plates.
3. Require the surrender of registration and registration plates of a motor vehicle involved in certain repeat driving offenses.
4. Requires a person who surrenders their plates to identify certain family members, and requires the Dept. of Motor Vehicles to provide notice to the family members of the license revocation and the consequences of allowing a person without a driver's license to operate their vehicle.
5. Allows transfer of ownership of the vehicle with permission of the department.

PAGE TWO
Memorandum
April 8, 1987

6. Amends existing law requiring the Department of Public Safety to issue only one metal registration plate per motor vehicle.
7. Increases by \$2 the fee that a person must pay to obtain a driver's license, motorcycle license, instruction permit, school bus driver's permit, or state identification card.

Alaska State Legislature

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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

February 24, 1987

MEMORANDUM

To: Members, Senate State Affairs Committee

From: Senator Mitch Abood, Chairman
Senate State Affairs Committee

Re: SB 3, "An Act relating to motor vehicle
registration and registration plates.

SB 3 was before the Senate State Affairs Committee on February 4, 1987 and was held over to allow for further research on questions which were raised during the hearing.

As you may know, by reviewing the back-up provided, SB 3 was molded after the language used for impounding of vehicle registration and registration plates in Minnesota. My staff has contacted the Criminal Justice System, DWI Task Force in Minnesota for additional information on how they are currently enforcing their law and procedures which they follow for processing the cases.

I am providing each of you with a copy of suggested amendments and questions which individuals expressed at the committee hearing and the information which we received from Minnesota. Also attached, for your review, is a committee substitute for SB 3 and sectional analysis.

3/12/87-4:30

[RESDEPT] ES/jb RH704A-3

1 _____ moves to amend H. F. No. 704, as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 1986, section 168.041, is
4 amended to read:

5 168.041 [IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.]

6 Subdivision 1. When any person is convicted of driving a
7 motor vehicle after the suspension ~~or~~ revocation or
8 cancellation of the ~~drivers~~ driver's license or driving
9 privileges of such person, the court shall require the
10 registration plates and registration certificates certificate of
11 any motor vehicle involved in such violation owned by such
12 person or registered in that person's name to be surrendered to
13 the court. Upon surrender thereof the court shall issue a
14 receipt therefor.

15 If the violator is not the owner of such the motor vehicle,
16 the court shall require the registration plates and the
17 registration certificate of any motor vehicle used by the
18 violator, with the permission of the owner who had knowledge of
19 the fact that the violator's ~~drivers~~ driver's license had been
20 revoked or suspended prior to the commission of the offense, to
21 be surrendered to the court.

22 Subd. 2. If any person is convicted of violating any law
23 or municipal ordinance, except parking laws or ordinances,
24 regulating the operation of motor vehicles on the streets or

1 highways, and the record of such the person so convicted shows a
2 previous conviction for driving after suspension or revocation
3 of the person's driver's license or driving privileges, the
4 court may direct the commissioner of public safety to suspend
5 the driver's license of such the person for not exceeding one
6 year. The court may also require the registration plates and
7 registration certificates certificate of any motor vehicles
8 vehicle owned by the violator or registered in the violator's
9 name to be surrendered to the court.

10 Subd. 3. Except as otherwise provided in subdivision 3a,
11 if a person is convicted of any offense which makes mandatory
12 the revocation of the drivers person's driver's license of such
13 person, or is convicted of driving a motor vehicle without
14 having a valid driver's license in force, the court may require
15 the registration plates and registration certificates
16 certificate of any motor vehicle owned by such person or any
17 motor vehicles vehicle registered in that person's name to be
18 surrendered to the court.

19 Subd. 3a. If a person's driver's license or driving
20 privileges are revoked pursuant to a second violation of section
21 169.121 or 169.123 within five years, or a third or subsequent
22 violation of section 169.121 or 169.123 within ten years, the
23 court shall issue an impoundment order requiring the surrender
24 of the registration plates and registration certificate of any
25 motor vehicle involved in the violation, and any motor vehicle
26 owned by, registered, or leased in the name of the violator,
27 including vehicles registered or leased jointly in the name of
28 the violator and the violator's spouse. This requirement does
29 not apply to rental motor vehicles, as defined in subdivision
30 10, that are involved in the violation, leased in the name of
31 the violator, or leased jointly in the name of the violator and
32 the violator's spouse. An impoundment order must be issued
33 under this subdivision when the person appears in court on any
34 criminal charge or civil driver's license matter arising out of
35 the incident resulting in the most recent license revocation.
36 If no criminal charge or civil license matter is initiated in

1 is transferred by the foreclosure of a chattel mortgage, the
2 cancellation of a conditional sales contract, a sale upon
3 execution, or by decree or order of a court of competent
4 jurisdiction, the court shall order the ~~license-plates-and~~
5 registration certificate surrendered to the new owner and ~~notify~~
6 ~~the-registrar-of-motor-vehicles-of-such-action.~~ The registrar
7 of motor vehicles shall then transfer the registration plates
8 ~~and-registration-certificates-to-the-new-owner~~ certificate and
9 issue new registration plates to the new owner.

10 Subd. 8. Nothing contained in this section is intended to
11 change or modify any provision of this chapter, with respect to
12 the taxation of motor vehicles or the time within which the
13 taxes thereon ~~shall~~ must be paid.

14 Subd. 9. Any person who fails to surrender any ~~impounded~~
15 registration plates or registration ~~certificates~~ certificate to
16 the court upon demand ~~as~~ under this section, who operates any
17 motor vehicle on a street or highway at a time when a court has
18 ordered the surrender of its registration plates and
19 registration certificate, or who fails to comply with
20 subdiv. sion 6, paragraph (b), is guilty of a misdemeanor.

21 Subd. 10. As used in subdivision 3a, "rental motor vehicle"
22 means a passenger vehicle, truck, motorcycle, or motorized
23 bicycle which is one of a fleet of two or more vehicles that are
24 rented for periods of 30 days or less.

25 Sec. 2. Minnesota Statutes 1986, section 169.123,
26 subdivision 5b, is amended to read:

27 Subd. 5b. [ADMINISTRATIVE REVIEW.] At any time during a
28 period of revocation imposed under this section and of
29 impoundment under section 168.041 a person may request in
30 writing a review of the order of revocation or impoundment by
31 the commissioner of public safety. Upon receiving a request the
32 commissioner or the commissioner's designee shall review the
33 order, the evidence upon which the order was based, and any
34 other material information brought to the attention of the
35 commissioner, and determine whether sufficient cause exists to
36 sustain the order. Within 15 days of receiving the request the

1 commissioner shall report in writing the results of the review.
2 The review provided in this subdivision is not subject to the
3 contested case provisions of the administrative procedure act in
4 sections 14.01 to 14.70. As a result of this review, if the
5 commissioner finds that the owner's driver's license or driving
6 privileges were not revoked under this section or section
7 169.121, the owner was not and is not a member of the revoked
8 operator's household, and the owner had no knowledge that the
9 vehicle was being driven, operated, or physically controlled in
10 violation of section 169.121, the commissioner may authorize the
11 issuance at no cost of new registration plates and a
12 registration certificate to the owner of the vehicle, or may
13 authorize the return of the owner's former registration plates
14 and registration certificate if custody of them was retained by
15 the court under section 168.041, subdivision 4.

16 The availability of administrative review for an order of
17 revocation shall have no effect upon the availability of
18 judicial review under this section.

19 Sec. 3. Minnesota Statutes 1986, section 169.123,
20 subdivision 5c, is amended to read:

21 Subd. 5c. (PETITION FOR JUDICIAL REVIEW.) Within 30 days
22 following receipt of a notice and order of revocation pursuant
23 to this section, or while an impoundment order is in effect
24 under section 168.041, a person may petition the court for
25 review. The petition shall be filed with the court
26 administrator of county or municipal court in the county where
27 the alleged offense occurred, together with proof of service of
28 a copy on the commissioner of public safety, and accompanied by
29 the standard filing fee for civil actions. No responsive
30 pleading shall be required of the commissioner of public safety,
31 and no court fees shall be charged for the appearance of the
32 commissioner of public safety in the matter.

33 The petition shall be captioned in the name of the person
34 making the petition as petitioner and the commissioner of public
35 safety as respondent. The petition shall state with specificity
36 the grounds upon which the petitioner seeks rescission of the

1 order of revocation or denial or the order of impoundment.

2 The filing of the petition shall not stay the revocation or
3 denial or the impoundment order. The reviewing court may order
4 a stay of the balance of the revocation or impoundment if the
5 hearing has not been conducted within 60 days after filing of
6 the petition upon terms the court deems proper. Judicial
7 reviews shall be conducted according to the rules of civil
8 procedure.

9 Sec. 4. Minnesota Statutes 1986, section 169.123,
10 subdivision 6, is amended to read:

11 Subd. 6. [HEARING.] A hearing under this section shall be
12 before a municipal or county judge, in any county in the
13 judicial district where the alleged offense occurred. The
14 hearing shall be to the court and may be conducted at the same
15 time and in the same manner as hearings upon pretrial motions in
16 the criminal prosecution under section 169.121, if any. The
17 hearing shall be recorded. The commissioner of public safety
18 shall appear and be represented by the attorney general or
19 through the prosecuting authority for the jurisdiction involved.

20 The hearing shall be held at the earliest practicable date,
21 and in any event no later than 60 days following the filing of
22 the petition for review. The judicial district administrator
23 shall establish procedures to ensure efficient compliance with
24 the provisions of this subdivision. To accomplish this, the
25 administrator may, whenever possible, consolidate and transfer
26 review hearings among the county courts within the judicial
27 district.

28 The scope of the hearing shall be limited to the issues of:

29 (1) whether the peace officer had probable cause to believe
30 the person was driving, operating, or in physical control of a
31 motor vehicle while under the influence of alcohol or a
32 controlled substance, and whether the person was lawfully placed
33 under arrest for violation of section 169.121, or the person was
34 involved in a motor vehicle accident or collision resulting in
35 property damage, personal injury or death, or the person refused
36 to take a screening test provided for by section 169.121,

1 subdivision 6, or the screening test was administered and
2 recorded an alcohol concentration of 0.10 or more; and

3 (2) whether at the time of the request for the test the
4 peace officer informed the person of the person's rights and the
5 consequences of taking or refusing the test as required by
6 subdivision 2; and

7 (3) either (a) whether the person refused to permit the
8 test, or (b) whether a test was taken and the test results
9 indicated an alcohol concentration of 0.10 or more at the time
10 of testing, and whether the testing method used was valid and
11 reliable, and whether the test results were accurately evaluated.

12 It shall be an affirmative defense for the petitioner to
13 prove that, at the time of the refusal, the petitioner's refusal
14 to permit the test was based upon reasonable grounds.

15 Certified or otherwise authenticated copies of laboratory
16 or medical personnel reports, records, documents, licenses and
17 certificates shall be admissible as substantive evidence.

18 The court shall order either that the revocation or
19 impoundment be rescinded or sustained and forward the order to
20 the commissioner of public safety. The court shall file its
21 order within 14 days following the hearing. If the revocation
22 is sustained, the court shall also forward the person's driver's
23 license or permit to the commissioner of public safety for
24 further action by the commissioner of public safety if the
25 license or permit is not already in the commissioner's
26 possession. If the impoundment is sustained, the court shall
27 also direct the petitioner to forward the registration plates
28 and registration certificate to the court for further action if
29 the plates and certificate are not already in the court's
30 possession. Proof of all of the following is an affirmative
31 defense to an impoundment order:

32 (1) the petitioner is the owner of the vehicle;

33 (2) the petitioner's driver's license or operating
34 privileges were not revoked under this section or section
35 169.121;

36 (3) the petitioner was not and is not a member of the

1 revoked operator's household; and

2 (4) the petitioner had no knowledge that the vehicle was
3 being driven, operated, or physically controlled in violation of
4 section 169.121.

5 Sec. 5. Minnesota Statutes 1986, section 169.1261, is
6 amended to read:

7 169.1261 [REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.]

8 Upon expiration of any period of revocation under section
9 169.121 or 169.123, or of impoundment under section 168.041, the
10 commissioner of public safety shall notify the person of the
11 terms upon which driving privileges can be reinstated, and new
12 registration plates and registration certificate issued, which
13 terms are: (1) successful completion of a driving test and
14 proof of compliance with any terms of alcohol treatment or
15 counseling previously prescribed, if any; and (2) any other
16 requirements imposed by the commissioner and applicable to that
17 particular case. The commissioner shall also notify the person
18 that if driving is resumed without reinstatement of driving
19 privileges, and issuance of new registration plates and
20 registration certificate, the person will be subject to criminal
21 penalties.

22 Sec. 6. Minnesota Statutes 1986, section 171.29, is
23 amended by adding a subdivision to read:

24 Subd. 3. A person whose driver's license has been revoked
25 under section 169.121 or 169.123 must not be issued another
26 driver's license at the end of the revocation period unless the
27 person has complied with all applicable registration plate
28 impoundment provisions of section 168.041.

29 Sec. 7. [DESTRUCTION OF STORED LICENSE PLATES.]

30 License plates surrendered to courts before the effective
31 date of section 1 may be destroyed.

32 Sec. 8. [EVALUATION.]

33 The commissioner of public safety shall monitor and
34 evaluate the implementation and effects of the registration
35 plate impoundment provisions of sections 1 to 7, and shall
36 submit a written report to the legislature by January 1, 1989,

3/12/87-4:30

[RESDEPT] ES/jb RH704A-3

1 containing the commissioner's findings and recommendations.

2 Sec. 9. [EFFECTIVE DATE.]

3 Sections 1 to 8 are effective August 1, 1987, and apply to

4 violations committed on or after that date."



Oregon Traffic Safety Commission

4th FLOOR - STATE LIBRARY BUILDING, SALEM, OREGON 97310 PHONE 378-3669
Toll Free 1-800-922-2022

November 17, 1986

11078607C

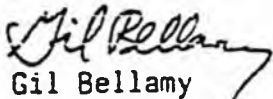
Ray Lewis
Research Consultant
Minnesota Criminal Justice System
DWI Task Force
190 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455

Approximately 100 vehicle registrations a month are suspended resulting in removal of the license plates in Oregon.

Occasionally, courts also impound cars driven by drivers who are second or subsequent DUI or for driving while suspended.

The program has not been evaluated for recidivism rates.

Sincerely,


Gil Bellamy
Administrator

GB:cek

Governor's Office of Highway Safety

959 East Confederate Ave., S.E.

P.O. Box 1497

Atlanta, Georgia 30301

(404) 656-6996

Minuward C. McGuire

DIRECTOR

October 23, 1986

ilcant
dinal Justice System
ce
Minnesota

ie South
Minnesota 55456

is:

knowledge receipt of your inquiry regarding the practice of courts
e registration certificate and license plates for those persons
certain violations related to DWI and driving after suspension.

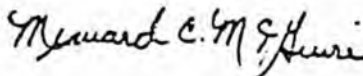
ur current statutes provide for the suspension of the operators
vehicle registration/plate for driving while under suspension
f suspension type), failure to maintain safety responsibility and
ply with the provisions of the No-Fault Insurance law.

state have certain discretionary authority to suspend licenses for
ses, however, the State Department of Public Safety is vested with
suspend on virtually all mandatory suspensions. Courts rarely take
a license unless they convict for operating while suspended. We
ur: that suspends the registration for any conviction.

stated above, the Department of Public Safety does suspend as
statute, however, no studies have been conducted to determine the
of this practice. We do know that unless one central agency
oth driver history records and registrations it is difficult to
obtaining duplicates through fraudulent means. It is also quite
t these individuals can easily obtain stolen plates and continue
before.

t we could not be of more assistance on this inquiry but do not
dise us in the future if we can be of service.

Sincerely,



Minuward C. McGuire



STATE OF DELAWARE
OFFICE OF HIGHWAY SAFETY
SUITE 363, THOMAS COLLINS BUILDING
540 SOUTH DUPONT HIGHWAY AT WATER STREET
DOVER, DELAWARE 19901

TELEPHONE (302) 736-4475

October 24, 1986

Mr. Ray Lewis
Research Consultant
Minnesota Criminal Justice System
DWI Task Force
190 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455

Dear Mr. Lewis:

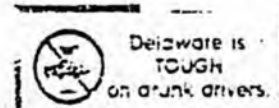
This is in response to your letter of October 9, 1986 requesting information concerning impoundment of license plates and registration certificates of repeat DUI offenders. While our DUI law contains provisions for this, courts have not enforced it. I would appreciate a copy of the results of any evaluations that you do.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis A. Ianni".

Francis A. Ianni
Director

Inclosure - DUI Law



STATE OF MICHIGAN



JAMES J. BLANCHARD, GOVERNOR
DEPARTMENT OF STATE POLICE
COL. GERALD L. MOUGH, DIRECTOR

OFFICE OF HIGHWAY SAFETY
PLANNING
LOWER LEVEL
111 S. CAPITOL AVENUE
LANSING, MICHIGAN 48222
PHONE 317 3781 11

November 12, 1986

Mr. Ray Lewis, Research Consultant
Minnesota Criminal Justice System
DWI Task Force
University of Minnesota
190 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455

Dear Mr. Lewis:

I have been asked to respond to your survey on vehicle/
registration impoundment. Although Michigan has two statutes
dealing with the impoundment of vehicles or confiscation of
registration plates of vehicles, we were unable to find one
court that has enforced these particular sections of the law.
I have enclosed copies of these sections of our Vehicle Code
for your information.

This office coordinated the efforts of the Michigan
Drunk Driving Task Force and this same issue was raised. We
would be interested in hearing of the results of your
efforts.

Sincerely

A handwritten signature in cursive script, appearing to read "Gary R. Holben".

GARY R. HOLBEN, Chief
Special Programs Unit

GRH:nmb

Enclosure

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



STATE OF DELAWARE
OFFICE OF HIGHWAY SAFETY
SUITE 363, THOMAS COLLINS BUILDING
540 SOUTH DUPONT HIGHWAY AT WATER STREET
DOVER, DELAWARE 19901

TELEPHONE (302) 739-4475

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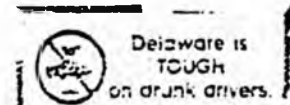
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Sincerely,

Francis A. Ianni
Director

Inclosure - DUI Law



Delaware

or affirmed is guilty of perjury and shall be fined or imprisoned as are other persons committing perjury.

§ 2756. Driving Vehicle While License Is Suspended Or Revoked; Penalty.

(a) Any person whose driver's license or driving privileges have been suspended or revoked and who drives any motor vehicle upon the highways of this State during the period of suspension or revocation shall for the first offense be fined not less than \$100 nor more than \$500 and be imprisoned not less than 30 days nor more than six months. For each subsequent like offense, he shall be fined not less than \$500 nor more than \$1,000 and in addition be imprisoned not less than 60 days nor more than one year. However, for a first offense under this section, if the suspension or revocation resulted from a violation of §4177 of this Title or a local ordinance substantially conforming thereto, the minimum fine shall be \$200.

(b) The minimum fine for a first or subsequent offense shall not be subject to suspension. The period of imprisonment for a subsequent offense shall not be subject to suspension. In addition, for the first or subsequent offense under this section, if the suspension or revocation resulted from a violation of a criminal statute dealing with injury or death caused to another person by the person's driving or operation of the vehicle and driving under the influence was an element of such offense, the minimum fine shall be \$500 and the minimum period of imprisonment shall not be subject to suspension.

(c)(1) With respect to any vehicle used in connection with a violation of this section, while the permit or license of the operator was revoked for violation of §2742 or §4177 or pursuant to §2732 of this Title, the Court, at the time of sentencing the operator for violating this section may, upon motion by the State, order the said vehicle to be impounded for at least ninety days for the first violation of this section, and for at least one year for a subsequent violation, provided that a public or private secure storage area may be obtained by the arresting police agency for said vehicle. The court shall permit any party with a legal or equitable interest in the vehicle an opportunity to show cause why the impoundment of such vehicle should cease. Prior to release of said vehicle, the person to whom the vehicle is released

shall pay all reasonable towing and storage fees connected therewith. The State and the arresting police agency shall not be liable for any expenses incurred in connection with the towing and storage of said vehicle.

(c)(2) In lieu of impoundment, the number plate or registration plate, of any vehicle used in connection with a violation of this section, while the permit or license of the operator was revoked for violation of §4177 or §2742, or pursuant to §2732 of this Title, shall be surrendered to the Department for at least ninety (90) days for the first violation of this section, and for at least one (1) year for a subsequent violation. The court shall permit any party with a legal or equitable interest in the vehicle an opportunity to show cause why the surrender of said plate should cease.

90

§ 2757. Penalties.

(a) Whoever violates this chapter shall for the first offense be fined less than \$10 nor more than \$100 or imprisoned not less than 5 nor more than 30 days or both. For each subsequent like offense, he shall be fined not less than \$25 nor more than \$200 or imprisoned not less than 10 nor more than 60 days or both.

(b) This section shall not apply to violations for which a specific punishment is set forth elsewhere in this chapter.

§ 2758. Driving During Period of Denial; Penalties.

(a) Any person not licensed to drive a motor vehicle who is arrested and convicted of an offense for which the penalty is mandatory suspension or revocation of driver's license or driving privileges shall be ineligible for licensing for a time equivalent to the time his license would have been suspended or revoked if he had been licensed.

(b) Any person not licensed as a driver who is convicted of driving a motor vehicle during a license denial period shall be punished as provided in § 2756 of this title.

§ 2759. Liability for Towing Expenses

Whenever a motor vehicle is towed in connection with the enforcement of §4177 or a criminal offense for which violation of §4177 is an element, the person to whom the vehicle is released shall be liable for the towing and storage costs, except that the police agency ordering such towing shall be liable for such costs if the driver was not actually arrested for driving in violation of §4177 or another criminal offense as a result of that incident and no other existing situation reasonably necessitated such towing.

91 A

§ 4177. Operation of Vehicle While Under the Influence of Intoxicating Beverage or Drugs; Penalties.

(a) No person shall drive, operate or have in actual physical control a vehicle, an off highway vehicle, a moped or a bicycle while under the influence of alcohol or of any drug or any combination of drugs and/or alcohol.

(b) Any person charged under subsection (a) of this section whose blood alcohol concentration is one tenth of 1% or more by weight as shown by a chemical analysis of a blood, breath or urine sample taken within four hours of the alleged offense shall be guilty of violating subsection (a) of this section. This provision shall not preclude a conviction based on other admissible evidence.

(c) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

(1) For the first offense, be fined not less than \$200 nor more than \$1,000 or imprisoned not less than 60 days nor more than six months or both, and shall be required to complete a course of

STATE OF MICHIGAN



JAMES J. BLANCHARD, GOVERNOR
DEPARTMENT OF STATE POLICE
COL. GERALD L. UGH, DIRECTOR

OFFICE OF HIGHWAY SAFETY
PLANNING
LOWER LEVEL
111 S. CAPITOL AVENUE
LANSING, MICHIGAN 48222
PHONE 312-329-1111

November 12, 1986

Mr. Ray Lewis, Research Consultant
Minnesota Criminal Justice System
DWI Task Force
University of Minnesota
190 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455

Dear Mr. Lewis:

I have been asked to respond to your survey on vehicle/
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I have enclosed copies of these sections of our Vehicle Code
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This office coordinated the efforts of the Michigan
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Sincerely

A handwritten signature in cursive script, appearing to read "Gary R. Holben".

GARY R. HOLBEN, Chief
Special Programs Unit

GRH:nmb

Enclosure

CHAPTER VIII.

PENALTIES

257.901 Misdemeanor, penalty. [MSA 9.2601]

Sec. 901. (1) It is a misdemeanor for a person to violate this act, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Unless another penalty is provided in this act or by the laws of this state, a person convicted of a misdemeanor for the violation of this act shall be punished by a fine of not more than \$100.00, or by imprisonment for not more than 90 days, or both.

Am. 1978, Act 510.

257.901a No license in possession, when fine waived. [MSA 9.2601(1)]

Sec. 901. If a person has received a citation for a violation of section 311, the court shall waive any fine and costs, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator's or chauffeur's license and that the license was valid on the date the violation of section 311 occurred.

Add. 1982, Act 433.

257.902 Felony, penalty. [MSA 9.2602]

Sec. 902. Any person who is convicted of a violation of any of the provisions of this act declared to constitute a felony, unless a different penalty is expressly provided herein, shall be punished by imprisonment for not less than 1 year nor more than 5 years, or by a fine of not less than \$500.00 nor more than \$5,000.00, or by both such fine and imprisonment.

257.903 False certification is perjury. [MSA 9.2603]

Sec. 903. A person who makes a false certification to a matter or thing required by the terms of this act to be certified, is guilty of perjury.

Am. 1980, Act 398.

257.904 Suspended, revoked or denied license or registration, penalty for operation of vehicle. [MSA 9.2604]

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for license has been denied, as provided in this act, or who has never applied for a license, and who operates a motor vehicle upon the highways of this state or who knowingly permits a motor vehicle owned by the person to be operated by another upon a highway, except as permitted under this act, while the license or registration certificate is suspended or revoked, or whose application for license has been denied, as provided in this act, is guilty of a misdemeanor, punishable, except as provided in subsections (2) and (3), by imprisonment for not less than 3 days nor more than

90 days, or a fine of not more than \$100.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

(2) A person whose operator's or chauffeur's license has been suspended under section 321a because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to section 907 and who operates a motor vehicle upon a highway, may be punished by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(3) A person convicted of a second or subsequent violation of this section is guilty of a misdemeanor, punishable by imprisonment for not less than 5 days nor more than 1 year, or a fine of not more than \$500.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

(4) The secretary of state, upon receiving a record of the conviction or probate court finding of a person upon a charge of unlawful operation of a motor vehicle while the license of the person is suspended, revoked, or denied, or of the conviction, civil infraction determination, or probate court finding of a person for a violation of the motor vehicle laws of this state while the license of the person is suspended, revoked, or denied, immediately shall extend the period of the first suspension or revocation for an additional like period, or if a period has not been determined, then for not less than 30 days nor more than 1 year.

(5) The secretary of state, upon receiving a record of the conviction or a civil infraction determination of a person upon a charge of unlawful operation of a motor vehicle requiring a class 1, class 2, or class 3 indorsement while the indorsement is suspended pursuant to section 319a, immediately shall extend the period of suspension for an additional like period.

(6) Before the plea of the person is accepted under this section, the arresting officer shall check with the secretary of state to determine the record and status of the person according to the records of the secretary of state and so inform the court.

(7) This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential.

Am. 1982, Act 310.

257.904a Motor vehicles; operation by unlicensed person; penalty; second offense. [MSA 9.2604(1)]

Sec. 904a. Any person, not exempt from license under this act, who shall operate a motor vehicle upon the highways of this state and who is unable to show that he has been issued a license to operate a motor vehicle by any state or foreign country valid within the 3 years preceding is guilty of a misdemeanor, and upon conviction shall be punished by

other than for the purposes and under the conditions prescribed in the permit shall, upon conviction therefor, be imprisoned for ten (10) days."

Amendments. The 1985 amendment, by Act No. 1064, in the first sentence of the first paragraph substituted "of" for "from" preceding "the person arrested"; in the first sentence of the second paragraph substituted "not less than ninety (90) days nor more than one hundred twenty (120) days" for "at least ninety days (90)", substituted "not less than one (1) year nor more than sixteen (16) months" for "at least one year," substituted "a second offense within three (3) years" for "the second offense within three years", substituted "not less than two (2) years nor more than thirty (30) months" for "at least two years", substituted "within three (3) years" for "within three years," and substituted "within a three (3) year period" for "within a three year period," at the end of the second sentence of the second paragraph substituted "for a period of three (3) years" for "until and unless a three year period has transpired during which the person has not been cited for any moving traffic offense or violation"; and added the third paragraph.

Emergency. Section 3 of Acts 1985,

75-2512. Operation of motor vehicle during period of suspension or revocation of license.

Any person whose privilege to operate a motor vehicle has been suspended or revoked under the provisions of this Act (§§ 75-1031.1, 75-1045, 75-2501 — 75-2514), who shall, during the period of such suspension or revocation, operate a motor vehicle in this State, shall be imprisoned for ten (10) days. [Acts 1983, No. 549, § 14, p. 1153.]

NOTES TO DECISIONS

Suspension of Sentence.

The sentencing provisions of the Omnibus DWI Act of 1983 (§§ 75-2501 — 75-2514) are mandatory; where impris-

onment is required, such a sentence cannot be reduced or suspended by the judge. *Lovell v. State*, — Ark. —, 681 S.W.2d 395 (1984).

No. 113, read: "It is hereby found and determined by the General Assembly that Section 13 of Act 549 of 1983 prescribed only minimum periods of suspension of motor vehicle operator licenses upon first and subsequent offenses of driving while intoxicated and contain no maximum periods of suspension; that as a result of one or more lower court decisions in the State, serious concern has arisen concerning the constitutionality of the Legislature prescribing only minimum periods of suspension and prescribing no maximum periods; that this Act is designed to prescribe minimum and maximum periods of motor vehicle operator license suspension for violations of Act 549 of 1983 and should be given effect immediately in order to remove constitutional doubt concerning the license suspension provisions of that Act. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Approved February 14, 1985.

Cited: *Lovell v. State*, — Ark. —, 681 S.W.2d 395 (1984); *Rawlings v. State*, — Ark. —, 683 S.W.2d 223 (1985).

75-2513. Impoundment of license plate — Temporary substitute license plate.

When any law enforcement officer arrests a person for operating a motor vehicle while such person's operator license or permit has been suspended or revoked under the laws of any state due to such person having previously been found guilty or having pled guilty or nolo contendere to violating Section 3 (§ 75-2503) of this Act, and if the motor vehicle operated by the person is owned in whole or part by the person, the motor vehicle license plate shall be impounded by the law enforcement officer for no less than ninety (90) days. If the court determines it is in the best interest of dependents of the offender, the court shall instruct the Revenue Commissioner to issue a temporary substitute license plate to such vehicle and such license plate shall indicate that the original plate has been impounded. [Acts 1983, No. 549, § 15, p. 1153.]

75-2514. Highway safety program advisory council — Members — Terms — Duties.

There is hereby created the Highway Safety Program Advisory Council to be composed of 16 members as follows: one (1) shall be the Director of the Office of Alcohol and Drug Abuse Prevention, one (1) shall be the Director of the Highway Safety Program, one (1) shall be the Chief Administrative Officer of the Office of Driver Services, one (1) shall be the Chief Administrative Officer of the Blood Alcohol Program of the Department of Health, one (1) shall be appointed by the Governor to represent the Arkansas State Police, one (1) shall be appointed by the Governor to represent local law enforcement agencies, one (1) shall be appointed by the Governor to represent the Judiciary, one (1) shall be appointed by the Governor to represent the field of alcoholic rehabilitation, and eight (8) shall be lay citizens appointed by the Governor. The members first appointed by the Governor shall serve the following terms: four (4) shall serve four (4) year terms, four (4) shall serve three (3) year terms, and four (4) shall serve two (2) year terms. Subsequent members shall be appointed to four (4) year terms. The members of the Highway Safety Program Advisory Council shall serve without compensation. The Council shall act in an advisory capacity to the Highway Safety Program and shall:

- (a) Monitor the effectiveness of DWI legislation;
- (b) Encourage public awareness programs to heighten the public perception of the dangers of drunken driving;
- (c) Encourage and initiate the involvement of volunteer community groups in addressing the DWI problem;

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Source: S.L. 1955, ch. 251, § 36; R.C. 1943,
1957 Supp., § 39-0637; S.L. 1967, ch. 292, § 14;
1975, ch. 341, § 2; 1981, ch. 385, § 4.

to the person by regular mail.

Source:
1957 Supp.,
1975, ch. 34
415, § 11: 19

39-06-40.1. Reproducing operator's or driver's license or permit — Penalty.

1. It shall be unlawful for any person to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's or driver's license or permit or facsimile thereof, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's or driver's license or permit or facsimile thereof, in such a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in his possession any such print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of the North Dakota law.
2. It shall also be unlawful for any person to alter in any manner any operator's or driver's license or permit, or to display or have in his possession any altered operator's or driver's license or permit.
3. Every person violating the provisions of this section shall be guilty of a class B misdemeanor.
4. The commissioner upon receiving a record of the conviction or other satisfactory evidence of the violation of this section shall revoke forthwith the operator's or driver's license or driving privileges of such person. The period of revocation shall be determined at the discretion of the commissioner.

Source: S.L. 1969, ch. 340, § 9; 1971, ch.
370, § 1; 1975, ch. 106, § 431; 1979, ch. 405, § 7;
1981, ch. 384, § 6.

39-06-42. Penalty for driving while license suspended or revoked — Impoundment of vehicle number plates — Authority of cities.

1. Except as provided in chapters 39-16 and 39-16.1 and section 39-06.1-11, any person who drives a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while that person's license or privilege so to do is suspended or revoked is guilty of a class B misdemeanor.

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any license or permit in the order of the commissioner to secure a suspension. A suspension shall be deemed to have been made if the address of record is not delivered under the provisions of this act after the order

permit — Penalty. If a license or permit is photostated, duplicated, altered, or otherwise used in a manner that it is not a valid informing photograph, photo-copy, or otherwise used by the provisions of this act

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39-06.1-11, any license or permit issued in this state while the holder is guilty

2. If the suspension or revocation was imposed for violation of section 39-05-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and such fine as the court deems proper. The sentence and the imposition of sentence may not be suspended under chapter 12-53. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation. When a period of suspension has been extended under subsection 5 of section 39-06-17, the court may order the number plates to be impounded in accordance with this subsection. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the registrar of motor vehicles.
- * 4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor vehicle number plates in the manner provided in subsection 3.

Source: S.L. 1955, ch. 251, § 41; R.C. 1943, 1957 Supp., § 39-0642; S.L. 1975, ch. 106, § 432; 1975, ch. 344, § 1; 1977, ch. 350, § 1; 1978, ch. 415, § 11; 1985, ch. 429, § 4.

Actual Knowledge that License Revoked.

Defendant's claim that he did not receive notices of an opportunity for a hearing and the orders for suspension of his driver's license provided no defense to a charge of driving while his license was revoked where at the time of arrest on the charge he had actual knowledge that his driver's license was revoked. *State v. Moore* (1983) 341 NW 2d 373.

Collateral Attack on License Suspension.

At trial on charge of driving while driver's license suspended, defendant could not collaterally attack the validity of the suspension of his license where he had been notified of his right to a hearing on the suspension, he failed to make a written request for a hearing, he was notified that his license was suspended, and he surrendered his license to the proper authorities without contesting the validity of the suspension. *State v. Merdhoff* (1982) 318 NW 2d 314.

Expired Temporary License.

Defendant was properly convicted for driving while his license was suspended where he was arrested for driving with an expired temporary driver's license which had been issued to him, along with a hard copy of a citation for driving under influence, after he had been arrested for driving under influence and his regular license confiscated by arresting officer pursuant to section 39-20-03.1; due process requirement of notice and opportunity for a hearing before state may suspend a driver's license was not violated because, under circumstances, defendant had actual knowledge that he was driving while his license was suspended and he was given notice of an opportunity for a hearing by his possession of hard copy of driving under influence citation which contained such notice. *State v. Ogrigewitch* (1981) 356 NW 2d 105.

Strict Liability.

As a matter of law, the defense of excuse based upon mistake of law, section 121-05-02, is not applicable to prosecutions for driving while license is suspended, a strict liability offense for which proof of culpability is not required. *State v. Fridley* (1983) 337 NW 2d 785.

39-06-43. Extension of license suspension or revocation. The commissioner upon receiving a record of the conviction of any person upon a charge of driving a vehicle while the license or driving privileges of the person was suspended shall extend the period of that suspension for an additional like period and if the original suspension was for an indefinite or unstated period of time, the additional suspension shall be for a period of six months on and after the date the person would otherwise have been entitled to the return of license or privileges. If, however, the original suspension of driving privileges resulted solely from failure to appear in court or to post and forfeit bond on noncriminal traffic violations, there shall be no additional period of suspension. If the conviction was upon a charge of driving

39-07-13. Wrecker and towing services to report. The person in charge or the operator of any commercial towing or wrecker service which causes any motor vehicle to be transported to a private residence or business other than a garage or repair shop which shows evidence of having been involved in a reportable accident as provided in section 39-08-09 or of being struck by any bullet, shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is transported. The report must give the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, along with the location such vehicle was transported to, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway patrolman, bearing information to show that the accident in which the vehicle was involved has been investigated. If the vehicle does bear such a sticker the towing or wrecker service need not make the report this section requires.

Source: S.L. 1983, ch. 433, § 1.

CHAPTER 39-08

REGULATIONS GOVERNING OPERATORS

- Section
 39-0S-01. Persons under the influence of intoxicating liquor or controlled substances not to operate vehicle — Penalty.
 39-0S-01.1. Prior offenses.
 39-0S-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol.
 39-0S-03.1. Exhibition driving and drag racing — Definitions — Penalty.
 39-0S-04.1. Emergency care at scene of accident — Liability.
 39-0S-09. Immediate notice of accident.
 39-0S-11. When driver unable to report.
 39-0S-13. Accident report forms.
 39-0S-17. Repealed.
 39-0S-18. Open bottle law — Penalty.
 39-0S-20. Driving without liability insurance prohibited — Penalty.

39-08-01. Persons under the influence of intoxicating liquor or controlled substances not to operate vehicle — Penalty.

1. A person may not drive any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is a habitual user of narcotic drugs or is under the influence of a narcotic drug.
 - d. That person is under the influence of any controlled substance to a degree which renders that person incapable of safely driving.
 - e. That person is under the influence of a combination of intoxicating liquor and a controlled substance to a degree which renders that person incapable of safely driving.
2. A person may not be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:

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shall impound for D.A.R.
May impound for offense when license is suspended or revoked § 4507.38

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shall impound for operating w/o proof of financial responsibility

may modify its original sentence of a fine to an alternative sentence to which the defendant could have originally been sentenced, without violating the equal protection clause: State v. Harris, 2 OApp3d 48, 2 OBR 54, 440 NE2d 572.

2. (1983) Revised Code § 4507.34 is not void for vagueness because it does not forbid conduct, but merely gives the trial court discretion to suspend the license of a defendant who violates a statute or ordinance relating to reckless operation: Columbus v. Tyson, 19 OApp3d 224, 19 OBR 374, 484 NE2d 155.

3. (1983) Where defendant is convicted under Columbus City Ordinance 2113.01, and is charged with but found not guilty of a violation of RC § 2903.07, it is not a violation of defendant's due process rights for the trial court to invoke, without notice, RC § 4507.34 to suspend defendant's driver's license, since RC § 4507.34 does not charge an offense but merely sets forth a possible penalty. Furthermore, the application of RC § 4507.34 does not violate the constitutional provisions prohibiting double jeopardy, because the legislature has authorized the imposition of multiple punishments in this case: Columbus v. Tyson, 19 OApp3d 224, 19 OBR 374, 484 NE2d 155.

4. (1983) Use of the phrase "relating to reckless operation" in RC § 4507.34 demonstrates the General Assembly's intent to give the trial court authority to invoke RC § 4507.34 when a defendant is guilty of something less than "recklessness," as defined in RC § 2901.22, and when a defendant has been found guilty of violating laws and ordinances other than RC § 4511.20 (reckless operation). So interpreted, a conviction for violating Columbus City Ordinance 2113.01 by operating a motor vehicle through a red light is a conviction for an offense "relating to reckless operation." Columbus v. Tyson, 19 OApp3d 224, 19 OBR 374, 484 NE2d 155.

§ 4507.35 Display of license.

CASE NOTES AND OAG

1. (1984) Failure to display an operator's license when that license is not on or about the person or, a fortiori does not exist, is not a criminal violation of RC § 4507.35, but rather prima-facie evidence of not having a license: State v. Green, 13 OMB2d 14, 13 OBR 301, 462 NE2d 466 (CoC).

§ 4507.36 Prohibition against false statements.

Cross-References to Related Sections
Additional court cost imposed, RC § 2743.70.

§ 4507.38 [Restriction against driving when license suspended; impoundment of registration and license plates.]

(A) No person whose operator's or chauffeur's license or permit or nonresident operating privilege has been suspended or revoked under sections 4507.01 to 4507.40 of the Revised Code or under applicable law in any other jurisdiction where the license or permit was issued, shall operate any motor vehicle upon the highways or streets in this state

while such license, permit, or privilege is suspended or revoked. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this state except in accordance with the terms of the privileges.

(B) It is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.

(C) In the event such person is convicted of a violation of this section, the trial judge of any court shall, in addition to, or independent of any other penalties provided by law or ordinance, impound the certificate of registration and identification license plates of any motor vehicle registered in the name of such person.

(D) The court shall send the impounded certificate of registration and license plates to the registrar of motor vehicles who shall retain the certificate of registration and license plates until such time as the operator's or chauffeur's license of the owner has been reinstated.

(E) Whenever such certificate of registration and license plates have been impounded in accordance with the provisions of this section, the court shall notify the registrar of motor vehicles of such action. Such notice shall contain the name and address of the driver, the serial number of his operator's or chauffeur's license, the serial numbers of the certificate of registration and license plates of the motor vehicle, and the length of time for which the certificate of registration and license plates have been impounded. The registrar shall record such data in such manner that it shall become a part of the driver's permanent record.

(F) Any such motor vehicle owner may apply to the registrar of motor vehicles, or to a deputy registrar, for special license plates which shall conform to the requirements of section 4503.231 [4503.23.1] of the Revised Code. The registrar, or deputy registrar, shall forthwith notify the court of such application, and upon approval of the court, shall issue special plates to the applicant.

Until such time as the operator's or chauffeur's license of the owner is reinstated, any new license plates issued to him shall also conform to such requirements.

(G) A fee of two dollars [and] fifty cents shall be charged for every set of special license plates which are [is] issued in accordance with this section, except upon renewal as specified in section 4503.10 of the Revised Code, when the regular fee as provided in section 4503.04 of the Revised Code shall be charged. Whenever a set of special license plates is exchanged, by reason of the reinstatement of the operator's or chauffeur's license of the owner, for those ordinarily issued, no fee shall be charged.

(H) If an owner wishes to sell a motor vehicle during the time the special license plates provided under this section are in use, he may apply to the court which impounded such plates and registration certificate for permission to transfer title to the motor vehicle. If the court is satisfied that such sale will be made in good faith and not for the purpose of circumventing the provisions of this section, it may certify its consent to the owner and to the registrar of motor vehicles who shall enter notice of such transfer in the owner's driving record.

(I) If, during the time the special license plates provided under this section are in use, the title to a motor vehicle is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or by order of a court, the court shall notify the registrar of motor vehicles of such action and the registrar shall enter notice of such transfer in the owner's driving record.

(J) Nothing contained in this section is intended to change or modify any provision of Chapter 4503, of the Revised Code with respect to the taxation of motor vehicles or the time within which the taxes thereon shall be paid.

*HISTORY: 139 v S 432, EH 3-16-83.

Cross-References to Related Sections

- Penalty, RC § 4507.99.
Additional court cost imposed, RC § 2743.70.
Aggravated vehicular homicide, RC § 2903.08.
Six points assessed for violation, RC § 4507.40.
Vehicular homicide, RC § 2903.07.

Law Review

- Driving under the influence of alcohol in Ohio after Senate Bill 432—the prosecutor's viewpoint. Ronald J. O'Brien. 15 ToledoLRev 171 (1983).
Ohio's new drunk driving law: a halfhearted experiment in deterrence. L. R. Katz & R. D. Sweeney, Jr. 34 CaseWResLRev 239 (1983-4).

CASE NOTES AND OAG

- 1. (1982) In a prosecution under RC § 4509.76, once the state meets its burden to present a prima facie case that the defendant drove under suspension, then the defendant may proffer evidence to rebut the presumption of compliance by the Bureau of Motor Vehicles with the statutorily devised notice provisions: State v. Morrison, 2 OApp3d 364, 2 OBR 421, 442 NE2d 114.
2. (1983) A defendant cannot be found guilty of a violation of RC § 4507.02, driving without a license, if he in fact has a license, although it is under suspension by the Bureau of Motor Vehicles: Cincinnati v. Tribble, 7 OMisc2d 46, 7 OBR 310, 455 NE2d 27 (MC).
3. (1984) A safety search conducted by a state highway patrolman pursuant to RC § 4513.02 in a non-random fashion so that motor vehicles are not being stopped pursuant to unbridled acts of whim, but as part of a calculated pattern of inspecting motor vehicles at a designated checkpoint, does not violate the Fourth Amendment prohibition against unreasonable searches and seizures. Hence, pursuant to RC § 4513.02, evidence obtained in a safety search made from a designated checkpoint indicating that the

driver of the stopped vehicle was driving under a suspension in violation of RC § 4507.38 is not obtained in violation of the Fourth Amendment and is thus admissible: State v. Goines, 16 OApp3d 168, 16 OBR 178, 474 NE2d 1219.

§ 4507.39 Operating vehicle with license suspended prohibited.

(A) No nonresident or other person whose operator's or chauffeur's license or permit or nonresident operating privilege has been suspended or revoked shall operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this state during a period of such suspension, or within one year after the date of such revocation.

(B) It is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.

*HISTORY: 139 v S 432, EH 3-16-83.

Cross-References to Related Sections

- Penalty, RC § 4507.99.
Additional court cost imposed, RC § 2743.70.
Vehicular homicide, RC § 2903.07.

Law Review

- Driving under the influence of alcohol in Ohio after Senate Bill 432—the prosecutor's viewpoint. Ronald J. O'Brien. 15 ToledoLRev 171 (1983).

§ 4507.40 Point system for motor vehicle violations; repeat traffic offender; habitual traffic offender.

(A) Every county court judge, mayor, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of sections 4511.01 to 4511.771 [4511.77.1], 4511.99, and 4513.01 to 4513.36 of the Revised Code, or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets.

(B) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any of such sections or other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets, the county court judge, mayor, or clerk shall prepare and immediately forward to the bureau of motor vehicles an abstract of the court record covering the case in which the person was convicted or forfeited bail, which abstract shall be certified by the person required to prepare the same to be true and correct.

(C) The abstract shall be made upon a form approved and furnished by the bureau and shall include the name and address of the party charged.

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held, and the suspension provided in divisions (A) and (C) of this section shall not be imposed. The court shall inform the registrar of motor vehicles in writing of the action taken.

HISTORY: 134 v H 453. Eff 9-25-72.

Penalty, RC § 4507.99(B).

Research Aids

Violation of driver's license to violate liquor laws:

O-Jur3d: Auto § 87

Am-Jur2d: Auto §§ 122—132

[§ 4507.16.4] § 4507.164 Impoundment of registration and license plates upon suspension or revocation of license.

When the license of any person is suspended or revoked, the trial judge may impound the certificate of registration and identification license plates of any motor vehicle registered in the name of such person. When such certificate of registration and license plates have been impounded, divisions (C) to (F) of section 4507.38 of the Revised Code are applicable.

HISTORY: 132 v H 516 (Eff 12-14-67); 135 v S 313. Eff 7-26-74.

Penalty, RC § 4507.99(B).

Research Aids

Impoundment of registration and license plates:

O-Jur3d: Auto § 86

Am-Jur2d: Auto § 90

[§ 4507.16.5] § 4507.165 [Suspension for passing stopped school bus.]

The trial judge of any court of record or mayor's court may, in addition to all other penalties provided by law, suspend for not more than one year the license of any person who is convicted of or pleads guilty to a violation of division (A) of section 4511.75 of the Revised Code.

When an operator's or chauffeur's license has been suspended under this section, the trial court shall cause the offender to deliver the license to the court, and the court or clerk of the court shall forthwith forward the license to the registrar of motor vehicles, together with notice of the action of the court.

HISTORY: 137 v S 359. Eff 3-15-79.

Cross-References to Related Sections

Penalty, RC § 4507.99(B).

See RC § 4511.75.1 which refers to this section.

Research Aids

Conviction of crime:

O-Jur3d: Auto § 86

Am-Jur2d: Auto §§ 133—136

[§ 4507.16.6] § 4507.166 [Suspension for causing death while fleeing officer.]

The trial judge of any court of record shall, in ad-

dition to or independent of all other penalties provided by law, suspend the driver's or chauffeur's license of any person who is convicted or pleads guilty to causing the death of another, as the proximate result of operating a motor vehicle, while eluding or fleeing a police officer.

After the operator's or chauffeur's license has been suspended, the trial court shall cause the offender to deliver to the court such license, and the court or clerk of such court shall forthwith forward to the registrar such license together with notice of the action of the court.

Such suspension shall be for a period of ten years and the registrar shall not issue to the offender another operator's or chauffeur's license during the effective dates of such revocation.

The trial judge of any court of record shall suspend the driver's or chauffeur's license of any person who is convicted or pleads guilty under this section a second time, for the life of the offender.

HISTORY: 135 v H 116. Eff 6-22-79.

Penalty, RC § 4507.99(B).

Research Aids

Conviction of crime:

O-Jur3d: Auto § 86

Am-Jur2d: Auto §§ 133—136

§ 4507.17 Effect of revocation of license. (GC § 6296-21)

Any person whose license is suspended or revoked under sections 4507.01 to 4507.39, inclusive, of the Revised Code, is not entitled to apply for or receive a new license during the effective dates of such suspension or revocation.

HISTORY: GC § 6296-21; 116 v Phil 33, § 23; Bureau of Code Revision, 10-1-53; 125 v 367. Eff 10-15-53.

See former GC § 12607-1.

Penalty, RC § 4507.99(B).

Research Aids

Suspension or revocation of license:

O-Jur3d: Auto § 85

Am-Jur2d: Auto § 145

§ 4507.18 Disposition of license while appeal proceedings are pending. (GC § 6296-18)

Any person whose operator's or chauffeur's license has been suspended or revoked under section 4507.16 of the Revised Code, who desires to retain such license during the pendency of an appeal, shall at the time sentence is pronounced notify the trial court of his intention to appeal; whereupon the court, or clerk of such court, shall retain such license until such appeal is perfected, and, if execution of sentence is stayed, such license shall be returned to the accused to be held by him during the pendency of such appeal. If such appeal is not perfected or is dismissed or terminated in an affirmation of the conviction, then such license shall be taken up by the

119.01 to 119.13 of the Revised Code, except as otherwise provided under section 4509.101 [4509.10.1] of the Revised Code.

*HISTORY: 139 v. S 259, EH 1-1-34.

The effective date of SB 250 is set by section 3 of the act.

§ 4509.06 Accident reports.

Cross-References to Related Sections

Increase minimum amount of damage required to bring accident under financial responsibility, RC § 4509.101.

[§ 4509.10.1] § 4509.101 [Operation of motor vehicle without maintaining proof of financial responsibility prohibited.]

(A)(1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to his operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be subject to the following civil penalties:

(a) Suspension of the person's operating privileges and impoundment of the person's license until the person complies with division (A)(5) of this section, which suspension shall be for a period of not less than ninety days and shall not be subject to revocation, suspension, or occupational or other limited operating privileges;

(b) In addition to the suspension of an owner's license under division (A)(2)(a) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and registration plates until the owner complies with division (A)(5) of this section.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence at the time of the traffic offense or accident of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle whenever the person, or a third person operating the person's motor vehicle with the person's permission, is required to appear in court on the charge of a traffic offense specified in Traffic Rule 13(B) or the person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(4) An order of suspension and impoundment of a license or registration, or both, shall state the

date on or before which the person is required to surrender the person's license or certificate of registration and registration plates. The person is deemed to have surrendered the license or certificate of registration and registration plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and registration plates, or causes the delivery of such items, to the registrar of motor vehicles or court, whichever issued the order;

(b) Mails the license or certificate of registration and registration plates to the registrar or court, whichever issued the order, in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) The registrar shall not restore any operating privileges or registration rights suspended under this section or return any license, certificate of registration, or registration plates impounded under this section unless such rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of such operating privileges or registration rights, complies with all of the following:

(a) Pays a reinstatement fee of thirty dollars. The reinstatement fee may be increased, upon approval of the controlling board, up to an amount not exceeding fifty dollars.

(b) If the person has not voluntarily surrendered the license, certificate, or plates in compliance with the order, pays a nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code.

(B)(1) Any defendant, who is charged with a traffic offense specified in Traffic Rule 13(B) that requires an appearance in court, shall be required to verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense in accordance with this section. If the defendant pleads guilty or is found guilty, the court shall, as part of the sentencing procedures, require the defendant to prove that the operation of the motor vehicle was covered by proof of financial responsibility. The court may order the defendant to identify the owner of the motor vehicle, and, if the defendant owns the motor vehicle, to present its certificate of registration.

The court may cause notice to be given to defendants charged with such offenses at such time and in such manner as the court determines to be necessary or appropriate, and may allow a reasonable continuance to permit the defendant to obtain evidence of proof of financial responsibility. The court may permit a defendant to present evidence

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City of **ROCHESTER**
— *Minnesota 55901* —



FREDERICK S. SUHLER

City Attorney

Room 1, City Hal

(507) 265-8066

September 24, 1982

David E. & Carol E. Nelson
1236 SE 10th Avenue
Rochester, MN 55901

Dear Mr. & Mrs. Nelson:

On September 23, 1982, your son, Scott Edward Nelson appeared in the Olmsted County District Court before the Honorable O. Russell Olson for sentencing for his conviction of "driving a motor vehicle under the influence of alcohol". Because of the conviction, the Judge imposed as part of the sentence a requirement that your son was not to drive any motor vehicle under any circumstances unless his drivers license had been restored to him by the Commissioner of Public Safety of the State of Minnesota.

It would appear, based on information obtained by the Court during the sentencing proceeding, that you or other members of your family own motor vehicles which your son may have access to in the future.

I have been specifically instructed by the Judge to write you this letter and put you on notice that your son under the terms of this sentence is not to drive any vehicle until the drivers license is restored. You should also be advised that if you or any other person who knows he has no license permits him to drive under those circumstances, that a person allowing him to do so may be prosecuted.

If you have any questions with regard to this matter, please feel free to give me a call.

Sincerely,

Frederick S. Suhler, Jr.
Rochester City Attorney

lks

cc: Judge Olson

City of **ROCHESTER**
— Minnesota 55901 —



FREDERICK S. SUHLER, JR.
City Attorney
Room 1, City Hall
(507) 285-8066

September 24, 1982

Cheryl Nelson
1236 SE 10th Avenue
Rochester, MN 55901

Dear Ms. Nelson:

On September 23, 1982, your brother, Scott Edward Nelson appeared in the Olmsted County District Court before the Honorable O. Russell Olson for sentencing for his conviction of "driving a motor vehicle under the influence of alcohol". Because of the conviction, the Judge imposed as part of the sentence a requirement that your brother was not to drive any motor vehicle under any circumstances unless his drivers license had been restored to him by the Commissioner of Public Safety of the State of Minnesota.

It would appear, based on information obtained by the Court during the sentencing proceeding, that you or other members of your family own motor vehicles which your brother may have access to in the future.

I have been specifically instructed by the Judge to write you this letter and put you on notice that your brother under the terms of this sentence is not to drive any vehicle until the drivers license is restored. You should also be advised that if you or any other person who knows he has no license permits him to drive under those circumstances, that a person allowing him to do so may be prosecuted.

If you have any questions with regard to this matter, please feel free to give me a call.

Sincerely,

Frederick S. Suhler, Jr.
Rochester City Attorney

lks

cc: Judge Olson

STATE OF MINNESOTA)
COUNTY OF OLMSTED) SS

LISA K. SINGLETON, being first duly sworn on oath, deposes and states that on the 24th day of September, 1982, she did deposit in the United States mails an envelope properly sealed and with first-class postage prepaid thereon, addressed to:

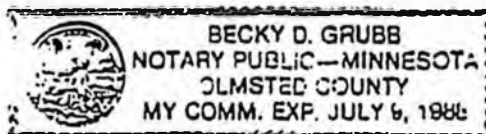
CHERYL NELSON
1236 SE 10TH AVENUE
ROCHESTER, MN 55901

the last known address of said addressee in which envelope she had first placed a true and correct copy of the GROSS DUI WARNING LETTER TO RELATIVES.

Lisa K. Singleton

Subscribed and sworn to before me, this
24th day of September, 1982.

Becky D. Grubb
Notary Public



RECOMMENDATION TO THE LEGISLATURE FOR LEGISLATIVE ACTION #23

The Minnesota Criminal Justice System DWI Task Force recommends that the Minnesota Legislature adopt a statute that requires that license plates be impounded from individuals whose drivers licenses are revoked a second time within five years or a third time within ten years for violation of Minnesota's DWI Laws.

This recommendation is based on the following reasons:

1. Approximately 25 percent of all alcohol-related traffic fatalities in Minnesota involve a driver who has a prior DWI-related driver's license revocation.
2. Repeat violators of the DWI law have a very high probability of being chemically dependent.
3. Revoking the driver's license of a chemically dependent person does not stop them from driving. They must be separated from their vehicle until they deal with their chemical dependency.
4. Impounding the license plates of repeat DWI violators can make it more difficult for them to continue to drive after their license is revoked.
5. The impoundment law, as drafted by the Minnesota Criminal Justice System DWI Task Force, allows for the issuance of special plates so that other members of the repeat violator's household can continue to drive as well as allowing the repeat violator himself to drive if he obtains a limited drivers license.
6. An impoundment law directed at repeat violators is consistent with the philosophy that the criminal justice system should focus on repeat violators because of the high probability of their being involved in an alcohol-related accident.

of such person for not exceeding one year. The court may also require the registration plates and registration certificates of any motor vehicles owned by the violator or registered in his name to be surrendered to the court.

Subd. 3. Except as otherwise provide in subdivision 3a, if a person is convicted of any offense which makes mandatory the revocation of the driver's license of such person, or is convicted of driving a motor vehicle without having a valid driver's license in force, the court may require the registration plates and registration certificates of any motor vehicle owned by such person or any motor vehicles registered in his name to be surrendered to the court.

Subd. 3a. If a person's driver's license or driving privileges are revoked pursuant to a third violation of sections 169.121 or 169.123 within ten years, the court shall require the registration plates and registration certificates of any motor vehicle involved in the violation and owned by or registered in the name of the violator, including vehicles registered jointly in the name of the violator and the violator's spouse, to be surrendered to the court. An impoundment order shall be issued under this subdivision when the person appears in court on any criminal charge or civil driver's license matter arising out of the incident resulting in the most recent license revocation. If no criminal charge or civil license matter is initiated in court, the attorney general may initiate a registration plate and certificate impoundment proceeding, requesting an impoundment order under this subdivision. This proceeding shall be brought in municipal or county court in the jurisdiction where the

special series number which may be readily identified by traffic law enforcement officers. The court may authorize the issuance of special plates if (1) a member of the person's, violator's, or owner's household has a valid driver's license, or (2) the person, violator, or owner has a limited license issued pursuant to section 171.30. If the court authorizes the issuance of special plates, it shall notify the registrar of motor vehicles and the registrar shall issue the special plates upon payment of a \$100 fee for each vehicle for which special plates are requested. Until the driver's license of such person, violator, or owner is reinstated or reissues, any new registration plates issued to him or to an owner whose plates have been ordered surrendered shall bear a special series number.

Subd. 7. If the owner wishes to sell a motor vehicle during the time its registration plates bear a special series number, he may apply to the court which ordered he surrender of such plates and certificate, for consent to transfer title to the motor vehicle. If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that the owner will thereby be deprived of the custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provision of this section, it may certify its consent to the registrar of motor vehicles. The registrar shall then transfer the registration certificate to the new owner upon proper application and shall issue new registration plates to the new owner. After the registration plates and certificate of registration have been surrendered to the court pursuant to this section, if the title to said motor vehicle is transferred by the

Little-used law to cost violators their license plates

By JIM SLONAN
Staff Writer

For many people, being forced by the courts to give up a driver's license is a fate worse than death — meaning that some drive anyway and take the risk of getting caught.

After Friday, however, those folks will find out that there is something worse than losing their driver's licenses — namely, losing their license plates and vehicle registration certificates, too.

Two local District Court Judges plan to just off a little-used law Friday that will leave motorists who are caught driving after revocation little choice but to put their cars up on blocks.

The law, which has been on the

books since 1955, requires that anyone convicted of driving with a suspended or revoked license surrender his car's license plates and vehicle registration to the courts.

Judge Clinton Wyant of Aitkin said this week that he and Judge John Spellacy of Grand Rapids plan to start enforcing the law Friday.

Why now?
"Frankly," Wyant said, "we always thought it (imposition of the penalty) was discretionary. We had it called to our attention recently that it's mandatory."

And, he added, "If it's the law, then we're going to enforce it."

Spellacy went a step further. Until a month ago, when the matter was brought to his attention

during a DWI Task Force meeting, he said, "I didn't even know the law existed."

The two judges picked Nov. 1 to begin enforcing the law because that is the traditional date for implementation of new laws.

And, Wyant added, "we've got to gear up for it."

Until 1961, enforcement of the law had been discretionary, meaning that judges were authorized to decide whether to impose the license plate-registration penalty. In 1961, however, an amendment was passed that made enforcement mandatory.

Judge Spellacy, citing one day on which every single case that came through his courtroom involved drunk driving, said the

law will give the courts one more tool in the battle to keep highways safe.

"We're running out of things to do," he said of the fight against drunk drivers. "We've got to get their attention."

"We're not stopping them by simply taking away their driver's license, and we're not stopping them by putting them in jail."

Imposing the law, he said, should "save a lot of lives."

"If we save 50 lives, isn't it worth it?" he asked. "We've got to get the drunks off the road."

The law will usually be invoked here upon conviction of aggravated DWI (driving while under the influence) — a gross misdemeanor involving a defendant who commits a DWI while

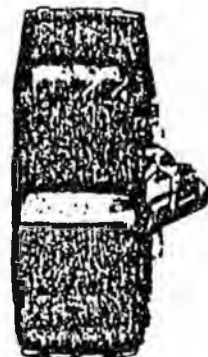
his or her license is under revocation for a previous DWI conviction or another, specific, alcohol-related reason.

Judge Spellacy said that, in Grand Rapids, the law will also be invoked whenever a person's driver's license is suspended or revoked, and upon conviction for such charges as fleeing a peace officer and DWI, subsequent conviction.

Here's the way the law will work:

— Upon conviction, the defendant will be required to surrender the license plates and certificate of the motor vehicle involved in the violation to the court.

PLATES
Continued on Page 2A



- The court will keep the plates and registration until the violator completes the court's sentence, takes the state-required tests and is issued a valid driver's license.

- The courts will also notify the registrar of motor vehicles of their action, and, except in one special category of cases, no new or duplicate plates or new registration will be issued to the violator until the courts return the old plates and registration.

The exception to that rule will occur when the courts allow violators to hold special permits which, for example, enable them to drive to and from work even though their licenses have been revoked. Violators holding these permits may apply to the registrar for new license plates. With the court's permission and payment of a \$5 fee, new plates may be issued.

Those plates, however, will bear a special series number which, in the words of the statute, "may be readily identified by law enforcement officers."

The law applies to the vehicle, not the person, involved in the violation - an important distinction. That means that, if you knowingly lend your car to someone whose license is under revocation, your license plates and registration could be impounded.

What happens if the car is leased or jointly owned? "That's a crack in the floor," Spellacy said, a hazy area in the statute.

Violators driving leased cars will not be compelled to turn in the plates on their own vehicles, he said. And in the case of joint ownership of a car, the non-violating owner may obtain special series "XW" plates so that he or she can continue to drive.

Vincent Courtney, Judge Wyant's law clerk, researched the law at Wyant's request, and noted that it is "not intended as punishment." Instead, the law was passed to keep people from driving after their licenses have been revoked and to keep the highways safe from those who have already shown they can be a risk.

"While enforcement of this statute could create some bureaucratic problems," Courtney concluded, "it should make those without valid driver's licenses think twice before driving their cars or someone else's."

Jack Wilds, motor vehicle administrator for the Minnesota Department of Public Safety, said that, with one exception - in Olmsted County in southern Minnesota - the law has not been used extensively.

The DPS, he said, has usually had no more than about 40 vehicles with impounded plates listed in its files at any one time.

"The courts ordered it (surrender of plates), but there was no follow-up procedure," he said.

The problem, he said, is getting the word out to Minnesota's deputy registrars that certain in-

dividuals cannot legally get duplicate plates.

"There are 180 deputy registrar offices in Minnesota," Wilds said. "There is nothing to prevent me from getting a duplicate plate and putting it on my car."

"We would have to have a mechanism to verify every (license plate) renewal and every transfer of a motor vehicle, and there is no such mechanism in place now."

Keeping track of violators - there could be as many as 10,000 annually - could be a "bureaucratic nightmare," Wilds said.

However, he said, the mere fact that such a law exists may, as Courtney put it, make some people think twice.

"I do see it as an intimidating factor," he said. "We know down here (at the Department of Public Safety) how important it is when a person loses their driver's license, and the same thing will be true of license plates."

Judge Spellacy agreed that there will be problems with the law, but claimed that the DPS is "over-worrying."

"I can only predict that we are going to have some troubles," he said. "and if we have some troubles, we go to the Legislature and get the statute refined."

One way to overcome the problem of notifying field registrars, he said, is to computerize the entire system. "That," he said, "shouldn't be that hard these days."

Spellacy also favored simplifying the system by simply destroying license plates when they are surrendered.

That way, he said, when a violator's driver's license is returned, he or she would simply be issued new license plates instead of being given the old ones.

Spellacy also favored upgrading the failure to surrender plates from a misdemeanor to a low-grade felony, with a maximum penalty of a year and a day in jail.

In Olmsted County, the law has been strictly enforced for some time, invoked 10 times a month, on the average, according to court officials in Rochester, the county seat.

Jill Johnson, a deputy District Court clerk there, said the court keeps an accurate list of those who turn in their plates. People who do not are ordered back into court for violating a part of their sentence.

Keeping track of violators can be a problem, she said. "We do have quite a volume. But we feel we're getting most of them."

Spellacy, rejecting a suggestion that the law should be redrafted to iron out some of the hazy areas, said he will go with the law as it's written and seek changes in it as needed.

"It (the law) isn't bug-free, but it's workable if we want to make it work," he said.

MEMO TO: Judge Spellacy
FROM: Diane Mangseth
DATE: January 15, 1986
RE: Impoundment of License Plates and Certificates of Title

- So far, we have opened 18 files for impoundments.

Judge Spooner: 9 cases - including 6 for D.A.R., 2 for D.A.S., and 1 for Aggravated D.W.I.

Judge Wyant: 1 case - Aggravated Violations.

Judge Spellacy: 8 cases - including 5 for D.W.I., gross misd. and 3 for Aggravated D.W.I.

Remarks:

Division II has 4 active bench warrants on misdemeanor Driving After Revocation for persons not turning in their plates. None of these defendants were placed on probation.

Division II judge waived turning in the plates on a D.A.R. conviction because the defendant lived in the Twin City area. He also was not placed on probation.

One misdemeanor case had already lost his plates when the officer, at the time of arrest, had a pick-up order from the State as the defendant was currently - revoked for No Insurance. Only the certificate of title was turned in to our office.

One gross misdemeanor case had a Florida registration. The wife was requesting an X/W plate. The defendant had to register in Minnesota before being considered for an X/W plate. This was done on 12-23-85. So far, we have a photo-copy of the Florida certificate of title, the new Minnesota plates, and are waiting for the Certificate of Title from the State.

An X/W plate was recommended in the name of the defendant. However, the defendant is not entitled to an X/W plate until a limited license has been issued. In many cases, the defendant is not entitled to a limited license.

On a D.A.R. conviction, we never received either the plates or certificate of title. The vehicle had been impounded for illegal use of plates. The defendant was in jail and we tried to obtain the title which he stated was in the glove compartment. We had made a call to the police department and never heard from them. A follow-up call was made, about a week later. The vehicle had been junked at the request of the defendant as the storage and impoundment fees were more than the vehicle was worth. The junk yard sent in the title to the State. We contacted the State to see if we should send in an impoundment report and we were told "no" because the vehicle was being junked.

Another misdemeanor case called our office today and stated that they had sold the vehicle to another person and that person junked the vehicle. He didn't have a bill of sale, a check, or any proof of the sale.

Another person had purchased an old vehicle from a friend and never received the title card. When he contacted the friend about the title card and turning it into the court, the friend stated that the certificate of title was lost. We only have the plates for this vehicle.

One party claimed the vehicle had been sold prior to the date of the plea and sentencing. The mother of the defendant testified that the vehicle was hers. We ran a 10-28 and it showed the vehicle registered to the defendant. We turned this over to the probation agent and also stated the possibility of perjury charges. The plates and registration were subsequently turned in.

#

Overall, I believe it is working better than we expected. The defendants are bringing in clean plates, as so instructed by the court.

The majority of our problems have been with the misdemeanor cases and those not placed on probation. Perhaps if the penalty is greater, there will be more incentive to turn in the plates.

I might add, a few have remarked of the difficulty they had in removing the plates—either they were rusted or frozen on.

MEMO TO: Judge Spellacy

FROM: Diane Mangseth

RE: Statistics on D.W.I. gross misdemeanors, Aggravated Violations, and Driving After Suspension and Driving After Revocation, from September 23, 1984 to present.

	<u>D.W.I., G.M.</u>	<u>Agg. Viol.</u>
Sept. 23, 1984 to Sept. 23, 1985	51	39
Sept. 24, 1985 to Sept. 24, 1986	35	31

(Between Sept. 24, 1985 to Nov. 1, 1985, we had (1) D.W.I. gross misd. and (6) Agg. Violations, which are included in the above totals.)

D.A.R AND D.A.S.

Sept. 23, 1984 to Sept. 23, 1985	142
Sept. 24, 1985 to Sept. 24, 1986	108

(During the period of Sept. 24, 1985 to Nov. 1, 1985, 16 cases were handled in Court and are reflected in the above totals.)

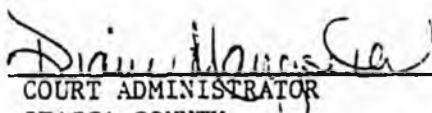
Dated: September 24, 1986

ADDENDUM:

Between Sept. 24 - Nov. 1, 1986 we had 4 gross misd. DWI's and 6 aggravated DWI's. We also had one Driving After Revocation.

Division II reports 11 additional D.A.R. and D.A.S. charges between 9-24-86 to 11-1-86.

Dated: November 18, 1986


DEPUTY
COURT ADMINISTRATOR
ITASCA COUNTY

TO: Judge Spellacy
 FROM: Diane Mangseth
 RE: Report on License Plate and Certificate of Title Impoundments
 DATE: September 23, 1986

Listed below is a month by month listing of impoundments in Itasca County for gross misdemeanors. Attached is a separate list from Division II on misdemeanor impoundments. Division II was unable to furnish a list of the plates that have been returned.

We are currently holding 68 plates and certificates of title for the two courts.

COURT DATE BY MONTH	NAME OF DEFENDANT	CURRENTLY HOLDING PLATES & TITLE		EXPLANATION FOR NOT HOLDING PLATES
		Yes	No	
Nov. 1985	T. Petz	x		6-24-86 returned. Valid D/L
	E. Ross	x		
	R. Olson		x	
	R. Sletten	x		
Dec. 1986	R. Schmidt	x		Valid D/L Plates ret'd 4-14-86
	D. Parantala	x		
	M. Payne		x	
	J. Woodford	x		
Jan. 1986	T. Neary		x	Plates returned. Veh. sold 7-9-86
	M. Beighley	x		Plates returned. Veh. sold 7-30-86
	D. Thompson		x	
	H. Peterson	x		Plates returned. Val. D/L 3-17-86
J. Gray		x		
Feb.	J. Tobias	x		Waived by Div. II Judge
	B. Lougee		x	
March	D. Dexter		x	Waived - veh. sold Waived - Viol. occurred 8-85
	W. Bertossi		x	
April	T. Nichols	x		Active warrant
	J. Ritter	x		
	D. Heikkila		x	
May	E. Nason		x	To St. Cloud Reformatory
	G. Huf	x		
	R. Salo	x		
	J. LeSarge	x		
	R. Olds	x		
	S. Brower		x	