

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 3 cont.

4

4

COURT DATE BY MONTH	NAME OF DEFENDANT	CURRENTLY HOLDING PLATES & TITLE		EXPLANATION FOR NOT HOLDING PLATES
		Yes	No	
June 1986	K. Feltus		x	Waived - Veh. sold
	J. Bunker	x		
	B. Thibodeau		x	Waived - Veh. sold
	B. Oban	x		
	R. Young	x		
	K. Isaacs		x	Plates were returned to vehicle owner - Villeneuve Plates confiscated by Sheriff - Illegal plates
	D. Garbow		x	
	N. Torbenson	x		
July	K. Holmied	x		
	C. Gagner		x	Waived - dealer plates
Aug.	D. Lokken	x		
	S. Herr	x		
	F. Bebeau	x		
	F. Graves		x	Serving 1 yr. in jail
	K. Talonen	x		
	E. Ridlon		x	Plates not pulled. Another owner of vehicle. No veh. owned by this def.
Sept.	K. Dowling	x		
	B. Karjala	x		
	R. Schmidt	x		
	D. Bruun		x	Mo. lic. plates - not pulled
	H. Preble		x	Until 9-29-86 to turn in
	D. Lindahl		x	Until 9-29-86 to turn in
	W. Tendrup		x	Until 9-29-86 to turn in

Division II Plates Report

November 1985	2
December 1985	4
January 1986	3
February 1986	6
March 1986	5
April 1986	7
May 1986	8
June 1986	7
July 1986	4
August 1986	4
Septem. 1986	5
	<hr/>
	55 ordered

48 plates picked up to 9-22-86

7 active bench warrants for failure to surrender plates

I. ISSUE

A person who violates the criminal or civil provisions of the DWI law may be required by the court to surrender the registration plates and certificates of ownership of any motor vehicles owned by or registered in the name of that person. MSA §168.041 Subd. 3

A person whose registration plates and certificates were impounded by a court (under MSA §168.041 Subd. 3) may apply for new registration plates which shall bear a readily identifiable special series number. MSA §168.041 Subd. 6.

Absent probable cause to suspect a violation of the law, can a police officer stop a motor vehicle bearing a (§168.041 Subd. 6) special license plate for purposes of determining whether the vehicle is being driven by a person whose driving privileges have been revoked or whether the vehicle is being driven in conformity with restrictions imposed under MSA §171.30 Subd. 1?

II. GENERAL RULE ON NON-PROBABLE CAUSED-BASED AUTOMOBILE STOPS

Stops of vehicles without "at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law" are violations of drivers' 4th Am. rights. Delaware v. Prouse, 440 U.S. 648, 663, 59 L.Ed.2d 660, 673.

"This holding does not preclude . . . develop[ment of] methods for spot checks that involve less intrusion or that do not involve the unconstrained exercise of discretion." Id.

III. ANALYSIS

1. Presence of a special license plate does not constitute articulable and reasonable suspicion that a motorist is unlicensed. The purpose for issuing the special plate is to allow operation of the vehicle by members

of the revoked driver's family or by the revoked driver herself in conformity with restrictions imposed upon the driving privilege. In light of the presumption of innocence, the mere operation of a vehicle bearing a special plate cannot create an articulable and reasonable suspicion that the vehicle is being operated outside the limitations of the special license.

2. Presence of a special license plate does not constitute articulable and reasonable suspicion that the vehicle is not registered. The special license plates are issued only upon receipt of an application from a driver or owner whose regular registration has been impounded. These special plates must be surrendered and the regular registration returned upon reinstatement of the revoked driver's regular, unrestricted driving privileges. There is thus a minimal possibility that the vehicle bearing the special plates is not properly registered and no probable cause for an officer to stop the car on this basis.

3. The stopping of a car bearing special license plates involves less intrusion on the 4th Am. rights of the driver than does a random stop of a vehicle bearing regular registration plates. The Prouse decision does not preclude states from developing methods for enforcing licensing and registration laws which involve less intrusion on drivers' 4th Am rights than do random stops without reasonable suspicion. 440 U.S. at 663. Although the search of an automobile is regarded as far less intrusive than the search of one's person or of a building, Almeida-Sanchez v. United States, 413 U.S. 266, 279 (1973) (Powell, J., concurring), the Prouse Court was greatly concerned with the interference with freedom of movement, inconvenience, and anxiety imposed upon a driver by random stops. 440 U.S. at 657. The Court stated, however, that in roadblock-type stops a driver is "much less likely to be frightened or annoyed by

the intrusion." Id., United States v. Martinez-Fuerte, 428 U.S. 543, 558 (1976). The basic difference recognized by the court is that a driver is warned of a roadblock by the posting of signs and can see other vehicles being stopped and subjected to the same intrusion. The intrusion on a driver whose vehicle bears special plates is similarly distinguishable from a random stop situation in that the driver is on notice of the increased likelihood of being stopped and has assented to this.

Assuming that the state has the power it asserts in MSA §168.041 Subd. 3 to impound registration plates upon conviction resulting in mandatory revocation of driving privileges, the state clearly has the power to give back (with attendant limitations) some of the privileges it has taken away. MSA §168.041 Subd. 6. The person driving the vehicle, be it the revoked driver operating under a restricted license (MSA §171.30) or a member of the revoked driver's family, is aware that the privilege of operating the vehicle has been reinstated only conditionally -- the conditions extending to permissible times of operation and to persons permitted to drive the vehicle as well as to the possibility of being stopped for inquiry without reasonable suspicion of a violation. The revoked driver and her family have, in effect, agreed to submit to a greater degree of interference with freedom of movement, inconvenience, and anxiety than the normal driver in return for the re-extension of the privilege of operating the vehicle.

An analogy can be drawn to the situation presented in United States v. Biswell, 406 U.S. 311 (1972). The challenged action in Biswell was the warrantless search, without probable cause, of the premises of a person licensed to sell firearms under the Gun Control Act of 1968, 18 U.S.C. §921 et. seq., 406 U.S. at 311-312. In upholding the validity of the search, the court noted "that inspections for compliance with the

Gun Control Act pose only limited threats to the dealer's justifiable expectations of privacy," in that the federal license was accepted with the knowledge that the permits would be subject to inspection. Id. at 316. In the case of a specially-licensed vehicle, the operator has similarly accepted a license with the knowledge that a degree of 4th Am. protection is surrendered in return. The driver of a specially-licensed vehicle has a lesser justifiable expectation of privacy on the road than the normal unrestricted driver.

NOTE: The above analysis proceeds on a theory of waiver of 4th Am. rights by the revoked driver and her family. Under current Supreme Court doctrine, a waiver of constitutional rights will be found only if it is "voluntary, knowing, and intelligently made." D.H. Overmeyer v. Frick. 405 U.S. 174, 185 (1972). The state should, therefore, take steps to ensure that the individuals involved are advised that the vehicle bearing the special plates may be stopped without evidence of a violation, and that those individuals accept this limitation on their rights.

4. Allowing police officers to stop vehicles bearing special plates does not subject the occupants of those vehicles to the unconstrained exercise of police discretion. Under Prouse, states may develop methods for enforcing motor vehicle licensing and registration laws which do not involve the unconstrained exercise of discretion associated with random stops. 440 U.S. at 663. Police officers are not permitted to stop any vehicle without reasonable suspicion -- the practice struck down in Prouse; they may only stop the limited number of vehicles bearing special registration plates. The decision to stop the car is thus not entirely in the hands of the police officer, having been made by the legislature, the court, and the motor vehicle registration authorities. c.f. United States v. Martinez-Fuerte. 428 U.S. 543, 566 (1976).

NOTE: In the interest of limiting police discretion, it would be preferable for the statute or regulation to make it imperative that the vehicle be stopped if special plates are observed -- the question then becomes one of the state's power and of waiver of rights as discussed in part III.

The general motoring public will not be subjected to potentially unlimited interference at the sole discretion of police officers. Id. at 559.

The usual method of limiting officers' discretion is the requirement of probable cause or reasonable suspicion to justify the seizure. Prouse, 440 U.S. at 657. The basis for the stop can then later be later examined for sufficiency by an impartial court. Id. at 654. Unless, however, a police officer personally knows and can recognize a particular driver whose license has been revoked or limited (an unlikely situation in urban areas), there will be no objective facts that the vehicle is not being driven in conformity with the restrictions perviously imposed.

Where, as here, there is an important state interest along with a possibility of arbitrary invasions of 4th Am. rights, the permissibility of a particular practice will be judged by balancing the intrusion upon the individual against the promotion of legitimate governmental objectives. Id. For this case, the intrusion upon the individual, as discussed in part III, is justifiable. The state, on the other hand, has a vital interest -- recognized by the Prouse Court -- in ensuring that only qualified persons are permitted to drive motor vehicles. Id. at 658. This interest is not sufficient to justify the random stopping of any vehicle, given the reasonable alternative of stopping only upon evidence of a violation. Here, however, there is no outward evidence of the violation and the court should find that the state's interest is sufficient to allow stopping of the limited number of vehicles bearing special plates. The state will not be stopping a large

number of vehicles, among whose operators will presumably be a much higher than average percentage of unlicensed or restricted drivers.

IV. CONCLUSION

The fact that a vehicle bears a specially numbered license plate does not create an articulable and reasonable suspicion of a licensing or registration violation. A stop of the vehicle cannot be justified on these grounds under Delaware v. Prouse, 440 U.S. 643 (1979).

The stopping of a car bearing special license plates can, however, be justified on a different ground stated by the Prouse Court. A statute such as MSA §168.041 represents a method for the spot-checking of vehicles which is less intrusive of the driver's 4th Am. rights than is a purely random stop. The driver of a specially-licensed vehicle has a lower expectation of privacy than an ordinary driver (assuming that clear notice of the right of police officers to stop the vehicle without suspicion of a vehicle has been given). The driver of a specially-licensed vehicle can be viewed as having waived the 4th Am. rights recognized in the Prouse decision.

The restraint of police officers' discretion afforded by MSA §168.041 is an additional ground for its validity under the Prouse rationale. Police officers are limited to stopping only vehicles bearing the special plates -- vehicles singled out because of restrictions imposed upon their operation, not because of the officer's discretionary decision. A police officer may, therefore, validly stop a vehicle solely because it bears specially-numbered license plates.

Robert J. Sundberg
Commissioner

465-4371

October 22, 1986

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

RECEIVED
OCT 23 1986

Dear Mr. Lewis:

In response to your letter of October 9, 1986, there are no court jurisdictions in Alaska that allow for the impounding of the license plates and registration certificates of motor vehicles owned or registered to individuals convicted of a DUI offense.

Although our State Statute does allow for the confiscation of a vehicle owned or registered to an individual that has three or more convictions for DUI, this sanction is seldom used. It is cumbersome because of the ownership complications involved.

However, confiscation of the license plates and registration certificates would seem to eliminate this problem and is certainly worth pursuing. Good luck.

Sincerely,

T. Michael Lewis, Program Director
Alaska Highway Safety Planning Agency

bcc: Senator Mitch Abood ✓



UNIVERSITY OF MINNESOTA
TWIN CITIES

Minnesota Criminal Justice System
DWI Task Force
190 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455
~~(612) 375-3300~~ (612) 375-3300

RECEIVED

OCT 14 1986

HIGHWAY SAFETY

October 9, 1986

Mr. Michael Lewis, Program Director
Department of Public Safety
Bureau of Traffic Safety
Bureau of Traffic Safety

Governor's Highway Safety Traffic Coordinator:

The courts in three Minnesota counties are regularly impounding the license plates and registration certificates of motor vehicles owned or registered to individuals convicted of Gross Misdemeanor DWI, Aggravated DWI, or driving after license withdrawal. The judges believe this practice has resulted in a reduction in the number of such cases in their jurisdictions. The Minnesota Criminal Justice System DWI Task Force has recommended that the legislature adopt a statute requiring all courts to follow this practice.

However, no centralized reporting system in Minnesota has been able to provide information on the increase or decrease of these offenses in response to implementation of the impoundment policy in individual jurisdictions. Do you know of any court jurisdictions in your state that regularly impounds the license plates and registration certificates of repeat DWI offenders? Has such a program ever been evaluated for effectiveness in reducing DWI recidivism? If so, would you please send me this information and the name of a contact person.

I am enclosing a memo regarding the present impounding practice in one southern Minnesota jurisdiction and the proposed statutory amendments for registration plate and certificate impoundment in Minnesota.

Thank you for your response,

Ray Lewis

Ray Lewis, Research Consultant
Minnesota Criminal Justice System DWI Task Force

cc: Senator Mitch Abood, w/attachments 10/86 ✓



UNIVERSITY OF MINNESOTA
TWIN CITIES

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

(612) 373-8880
~~XXXXXX~~ 625-5515

December 1, 1986

THE MINNESOTA CRIMINAL JUSTICE SYSTEM DWI TASK FORCE

The Minnesota Criminal Justice System DWI Task Force was established in 1982 to undertake a comprehensive and ongoing examination of Minnesota's efforts to reduce the number of drunk drivers on our roads. An essential concept of the task force is that its investigation is ongoing and that its existence is not limited to a single legislative session.

The purpose of the task force is to examine the DWI laws in Minnesota and the manner in which they are enforced by law enforcement agencies and the courts. The task force also recommends changes in statutes, enforcement practices, and public policy that will result in decreasing the number of people who drive a car after consuming too much alcohol. The Minnesota Criminal Justice System DWI Task Force has made twenty three recommendations for improving DWI control to the legislature, law enforcement agencies, and the courts.

The task force brings together representatives from all parts of the Minnesota Criminal Justice System so that ideas and information about the DWI problem can be shared and discussed.

Members compare the goals, perspectives, priorities, and policies of the different agencies and institutions they represent. The task force members include judges, prosecutors, defense attorneys, police officers, court services personnel, driver license evaluators, public health workers, and state traffic safety officials.

The task force meetings provide a regular opportunity for members of different agencies and organizations to identify and discuss common problems in DWI control. Areas of investigation are generated by task force members. Once an area is identified, resource materials and information are gathered and distributed to members in advance of the meeting at which the area is to be discussed. The task force believes it has been successful in its attempts to identify the different aspects of the DWI problem and in its investigation of possible solutions. Its ability to gather data, which it bases its actions on, is crucial to its success.

To follow up on the information gathered, a quarterly newsletter updates members of the criminal justice system on legislative activity, legal cases, improved enforcement and court procedures, and research findings. The current mailing list for the Newsletter reaches over 1,500 individuals involved in the DWI control system.

The task force is supported by the Minnesota Department of Public Safety with funds from the National Highway Traffic Safety Administration. The task force is based at the University of Minnesota Law School. Ray R. Lewis is the DWI research consultant for the task force. Professor Stephen M. Simon is the director of the Minnesota Criminal Justice System DWI Task Force.

State vs. Scott Edward Nelson
File No. 5439
Sentencing Order
September 23, 1982
Page two

3. The Defendant is advised that pursuant to Minn. Stat. 168.041, Subd. (6) and (7), he may apply for substitute registration plates bearing a special series number (which may be readily identified by traffic law enforcement officers).
4. Additionally, the Defendant is required to identify under oath the person(s) now living in his household who are 17 years of age or more; the County Attorney or the City Attorney, whoever prosecuted this case, will provide actual written notice to those persons of the fact your driver's privileges are revoked until reinstated by the Commissioner of Public Safety, Driver's License Division.
5. The Defendant is further advised any person who allows him to drive his or her motor vehicle (knowing the Defendant's driver's license has been revoked) is himself or herself subject to prosecution and to forfeiture of registration plates under Minn. Stat. 168.041, Subd. (1).

Dated this 23rd day of September, 1982.

BY THE COURT:

O. Russell Olson
Judge of District Court

cc: City Attorney
County Jail
Defense Attorney
Defendant .

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

-vs-

SENTENCING ORDER

(D.U.I.)

File No. _____

Defendant.

Date of sentencing hearing: _____, 19____.

APPEARANCES:

_____, Olmsted County Attorney's Office, appeared as counsel on behalf of the State of Minnesota.

_____, Attorney at Law, appeared as counsel on behalf of the defendant.

Defendant present in court.

Pursuant to defendant's plea of guilty entered _____ 19____, the Court hereby enters judgment of guilty of Driving Under the Influence of an Alcoholic Beverage in violation of M.S. 169.121, subd. 1(a) and 3(a), a gross misdemeanor for which the maximum penalty is one year in jail or a \$3000 fine or both. The Court makes the following disposition:

IT IS ORDERED that the imposition of sentence be stayed for the period of TWO (2) years, or until earlier discharged by the Court, upon the following terms and conditions:

- I. That the defendant serve _____ in the county jail with the following provisions:
 - A. That the sentence is to commence _____ at which time the defendant is to report to the jail.

Case v. _____
File No. _____

Sentencing Order cont'd

Date: _____

Page two

B. That the defendant may be released from jail during the above-stated period as follows:

1. For the purpose of employment as provided in the jail work release program.

2. _____

II. That the defendant substantially complete the following program(s) as monitored by the Alcoholism Counselor (Jim Dexter or his staff designate): _____

III. That the defendant obey the alcohol-related traffic laws.

IV. That the defendant pay a fine in the amount of _____; said fine to be paid on or before _____.
Further provisions: _____

V. That the defendant pay the alcohol evaluation assessment in the amount of \$50; said amount to be paid on or before _____

VI. That the defendant pay the surcharge of \$30 on or before _____

Case No. _____

Sentencing Order cont'd

Date: _____

Page three

VII. That as a further condition of the stay of imposition of sentence the defendant comply with the following:

- A. That the defendant is forbidden to drive any motor vehicle unless and until licensed to drive by the Commissioner of Public Safety, Driver's License Division.
- B. Pursuant to Minn. Stat. 168.041, Subd. (3) and (4), registration plates of all motor vehicles owned by the defendant (and/or registered in the defendant's name) must be surrendered to the Clerk of this Court forthwith.
- C. That the defendant is advised that pursuant to Minn. Stat. 168.041, Subd. (6) and (7), the defendant may apply for substitute registration plates bearing a special series number (which may be readily identified by traffic law enforcement officers).
- D. Additionally, the defendant is required to identify "under oath the person(s) now living in the defendant's household who are 17 years of age or more; the County Attorney or the City Attorney, whoever prosecuted this case, will provide actual written notice to those persons of the fact the defendant's driving privileges are revoked until re-instated by the Commissioner of Public Safety.
- E. Defendant is further advised that any person who allows the defendant to drive that person's motor vehicle (knowing the defendant's driving privileges are revoked) is himself or herself subject to prosecution and additionally to forfeiture of registration plates under Minn. Stat. 168.041, Subd. (1).

Dated this _____ day of _____, 19_____.

BY THE COURT:

cc: Prosecuting Attorney
Defense Attorney
Defendant
Alcoholism Counselor
Jail (if applicable)

As a condition of the suspension of a portion of this sentence (or during any probation), you are forbidden to drive any motor vehicle unless and until licensed to drive by the Commissioner of Public Safety, Driver's License Division.

Further,

IT IS ORDERED as follows:

(1) Pursuant to Minn. Stat. 168.041, Subd. (3) and (4), registration plates (and registration certificates) of all motor vehicles owned by you (and/or registered in your name) must be surrendered to the Clerk of this Court on or before the date of revocation of license by the Commissioner of Public Safety.

(2) You are advised that pursuant to Minn. Stat. 168.041, Subd. (6) and (7), you may apply for substitute registration plates bearing a special series number (which may be readily identified by traffic law enforcement officers).

(3) Additionally, you are required to identify under oath the person(s) now living in your household who are 17 years of age or more; the County Attorney or the City Attorney, whoever prosecuted this case, will provide actual written notice to those persons of the fact your driver's privileges are revoked until re-instated by the Commissioner of Public Safety.

(4) You are further advised any person who allows you to drive his or her automobile (knowing your driver's license has been revoked) is himself or herself subject to prosecution and additionally to forfeiture of registration plates under Minn. Stat. 168.041, Subd. (1).

SUGGESTED AMENDMENTS AND QUESTIONS

SB 3, An Act relating to motor vehicles registration and registration plates.

Katherine Bidler, MADD & Ms. Rich, Tough Love

Suggested Amendment:

Page 3, line 1, change 17 years to 16 years of age as drivers licenses start at age 16.

Answer:

There was no objection to this amendment -- it is included in the committee substitute.

Bill Brown, Department of Public Safety, Division of Motor Vehicles

Suggested Amendment (1):

Page 2, line 14, change AS 28.35.031 to AS 28.35.032 because .032 is the criminal law in regards to refusing to take the breath test.

Answer (1):

There was no objection from the committee -- it is changed in the committee substitute.

Suggested Amendment (2):

Page 2, lines 25 & 26. Put a period after valid drivers' license and delete [or the applicant has a limited license issued under AS 28.15.181].

Answer (2):

There was no objections. The change is in the committee substitute

Senator Abood

Suggested Amendment:

Amend AS 28.35.039 (f) to have the Division of Motor Vehicles, instead of court, responsible for the transaction involving transfer of ownership of a vehicle under this section.

Answer:

With no objection, this amendment was added to the committee substitute.

Senator Josephson

Question:

Raised concern that a driver that had been convicted, has gotten his driving privileges restored, driving with a plate that triggers an officer to follow that driver may lead to unequal enforcement.

Answer:

Minnesota DWI Task Force explained that this has not been a problem. The patrol officer usually does not stop a car unless there is cause and even if the car is stopped the chances of it being stopped frequently to the point of harassment are slim since patrol cars have a large area within the city to patrol.

Senator Uehling

Question:

AS 28.35.039 (e) concerned Senator Uehling because the names of all persons residing in the convicted persons household who are age 16 or older would be included in the record of conviction -- guilt by association.

Answer:

After discussion, the committee agreed to remove the names of the household from the record of conviction, but still require members of the household to be notified of the person whose drivers' license was revoked and that if they knowingly let that person drive they will be held responsible.

UNIVERSITY OF MINNESOTA
TWIN CITIES

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

(612) 373-9980
XXXXX 625-5515

March 19, 1987

Senator Abood
P.O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

The enclosed materials concern the impounding of motor vehicle registration plates because of a DWI conviction or driver's license revocation. H.F. 704 is the most current version of the proposed Minnesota law which has passed out of sub-committee in both the Senate and the House.

Several judges in the state have also begun to impound license plates from repeat violators when they plead not guilty on second and subsequent DWI charges. The surrendering of their plates is a condition of their release while the charge is pending. The judges have a 100% compliance with these impoundment orders because the defendants are informed that if they do not turn in their plates an order for their arrest will be issued.

I will speak with you on Wednesday March 25, 1987.

Sincerely,



Steve M. Simon
Director,
Minnesota Criminal Justice System DWI Task Force

SMS
rl

Enclosures



UNIVERSITY OF MINNESOTA
TWIN CITIES

Law School
285 Law Center
229 19th Avenue South
Minneapolis, Minnesota 55455
(612) 373-2717

MEMORANDUM

TO: Minnesota Criminal Justice System DWI Task Force
FROM: Steve Simon
DATE: June 6, 1984
SUBJECT: June 22, 1984 Meeting - IMPOUNDING OF LICENSE PLATES

Attached are materials from the Third Judicial District that we have obtained from Judge Russell Olson. These materials describe the license plate impoundment procedure that is implemented by the Judges in the Third Judicial District. Judge Olson originated the concept and he will be at our June 22 meeting to explain its operation. Please note that the plates are only impounded for second and subsequent DWI convictions.

SMS
mls

Attachments

DATE:

TO:

FROM: Five Judges of Olmsted & Dodge Counties

MEMORANDUM: Sentencing Sanctions of Surrender of Auto Registration Plates under M.S.A. 168.041 for Conviction of Second DWI.

In the sentencing of persons convicted of the second DWI (whether a misdemeanor or gross misdemeanor) we five judges of Dodge and Olmsted Counties have agreed upon a sanction requiring the surrender of auto registration plates during the period of time of revocation of the driver's license of the defendant by the Commissioner of Public Safety.

The reasoning behind this venture is roughly as follows:

1. Usually a defendant convicted of his first DWI seems to respect the revocation of driving privileges; he does not usually drive during the revocation period. There are exceptions of course.
2. However, some significant number of defendants convicted of their second DWI do drive unlawfully during the period of revocation of their driver's license. This group of drivers appear to offer greater hazard to the safety of the public using highways and streets; their identity is unknown oftentimes to law enforcement officers until they are involved in either a separate traffic violation (perhaps including a third DWI) or an auto collision involving injury or even death to others. The public deserves our special efforts to remove such high-risk drivers from the highways.
3. Identification of those high-risk drivers probably can be enhanced by:
 - A. Surrender of his auto registration plates.
 - B. Furnishing him the special series plates which may be readily identified by traffic law enforcement officers as the statute says in 168.041, subd. 6. This permits family members to drive his car and permits him to use his car for limited drivers license purposes as the Commissioner of Public Safety sees fit to issue.
 - C. Giving actual notice of his non-licensing status to the other drivers living in his household and informing them of their risk if they permit him to drive their auto.

Attached is the following material:

1. A copy of Minnesota Statutes 168.041.
2. A copy of a boilerplate provision we propose using as one of the sanctions in sentencing (in addition to other sanctions such as mandatory jail for reasonable periods of time and, of course, money fines).
3. A copy of the actual notice required to be sent by the prosecuting attorney to the identified household members other than the defendant.
4. A copy of a typical sentencing order in a specific case.

168.041 IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.

Subdivision 1. When any person is convicted of driving a motor vehicle after the suspension or revocation of the drivers license or driving privileges of such person, the court shall require the registration plates and registration certificates of any motor vehicle involved in such violation owned by such person or registered in his name to be surrendered to the court. Upon surrender thereof the court shall issue a receipt therefor.

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

Subd. 2. If any person is convicted of violating any law or municipal ordinance, except parking laws or ordinances, regulating the operation of motor vehicles on the streets or highways, and the record of such person so convicted shows a previous conviction for driving after suspension or revocation of his driver's license or driving privileges, the court may direct the commissioner of public safety to suspend the driver's license 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. If a person is convicted of any offense which makes mandatory the revocation of the drivers license of such person, or is convicted of driving a motor vehicle without having a valid drivers 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.

discretionary
surrender
- w/ DWI

Subd. 4. Except as provided in subdivision 6 or subdivision 7, the court shall retain custody of the surrendered plates and certificates until such time as the drivers license of the violator has been reissued or reinstated.

Subd. 5. At the time of ordering the surrender of the registration plates and registration certificates of a violator or owner, the court shall notify the registrar of motor vehicles of that fact. Except as provided in subdivision 6 or subdivision 7, no new or duplicate registration plates or new registration certificates shall be issued to such violator or owner until his plates and certificates are returned to him by the court.

Notice by Court
to
Registrar
at State Level

Subd. 6. Any such violator or owner may apply to the registrar of motor vehicles for new registration plates which shall bear a special series number which may be readily identified by traffic law enforcement officers. A fee of \$3 shall accompany the application. The registrar of motor vehicles shall forthwith notify the court of such application. The court may return the registration certificate of such violator or owner to the registrar of motor vehicles, together with its consent to the issuance of such registration plates to such violator or owner. Thereupon the registrar of motor vehicles shall issue such new registration plates. Until the drivers license of such violator is reinstated, any new registration plates issued to him or to an owner whose plates have been impounded shall bear a special series number.

"Special series"
plates
available

Subd. 7. If an owner wishes to sell a motor vehicle during the time its registration plates and registration certificate are impounded or during the time its registration plates bear a special series number, he may apply to the court which impounded 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 provisions of this section, it may certify its consent to the registrar of motor vehicles and return the impounded registration plates and certificates. If during the time the registration plates and certificate of registration are impounded the title to said motor vehicle is transferred by the foreclosure of a chattel mortgage, the cancelation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the court shall order the license plates and registration certificate surrendered to the new owner and notify the registrar of motor vehicles of such action. The registrar of motor vehicles shall then transfer the registration plates and registration certificates to the new owner.

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

Subd. 9. Any person who fails to surrender any impounded registration plates or registration certificates to the court upon demand or who operates any

BILL NO: SB 3

DATE: January 23, 1987

TITLE: An Act relating to motor
vehicle registration and
registration plates

CONTACT: Bill Brown
465-4335

DEPARTMENT OF
PUBLIC SAFETY

The bill will require the court to collect the registration and license plates from some repeat DWI offenders, and some offenders convicted of driving while revoked. The person may then apply to the department for specially designed license plates to replace those surrendered to the court. The department would also be required to send letters to all persons 17 years of age or older residing in the defendant's household.

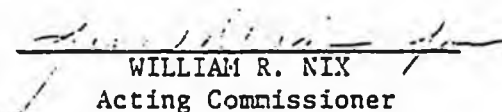
It is felt the special plates would deter the "revoked" driver from operating that specific vehicle during the time the special plates are displayed, however, not other vehicles owned by the person. It is unknown whether the possibility of receiving the special plates would deter an individual from driving while intoxicated.

The department recommends the following amendments:

- (1) Page 2, line 14: change AS 28.35.031 to AS 28.35.032. Section 032 is the criminal offense of refusal to submit to a chemical test of breath, not 031.
- (2) Page 2, line 25 and 26: delete all wording after "valid driver's license". For the offenses outlined in AS 28.35.039(a)(1) & (2), the person would not be eligible for a limited license, thus the last part of the sentence is unnecessary.
- (3) Page 2 and 3: delete section (e). The last sentence implies an action that may be taken, however, the action has already occurred as outlined in the first sentence. Thus, the letter would be unnecessary.

The bill will increase the workload on the courts and motor vehicles. The impact on motor vehicles would be the requirement to issue a temporary registration and special license plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. As part of the motor vehicles decrement for FY88, the special programs unit is being reduced by 33% and the division will no longer issue some specialized license plates such as personalized (vanity) plates. There will be insufficient employees left in that unit to absorb the impact of this bill, and a part-time position is included in the fiscal note.

The department is neutral on this bill.


WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

5700 EAST TUDOR ROAD
ANCHORAGE, ALASKA 99507-1225
PHONE: (907) 269-5551

December 10, 1987

The Honorable Mitch Abood
Alaska State Legislature
3111 C Street, Suite 535
Anchorage, Alaska 99503

Dear Senator Abood:

As we discussed, I am very interested in insuring passage of those sections of Senate Bill 3 that allow for the issuance and use of a single rear license plate on motor vehicles. The resultant savings are critical to the viability of our 1989 capitol budget request.

There are technical problems in the sections requiring forfeiture of registrations and license plates, but I am more concerned about the effectiveness of a program of this type. I have had several telephone conversations with contacts in Minnesota and feel that the Minnesota representatives testifying before your committee on a similar program in their state rather overstated the success of the Minnesota program. There is no evidence of the program's effectiveness.

Ray Lewis, Research Consultant with the Minnesota Criminal Justice System DWI Task Force, has attempted to evaluate the Minnesota program on the basis of four or five years worth of data provided by the judicial practices in two counties. Mr. Lewis stated that the forfeiture of registrations and plates was only marginally effective with "...not a whole lot of deterrence in recidivism, but some lower frequency of driving during the license action..." for those in the study group. One judge indicated to Mr. Lewis that the forfeitures caught the attention of everyone the first year with some effectiveness, but DWI's went back up to previous levels in the second and subsequent years.

With 15,000 repeat offenders eligible for registration/plate forfeiture in 1986, from a total of 42,000 DWI convictions, only 123 special license plates were issued according to the Minnesota Violations Section. Nearly 4 million vehicles were registered in Minnesota during that year.

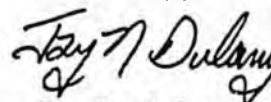
According to some testimony in the committee hearing on SB-3 the special license plate alone is sufficient probable cause for a police officer to stop the vehicle for further investigation. A Special Assistant Attorney General in Minnesota's Office of the Attorney General says that is untrue. There must be evidence of wrongdoing. According to several Alaska District Court judges the license plate alone is certainly insufficient to justify an investigatory stop.

The Alaska judges with whom I spoke were also uniformly opposed to provisions of the bill that required the surrender of the registration/plates to the court. If indeed at all enforceable, the provision would likely require additional appearances in court by defendants and subsequent additional warrants for those not appearing. One judge was concerned with the names of innocent family members becoming a part of the public record in a criminal proceeding. Another indicated that a significant portion of third offenders are driving vehicles belonging to others. While the court administration had little comment on the bill, had judges been asked to comment you would have been given a much clearer picture of the problems.

As I stated when we met on this issue, the passage of the one license plate provision is imperative. I wish it were in a separate bill. I would like to discuss this with you again at your convenience.

If you still want to pursue the registration/plate forfeiture I will insure that the appropriate people from this division work closely with you to iron out the technical problems.

Sincerely,


Jay N. Dulany
Director

cc: Commissioner English

BILL NO: WORK DRAFT
CS SB 3(FIN)

DATE: February 4, 1988

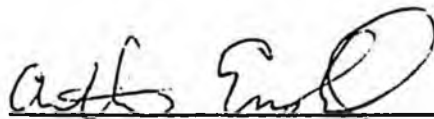
TITLE: An Act relating to
motor vehicle registration...

CONTACT: Bill Brown
465-4335

This bill reduces the number of license plates required to be displayed on a motor vehicle from two to one.

The one license will be displayed on the rear of the vehicle. At least twenty states currently issue only one plate, and others have introduced legislation to change to one plate. This is a cost savings measure with a total annual savings of over \$60,000.00.

The department supports this bill.



Arthur English
Commissioner

DEPARTMENT OF PUBLIC SAFETY
POSTMASTER

BILL NO: CSSB 3(Trsp)

DATE: April 14, 1987

TITLE: An Act relating to motor
vehicle registration and
registration plates

CONTACT: Bill Brown
465-4335

DEPARTMENT OF
PUBLIC SAFETY

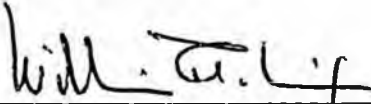
The bill will require the court to collect the registration and license plates from some repeat DWI offenders, and some offenders convicted of driving while revoked. The person may then apply to the department for specially designed license plates to replace those surrendered to the court. The department would also be required to send letters to all persons 16 years of age or older residing in the defendant's household. A \$25.00 fee will be charged for the special plates to cover the cost of the new program. It also reduces the number of metal license plates required for a motor vehicle from two to one, and increases drivers license and identification card fees by \$2.00.

It is felt the special plates would deter the "revoked" driver from operating that specific vehicle during the time the special plates are displayed. The letter sent to other household residents should deter the "revoked" drivers from operating other vehicles owned by the person. It is unknown whether the possibility of receiving the special plates would deter an individual from driving while intoxicated.

The one license plate will be displayed on the rear of the vehicle. Twenty states currently issue only one plate, and four others have introduced legislation to change to only one plate. This is a cost savings measure with a total annual savings of \$60,000. The \$2.00 increase in fees will produce approximately \$400,000 annually in additional revenue. Part of this revenue is to cover the costs of continuing to provide photographs on driver licenses and ID cards.

The special license plate portion of the bill will increase the workload on the courts and motor vehicles. The impact on motor vehicles would be the requirement to issue a temporary registration and special license plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. As part of the motor vehicles decrement for FY88, the special programs unit is being reduced by 33% and the division will no longer issue some specialized license plates such as personalized (vanity) plates. There will be insufficient employees left in that unit to absorb the impact of this bill, and a part-time position is included in the fiscal note.

The department supports this bill.



WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSSB 3(Trsp)
Publish Date: _____

Revision Date: _____
Title: An Act relating to motor vehicle registration and registration plates.....

Agency Affected: Public Safety
BRU: Motor Vehicles

Sponsor: Abood
Requestor: Senate Finance

Components: Vehicle Services
Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		7.8	16.0	16.5	17.0	17.5
TRAVEL						
CONTRACTUAL		(1.6)	(3.3)	(3.4)	(3.5)	(3.6)
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		6.3	12.8	13.2	13.6	14.0

CAPITAL		(25.0)	(51.5)	(53.1)	(54.7)	(56.3)
---------	--	--------	--------	--------	--------	--------

REVENUE		414.3	440.5	452.5	465.5	478.5
---------	--	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND		6.3	12.8	13.2	13.6	14.0
FEDERAL FUNDS						
OTHER						
TOTAL		6.3	12.8	13.2	13.6	14.0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The sections of law pertaining to increase in driver license and identification card fees are effective July 1, 1987.

The sections of law pertaining to one license plate, and the new special license plates are effective January 1, 1988.

Prepared by: Charles R. Hosack *CRH/ab* Phone: 269-5551
Division: Motor Vehicles Date: _____

Approved by Commissioner: [Signature] Date: 4/13/87
Agency: Public Safety

Distribution (by preparer):

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

JNL
4/13/87

Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PPT	Staff Months 6	Location Anchorage		Election District 7-15
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	11,172			
Benefits	4,293			
Premium Pay				
Other				
Total Personal Services		15.5		
Travel		-		
Contractual		7.6		
Commodities		.1		
Equipment		-		
Other		-		
Total Cost		23.2		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	23.2		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity) plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period. Will also be responsible to collect the required fee, and account for all monies received.</p> <p>(Figures on this form are for full year: They are cut in half for Page 2 because of effective date of 1-1-88 on special license plates.)</p>				

Request For
New Position

Agency Department of Public Safety
 BRU Division of Motor Vehicles
 Component Vehicle Services

Page 3 of 3
 Revised Date

FY 88

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

REQUEST: _____

Bill Version : SB 3
Publish Date : _____

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		15.5	16.0	16.5	17.0	17.5
TRAVEL						
CONTRACTUAL		8.6	8.9	9.2	9.5	9.8
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		24.2	25.0	25.8	26.6	27.4

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		24.2	25.0	25.8	26.6	27.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This bill requires issuance of temporary registration and special license plates to violators convicted of specific offenses. Also requires letter be sent to all persons 17 years of age or older who reside with the violator when the violator's registration and license plates have been surrendered to the court.

Prepared by: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 1-23-87

Approved by Commissioner: [Signature] Date: 1-27-87
Agency: Public Safety

Distribution (by preparer):

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

JMK
1/24/87

523

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 3

The cost breakdown is as follows:

Personal Services		
One Part-Time Motor Vehicle Rep. III, Range 10	15.5	15.5
Contractual		
1,140 special license plates @\$5.00 per set	5.7	
Postage for license plates @\$1.75 per set	2.0	
Postage for letters required in section 28.35.039(e). 1,800 x .22	.4	
Postage for general correspondence 1,140 x .22	.3	
Print temporary registrations 1,140 x .07	.1	
Print form letter	.1	
	Total	8.6
Commodities		
Normal office supplies	.1	<u>.1</u>
		TOTAL 24.2

A 3% inflation factor is included in subsequent fiscal year computations.

Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PPT	Staff Months 12	Location Anchorage		Election District 7-15
Type of Expenditure		Justification		
1	2	3		
Salary	11.172	The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity) plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period.		
Benefits	4.293			
Premium Pay				
Other				
Total Personal Services	15.5			
Travel	-			
Contractual	8.6			
Commodities	5.1			
Equipment	-			
Other	-			
Total Cost	24.2			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	24.2		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Public Safety
 BRU Division of Motor Vehicles
 Component Vehicle Services

Page 3 of 3
 Revised Date

FY 88

B

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

REQUEST: _____

Bill Version: CSSE 3(SA)
Publish Date: 4/2/87

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to forfeiture of motor vehicle registration and

BRU: Motor Vehicles

Sponsor: Ahmed

Components: Vehicle Services

Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		15.5	16.0	16.5	17.0	17.5
TRAVEL						
CONTRACTUAL		8.6	8.9	9.2	9.5	9.8
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		24.2	25.0	25.8	26.6	27.4

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

REVENUE		28.5	28.5	28.5	28.5	28.5
---------	--	------	------	------	------	------

FUNDING: (Thousands of Dollars)

GENERAL FUND		24.2	25.0	25.8	26.6	27.4
FEDERAL FUNDS						
OTHER						
TOTAL		24.2	25.0	25.8	26.6	27.4

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This bill requires issuance of temporary registration and special license plates to violators convicted of specific offenses. Also requires letter be sent to all persons 16 years of age or older who reside with the violator when the violator's registration and license plates have been surrendered to the court.

Prepared by: Bill Brown BB Phone: 465-4335
Division: Motor Vehicles Date: 4-6-87

Approved by Commissioner: [Signature] Date: 4/6/87
Agency: Public Safety

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

RECEIVED
APR 07 1987

JWR
4/6/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 3 (SA)

The cost breakdown is as follows:

Personal Services

One Part-Time Motor Vehicle Rep. III, Range 10	15.5	15.5
--	------	------

Contractual

1,140 special license plates @\$5.00 per set	5.7	
Postage for license plates @\$1.75 per set	2.0	
Postage for letters required in section 28.35.039(e). 1,800 x .22	.4	
Postage for general correspondence 1,140 x .22	.3	
Print temporary registrations 1,140 x .07	.1	
Print form letter	.1	

Total		8.6
-------	--	-----

Commodities

Normal office supplies	.1	.1
		TOTAL 24.2

A 3% inflation factor is included in subsequent fiscal year computations.

REVENUE:

1,140 special license plates @ \$25 per set.	28.5
--	------

Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU	
Time Status PPT	Staff Months 6	Location Anchorage		Election District 7-15	
Type of Expenditure		Justification			
Amount		<p>The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity) plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period. Will also be responsible to collect the required fee, and account for all monies received.</p>			
1	2				3
Salary	11,172				
Benefits	4,293				
Premium Pay					
Other					
Total Personal Services					15.5
Travel					-
Contractual					8.6
Commodities					.1
Equipment		-			
Other		-			
Total Cost		24.2			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	24.2			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

Request For
New Position

Agency Department of Public Safety
 BRU Division of Motor Vehicles
 Component Vehicle Services

Page 3 of 3
 Revised Date

FY 88

Original sponsor: Abood

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 3 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to motor vehicle registration and
7 registration plates; increasing fees for driver's
8 licenses, permits, and identification cards; and
9 providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 18.65.310(a) is amended to read:
12 (a) Upon payment of a \$7 [\$5] fee, the Department of Public
13 Safety shall issue a card identical to the motor vehicle operator's
14 license provided for in AS 28.15.111, except that the card must
15 [SHALL] be of a different color and must [SHALL] state in bold type
16 letters across the face of it that it is for identification purposes
17 only.
18 * Sec. 2. AS 28.10.051 is amended to read:
19 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
20 The department may suspend or revoke the registration of a vehicle,
21 the certificate of registration or a registration plate [PLATES] for a
22 vehicle, or a special permit when
23 (1) the department determines that the registration or
24 certificate, plate, or permit was fraudulently procured or erroneously
25 issued;
26 (2) the department determines that a registered vehicle is
27 mechanically unsafe to be driven or moved on a highway, vehicular way
28 or area, or other public property in this state and the vehicle has
29 been seized or impounded under AS 28.05.091;

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

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

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

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

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

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

16 * Sec. 3. AS 28.10.091 is amended to read:

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

28 * Sec. 4. AS 28.10.108(g) is amended to read:

29 (g) The department shall issue to the registered owner, upon

1 receipt of the proper application and fees, a registration plate, tab
2 [PLATES, TABS] and registration form displaying the month and year in
3 which the registration expires.

4 * Sec. 5. AS 28.10.108(h) is amended to read:

5 (h) The department shall mail notice of registration expiration
6 to the registered owner of record at the owner's mailing address as
7 shown in the records of the department. An owner of a vehicle subject
8 to registration who has received notice under this subsection may
9 renew registration of the vehicle by returning the notice form, to-
10 gether with appropriate fees, to the department by mail postmarked no
11 later than the fifth day of the registration renewal period shown upon
12 the vehicle's current registration or notice form. Upon receipt of a
13 timely postmarked registration renewal and the appropriate fees and
14 taxes, the department shall renew the registration and mail the cur-
15 rent registration card and registration plate or tab [PLATES OR TABS]
16 to the owner at the owner's mailing address as shown in the depart-
17 ment's records.

18 * Sec. 6. AS 28.10.111(b) is amended to read:

19 (b) The department may receive an application for the renewal of
20 vehicle registration and issue a new certificate of registration at
21 any time before the expiration of the annual registration as pre-
22 scribed in regulations adopted by the commissioner. Nothing in this
23 section prevents the commissioner from providing for multi-year regis-
24 tration; however, a person may not display the new registration plate
25 [PLATES] on a vehicle before a date which may be set by the commis-
26 sioner.

27 * Sec. 7. AS 28.10.161(a) is amended to read:

28 (a) The [EXCEPT AS PROVIDED IN AS 28.10.181(i), THE] department,
29 upon registering a vehicle, shall issue the owner one fully

1 reflectorized registration plate for the [A TRAILER OR A MOTORCYCLE
2 AND TWO FULLY REFLECTORIZED REGISTRATION PLATES FOR EVERY OTHER]
3 vehicle. Except as specifically provided in AS 28.10.181, the plate
4 must [OR PLATES SHALL] remain with the vehicle as long as the vehicle
5 is subject to registration under this chapter.

6 * Sec. 8. AS 28.10.171(b) is amended to read:

7 (b) Every registration plate issued under this chapter shall be
8 securely fastened to the rear of the vehicle to which it is assigned,
9 with the upper edge of the plate horizontal, at a height of not less
10 than 12 inches from the ground measuring from the bottom of the plate,
11 and maintained in a location and condition so as to be clearly legi-
12 ble. However, when considered necessary to insure legibility, the
13 commissioner may provide by regulation for another method of installa-
14 tion.

15 * Sec. 9. AS 28.10.181(a) is amended to read:

16 (a) The department shall register unique and special vehicles
17 and vehicles used for special purposes and issue registration plates
18 as provided in this section. Notwithstanding other provisions of this
19 chapter, a registration plate [PLATES] issued under this section
20 remains [REMAIN] with the person or organization to whom it was [THEY
21 ARE] issued when vehicle ownership is transferred or title or interest
22 in the vehicle is assigned, except for a plate [PLATES] issued under
23 (b), (h), and (i) of this section. A registration plate [REGISTRATION
24 PLATES] issued under this section may not be used on, or transferred
25 to, a vehicle other than the vehicle for which the plate was [PLATES
26 ARE] issued without the approval of the department and payment of any
27 required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and
28 28.10.441; however, if a plate [THE PLATES] issued under (c), (f), or
29 [AND] (j) of this section is [ARE] transferred to a vehicle for which

1 the registration fee is more than the fee for the vehicle from which
2 the plate was [PLATES ARE] transferred, the owner shall pay the dif-
3 ference between the two fees. A registration plate [REGISTRATION
4 PLATES] issued under this section to which a person is no longer
5 entitled or a plate that has been transferred [THE TRANSFER OF THE
6 PLATES] to another vehicle which the department does not approve shall
7 be returned immediately to the department by the person or organiza-
8 tion to whom the plate was [PLATES WERE] originally issued.

9 * Sec. 10. AS 28.10.181(b) is amended to read:

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

21 * Sec. 11. AS 28.10.181(c) is amended to read:

22 (c) Special request plate [PLATES]. Upon application by the
23 owner of a passenger vehicle, noncommercial van or pick-up truck, or
24 motor home, the department may design and issue a registration plate
25 [PLATES] containing a series of not more than six letters ~~or~~ numbers
26 or combination of letters and numbers as requested by the owner. The
27 department may, in its discretion, disapprove the issuance of a regis-
28 tration plate [PLATES] under this subsection when the requested sym-
29 bols are a duplication of an existing registration or when the symbols

1 are considered unacceptable by the department.

2 * Sec. 12. AS 28.10.181(f) is amended to read:

3 (f) Vehicles owned by elected state officials. The department
4 shall issue a special registration plate [PLATES] to each incumbent
5 elected state official for display on a noncommercial motor vehicle
6 [VEHICLES] owned and driven by the official. The department shall
7 number or design the plate [PLATES] so that registration by an elected
8 state official is indicated upon the plate [PLATES]. The registration
9 plate [PLATES] issued under this subsection remains [REMAIN] with the
10 owner of the vehicle only during the official's term of office.

11 * Sec. 13. AS 28.10.181(g) is amended to read:

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

18 * Sec. 14. AS 28.10.181(h) is amended to read:

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

29 * Sec. 15. AS 28.10.181(i) is amended to read:

1 (i) Amateur mobile radio station vehicles. A validly licensed
2 amateur radio operator who presents satisfactory proof that the owner
3 holds an unexpired Federal Communications Commission amateur radio
4 operator's license of any renewable class, and who presents satisfac-
5 tory proof that the vehicle contains or carries an amateur radio
6 transmitter and receiving unit of a type applicable to the license
7 class applied for, and who is permitted by law to operate a fixed
8 station, may register one amateur mobile radio station vehicle for
9 each radio license issued by the federal government and may receive
10 for the vehicle a distinctive registration plate [PLATES INSTEAD OF
11 REGULAR REGISTRATION PLATES]. The number on the plate [PLATES] shall
12 be the radio call sign of the owner.

13 * Sec. 16. AS 28.10.181(j) is amended to read:

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

27 * Sec. 17. AS 28.10.181(1) is amended to read:

28 (1) Vehicles owned by former prisoners of war. The department,
29 upon receipt of written proof, may issue without charge a special

1 registration plate [PLATES] for one noncommercial motor vehicle to a
2 person who has been a prisoner of war during a declared war or other
3 conflict, as determined by the Department of Defense under federal
4 regulations. The design and color of the prisoner of war plate
5 [PLATES] shall be solely within the discretion of the commissioner.

6 * Sec. 18. AS 28.10.181(m) is amended to read:

7 (m) Special request plate [PLATES] for Alaska National Guard
8 personnel. Upon application by the owner of a passenger vehicle,
9 noncommercial van or pick-up truck, or motor home who presents satis-
10 factory proof of current membership in the Alaska National Guard, the
11 department may design and issue a registration plate [PLATES] that
12 identifies [IDENTIFY] the vehicle as registered to a member of the
13 Alaska National Guard. The owner shall return the registration plate
14 [PLATES] to the department within 10 days following discharge from the
15 Alaska National Guard.

16 * Sec. 19. AS 28.10.181 is amended by adding a new subsection to read:

17 (n) Vehicles used in certain driving offenses. The department
18 shall design a special registration plate, numbered in a separate
19 numerical series, for issuance under this subsection. The department
20 may, upon proper application, issue temporary registration and a
21 special registration plate designed under this subsection to a vehicle
22 owner who has forfeited registration and a registration plate under
23 AS 28.35.039. The owner shall return the special registration plate
24 to the department following expiration of the temporary registration
25 or transfer of ownership of the vehicle.

26 * Sec. 20. AS 28.10.271(a) is amended to read:

27 (a) When the owner of a registered vehicle transfers or assigns
28 the owner's title or interest in the vehicle, the registration of the
29 vehicle expires; however, the registration plate remains [PLATES

1 REMAIN] on the vehicle except as otherwise provided in AS 28.10.181.

2 * Sec. 21. AS 28.10.281(b) is amended to read:

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

6 * Sec. 22. AS 28.10.331 is amended to read:

7 Sec. 28.10.331. DEPARTMENT TO ISSUE NEW CERTIFICATES OF TITLE
8 AND REGISTRATION. The department, upon receipt of the certificate of
9 title properly endorsed, the certificate of registration, the regis-
10 tration plate [PLATES], if any, the application for new title and
11 registration and all required fees and taxes, shall issue a certifi-
12 cate of title and a certificate of registration to the transferee or
13 the lienholder lawfully entitled to the certificates.

14 * Sec. 23. AS 28.10.351 is amended to read:

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

19 * Sec. 24. AS 28.10.421(d)(10) is amended to read:

20 (10) dealer registration plate [PLATES],

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

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

23 * Sec. 25. AS 28.10.421(d) is amended by adding a new paragraph to
24 read:

25 (14) special request plate issued under AS 28.10.181(n)...

26 \$25;

27 plus the fee required for that vehicle under (b), (c), or (d) of this
28 section; the fee required by this paragraph shall be collected on the
29 first issuance of the special request plate.

1 * Sec. 26. AS 28.10.441 is amended to read:

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

- 5 (1) title fee (including transfer of title)..... \$ 5;
6 (2) lien filing fee..... \$ 5;
7 (3) replacement of any registration plate [SET], including
8 a special request plate [PLATES] \$ 5;
9 (4) duplicate of original certificate of title..... \$ 5;
10 (5) duplicate of certificate of registration..... \$ 2;
11 (6) temporary preregistration permit issued under AS 28.-
12 10.031 none;
13 (7) special transport permit issued under AS 28.10.151 ...
14 \$ 5;
15 (8) special permit for vehicle used for transport of dis-
16 abled or handicapped person as provided in AS 28.10.215..... none.

17 * Sec. 27. AS 28.10.461 is amended to read:

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

1 * Sec. 28. AS 28.15.271 is amended to read:

2 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
3 mits, including [BUT NOT LIMITED TO] renewals, are as follows:

- 4 (1) all classes of drivers' licenses..... \$12 [\$10];
5 (2) motor-driven cycles..... \$12 [\$10];
6 (3) instruction permit..... \$5 [\$3];
7 (4) duplicate of driver's license or instruction per-
8 mit..... \$5 [\$3];
9 (5) temporary license and renewal of permit \$3;
10 (6) school bus driver's permit..... \$3.

11 * Sec. 29. AS 28.35 is amended by adding a new section to article 2 to
12 read:

13 Sec. 28.35.039. FORFEITURE OF MOTOR VEHICLE REGISTRATION AND
14 LICENSE PLATE. (a) In addition to any other penalty provided by law,
15 the court shall require the registered owner, including an owner
16 registered jointly with another owner, to surrender to the court the
17 registration and registration plate of the motor vehicle involved in
18 the commission of the following offenses:

19 (1) a second conviction within a five-year period or a
20 third conviction within a 10-year period, for driving while intoxicat-
21 ed under AS 28.35.030 or refusal to submit to a chemical test of
22 breath under AS 28.35.032, or another law or ordinance with substan-
23 tially similar elements; or

24 (2) a conviction under AS 28.15.291 for driving a motor
25 vehicle when that person's driver's license has been revoked and the
26 revocation was imposed under AS 28.15.181(a)(5), or another law or
27 ordinance with substantially similar elements.

28 (b) This section does not apply if the registered owner of the
29 motor vehicle was not driving the vehicle during the commission of the

1 offense, unless the vehicle was used with the permission of the owner
2 and the owner knew, prior to the commission of the offense, that the
3 person was operating the vehicle without a valid driver's license.

4 (c) For purposes of this section, convictions for driving while
5 intoxicated under AS 28.35.030, and for refusal to submit to a chemi-
6 cal test of breath under AS 28.35.032, if arising out of a single
7 transaction and a single arrest, are considered one previous convic-
8 tion.

9 (d) The registration and registration plate surrendered under
10 this section shall be transmitted to the department, and may not be
11 reissued by the department until the period of driver's license revo-
12 cation imposed by the court is completed. A person who surrenders a
13 registration or a registration plate under this section may apply to
14 the department for a temporary registration and registration plate
15 under AS 28.10.181(n). An application may not be accepted by the
16 department unless a member of the applicant's household has a valid
17 driver's license.

18 (e) A person required to surrender a registration and registra-
19 tion plate under this section and whose driver's license has been
20 revoked, shall also identify to the court all persons residing in the
21 person's household who are 16 years of age or older. These names
22 shall be reported to the department along with the name of the person
23 in the household whose driver's license has been revoked. The depart-
24 ment shall provide to each named person written notice of the fact
25 that the driver's license of the person identified in the report has
26 been revoked, and that if a vehicle owner knowingly permits a person
27 who does not have a valid driver's license to drive the owner's vehi-
28 cle, the owner will be required to surrender the vehicle's registra-
29 tion and registration plate.

1 (f) An owner who has surrendered a motor vehicle registration
2 and registration plate under (a) of this section, and who wishes to
3 sell the vehicle, may apply to the department for permission to trans-
4 fer title to the motor vehicle. The department may, after trans-
5 ferring ownership of the vehicle, issue a new registration and regis-
6 tration plate. When title to a motor vehicle is transferred by fore-
7 closure, conditional sale contract, execution sale, or by a court
8 decree, the department shall transfer the registration to the new
9 owner and may reissue the registration plate.

10 * Sec. 30. AS 28.10.171(a) is repealed.

11 * Sec. 31. Sections 1 and 28 of this Act take effect July 1, 1987.

12 * Sec. 32. Sections 2 - 27, 29, and 30 of this Act take effect
13 January 1, 1988.

April 7, 1987

SECTIONAL ANALYSIS

CSSB 3 (State Affairs), "An Act relating to motor vehicle registration and registration plates."

SECTION 1 - Authorizes the Department of Public Safety to design and issue special registration plates.

SECTION 2 - Establishes a \$25 fee for acquiring special registration plates.

SECTION 3 - Requires the surrender of registration and registration plates of a motor vehicle involved in certain repeat driving offenses. Establishes procedures for surrender of the registration and registration plates and for temporary registration and special plates. Requires a person who surrenders their registration and plates 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.

/ds

Original sponsor: Abood

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

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of motor vehicle
7 registration and registration plates."

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

9 * Section 1. AS 28.10.181 is amended by adding a new subsection to
10 read:

11 (n) Vehicles used in certain driving offenses. The department
12 shall design special registration plates, numbered in a separate
13 numerical series, for issuance under this subsection. The department
14 may, upon proper application, issue temporary registration and special
15 registration plates designed under this subsection to a vehicle owner
16 who has forfeited registration and registration plates under AS 28.-
17 35.039. The owner shall return the special registration plates to the
18 department following expiration of the temporary registration or
19 transfer of ownership of the vehicle.

20 * Sec. 2. AS 28.10.421(d) is amended by adding a new paragraph to read:

21 (14) special request plates issued under AS 28.10.181(n)...
22 \$25;
23 plus the fee required for that vehicle under (b), (c), or (d) of this
24 section; the fee required by this paragraph shall be collected on the
25 first issuance of the special request plates.

26 * Sec. 3. AS 28.35 is amended by adding a new section to article 2 to
27 read:

28 Sec. 28.35.039. FORFEITURE OF MOTOR VEHICLE REGISTRATION AND
29 LICENSE PLATES. (a) In addition to any other penalty provided by

1 law, the court shall require the registered owner, including an owner
2 registered jointly with another owner, to surrender to the court the
3 registration and registration plates of the motor vehicle involved in
4 the commission of the following offenses:

5 (1) a second conviction within a five-year period or a
6 third conviction within a 10-year period, for driving while intoxicat-
7 ed under AS 28.35.030 or refusal to submit to a chemical test of
8 breath under AS 28.35.032, or another law or ordinance with substan-
9 tially similar elements; or

10 (2) a conviction under AS 28.15.291 for driving a motor
11 vehicle when that person's driver's license has been revoked and the
12 revocation was imposed under AS 28.15.181(a)(5), or another law or
13 ordinance with substantially similar elements.

14 (b) This section does not apply if the registered owner of the
15 motor vehicle was not driving the vehicle during the commission of the
16 offense, unless the vehicle was used with the permission of the owner
17 and the owner knew, prior to the commission of the offense, that the
18 person was operating the vehicle without a valid driver's license.

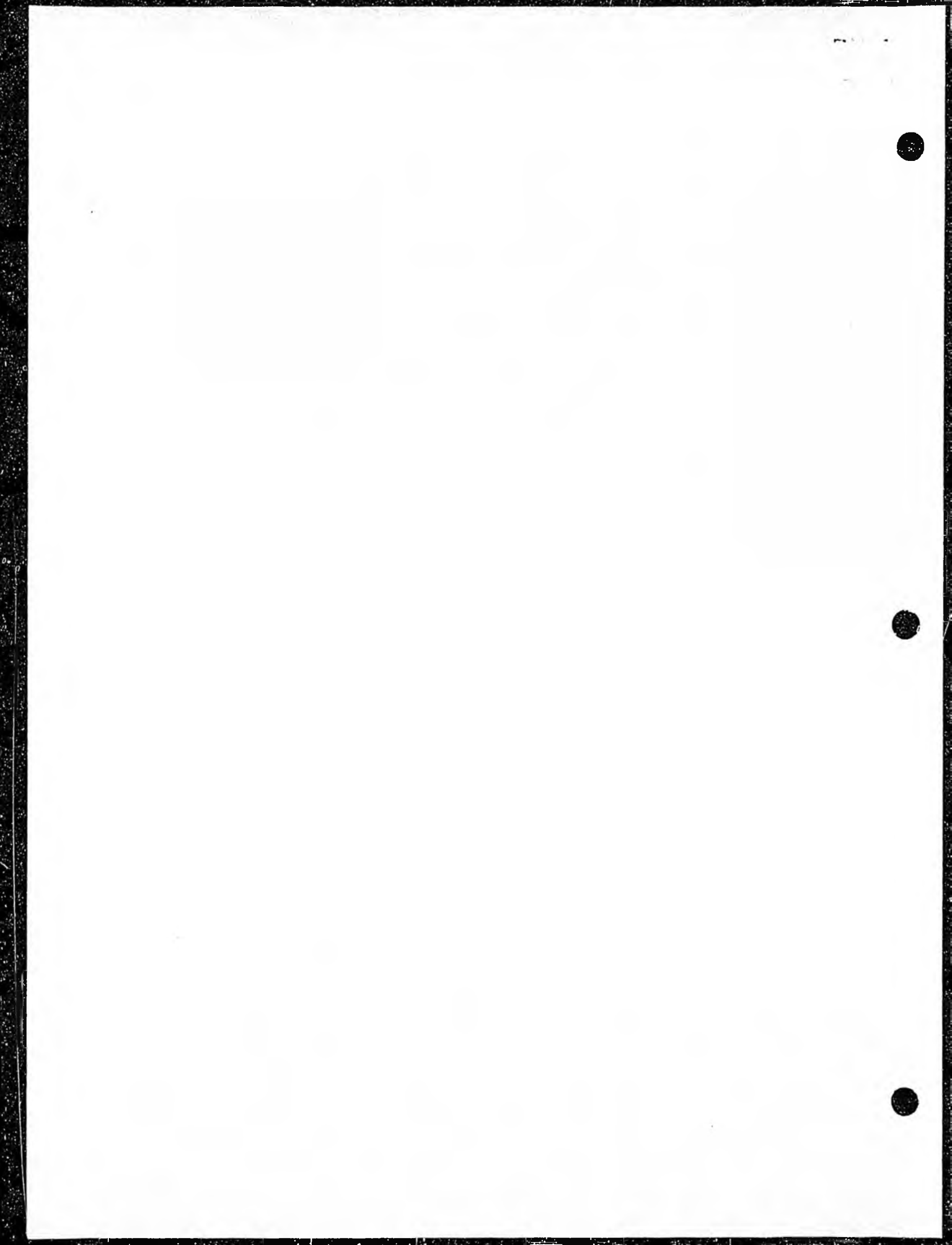
19 (c) For purposes of this section, convictions for driving while
20 intoxicated under AS 28.35.030, and for refusal to submit to a chemi-
21 cal test of breath under AS 28.35.032, if arising out of a single
22 transaction and a single arrest, are considered one previous convic-
23 tion.

24 (d) Registration and registration plates surrendered under this
25 section shall be transmitted to the department, and may not be reis-
26 sued by the department until the period of driver's license revocation
27 imposed by the court is completed. A person who surrenders registra-
28 tion or registration plates under this section may apply to the
29 department for temporary registration and registration plates under

1 AS 28.10.181(n). An application may not be accepted by the department
2 unless a member of the applicant's household has a valid driver's
3 license.

4 (e) A person required to surrender registration and registration
5 plates under this section and whose driver's license has been revoked,
6 shall also identify to the court all persons residing in the person's
7 household who are 16 years of age or older. These names shall be
8 reported to the department along with the name of the person in the
9 household whose driver's license has been revoked. The department
10 shall provide to each named person written notice of the fact that the
11 driver's license of the person identified in the report has been
12 revoked, and that if a vehicle owner knowingly permits a person who
13 does not have a valid driver's license to drive the owner's vehicle,
14 the owner will be required to surrender the vehicle's registration and
15 registration plates.

16 (f) An owner who has surrendered a motor vehicle registration
17 and registration plates under (a) of this section, and who wishes to
18 sell the vehicle, may apply to the department for permission to trans-
19 fer title to the motor vehicle. The department may, after trans-
20 ferring ownership of the vehicle, issue new registration and registra-
21 tion plates. When title to a motor vehicle is transferred by foreclo-
22 sure, conditional sale contract, execution sale, or by a court decree,
23 the department shall transfer the registration to the new owner and
24 may reissue the registration plates.



1 IN THE SENATE

BY ABOOD

2

SENATE BILL NO. 3

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to motor vehicle registration and
7 registration plates."

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

9 * Section 1. AS 28.10.181 is amended by adding a new subsection to
10 read:

11 (n) Vehicles used in certain driving offenses. The department
12 shall design special registration plates, numbered in a separate
13 numerical series, for issuance under this subsection. The department
14 may, upon proper application, issue temporary registration and special
15 registration plates designed under this subsection to a vehicle owner.
16 The owner shall return the special registration plates to the depart-
17 ment following expiration of the temporary registration or transfer of
18 ownership of the vehicle.

19 * Sec. 2. AS 28.35 is amended by adding a new section to art. 2 to
20 read:

21 Sec. 28.35.039. FORFEITURE OF MOTOR VEHICLE REGISTRATION AND
22 LICENSE PLATES. (a) In addition to any other penalty provided by
23 law, the court shall require the registered owner, including an owner
24 registered jointly with another owner, to surrender to the court the
25 registration and registration plates of the motor vehicle involved in
26 the commission of the following offenses:

27 (1) a second conviction within a five-year period or a
28 third conviction within a 10-year period, for driving while intoxicat-
29 ed under AS 28.35.030 or refusal to submit to a chemical test of

1 residing in the person's household who are 17 years of age or older.
2 These names shall be included in the record of conviction forwarded to
3 the department under AS 28.15.191. The department shall provide to
4 each named person written notice of the fact that the driver's license
5 of the person described by the record of conviction has been revoked,
6 and that if a vehicle owner knowingly permits a person who does not
7 have a valid driver's license to drive the owner's vehicle, the owner
8 will be required to surrender the vehicle's registration and registra-
9 tion plates.

10 (f) An owner who has surrendered a motor vehicle registration
11 and registration plates under (a) of this section, and who wishes to
12 sell the vehicle, may apply to the court that ordered the surrender of
13 the registration and registration plates for permission to transfer
14 title to the motor vehicle. If the court finds that the proposed sale
15 is in good faith and for valid consideration, and that the owner will
16 be deprived of custody and control of the vehicle, the court may grant
17 permission to transfer ownership. The department shall, after receiv-
18 ing notice from the court and upon proper application, transfer owner-
19 ship of the vehicle and may issue new registration and registration
20 plates. When title to a motor vehicle is transferred by foreclosure,
21 conditional sale contract, execution sale, or by a court decree, the
22 department shall transfer the registration to the new owner and may
23 reissue the registration plates.

1 breath under AS 28.35.032, or another law or ordinance with substan-
2 tially similar elements; or

3 (2) a conviction under AS 28.15.291 for driving a motor
4 vehicle when that person's driver's license has been revoked and the
5 revocation was imposed under AS 28.15.181(a)(5), or another law or
6 ordinance with substantially similar elements.

7 (b) This section does not apply if the registered owner of the
8 motor vehicle was not driving the vehicle during the commission of the
9 offense, unless the vehicle was used with the permission of the owner
10 and the owner knew, prior to the commission of the offense, that the
11 person was operating the vehicle without a valid driver's license.

12 (c) For purposes of this section, convictions for driving while
13 intoxicated under AS 28.35.030, and for refusal to submit to a chemi-
14 cal test of breath under AS 28.35.031, if arising out of a single
15 transaction and a single arrest, are considered one previous convic-
16 tion.

17 (d) Registration and registration plates surrendered under this
18 section shall be transmitted to the department, and may not be reis-
19 sued by the department until the period of driver's license revocation
20 imposed by the court is completed. A person who surrenders that
21 person's registration or registration plates under this section may
22 apply to the department for temporary registration and registration
23 plates under AS 28.10.181(n). An application may not be accepted by
24 the department unless a member of the applicant's household has a
25 valid driver's license, or the applicant has a limited license issued
26 under AS 28.15.181.

27 (e) A person required to surrender that person's registration
28 and registration plates under this section and whose driver's license
29 has been revoked, shall also identify to the court all persons

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of April 3, 1987 75-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/2/87 DATE TURNED INTO OFFICE April 9, 1987
Mr. President:
TRANSPORTATION Committee considered SB 3

motor vehicles registration and registration plates.

and recommended:

- replace with CS SB 3 (TRSP) same title new title
- attached amendment(s) and
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

*Revised
fiscal note
for CS
forthcoming*

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Robert...]

[Handwritten signature: Robert...]
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/28/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: TRANSPORTATION
Finance

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE 4/2/87

Mr. President:

STATE AFFAIRS

Committee considered SB 3

relating to motor vehicle registration and registration plates.

and recommended:

replace with CS SB 3 (STATE AFFAIRS) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jan Fark
W.P. Josephson
Rich H.
Marie Henley

Don McLeod, Do Pass
Chairman signature and recommendation

Committee Backup Attached