

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3794 HTRA HB 456 670



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10/31/89
Date

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STATE OF ALASKA
THE LEGISLATURE

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HT 3-25-86 Tam

SB 67 cont'd

The question being: "Shall the Senate concur in the House amendment to CS FOR SENATE BILL NO. 67 (JUD)?" The roll was taken with the following result:

HCS CSSB 67 HESS CONCUR

Yeas: 18 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul,
Fischer Vic, Halford, Josephson,
Kelly, Kerttula, Kay, Rodey,
Sturgulewski, Zharoff

Nays: 0

Absent: 2 Sackett, Ziegler

and so, HOUSE CS FOR CS FOR SENATE BILL NO. 67 (HESS) (arrest by a peace officer without a warrant and service of process in cases of domestic violence) passed the Senate.

HOUSE CS FOR CS FOR SENATE BILL NO. 67 (HESS) was referred to the Secretary for enrollment.

The Secretary was requested to notify the House.

Message of May 1 was read, stating the House passed and transmitted for consideration:

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 182

CS FOR HOUSE BILL NO. 182 (FIN) by the Finance Committee, entitled:

"An Act relating to the disposition of unclaimed property."

was read the first time and referred to the Finance Committee.

HB 456 *file*

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (JUD) by the Judiciary Committee, entitled:

"An Act relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; and providing for an effective date."

was read the first time and referred to the Transportation Committee and the Judiciary Committee.

SENATE JOURNAL

ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

FRIDAY

May 2, 1986

One Hundred tenth Day

Pursuant to adjournment, the Senate was called to order by President Bennett at 10:50 a.m.

The roll showed eighteen members present. Senator Ziegler was on medical absence. Senator Sackett was absent on state business.

The prayer was offered by the Chaplain, Pastor Mark Penrod of the Church of Christ.

The Pledge of Allegiance was recited.

Senator Halford moved and asked unanimous consent that the journal for the one hundred ninth legislative day and Senate Supplement No. 74 be approved as certified by the Secretary. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

SB 67

Message of May 1 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 67 (JUD) with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 67 (HESS)
(arrest by a peace officer without a warrant
and service of process in cases of domestic
violence)

Senator Halford moved that the Senate concur in the House amendment.

HOUSE
COMMITTEE REPORT

JUDICIARY

(7)

Date referred: 2/12/86

FURTHER REFERRALS: FINANCE

DATE: 25 MARCH 1986

The TRANSPORTATION Committee has considered SSHB 456

"An Act relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Bette Cat

Michael

Paul Shultz

Mike

SIGNING OTHER RECOMMENDATIONS:

A.O.M. No Rec.

W. Furman To rec.

Bette Cat
Chairman

SSHB 456

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary) (page 2821) and reports it back as follows: Adams (Chairman), Szymanski, Duncan, Larson, Uehling, Cotten, Rieger, Frank, Pourchot, Binkley and Ringstad recommend do pass.

SSHB 456 was referred to the Rules Committee for placement on the calendar.

HB 459

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 459 (relating to interest earned on grant money; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 459 (C&RA) (same title) and reports it back as follows: Marrou recommends do pass; Gruenberg, Furnace and Koponen have no recommendation.

A zero fiscal note was attached.

HB 459 was referred to the Finance Committee.

HB 491

The Finance Committee has considered HOUSE BILL NO. 491 (establishing a National Petroleum - Alaska Special Revenue Fund; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 491 (Finance):

"An Act relating to the disposition of federal funds received by the state from competitive leasing of oil and gas in the National Petroleum Reserve - Alaska; and providing for an effective date."

and reports it back as follows: Adams (Chairman), Szymanski, Duncan, Larson, Uehling, Binkley and Ringstad recommend do pass; Pourchot, Rieger and Frank have no recommendation; Cotten signed "recommend Oil & Gas Committee Substitute".

A zero fiscal note was attached.

HB 491 was referred to the Rules Committee for placement on the calendar.

HB 550

The Finance Committee has considered HOUSE BILL NO. 550 (extending the termination date of the Alcoholic Beverage Control Board; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 550 (State Affairs) (page 2758) and reports it back as follows: Adams

The Committee does not intend to prohibit senior citizens and handicapped individuals from reserving stateroom accommodations when traveling on free passage, but rather encourage and better enable Alaska senior citizens and handicapped individuals to utilize the cabin space that is generally available during the winter months."

CSSB 8(HESS)

The Rules Committee has submitted a zero fiscal note on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 8 (HESS) (relating to a personal safety curriculum in public schools).

CSSB 8(HESS) appears on today's calendar.

CSSB 204(Fin)

The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204 (Finance) (relating to contracts for architectural, engineering, and land surveying services; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Taylor, Phillips and Gruenberg recommend do pass; Clocksin and Pettyjohn have no recommendation.

CSSB 204(Fin) was referred to the Rules Committee for placement on the calendar.

CSSB 409(Res)

The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409 (Resources) (relating to a right to farm), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor, Pettyjohn, Phillips and Clocksin recommend do pass.

CSSB 409(Res) was referred to the Rules Committee for placement on the calendar.

SSHB 456

The Finance Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR

HB 518

Representative Clocksin moved and asked unanimous consent that HOUSE BILL NO. 518 (relating to municipal property taxation; effective date) be returned to the Rules Committee. There being no objection, it was so ordered.

CSSB 67(Jud)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 67 (Judiciary) (relating to arrest by a peace officer without a warrant and service of process in cases of domestic violence) was read the second time with the Health, Education & Social Services Committee report (page 2301) and the Judiciary Committee report (page 2938).

Representative Clocksin moved and asked unanimous consent that HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 67 (HESS) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

HCS CSSB 67(HESS)

Representative Clocksin moved and asked unanimous consent that HCS CSSB 67(HESS) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 67(HESS) was read the third time.

The question being: "Shall HCS CSSB 67(HESS) pass the House?" The roll was taken with the following result:

HCS CSSB 67(HESS)

Yeas: 40 Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis

Nays: 0

CSSSHB 338(Jud)amCSSSHB 338(JUD)AM

Yeas: 21 Cato, Collins, Cotten, Frank, Fuller, Goll, Gruenberg, Grussendorf, Hanley, Jenkins, Laison, Navarre, Pearce, Pettyjohn, Pignalberi, Rieger, Ringstad, Shultz, Szymanski, Taylor, Thompson

Nays: 19 Adams, Binkley, Boucher, Clocksin, Davis, Duncan, Furnace, Herrmann, Hurley, Koponen, Marrou, Martin, Miller, M.M., Miller, M.W., Phillips, Pourchot, Sund, Uehling, Wallis

Excused: 0

Absent: 0

And so, CSSSHB 338(Jud)am passed the House.

Representative Clocksin moved the effective date clauses.

Representative Pearce placed a call of the House and lifted the call.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSSSHB 338(JUD) EFDS

Yeas: 38 Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis

Nays: 2 Marrou, Martin

Excused: 0

Absent: 0

And so, the effective date clauses were adopted.

CSSSHB 338(Jud)am

Representative M.M. Miller gave notice of reconsideration of his vote on CSSSSHB 338(Jud)am.

SSHB 456 *file*

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date) was read the second time with the Transportation Committee report (page 2489), the Judiciary Committee report (page 2821) and the Finance Committee report (page 3003).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSSSHB 456(Jud)

Amendment No. 1 by Marrou:

Page 2, lines 19-22:

Delete all new language

Representative Marrou moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Pourchot objected.

The question being: "Shall Amendment No. 1 be adopted?"
The roll was taken with the following result:

CSSSHB 456(JUD) AM1

| | | |
|----------|----|--|
| Yeas: | 2 | Furnace, Marrou |
| Nays: | 38 | Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis |
| Excused: | 0 | |
| Absent: | 0 | |

CSSSHB 456(Jud)

And so, Amendment No. 1 was not adopted.

Representative Clocksin moved and asked unanimous consent that CSSSHB 456(Jud) be considered engrossed, advanced to third reading and placed on final passage.

Representative Duncan placed a call of the House on CSSSHB 456(Jud).

The Speaker stated the call was satisfied.

Representative Clocksin placed a call of the House on the calendar.

There being no objection, CSSSHB 456(Jud) was advanced to third reading.

CSSSHB 456(Jud) was read the third time.

The question being: "Shall CSSSHB 456(Jud) pass the House?"
The roll was taken with the following result:

CSSSHB 456(JUD)

| | | |
|----------|----|---|
| Yeas: | 39 | Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis |
| Nays: | 1 | Marrou |
| Excused: | 0 | |
| Absent: | 0 | |

And so, CSSSHB 456(Jud) passed the House.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSSSHB 456(Jud) was referred to the Chief Clerk for engrossment.

HB 402

"An Act relating to absentee voting."

and reports it back as follows: Hurley (Chairman), M.M. Miller, Collins and Boucher recommend do pass; Jenkins has no recommendation.

A fiscal note appears in House Journal Supplement No. 102.

HB 402 was referred to the Judiciary Committee.

HB 418

The Labor & Commerce has considered HOUSE BILL NO. 418 (relating to liability for providing emergency medical care) and reports it back as follows: Navarre (Chairman), Koponen, Hanley, Collins, Davis, Boucher and Pearce recommend do pass.

A zero fiscal note was attached.

HB 418 was referred to the Health, Education & Social Services Committee.

HB 440

The Resources Committee has considered HOUSE BILL NO. 440 (relating to a recreation management plan implementing the Bristol Bay Area Plan; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 440 (Resources) (same title) and reports it back as follows: Herrmann (Co-chair), Wallis, Thompson and Cato recommendation do pass; Sund, Shultz, Jenkins and Pearce have no recommendation.

A fiscal note appears in House Journal Supplement No. 102.

HB 440 was referred to the Finance Committee.

SSHB 456

file

The Transportation Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 (relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration; effective date) attached the following amendment:

Amendment No. 1 by the Transportation Committee:

Page 2, line 21:

After "Act" add "or Federal Maritime Commission"

and reports it back as follows: Cato (Chairman), Pignalberi, Shultz and Davis recommend do pass; Marrou and Furnace have no recommendation.

SSHB 456

A zero fiscal note was attached.

SSHB 456 was referred to the Judiciary Committee.

SSHB 506

The Labor & Commerce Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (relating to insurance; effective date); recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 506 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Davis, Boucher, Collins and Pearce recommend do pass.

A zero fiscal note was attached.

SSHB 506 was referred to the Judiciary Committee.

HB 552 *file*

The Transportation Committee has considered HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 552 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Marrou and Shultz recommend do pass; Davis has no recommendation.

HB 552 was referred to the Finance Committee.

HB 559

The Finance Committee has considered HOUSE BILL NO. 559 (approving the sale of Kuparuk River Unit royalty oil by the State of Alaska to Petro Star, Inc. and Chevron U.S.A., Inc.; effective date) and reports it back as follows: Adams (Chairman), Cotten, Ringstad, Duncan, Szymanski, Frank, Larson, Pourchot and Rieger recommend do pass.

HB 559 was referred to the Rules Committee for placement on the calendar.

HB 631

The State Affairs Committee has considered HOUSE BILL NO. 631 (relating to elections; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 631 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman) and Boucher recommend do pass; Jenkins recommends do not pass; Collins has no recommendation.

Alaska State Legislature

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CHAIRMAN
Special Committee on
Telecommunications

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MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

MEMORANDUM

To: Bette Cato, Chair
House Transportation Committee

From: Red Boucher, Sponsor
HB 456

Date: March 17, 1986

Subject: Hearing for HB 456

file

MAR 17 1986

I would like to formally request that a hearing be set at the earliest convenience of the Transportation Committee for HB 456, "An Act relating to registration of commercial and noncommercial motor vehicles and providing a penalty for failure to obtain title or registration."

Representative Pat Pourchet and myself jointly sponsored this bill in an attempt to better enforce our private vehicle registration laws and to discourage the use of nonresident commercial vehicles. I personally feel this bill is one part of a larger attempt to ensure that people who are claiming residency for jobs in Alaska are really intending to live and work and operate here.

Thank you for your consideration.

SUGGESTED AMENDMENT FOR SSHB 456
BEFORE THE HOUSE TRANSPORTATION COMMITTEE
MARCH 25, 1986

ALASKA TRUCKING ASSOCIATION

*Sec. 6. AS 28.10.151 VEHICLES TRANSPORTED UNDER SPECIAL PERMITS. When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

- (5) a vehicle registered under AS 28.33.010

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Relating to Motor Vehicle Registration and Title
7. Department of Public Safety Regulations
Relating to Motor Vehicle Registration and Title
8. Fiscal Note - Department of Public Safety

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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House of Representatives

MEMORANDUM

DATE: March 25, 1986

TO: House Transportation Committee
Representative Bette Cato, Chairman
Representative Mike Davis, Vice Chairman
Representative Richard Shultz
Representative Adelheid Herrmann
Representative Walter Furnace
Representative Marco Pignalberi
Representative Andre Marrou

FROM: Representative Pat Pourchot
Representative Red Boucher

SUBJECT: SSHB 456, Relating to Registration of Motor Vehicles

With increasing frequency, we hear complaints of commercial vehicles with out-of-state license plates operating on our highways. While some operators may pay the required registration fee, others do not. Enforcement of registration laws is difficult as there is no visual means to quickly identify the illegal nonregistered operator.

In addition, many new residents or nonresidents working temporarily instate fail to comply with state registration requirements, choosing instead to maintain their vehicle registration in other states. These residents benefit from our roads and jobs without paying the required fees.

SSHB 456 would eliminate distinctions between nonresident and resident commercial vehicles for purposes of registration, assessing fees, and display of license plates. Only licensed ICC carriers and unladen commercial vehicles operating under a one way trip permit would be exempted although prominent display of permits would be required.

SSHB would shorten the length of time a nonresident, noncommercial vehicle is exempt from state registration requirements, require proof of any exemption from registration, and provide a specified fine for noncompliance with current registration and title laws.

Page 2

We consider this legislation to be an important element of the local hire issue in its attempt to enforce our vehicle registration laws and to legally, but forcefully, discourage the use of nonresident commercial vehicles.

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 28, 1986

SUBJECT: Registration of Motor Vehicles - SSHB 456
TO: Representative Pat Pourchot
FROM: Michael F. Ford *M.F.*
Legislative Counsel

The following is a sectional analysis of SSHB 456, as requested:

Section 1

Lowers the nonresident exemption from registration of a non-commercial vehicle from 90 to 60 days, and the requirement that registration take place after employment is lowered from 15 to 10 days after the person becomes employed. Requires commercial vehicles to be registered when use begins, except as provided in AS 28.10.011 and 28.10.131(c).

Section 2

Requires the person claiming nonresident exemption from registration to provide proof of qualification for the exemption.

Section 3

Technical amendment in conjunction with section 4.

Section 4

Allows the owner of a commercial vehicle temporarily operating in-state to register a commercial vehicle, while maintaining title in another jurisdiction.

Section 5

Requires owners of commercial vehicles licensed by the I.C.C. and registered in another jurisdiction who desire to

Representative Pat Pourchot
Page 2
February 28, 1986

retain registration and title in the other jurisdiction, to register the commercial vehicle, but exempts the owner from title requirements.

Section 6

Adds an additional exemption from registration requirements for an unladen commercial vehicle making a single continuous trip not exceeding 10 days.

Section 7

Requires special permits issued under AS 28.10.151 to be prominently displayed.

Section 8

Technical amendment in conjunction with section 4.

Section 9

Provides a penalty for failure to title or register a vehicle.

Section 10

Effective date.

MFF:mkr
m3/100

SUMMARY

SSHB 456
(Relating to Vehicle Registration)

Background

Current State law or regulations require the registration of all vehicles operating instate. However, many new residents or nonresidents working temporarily instate illegally maintain their vehicle registration in other states. These operators benefit from our roads and jobs without paying the required fees.

Current State law also does not specifically address the handling of nonresident commercial vehicles operating temporarily instate. Regulations now provide for permitting or registration for such vehicles. However, with the exception of licensed ICC carriers, the regulations do not require the display of a permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

Additionally, fees for temporary permits for nonresident commercial vehicles are now determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

SSHB 456 would accomplish the following:

1. Shorten the length of time a nonresident, noncommercial vehicle is exempt from State registration requirements and require proof of any exemption from registration.
2. Eliminate the distinction between resident and nonresident commercial vehicles for purposes of registration, assessing fees, and display of license plates.
3. Limit the authority for issuance of special permits and the exemption from normal registration to only short-term, one-way unladen commercial vehicles and licensed ICC carriers. Permits would have to be prominently displayed.
4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SS HB 456

Support

February 19, 1986

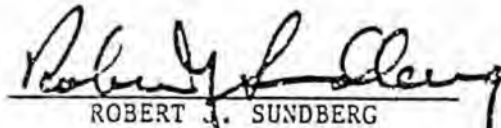
SS HB 456. An Act relating to issuance of temporary permits for commercial motor vehicles.

All commercial vehicles may now obtain a "trip permit" that allows them to operate in Alaska for up to 90 days. This gives summer commercial operators an advantage over Alaska residents who must pay full fees. This bill restricts use of the trip permit to only licensed ICC carriers and requires temporary operators to pay full fees. This is done to put non-residents on an equal economic basis with Alaska residents while, at the same time, not placing a restrictive burden on legitimate interstate carriers.

I recommend the bill be amended to consist of the two following amendments.

1. 28.10.011(9) add: F.M.C. (Federal Maritime Commission) carrier
(a) a licensed ICC or FMC carrier under AS 28.10.141;
2. 28.10.141 add: F.M.C. (Federal Maritime Commission) carrier
INTERSTATE USE OF VEHICLES. When a licensed ICC or FMC carrier in the course.....

Without the addition of the F.M.C. carrier, barge lines which transport commercial vehicles, (trailers) would not be eligible for trip permit when unloading at their destination.


ROBERT J. SUNDBERG
Commissioner

No objections to inclusion - doesn't effect intent. position paper came in after SS.

Introduced: 2/12/86
Referred: Transportation
Judiciary and Finance

1 IN THE HOUSE BY POURCHOT AND BOUCHER
2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and
7 noncommercial motor vehicles and providing a penalty
8 for failure to obtain title or registration; and
9 providing for an effective date."

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

11 * Section 1. AS 28.10.121(a) is amended to read:

12 (a) A nonresident owner of a noncommercial vehicle registered
13 outside the state is exempt from the registration provisions of this
14 chapter for 60 [90] days after entry into the state if the vehicle at
15 all times when driven in this state is registered in and has displayed
16 upon it a currently valid registration plate issued for it by another
17 jurisdiction. ~~It~~ However, if the person becomes gainfully employed in
18 the state or takes action that [WHICH] indicates an intention to
19 acquire residence in the state, the person shall comply with the
20 licensing and registration provisions of this chapter within 10 [15]
21 days of commencement of employment or of taking action that [WHICH]
22 indicates the person's intention to acquire residence. If the vehicle
23 is a commercial vehicle, the vehicle must be registered when its
24 commercial use begins except as provided in AS 28.10.011 and 28.10.-
25 131(c) [IN ACCORDANCE WITH AS 28.10.141 AND OTHER APPLICABLE PRO-
26 VISIONS OF THIS CHAPTER]. *28.10.011 vehicles Subject to Registration*
29.10.131(c) New Section p.2

27 * Sec. 2. AS 28.10.121 is amended by adding a new subsection to read:

28 (d) It is the responsibility of the person claiming exemption
29 under this section to provide proof of qualification for the ex-

*person claiming exemption
must prove qualification
for exemption*

*lowers exemption
from non-commercial
vehicle to 60 days*

*lowers registration
time to 10 days
after employment*

1 emption.

2 * Sec. 3. AS 28.10.131(a) is amended to read:

3 (a) If a vehicle to be registered under this chapter is pre-
4 viously registered outside the state, the jurisdiction of registry
5 shall be stated in the application, and the owner shall surrender to
6 the department all evidence of out-of-state registration in the
7 owner's [HIS] possession or control except as provided in this section
8 or AS 28.10.141, and the department may require verification of the
9 vehicle identification number.

10 * Sec. 4. AS 28.10.131 is amended by adding a new subsection to read:

11 (c) If the owner of a commercial vehicle desires to maintain
12 title in another jurisdiction, the department, when satisfied that the
13 applicant is temporarily operating in-state and is the lawfully regis-
14 tered owner of the commercial vehicle, may register the commercial
15 vehicle without issuing a title and shall type ⁱⁿ stamp on the face of
16 the State of Alaska certificate of registration "No Title Issued."

17 * Sec. 5. AS 28.10.141 is amended to read:

18 Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course
19 of regular interstate operation in this state [OF] a commercial
20 vehicle licensed by the Interstate Commerce Commission ^{nor 4.m.c.} under 49 U.S.C.
21 1-1240 (Interstate Commerce Act) is registered in another jurisdic-
22 tion, and it is desirable to retain the registration and title of the
23 vehicle in the other jurisdiction, the owner or an agent of the owner
24 shall register the vehicle and pay all required fees and taxes and
25 submit for inspection the certificate of registration issued by that
26 jurisdiction. The department, when satisfied that the applicant is
27 entitled to the exemption from the title requirements of this chapter,
28 shall register the vehicle but may not issue a certificate of title.
29 [NOTICE OF THE FACT THAT THE VEHICLE IS REGISTERED IN ANOTHER

*Temporarily
operate in-state
can maintain
title in
another
jurisdiction*

Amendment

Amendment

*SUBSTITUTE
LANGUAGE FOR
THIS DELETION
DELETION
MADE AT
DEPT'S
REQUEST
CAUSE
NOT USE*

SSH B 456

*owners licensed by ICC & registered in another
jurisdiction who desire to retain registration &
title in other jurisdiction - must register vehicle
but is exempt from title requirements*

1 JURISDICTION SHALL APPEAR ON THE CERTIFICATE OF REGISTRATION ISSUED BY
2 THIS STATE AND IN THE RECORDS OF THE DEPARTMENT MAINTAINED UNDER
3 AS 28.10.071.]

4 * Sec. 6. AS 28.10.151 is amended to read:

5 Sec. 28.10.151. VEHICLES TRANSPORTED UNDER SPECIAL PERMITS.
6 When moved or driven under a special permit to be designed and issued
7 by the department, the registration required by this chapter is not
8 required of

9 (1) a vehicle under construction and which is not com-
10 pleted;

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

14 (3) a vehicle while being moved or driven from one location
15 to another for the purpose of rebuilding, dismantling, or permanently
16 removing the vehicle from the highways and vehicular ways and areas of
17 the state;

18 (4) an unladen commercial vehicle making a single continu-
19 ous trip by a noncircular route for a period of time not exceeding 10
20 days.

21 * Sec. 7. AS 28.10.151 is amended by adding a new subsection to read:

22 (b) A special permit issued under this section shall be promi-
23 nently displayed.

24 * Sec. 8. AS 28.10.201(d) is amended to read:

25 (d) Except for vehicles registered under AS 28.10.131(b) or (c)
26 and 28.10.141, the department may not register a vehicle unless the
27 applicant for registration at the same time applies for and obtains a
28 certificate of title under this chapter, or presents satisfactory
29 evidence that a certificate of title was previously issued to the

TECHNICALS
Amendment

1 applicant. The department may not accept the application for the
2 original certificate of registration or title to a vehicle unless the
3 vehicle is in the state at the time of application. However, the
4 department may accept an application for registration and certificate
5 of title for a vehicle is not in the state when the application is
6 made by a registered and bonded dealer or by a resident of the state
7 when the application is accompanied by a manufacturer's statement of
8 origin, or in the case of a used vehicle, when the application is
9 accompanied by a certificate of title issued in another jurisdiction
10 and a certificate of inspection by a peace officer of that jurisdic-
11 tion stating that the vehicle has been determined to be the vehicle
12 described in the certificate of title and that the vehicle has not
13 been reported stolen.

14 * Sec. 9. AS 28.10.451 is amended by adding a new subsection to read:

15 *PENALTY* (b) Except as otherwise provided in this chapter, a person who
16 violates this section shall be fined \$50. In addition to the fine of
17 \$50, a person who violates this section shall be fined an additional
18 \$10 for each day the person fails to properly title or register the
19 vehicle, not to exceed \$250. The additional fine of \$10 a day under
20 this subsection may not be imposed if the person who violates this
21 section obtains proper title or registration within five days after
22 being charged. A person who violates this section two or more times,
23 within five years of the prior violation, is guilty of a class B
24 misdemeanor.

25 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

FINES - \$10 - GOES TO STATE = NO INCENTIVE TO REGISTER

*\$50
win line
of Supreme
Court rulings
but... \$10/day*

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS HB 456
 Title : An Act relating to registration
of commercial and noncommercial
motor vehicles and providing...
 Sponsor : Pourchot
 Requestor : H. Transportation
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

Will not have any fiscal impact. There may be a slight increase in revenues, however, we are unable to predict the amount.

Prepared by : Kenneth Simpson
 Division : Motor Vehicles

Phone : 269-5566
 Date : 2-19-86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 2/20/86

Distribution (by Agency preparing fiscal note) :

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

Introduced: 2/12/86
Referred: Transportation
Judiciary and Finance

Jane Larson
Don't want to harm residents
Make tougher on non-residents

1 IN THE HOUSE BY POURCHOT AND BOUCHER
2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to registration of commercial and
7 noncommercial motor vehicles and providing a penalty
8 for failure to obtain title or registration; and
9 providing for an effective date."

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

11 * Section 1. AS 28.10.121(a) is amended to read:

12 (a) A nonresident owner of a noncommercial vehicle registered
13 outside the state is exempt from the registration provisions of this
14 chapter for 60 [90] days after entry into the state if the vehicle at
15 all times when driven in this state is registered in and has displayed
16 upon it a currently valid registration plate issued for it by another
17 jurisdiction. However, if the person becomes gainfully employed in
18 the state or takes action that [WHICH] indicates an intention to
19 acquire residence in the state, the person shall comply with the
20 licensing and registration provisions of this chapter within 10 [15]
21 days of commencement of employment or of taking action that [WHICH]
22 indicates the person's intention to acquire residence. If the vehicle
23 is a commercial vehicle, the vehicle must be registered when its
24 commercial use begins except as provided in AS 28.10.011 and 28.10.-
25 131(c) [IN ACCORDANCE WITH AS 28.10.141 AND OTHER APPLICABLE PRO-
26 VISIONS OF THIS CHAPTER].

27 * Sec. 2. AS 28.10.121 is amended by adding a new subsection to read:

28 (d) It is the responsibility of the person claiming exemption
29 under this section to provide proof of qualification for the ex-

1 emption.

2 * Sec. 3. AS 28.10.131(a) is amended to read:

3 (a) If a vehicle to be registered under this chapter is pre-
4 viously registered outside the state, the jurisdiction of registry
5 shall be stated in the application, and the owner shall surrender to
6 the department all evidence of out-of-state registration in the
7 owner's [HIS] possession or control except as provided in this section
8 or AS 28.10.141, and the department may require verification of the
9 vehicle identification number.

10 * Sec. 4. AS 28.10.131 is amended by adding a new subsection to read:

11 (c) If the owner of a commercial vehicle desires to maintain
12 title in another jurisdiction, the department, when satisfied that the
13 applicant is temporarily operating in-state and is the lawfully regis-
14 tered owner of the commercial vehicle, may register the commercial
15 vehicle without issuing a title and shall type of stamp on the face of
16 the State of Alaska certificate of registration "No Title Issued."

17 * Sec. 5. AS 28.10.141 is amended to read:

18 Sec. 28.10.141. INTERSTATE USE OF VEHICLES. When, in the course
19 of regular interstate operation in this state [OF] a commercial
20 vehicle licensed by the Interstate Commerce Commission under 49 U.S.C.
21 1-1240 (Interstate Commerce Act) is registered in another jurisdic-
22 tion, and it is desirable to retain the registration and title of the
23 vehicle in the other jurisdiction, the owner or an agent of the owner
24 shall register the vehicle and pay all required fees and taxes and
25 submit for inspection the certificate of registration issued by that
26 jurisdiction. The department, when satisfied that the applicant is
27 entitled to the exemption from the title requirements of this chapter,
28 shall register the vehicle but may not issue a certificate of title.
29 [NOTICE OF THE FACT THAT THE VEHICLE IS REGISTERED IN ANOTHER

1 applicant. The department may not accept the application for the
2 original certificate of registration or title to a vehicle unless the
3 vehicle is in the state at the time of application. However, the
4 department may accept an application for registration and certificate
5 of title for a vehicle is not in the state when the application is
6 made by a registered and bonded dealer or by a resident of the state
7 when the application is accompanied by a manufacturer's statement of
8 origin, or in the case of a used vehicle, when the application is
9 accompanied by a certificate of title issued in another jurisdiction
10 and a certificate of inspection by a peace officer of that jurisdic-
11 tion stating that the vehicle has been determined to be the vehicle
12 described in the certificate of title and that the vehicle has not
13 been reported stolen.

14 * Sec. 9. AS 28.10.451 is amended by adding a new subsection to read:

15 (b) Except as otherwise provided in this chapter, a person who
16 violates this section shall be fined \$50. In addition to the fine of
17 \$50, a person who violates this section shall be fined an additional
18 \$10 for each day the person fails to properly title or register the
19 vehicle, not to exceed \$250. The additional fine of \$10 a day under
20 this subsection may not be imposed if the person who violates this
21 section obtains proper title or registration within five days after
22 being charged. A person who violates this section two or more times,
23 within five years of the prior violation, is guilty of a class B
24 misdemeanor.

25 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SS HB 456
 Title : An Act relating to registration of commercial and noncommercial motor vehicles and providing...
 Sponsor : Pourchot
 Requestor : H. Transportation
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

Will not have any fiscal impact. There may be a slight increase in revenues, however, we are unable to predict the amount.

Prepared by : Kenneth Simpson Phone : 269-5566

Division : Motor Vehicles Date : 2-19-86

Approved by Commissioner : [Signature] Date : 2/20/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SS HB 456

Support

February 19, 1986

SS HB 456. An Act relating to issuance of temporary permits for commercial motor vehicles.

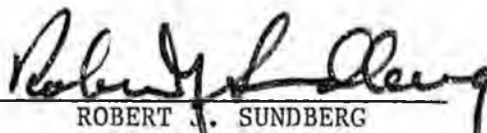
All commercial vehicles may now obtain a "trip permit" that allows them to operate in Alaska for up to 90 days. This gives summer commercial operators an advantage over Alaska residents who must pay full fees. This bill restricts use of the trip permit to only licensed ICC carriers and requires temporary operators to pay full fees. This is done to put non-residents on an equal economic basis with Alaska residents while, at the same time, not placing a restrictive burden on legitimate interstate carriers.

I recommend the bill be amended to consist of the two following amendments.

1. 28.10.011(9) add: F.M.C. (Federal Maritime Commission) carrier
(a) a licensed ICC or FMC carrier under AS 28.10.141;
2. 28.10.141 add: F.M.C. (Federal Maritime Commission) carrier
INTERSTATE USE OF VEHICLES. When a licensed ICC or FMC carrier in the course.....

JEANIE -
ALREADY ADDED?

Without the addition of the F.M.C. carrier, barge lines which transport commercial vehicles, (trailers) would not be eligible for trip permit when unloading at their destination.


ROBERT J. SUNDBERG
Commissioner

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SS HB 456

Support

February 19, 1986

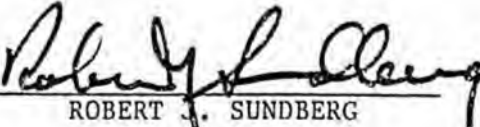
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Without the addition of the F.M.C. carrier, barge lines which transport commercial vehicles, (trailers) would not be eligible for trip permit when unloading at their destination.


ROBERT J. SUNDBERG
Commissioner

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: _____

To: _____ HOUSE BILL No. 456

SENATE BILL No. _____

PAGE: 2

LINE: 21

After: "Act)"

Add: "or Federal Maritime Commission"

FEB 14 1986

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



House of Representatives

MEMORANDUM

ANCHORAGE
PO BOX 104836
ANCHORAGE AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU AK 99611
(907) 465-3712

DATE: February 13, 1986

TO: Representative Ben Grussendorf
Speaker of the House

FROM: Representative Pat Pourchot *PP*
Representative Red Boucher *RB*

SUBJECT: SSHB 456 (Relating to Vehicle Registration)

We would like to call your attention to the attached sponsor substitute for HB 456 and summary sheet. We consider this legislation to be an important element of the local hire issue in its attempt to enforce our vehicle registration laws and to legally, but forcefully, discourage the use of nonresident commercial vehicles.

We hope that the leadership and the caucus will view this as a priority piece of legislation within the local hire category.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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POUCH V
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House of Representatives

SUMMARY

SSHB 456

(Relating to vehicle registration)

Background

Current State law or regulations require the registration of all vehicles operating instate. However, many new residents or nonresidents working temporarily instate illegally maintain their vehicle registration in other states. These operators benefit from our roads and jobs without paying the required fees.

Current State law also does not specifically address the handling of nonresident commercial vehicles operating temporarily instate. Regulations now provide for permitting or registration for such vehicles. However, with the exception of licensed ICC carriers, the regulations do not require the display of a permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

Additionally, fees for temporary permits for nonresident commercial vehicles are now determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

SSHB 456 would accomplish the following:

1. Shorten the length of time a nonresident, noncommercial vehicle is exempt from State registration requirements and require proof of any exemption from registration.
2. Eliminate the distinction between resident and nonresident commercial vehicles for purposes of registration, assessing fees, and display of license plates.
3. Limit the authority for issuance of special permits and the exemption from normal registration to only short-term, one-way unladen commercial vehicles and licensed ICC carriers. Permits would have to be prominently displayed.
4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

Rep. 202
FEB 14 1986

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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SSHB 456

(Relating to vehicle registration)

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Current State law also does not specifically address the handling of nonresident commercial vehicles operating temporarily instate. Regulations now provide for permitting or registration for such vehicles. However, with the exception of licensed ICC carriers, the regulations do not require the display of a permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

Additionally, fees for temporary permits for nonresident commercial vehicles are now determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

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3. Limit the authority for issuance of special permits and the exemption from normal registration to only short-term, one-way unladen commercial vehicles and licensed ICC carriers. Permits would have to be prominently displayed.
4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
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SUMMARY

SSHB 456
(Relating to vehicle registration)

Background

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Current State law also does not specifically address the handling of nonresident commercial vehicles operating temporarily instate. Regulations now provide for permitting or registration for such vehicles. However, with the exception of licensed ICC carriers, the regulations do not require the display of a permit or registration for nonresident commercial vehicles. Thus, it is difficult for law enforcement officers and the public to distinguish between a vehicle holding a valid temporary permit and one operating illegally instate.

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4. Require that a specified fine be assessed for noncompliance with the State's registration and title laws.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 456

Neutral

January 27, 1986

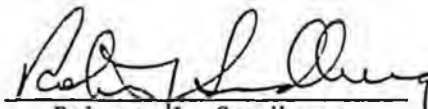
HB 456. An Act relating to issuance of temporary permits for commercial motor vehicles.

The Division of Motor Vehicles does issue a Non-Resident Commercial Vehicle Permit that allows a commercial vehicle that is validly registered in another state to operate in this state. This permit is a temporary registration that is valid for periods from 5 to 90 days. Although this permit was originally intended only for interstate carriers, the statutory authority is not specific and its use has been extended to other commercial vehicles. The permit itself is required to be carried in the vehicle, but there is no external indication of this permit. The present law provides an easy method for non-resident to operate without paying full fees.

I recommend the bill be amended to consist of the two following amendments.

1. AS 28.10.121(a), last sentence: "If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins. An ICC carrier must register in accordance with AS 28.10.141 and other applicable provisions of this chapter.
2. AS 28.10.141, first sentence: "When a registered ICC carrier, in the course of regular"

These recommended amendments will not impact current ICC carriers nor transportation of goods to and from Alaska. It will require all operators to pay appropriate fees. The department will change the permit being issued so it must be displayed on the vehicle.


Robert J. Sundberg
Commissioner

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS



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PO BOX 104836
ANCHORAGE, AK 99510
907 338-2425
JUNEAU
POUCH W
STATE CAPITOL
JUNEAU, AK 99801
907 465 3712

House of Representatives

MEMORANDUM

JAN 21 1986

DATE: January 17, 1986

TO: Representative Bette Cato, Chairman
House Transportation Committee

FROM: Representative Pat Pourchot *Pat*

SUBJECT: HB 456, Temporary Permits for Nonresident Commercial Vehicles

Bette, as you know HB 456 has been referred to the House Transportation Committee for consideration. While in itself, HB 456 may not be of critical importance, it is part of a larger body of passed and pending legislation aimed at promoting "Alaska hire."

Currently, one is unable to visually distinguish between a nonresident commercial vehicle which has paid an Alaskan registration fee and one that is operating illegally instate (they both display out-of-state license plates). This results in inadequate law enforcement and ill will by the public.

In addition, fees for temporary nonresident commercial vehicle permits, which are prorated from the current fee schedule (unchanged over the past ten years), appear inadequate.

To address these problems and to encourage "Alaska hire," HB 456:

- 1) establishes an equitable fee schedule for nonresident commercial vehicle permits,
- 2) provides for the prominent display of a temporary permit to assist in stricter enforcement of the registration requirement for nonresident commercial vehicles, and
- 3) limits a temporary permit to a maximum of 90 days.

I would be most appreciative if a hearing before the Transportation Committee could be scheduled early in the session.

If you have any questions or would like additional information, please do not hesitate to contact me.

Attachments

HB 456 SUMMARY
(Temporary Permits for Commercial Motor Vehicles)

Current State law or regulations, while requiring the registration of all vehicles operating instate, do not require the display of a permit or registration for temporary nonresident commercial vehicles. This makes it difficult for law enforcement officers and the public to distinguish between a nonresident commercial vehicle holding a valid temporary permit and a nonresident commercial vehicle operating illegally instate.

The statutory authority for issuance of these temporary permits is only generally provided, does not limit the duration of a permit, and does not provide a specific fee schedule as with other types of registration permits.

Fees for temporary permits for nonresident commercial vehicles currently are determined administratively by prorating the resident commercial vehicle fee for the number of days the nonresident vehicle is registered for use instate. For example, a nonresident commercial vehicle weighing between 12,000 and 18,000 pounds pays from \$5 for a five day permit up to a maximum of \$55 for a 90 day permit. This method does not appear to result in fees appropriate for the privilege of operating nonresident commercial vehicles in Alaska.

HB 456 establishes an equitable fee schedule, limits the length of time for which a temporary permit may be issued to 90 days and, by requiring prominent display of a temporary permit, provides for stricter enforcement of the registration requirement for nonresident commercial vehicles.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 456
 Title : An Act relating to issuance of temporary permits for commercial motor vehicles.
 Sponsor : Pourchor
 Requestor : H. Transportation
 Date of Request : _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

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

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

No significant fiscal impact. May be a very slight change in revenues, however, unable to predict any amounts.

Prepared by : Charles R. Hosack *CRH/BBB* Phone : 269-5551
 Division : Motor Vehicles Date : 1-27-86
 Approved by Commissioner : [Signature] Date : 1/27/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

The citation was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE RESOLUTIONS

HCR 45

HOUSE CONCURRENT RESOLUTION NO. 45 by Clocksin, entitled:

Relating to the bicentenary of the
United States Constitution.

was read the first time and referred to the State Affairs
and Finance Committees.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE BILLS

SSHB 456

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 by Pourchot and
Boucher, entitled:

"An Act relating to registration of
commercial and noncommercial motor
vehicles and providing a penalty for
failure to obtain title or registration;
and providing for an effective date."

was read the first time and referred to the Transportation,
Judiciary and Finance Committees.

HB 564

HOUSE BILL NO. 564 by Marrou, entitled:

"An Act relating to the State Physical
Therapy Board; and providing for an
effective date."

was read the first time and referred to the Labor &
Commerce, Health, Education & Social Services and Finance
Committees.

HB 565

HOUSE BILL NO. 565 by Marrou, entitled:

"An Act relating to licensing of electrical administrators; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

HB 566

HOUSE BILL NO. 566 by Marrou, entitled:

"An Act relating to the Board of Pharmacy; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Health, Education & Social Services and Finance Committees.

HB 567

HOUSE BILL NO. 567 by Marrou, entitled:

"An Act relating to regulation of utilities by the Alaska Public Utilities Commission; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

HB 568

HOUSE BILL NO. 568 by Herrmann, Fuller and Binkley entitled:

"An Act making a special appropriation to the Department of Commerce and Economic Development for a study of the feasibility of constructing certain herring reduction plants; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Resources and Finance Committees.

INDEX TO PACKET

1. Cover Memo
2. SSHB 456
3. Sectional Analysis for SSHB 456
4. Summary
5. Position Paper - Department of Public Safety
6. Alaska Statutes - Title 28 - Chapter 10
Relating to Motor Vehicle Registration and Title
7. 1985 Supplement to Chapter 10
8. Department of Public Safety Regulations
Relating to Motor Vehicle Registration and Title
9. Fiscal Note - Department of Public Safety

Chapter 10. Vehicle Registration and Title.

Article

1. Registration (§§ 28.10.011 — 28.10.181)
2. Title (§§ 28.10.201 — 28.10.261)
3. Transfer of Vehicle (§§ 28.10.271 — 28.10.361)
4. Filing Documents Evidencing Liens or Encumbrances (§§ 28.10.371 — 28.10.401)
5. Fees and Charges (§§ 28.10.411 — 28.10.441)
6. Registration and Title Violations (§§ 28.10.451 — 28.10.493)
7. General Provisions (§§ 28.10.495 — 28.10.661)

NOTES TO DECISIONS

Cited in *Newell v. National Bank, Sup. Ct. Op. No. 2518 (File No. 5437), 646 P.2d 224 (1982)*; *Anderson v. Municipality of Anchorage, Ct. App. Op. No. 89 (File No. 5318), 645 P.2d 205 (1982)*.

Collateral references. — 7A Am. Jur. 2d, *Automobiles and Highway Traffic*, § 51 et seq.
60 C.J.S., *Motor Vehicles*, § 58 et seq.

Article 1. Registration.

| Section | Section |
|--|---|
| 11. Vehicles subject to registration | 105. Staggered registration |
| 21. Application for registration | 107. Staggered registration implementation |
| 31. Temporary permits | 111. Renewal of registration |
| 41. Grounds for refusing registration | 121. Vehicles of nonresidents |
| 51. Department may suspend or revoke registration | 131. Vehicles previously registered in other jurisdictions |
| 61. Registration of vehicles with altered or missing identification number | 141. Interstate use of vehicles |
| 71. Registration records and statistics; stolen vehicles | 151. Vehicles transported under special permits |
| 81. Issuance of certificate of registration; certificate to be signed, carried and displayed | 161. Registration plates to be furnished by department |
| 91. Lost or mutilated certificates of registration or registration plates | 171. Display of registration plates |
| 101. Expiration of registration | 181. Registration of unique and special vehicles and vehicles used for special purposes |

Sec. 28.10.010. Administration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.011. Vehicles subject to registration. Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

d Title.

1371 — 28.10.401)

p. No. 89 (File No. 1982).

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78 SLA 1978.]

Every vehicle
existing place
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- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldier's and Sailor's Civil Relief Act);
- (7) driven or parked on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) a commercial interstate vehicle under AS 28.10.141;
- (10) transported under a special permit under AS 28.10.151;
- (11) driven or moved on a highway or vehicular way not connected to the state highway system established under AS 19.10.020;
- (12) a mobile home as defined by regulation. (§ 7 ch 178 SLA 1978; am § 1 ch 54 SLA 1979; am § 1 ch 99 SLA 1983)

Effect of amendments. — The 1983 amendment added paragraph (12).

NOTES TO DECISIONS

For case construing former AS 28.10.040 and meaning of "cross the highway," see *Newell v. National Bank*, Sup. Ct. Op. No. 2518 (File No. 5437), 646 P.2d 224 (1982).

Collateral references. — 7A Am Jur. 2d, Automobiles and Highway Traffic, §§ 75 to 84.
60 C.J.S., Motor Vehicles, §§ 60, 61, 63 to 65.
Civil rights and liabilities as affected by failure to comply with regulations as to registration of automobile, 16 ALR 1108, 35 ALR 62, 38 ALR 1038, 43 ALR 1153, 54 ALR 374, 58 ALR 532, 61 ALR 1190, 78

ALR 1028, 87 ALR 1469, 111 ALR 1258, 163 ALR 1375.
Construction and application of exemption or exception from provisions of statute requiring registration, 91 ALR 422.
What constitutes farm vehicle, construction equipment, or vehicle temporarily on highway exempt from registration as motor vehicle, 27 ALR 4th 843.

Sec. 28.10.020. Powers and duties. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.021. Application for registration. (a) The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under AS 28.05.041. Before the issuance of a certificate of registration by the department, the owner shall pay all registration fees and taxes required under this chapter and Alaska motor freight carrier and bus transportation fees required under AS 42, and comply with any other applicable statutes and regulations.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law, the mandatory automobile insurance requirement, and potential penalties for failure to comply with the law. (§ 7 ch 178 SLA 1978; am §§ 4, 17 ch 70 SLA 1984)

Effect of amendments. — The 1984 amendment, effective January 1, 1985, added subsection (b).

Postponed amendments. — Section 17, ch. 70, SLA 1984, effective January 1,

1989, repeals subsection (b).

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 51 to 54.

60 C.J.S., Motor Vehicles, § 101.

Sec. 28.10.030. Unregistered vehicles. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.031. Temporary permits. (a) When application, accompanied by the proper fee and tax, has been made for the registration of a vehicle, the vehicle may be driven pending the issuance of a certificate of registration by displaying a temporary permit issued by the department.

(b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by the dealer a temporary permit to drive the vehicle. A permit is effective for a period not to exceed 30 days. The commissioner shall adopt regulations governing the issuance of permits under this section.

(c) A person may not operate a vehicle under an expired permit issued under this section. (§ 7 ch 178 SLA 1978)

Sec. 28.10.040. Registration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.041. Grounds for refusing registration. (a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;
- (7) the required fees, taxes, motor freight carrier fees or bus transportation fees have not been paid;

§ 28.10.041

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§ 28.10.050

MOTOR VEHICLES

§ 28.10.061

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

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

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

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

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

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

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

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

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

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

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

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

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

Collateral references. — 7A Am. Jur.
2d, Automobiles and Highway Traffic,
§§ 90, 91.

60 C.J.S., Motor Vehicles, §§ 127 to 131.
Civil rights and liabilities as affected by
failure to comply with regulations as to

registration of automobile, 16 ALR 1108,
35 ALR 69, 38 ALR 1038, 43 ALR 1153, 54
ALR 374, 58 ALR 532, 61 ALR 1190, 78
ALR 1028, 87 ALR 1469, 111 ALR 1258,
163 ALR 1375.

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

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

required to be registered under this chapter has been altered, removed or defaced, or is not on the vehicle, the owner shall, immediately upon discovery, apply to the department for replacement of the identification number and for a new registration. The department shall search all available sources to determine the identification number originally assigned and, if the number is determined, shall replace it. If efforts to determine the original identification number fail, the owner shall furnish information to show that the owner is entitled to ownership of the vehicle and have it inspected by the department. The department, when satisfied as to the ownership of the vehicle, shall assign an identification number to the vehicle and have the number placed upon the vehicle to which it is assigned. The vehicle shall then be registered under the replaced or assigned identification number. (§ 7 ch 178 SLA 1978)

Sec. 28.10.070. Taxes. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.071. Registration records and statistics; stolen vehicles. (a) The department shall review each application for registration received and, when satisfied that it is correct, register the vehicle and keep a record of the registration in suitable books, index cards or electronic or photographic recording and storage media, or in any combination of them. The record is referred to as the "vehicle register" and the vehicles as "registered vehicles." The department may compile a record of the number and types of vehicles registered in this state and may make statistical data available to the public for a fee as prescribed in regulations adopted by the commissioner.

(b) Records under this section shall be maintained

- (1) by a distinctive registration number assigned to the vehicle;
- (2) by the vehicle identification number, including but not limited to a record of identification numbers replaced or assigned under AS 28.10.061;
- (3) by the name and residence and mailing address of the owner; and
- (4) as otherwise required by the department.

(c) The department shall keep a record of the registrations of vehicles used in law enforcement work when secrecy is necessary. This record is separate from the vehicle register required by this section and may be disclosed only to and upon the request of the chief peace officer of a municipality, a state trooper district commander, the chief federal law enforcement officer assigned to the state, or to a court upon an appropriate order.

(d) The department shall maintain and appropriately index cumulative records of stolen, converted, recovered and unclaimed vehicles reported to it. The department may make and distribute weekly lists of these vehicles to peace officers and to other departments upon their request without charge and to the public for a reasonable fee as prescribed by the department. (§ 7 ch 178 SLA 1978)

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1978.]

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

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

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

Collateral references. — 60 C.J.S., operator of a motor vehicle not to carry or Motor Vehicles, § 106. display his vehicle registration certificate, Validity and construction of statute 6 ALR3d 506. making it a criminal offense for the

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

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

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

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

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

(2) After December 31, 1978, expiration and renewal shall be as specified in the staggered vehicle registration procedures under AS 28.10.105 and 28.10.107. (§ 7 ch 178 SLA 1978)

Collateral references. — 60 C.J.S.,
Motor Vehicles, § 125.

Sec. 28.10.105. Staggered registration. (a) Effective January 1, 1979, every vehicle registration, registration card and registration plate expires and must be renewed in accordance with the registration renewal schedule set out in this section.

(b) Effective January 1, 1979, every new or used vehicle subject to registration but not currently registered must be registered in accordance with the registration renewal schedule set out in this section.

(c) *[Repealed. § 83 ch 6 SLA 1984.]*

(d) Vehicles initially assigned to the first through seventh registration periods must be registered and validated through the last day of their respective anniversary periods in 1980.

(e) Vehicles initially assigned to the eighth through tenth registration periods must be registered through the last day of their respective registration renewal periods in 1979, at which time the vehicles must be registered for a full 12-month period through the last day of their respective registration renewal periods in 1980.

(f) Every vehicle registered under this section and AS 28.10.107 may, at the option of the owner, have its registration period extended in monthly increments by payment of the proportionate prorated applicable fees to allow annual registration to occur in any month of the owner's choice.

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

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

(i) The department may adopt regulations implementing staggered vehicle registration only as authorized under the provisions of this section and in accordance with the Administrative Procedure Act (AS 44.62), specifically subject to the legislative annulment procedures as provided in AS 44.62.320 and including notice as provided in AS 44.62.190 and AS 44.62.200 and an opportunity for public comment as provided in AS 44.62.210. (§ 7 ch 178 SLA 1978; am § 83 ch 6 SLA 1984)

Effect of amendments. — The 1984 amendment repealed former subsection (c), relating to vehicles registered before January 1, 1979.

NOTES TO DECISIONS

Jury trial for violations. — Subsection (a) of this section and the other registration statutes in pari materia do not specify a violation of the registration statutes as an infraction, and thus under AS 28.35.230, such a violation is a misdemeanor punishable by up to 90 days' imprisonment, and entitling a defendant to a jury trial, denial of which right constitutes prejudicial error, requiring a new trial. *Epperly v. State*, Ct. App. Op. No. 111 (File No. 6590), 648 P.2d 609 (1982).

Sec. 28.10.107. Staggered registration implementation. (a) Every vehicle subject to registration under AS 28.10.011 and 28.10.421(b)(3) and (4) and (c)(1) — (4) shall have its initial registration, and may have its annual registration, renewed during the month of December, subject to the provisions of AS 28.10.105(f).

(b) Every vehicle subject to registration under AS 28.10.181, 28.10.411 and 28.10.421(d)(5), (6) and (9) shall have its initial registration, and may have its annual registration, renewed during the month of January, subject to the provisions of AS 28.10.105(f).

(c) Every vehicle subject to registration except those covered by (a) or (b) of this section shall have its initial registration, and may have its annual registration renewal period related to one of the 10 renewal periods. These vehicles will be initially assigned staggered registration periods in the following manner, subject to the provisions of AS 28.10.105(f):

(1) vehicles registered in Alaska before January 1, 1979 shall be assigned to a registration renewal period related to the last digit of the license assigned to the vehicle and shown upon its current registration card;

(2) vehicles not registered in Alaska as of January 1, 1979 shall be assigned to a registration renewal period related to the month in which the vehicle was first registered in Alaska;

(3) vehicles shall retain the same annual expiration date regardless of the ownership of the vehicle;

(4) the date to which a vehicle is initially stagger-registered will determine its registration renewal period as follows:

| Registration between | Anniversary Period |
|-------------------------------|--------------------|
| January 1 and January 31 | 1st |
| February 1 and February 28/29 | 1st |
| March 1 and March 31 | 2nd |
| April 1 and April 30 | 3rd |
| May 1 and May 31 | 4th |
| June 1 and June 30 | 5th |
| July 1 and July 31 | 6th |
| August 1 and August 31 | 7th |
| September 1 and September 30 | 8th |
| October 1 and October 31 | 9th |

| Registration between | Anniversary Period |
|----------------------------|--------------------|
| November 1 and November 30 | 10th |
| December 1 and December 31 | 10th |

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

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

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

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

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

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

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

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

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

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

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

anniversary Period
10th
10th

day of the month

mail, to the regis-
tration address as shown
on the registration expiration.
If you have received noti-
fication of the vehicle
expiration, the notification
method shall be
the registration renewal
method or notification

renewal applica-
tion timely mailed in
the registration and
mailing address as
shown on the registration card and

expiration of regis-
tration until the vehicle

and taxes have
been paid in five working
days after the taxes required by

set out in (h) of

shall be shown to be
in compliance with § 7 ch 178 SLA

178 SLA 1978.]

application for the
issuance of the proper
plates, and any motor
vehicle under AS 42.

for the renewal of
registration at any
time as prescribed in
this section
for registration;
registration plates on a

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

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

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

Sec. 28.10.121. Vehicles of nonresidents. (a) A nonresident owner of a noncommercial vehicle registered outside the state is exempt from the registration provisions of this chapter for 90 days after entry into the state if the vehicle at all times when driven in this state is registered in and has displayed upon it a currently valid registration plate issued for it by another jurisdiction. However, if the person becomes gainfully employed in the state or takes action which indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 15 days of commencement of employment or of taking action which indicates the person's intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins in accordance with AS 28.10.141 and other applicable provisions of this chapter.

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

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

Opinions of attorney general. — The burden of proving the exemption provided by this section should be placed on vehicle owners seeking the benefit of the exemption. 1959 Op. Att'y Gen., No. 23 issued under former AS 28.10.540.

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

60 C.J.S., Motor Vehicles, §§ 66 to 68. Statutes in relation to foreign owned vehicles operating within state, 82 ALR 1091, 138 ALR 1499.

Corporation domiciled in state but having branch trucking bases in other states, applicability of motor vehicle registration laws to, 16 ALR2d 1414.

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

Sec. 28.10.131. Vehicles previously registered in other jurisdictions. (a) If a vehicle to be registered under this chapter is previously registered outside the state, the jurisdiction of registry shall be stated in the application, and the owner shall surrender to the department all evidence of out-of-state registration in his possession or control except as provided in AS 28.10.141, and the department may require verification of the vehicle identification number.

(b) If the owner is unable to provide the necessary evidence of ownership, the department, when satisfied that the applicant is the lawfully registered owner of the vehicle, may register the vehicle without issuing a title and shall type or stamp on the face of the State of Alaska certificate of registration "No Title Issued." The issuance of the Alaska certificate of title shall be withheld until the registered or legal owner provides for the surrender of the out-of-state title, or in the case of a nontitle state, documents which satisfy the department of ownership and any liens on the vehicle, or until the posting of a vehicle surety bond equal to the market value of the vehicle which bond shall be maintained for two years. (§ 7 ch 178 SLA 1978)

Secs. 28.10.135, 28.10.140. Reflective plates; attachment. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.141. Interstate use of vehicles. When, in the course of regular interstate operation in this state of a vehicle registered in another jurisdiction, and it is desirable to retain the registration and title of the vehicle in the other jurisdiction, the owner or an agent of the owner shall register the vehicle and pay all required fees and taxes and submit for inspection the certificate of registration issued by that jurisdiction. The department, when satisfied that the applicant is entitled to the exemption from the title requirements of this chapter, shall register the vehicle but may not issue a certificate of title. Notice of the fact that the vehicle is registered in another jurisdiction shall appear on the certificate of registration issued by this state and in the records of the department maintained under AS 28.10.071. (§ 7 ch 178 SLA 1978)

Collateral references. — 60 C.J.S., having branch trucking leases in other Motor Vehicles, § 67. states, applicability of motor vehicle registration laws to, 16 ALR2d 1414. Corporation domiciled in state but

Sec. 28.10.150. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.151. Vehicles transported under special permits. When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

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

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

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

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

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

(1) the Alaska flag;

(2) the traditional colors of yellow-gold and blue;

(3) the slogan "The Last Frontier";

(4) the registration number assigned to the vehicle for which it is issued;

(5) the name of this state which may be abbreviated; and

(6) the registration year number or expiration date for which time it is validated; the registration year number or expiration date may be part of the license plate or contained on a suitable sticker or tab device issued by the department.

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

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

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

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

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

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

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.121(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

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

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

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

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

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

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

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

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

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

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle

not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and which vehicle is used exclusively to transport the person's own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on the person's ranch, farm or dairy, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

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

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

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

(l) Vehicles owned by former prisoners of war. The department, upon receipt of written proof, may issue without charge special registration plates for one noncommercial motor vehicle to a person who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984)

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Effect of amendments. — The 1984 2d, Automobiles and Highway Traffic,
 amendment added subsection (1). §§ 75 to 84.
 Collateral references. — 7A Am. Jur. 60 C.J.S., Motor Vehicles, §§ 63 to 65.

*Secs. 28.10.190, 28.10.200. Transfer of special plates; annual tax.
 [Repealed, § 7 ch 178 SLA 1978.]*

Article 2. Title.

| Section | Section |
|---|---|
| 201. Title required; exceptions | 241. Delivery and effect of certificate of title |
| 211. Application for title | 251. Lost, stolen or mutilated certificate of title |
| 216. Inadequate evidence of ownership | 261. Evidence |
| 221. Refusal, suspension, and revocation of title | |
| 231. Certificate of title contents | |

Collateral references. — 7A Am. Jur.
 2d, Automobiles and Highway Traffic,
 §§ 25 to 29.
 60 C.J.S., Motor Vehicles, § 42.

Sec. 28.10.201. Title required; exceptions. (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and 28.10.141, every owner of a vehicle subject to registration in this state shall apply for a certificate of title under this chapter.

(b) The owner of a vehicle described in AS 28.10.011 as being exempt from registration and the owner of a snowmobile or off-highway vehicle may not apply for, nor may the department issue, a certificate of title for such a vehicle. However, the department may issue a certificate of title to the owner of a vehicle exempt from registration under AS 28.10.011(3), (6), (7), (11), or (12) only upon application by that owner.

(c) The certificate of title issued may, when there is more than one owner, state the name of each owner in the conjunctive or in the disjunctive in order to indicate that the owners own the vehicle together or in the alternative.

(d) Except for vehicles registered under AS 28.10.131(b) and 28.10.141, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter, or presents satisfactory evidence that a certificate of title was previously issued to the applicant. The department may not accept the application for the original certificate of registration or title to a vehicle unless the vehicle is in the state at the time of application. However, the department may accept an application for registration and certificate of title for a vehicle is not in the

state when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompanied by a manufacturer's statement of origin, or in the case of a used vehicle, when the application is accompanied by a certificate of title issued in another jurisdiction and a certificate of inspection by a peace officer of that jurisdiction stating that the vehicle has been determined to be the vehicle described in the certificate of title and that the vehicle has not been reported stolen. (§ 7 ch 178 SLA 1978; am § 2 ch 99 SLA 1983; am § 84 ch 6 SLA 1984)

Effect of amendments. — The 1983 and 1984 amendments changed the internal reference in the second sentence of subsection (b).

The 1984 amendment changed the internal reference in the second sentence in subsection (b).

NOTES TO DECISIONS

Purpose of former chapter. — The primary concern of the legislature in enacting former Chapter 10 was to facilitate the suppression of the traffic in stolen cars by requiring certificates of ownership.

Blackard v. City Nat'l Bank, 16 Alaska 344, 142 F. Supp. 753 (D. Alaska 1956).

As to the use of "dealer" in former AS 28.10.260, see *New & Used Auto Sales, Inc. v. Dewey*, 14 Alaska 647.

Secs. 28.10.205, 28.10.210. Personalized plates; tax exemptions. [Repealed. § 7 ch 178 SLA 1978.]

Sec. 28.10.211. Application for title. (a) The owner of a vehicle required to be titled under this chapter shall apply for title by properly completing and surrendering the forms prescribed by the commissioner and by complying with all applicable laws and regulations, after which the department shall issue a certificate of title.

(b) An application for title or transfer of title shall contain

(1) the signature in ink of the owner, or if there is more than one owner, the signature in ink of at least one of the owners and the name of each owner stated in the conjunctive or in the disjunctive; and

(2) any other information reasonably required by the department.

(c) When an application for title refers to a new vehicle, the application shall be accompanied by a "manufacturer's statement of origin" and other information reasonably required by the department.

(d) An applicant for title to a vehicle transferred by court action on a lien or encumbrance shall surrender to the department a certified copy of the court order involuntarily transferring the vehicle.

(e) If a vehicle to be titled is a specially constructed or reconstructed vehicle, the fact shall be noted on the application for title. The department may require evidence of prior registration of, or issuance of title for, the vehicle and may require the applicant to furnish additional information as it considers necessary to establish ownership, including bills of sale, invoices for vehicle equipment, or a surety bond. (§ 7 ch 178 SLA 1978)

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Sec. 28.10.215. Vehicles for disabled. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.216. Inadequate evidence of ownership. (a) When the department is not satisfied as to the ownership of a vehicle or believes that there may be undisclosed security interests in it, the department may register the vehicle but shall either

(1) withhold issuance of a certificate of title until the applicant presents documents sufficient to satisfy the department

(A) as to the ownership of the vehicle by applicant, and

(B) that there are no undisclosed security interests in the vehicle; or

(2) require the applicant, as a condition of the issuance of a certificate of title, to file with the department either

(A) a bond in the form prescribed by the department and executed by the applicant, or

(B) a deposit of cash.

(b) A bond or cash deposit filed under (a)(2) of this section shall be equal in amount to one and one-half times the value of the vehicle as determined by the department and be conditioned to indemnify former owners, secured parties, and subsequent purchasers of the vehicle and their successors against loss resulting from a defect in or undisclosed security interest on the title of the applicant. An injured party may sue on the bond for a breach of its conditions, but the liability of the surety or the department may not exceed the amount of the bond or deposit.

(c) The bond or deposit shall be returned (1) at the end of three years from its filing, or (2) when the vehicle is no longer registered in the state if (2) is earlier and if the certificate of title is surrendered to the department. Service on the department of notice that action is pending to recover on the bond or the deposit extends the periods established in this subsection until 45 days after a final decision in the action on the bond or on the deposit. (§ 3 ch 54 SLA 1979)

Sec. 28.10.220. Farm vehicles. [Repealed, § 7 ch. 178 SLA 1978.]

Sec. 28.10.221. Refusal, suspension, and revocation of title. (a) The department may refuse to issue a certificate of title and may suspend or revoke a previously issued certificate of title when

(1) the certificate of title was fraudulently procured or erroneously issued or required information or fees have not been provided;

(2) the vehicle has been scrapped, dismantled or destroyed beyond repair;

(3) the vehicle has been reported to the department as stolen or unlawfully converted, until the department learns of the recovery of the vehicle or that the report of its theft or conversion was false or erroneous; or

(4) authorized by any other provision of law.

(b) Suspension or revocation of a certificate of title under (a) of this section does not affect the rights of a lienholder named on the certificate.

(c) A certificate of title which is suspended or revoked shall be returned immediately to the department by the owner or other person lawfully entitled to possession of the certificate of title. (§ 7 ch 178 SLA 1978)

Sec. 28.10.230. Sunday school buses. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.231. Certificate of title contents. (a) A certificate of title issued by the department shall contain

- (1) the date issued;
- (2) the name and residence and mailing address of the owner;
- (3) the name and address of the primary lienholder, if any;
- (4) a description of the vehicle including its make, year of manufacture, identification number; and
- (5) other information the department may reasonably require.

(b) The certificate of title shall contain a space for the assignment and warranty of title by the owner or dealer selling the vehicle and a space for the assignment or release of the security interest of a lienholder, and may contain forms for application for title by a transferee, and for the naming of a primary lienholder.

(c) The department may not indicate on a certificate of title more than the primary lienholder and the primary registered owner when indicating lienholders and registered owners. (§ 7 ch 178 SLA 1978)

Sec. 28.10.240. Proration of tax. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.241. Delivery and effect of certificate of title. (a) The department shall deliver the certificate of title to the primary lienholder named in the certificate. Otherwise, delivery shall be to the registered owner.

(b) A certificate of title for a vehicle is not subject to attachment, execution or other judicial process, but this section does not prevent a lawful levy upon the vehicle. (§ 7 ch 178 SLA 1978)

Sec. 28.10.250. Special dealer tax. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.251. Lost, stolen or mutilated certificate of title. (a) If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the title as shown by the records of the department shall apply for and obtain a duplicate title upon furnishing information satisfactory to the department and payment of the prescribed fee. The duplicate title shall indicate that it is a duplicate title, and it shall be mailed or delivered to the first lienholder named in it or, if none, to the registered owner.

(b) A person who recovers an original title for which a duplicate has been issued shall immediately surrender the duplicate to the department. (§ 7 ch 178 SLA 1978)

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*Secs. 28.10.255, 28.10.260. Annual tax; certificate of title.
[Repealed, § 7 ch 178 SLA 1978.]*

Sec. 28.10.261. Evidence. (a) In a civil or criminal proceeding, when the title or right to possession of a vehicle is involved, the record of registrations and certificates of title as they appear in the files and records of the department are prima facie evidence of the ownership or right to possession. Proof of ownership or right to possession of a vehicle shall be made by a copy of the record certified by the department or by an original certificate of registration or title issued by the department.

(b) Lien information indicated upon the title shall be accepted as prima facie evidence of legal ownership and the filing of a lien. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Editor's notes. — The cases cited in the note below were decided under former AS 28.10.560.

Parties to an action may introduce evidence to show who is in fact the true owner of a vehicle required to be registered under the provisions of the Alaska Motor Vehicle Act. State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska 1975).

Oral testimony. — Subsection (a) does not preclude oral testimony as to the ownership, or right to possession, of a motor vehicle. Weaver v. O'Meara Motor

Co., Sup. Ct. Op. No. 535 (File No. 961), 452 P.2d 87 (1969).

Ordinarily oral evidence of a party that he owns property, or proof of possession, when not rebutted, is sufficient to establish the requisite ownership to maintain an action for property damage. Most courts have accepted such evidence as sufficient to establish the plaintiff's ownership of a motor vehicle so as to enable him to maintain an action for damages thereto. Weaver v. O'Meara Motor Co., Sup. Ct. Op. No. 535 (File No. 961), 452 P.2d 87 (1969).

Collateral references. — Presumption of ownership of automobile by one in whose name it is registered or whose license plates it bears, 103 ALR 138.

Proof of title to motor vehicle requisite to recovery for injury thereof, 7 ALR2d 1347.

Motor vehicle certificate of title or similar document as, in hands of one other than legal owner, indicia of ownership justifying reliance by subsequent purchaser or mortgagee without actual notice of other interests, 18 ALR2d 813.

Sec. 28.10.270. Application. [Repealed, § 7 ch 178 SLA 1978.]

Article 3. Transfer of Vehicle.

Section

- 271. Transfer of vehicle by owner
- 281. Transfer to dealer
- 291. Transfer from dealer
- 301. Transfer of motor vehicle to minor
- 311. Transfer by operation of law
- 321. New owner to secure transfer of registration and new title

Section

- 331. Department to issue new certificates of title and registration
- 341. Duty of lienholder in possession of title to transferred vehicle
- 351. Dismantling or wrecking vehicle
- 361. When transfer effective

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

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

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

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

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

NOTES TO DECISIONS

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

Sec. 28.10.280. Title for vehicles of other state. [Repealed. § 7 ch 178 SLA 1978.]

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

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

NOTES TO DECISIONS

Former law construed. — See Op. No. 1130 (File No. 1945), 533 P.2d 20 Graham v. North River Ins. Co., Sup. Ct. (1975).

Sec. 28.10.290. Temporary permits. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.291. Transfer from dealer. (a) A vehicle dealer, upon transferring a vehicle, shall execute an assignment and a warranty of title to the transferee as provided in AS 28.10.271 and furnish proof of the sale of the vehicle to the transferee.

(b) The dealer shall, within 30 days of the transfer of the vehicle, forward to the department the transferee's completed application for new certificates of title and registration except as provided in (c) of this section. The application shall contain the vehicle dealer's license number and shall be accompanied by any required fees and taxes.

(c) If the transferee indicates in a sworn affidavit that the transferee does not intend to use the vehicle in a manner requiring registration in this state, the dealer may deliver the certificate of title to the transferee directly. The dealer shall mail or deliver the affidavit to the department within five days of the transfer. (§ 7 ch 178 SLA 1978)

Sec. 28.10.300. False statements. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.301. Transfer of motor vehicle to minor. (a) An agreement for the purchase of a motor vehicle by a minor who has not been emancipated is void unless a parent or guardian of the minor is also a party to the agreement.

(b) In this section, "emancipated" means that a minor to whom the term refers is a resident of this state and is at least 16 years of age, is living separate and apart from the minor's parents or guardian, and is capable of self-support and of managing the minor's own financial affairs.

(c) If a vehicle is improperly transferred to a minor, the title to and registration of the vehicle remains with the owner and does not transfer to the minor or the parent or guardian of the minor. However, if the certificate of title and registration for the vehicle has been delivered to the minor or the parent or guardian of the minor, that person shall immediately deliver the certificate of title and registration to the department. The department shall reissue title to the previous owner of record. (§ 7 ch 178 SLA 1978)

Sec. 28.10.310. Refusal. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.311. Transfer by operation of law. (a) When the title to, or interest in, a registered vehicle passes to another person other than by a voluntary transfer, the registration of that vehicle expires.

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

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

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

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

NOTES TO DECISIONS

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

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

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

NOTES TO DECISIONS

Former law construed. — See Harbor Ins. Co. v. United States Fid. & Guar. Co., 350 F. Supp. 723 (D. Alaska 1972); Christian v. State, Sup. Ct. Op. No. 921 (File No. 1626), 513 P.2d 664 (1973); Graham v. Black, Superior Court, 3rd Jud. Dist., C.A. No. 71-3441 (1973); State Farm Mut. Auto. Ins. Co. v. Clark, 397 F. Supp. 745 (D. Alaska 1975); Graham v. North River Ins. Co., Sup. Ct. Op. No. 1130 (File No. 1945), 533 P.2d 20 (1975).

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

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

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

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

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

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

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

Article 4. Filing Documents Evidencing Liens or Encumbrances.

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

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

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

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

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

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

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

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

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

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

liens or encumbrance, or other lien on a registered vehicle, shall be valid against a subsequent purchaser in good faith and without notice of the documents by the department as shown in its endorsement on the documents.

h 178 SLA 1978.]

of title. (a) A person holding a lien or encumbrance on a vehicle shall be deemed to have constructive notice of all liens or encumbrances on the vehicle of a type subject to registration under this chapter. (§ 7 ch 178 SLA 1978)

or encumbrance creating and evidencing a lien or encumbrance upon a vehicle of a type subject to registration under this chapter. (§ 7 ch 178 SLA 1978)

is not registered as to the lien or encumbrance shall be deemed to have constructive notice of all liens or encumbrances on the vehicle of a type subject to registration under this chapter. (§ 7 ch 178 SLA 1978)

the department shall issue a new certificate of title reflecting the lien or encumbrance. (§ 7 ch 178 SLA 1978)

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the filing of the certificate of title shall be deemed to have constructive notice of all liens or encumbrances on the vehicle of a type subject to registration under this chapter. (§ 7 ch 178 SLA 1978)

(b) If the documents referred to in AS 28.10.371 — 28.10.401 are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and filing of the documents by the department as shown in its endorsement on the documents.

(c) Filing as provided in AS 28.10.371 — 28.10.401 is the exclusive method of giving constructive notice of a lien or encumbrance on a registered vehicle, except as to a lien dependent upon possession.

(d) A lien or encumbrance, or a document creating and evidencing a lien or encumbrance is exempt from the other provisions of law which require or relate to the recording or filing of a document creating and evidencing a lien or encumbrance upon a vehicle of a type subject to registration under this chapter. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Editor's notes. — The cases cited in the note below were decided under former AS 28.10.510.

Determination of priority of liens rests with the legislature, and its intent should be the controlling factor. *Blackard v. City Nat'l Bank*, 16 Alaska 344, 142 F. Supp. 753 (D. Alaska 1956); *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 593), 409 P.2d 603 (1966).

Mechanic's lien subordinated to prior recorded security interest. — AS 34.35.200(2), when read in conjunction with former AS 28.10.510, evidenced the legislature's intent to subordinate a mechanic's lien to a prior recorded security interest. *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 593), 409 P.2d 603 (1966).

Therefore, the priority given to a mechanic's lien by AS 45.05.750 is not applicable. *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 593), 409 P.2d 603 (1966).

If an artisan retains possession, he has a lien whether he records it or not. The Motor Vehicle Act respects this right. *Blackard v. City Nat'l Bank*, 16 Alaska 344, 142 F. Supp. 753 (D. Alaska 1956).

Effect of Uniform Commercial Code. — Nothing contained in the Uniform Commercial Code altered the priorities under former AS 28.10.510 and AS 34.35.200(2). *Decker v. Aurora Motors, Inc.*, Sup. Ct. Op. No. 314 (File No. 593), 409 P.2d 603 (1966).

Sec. 28.10.400. *Transfer by dealer. [Repealed. § 7 ch 178 SLA 1978.]*

Sec. 28.10.401. *Assignment or release by lienholder.* (a) A person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign that person's title to or interest in the vehicle to a person other than the owner without the consent of the owner and without affecting the interest of the owner or the registration of the vehicle. The person assigning the interest shall give written notice of the assignment to the owner. Upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown on the certificate and the name and address of the assignee, accompanied by the title fee required under AS 28.10.441, the department shall issue a new certificate of title.

(b) A person holding a lien or encumbrance upon a vehicle, as shown on a certificate of title, may release the lien or encumbrance or assign that person's interest to the owner of the vehicle without affecting the registration of the vehicle. Upon receiving a certificate of title upon which a lienholder has released or assigned the lienholder's interest to the owner, or upon receipt of a certificate not endorsed but accompanied by a legal release from a lienholder of the lienholder's interest to a vehicle, and upon payment of the title fee required under AS 28.10.441, the department shall issue a new certificate of title. (§ 7 ch 178 SLA 1978)

Sec. 28.10.410. Transfer by operation of law. [Repealed, § 7 ch 178 SLA 1978.]

Article 5. Fees and Charges.

Section

- 411. Registration fees levied
- 421. Registration fee rates
- 431. Annual motor vehicle registration tax
- 441. Schedule of other fees and charges

Collateral references. — 7A Am. Jur. 60 C.J.S., Motor Vehicles, §§ 60, 136 to 2d, Automobiles and Highway Traffic, 145. §§ 63 to 74.

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

(b) Motor carrier fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) shall be paid to the department at the same time the registration fee is paid.

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

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under AS 28.10.431(b) regardless of whether the borough or city is eligible for the tax levied under that section.

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(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978; am § 85 ch 6 SLA 1984)

Cross references. — For nonapplicability of subsection (e) of this section to fees for guided tours through historical sites, see AS 41.35.045.

Effect of amendments. — The 1984 amendment, in subsection (b), deleted "and bus transportation" following

"carrier" and "and the Alaska Bus Act (AS 42.15) following "Act."

Collateral references. — Validity of automobile registration or license fee as affected by classification or discrimination, 126 ALR 1419.

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

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.101 — 28.10.111.

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

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$30;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;

(3) a taxicab \$65;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$80;

(5) a motorcycle or a motor-driven cycle \$15;

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

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

(1) up to and including 5,000 pounds \$45;

- (2) more than 5,000 pounds to and including 12,000 pounds \$80;
- (3) more than 12,000 pounds to and including 18,000 pounds \$150;

- (4) more than 18,000 pounds \$215.

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

- (1) an historic vehicle (one time only upon initial registration under AS 28.10.181) \$10;

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

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who complies with AS 28.10.411(c) none;

- (4) a vehicle owned by the state none;

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

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

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

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

- (9) an amateur mobile radio station vehicle.

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

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

- (10) dealer registration plates,

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

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

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

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

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

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats.

§ 28.10.421

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§ 28.10.430

MOTOR VEHICLES

§ 28.10.431

camper unit, canopy or other equipment removed unless the other applicable registration fee is paid. (§ 7 ch 178 SLA 1978; am §§ 4, 5 ch 54 SLA 1979; am § 2 ch 151 SLA 1984)

Effect of amendments. — The 1984 amendment added paragraph (13) to subsection (d).

Sec. 28.10.430. Release by lienholder. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.431. Annual motor vehicle registration tax. (a) There is levied a motor vehicle registration tax within each municipality which elects, by passage of an appropriate ordinance, to come under this section. A municipality shall file a written notice of election with the department and may not rescind the notice for a subsequent fiscal year. The notice must be filed on or before January 1 of the year preceding the year election under this section is to become effective. If a municipality has, before October 15, 1978, levied a motor vehicle registration or ad valorem tax which has been repealed by a vote of the people at any regular or special municipal election, then the election provided for in this subsection is not effective until the ordinance passed by the local governing body has been approved by the people at the next regularly scheduled general or special municipal election.

(b) The tax is levied upon motor vehicles subject to the license tax under AS 28.10.411 and 28.10.421, not including mobile homes, and is based upon the age of vehicles as determined by model year according to the following schedule:

| Motor Vehicle | Tax According to Age of Vehicle Since Model Year: | | | | | | | |
|--|---|------|------|------|------|------|------|-------------|
| | 1st | 2nd | 3rd | 4th | 5th | 6th | 7th | 8th or over |
| (1) motorcycle | \$ 8 | \$ 7 | \$ 6 | \$ 5 | \$ 4 | \$ 3 | \$ 2 | \$ 2 |
| (2) vehicles specified in AS 28.10.421(b)(1) | 60 | 50 | 40 | 30 | 20 | 15 | 10 | 5 |
| (3) vehicles specified in AS 28.10.421(b)(3) | 60 | 50 | 40 | 30 | 20 | 15 | 10 | 5 |

Tax According to Age of
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| Motor Vehicle | | | | | | | | |
| (4) vehicles speci- fied in AS 28.10.421(c)(1)-(4) | | | | | | | | |
| 5,000 pounds or less | 60 | 50 | 40 | 30 | 20 | 15 | 10 | 5 |
| 5,001-12,000 pounds | 100 | 50 | 60 | 50 | 40 | 30 | 20 | 10 |
| 12,001-18,000 pounds | 150 | 120 | 100 | 80 | 60 | 40 | 30 | 20 |
| 18,001 pounds or over | 200 | 160 | 130 | 100 | 80 | 60 | 40 | 20 |
| (5) vehicles speci- fied in AS 28.10.421(b)(4) | 100 | 80 | 60 | 50 | 40 | 30 | 20 | 10 |
| (6) vehicles speci- fied in AS 28.10.421(b)(6) | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 2 |
| (7) vehicles speci- fied in AS 28.10.421(d)(9) | 60 | 50 | 40 | 30 | 20 | 15 | 10 | 5 |
| (8) vehicles speci- fied in AS 28.10.421(b)(2) | 60 | 50 | 40 | 30 | 20 | 15 | 10 | 5 |
| (9) vehicles speci- fied in AS 28.10.421(d)(10) | 40 | | | | | | | |

(c) The registration tax shall be levied, collected, enforced and otherwise administered in the same manner as provided for the registration fees in this chapter. Only one registration tax may be collected with respect to the same motor vehicle in the year for which the tax is paid.

(d) If a person has paid both the registration fee levied in AS 28.10.411 and 28.10.421 and the registration tax levied in this section, and the department determines that the payor is entitled to a refund in whole or in part of the registration tax, the department shall make the refund to which the person is entitled. A refund may not be made unless application for a refund is filed with the department by December 31 of the year following the year for which the refund is claimed.

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

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

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

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

Effect of amendments. — The 1984 amendment added subsection (h).
Collateral references. — Validity of statutes imposing license tax on automob-

iles as affected by constitutional provisions in relation to taxation, 5 ALR 759, 126 ALR 1419.

Sec. 28.10.440. Dismantled vehicle. [Repealed, § 7 ch 178 SLA 1978.]

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

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

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

Article 6. Registration and Title Violations.

| Section | Section |
|---|--|
| 451. Unlawful to violate provisions requiring registration and title | 481. Improper use of evidence of registration or certificate of title |
| 461. Driving vehicle without evidence of registration | 491. Felonies relating to title, registration, identification number, and removal and representation of vehicles |
| 471. Driving vehicle when registration suspended or revoked or permit expired | 493. Misdemeanors relating to transfers |

Collateral references. — 7A Am. Jur. 2d. Automobiles and Highway Traffic, §§ 92 to 95.
 60 C.J.S. Motor Vehicles, §§ 133 to 135;
 61A C.J.S. Motor Vehicles, § 714(4).
 Civil rights and liabilities as affected by failure to comply with regulations as to registration of automobile, 16 ALR 1108, 35 ALR 62, 38 ALR 1038, 43 ALR 1153, 54 ALR 374, 58 ALR 532, 61 ALR 1190, 78 ALR 1028, 87 ALR 1469, 111 ALR 1258, 163 ALR 1375.

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

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

Sec. 28.10.460. Required insurance. [Repealed, § 7 ch 178 SLA 1978.]

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

Collateral references. — Lack of proper automobile registration as evidence of operator's negligence, 73 ALR 162, 29 ALR2d 963.
 Validity and construction of statute making it a criminal offense for the operator of a motor vehicle not to carry or display his vehicle registration certificate, 6 ALR3d 506.

Sec. 28.10.470. Filing liens. [Repealed, § 7 ch 178 SLA 1978.]

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

utions.

of evidence of registration certificate of title relating to title, registration number, and representation of vehicle

relating to transfers

with regulations as to motor vehicle, 16 ALR 1108, 1038, 43 ALR 1153, 54 32, 61 ALR 1190, 78 1469, 111 ALR 1258,

Repealed, § 7 ch

requiring registration to defeat the registration of a vehicle as to comply with the

§ 7 ch 178 SLA

ence of registration in this chapter, a registration permit to drive on a highway or area, a vehicle registration certificate, a valid registration certificate, a registration period are required by this chapter for the current registration period, in the vehicle registration, or an authorized person (1978)

is an offense for the driver of a vehicle not to carry or display a registration certificate.

SLA 1978.)

is suspended registration, or a vehicle is moved, or a vehicle is driven on a highway

or vehicular way or area, a vehicle for which the registration or permit has been suspended or revoked or has expired. (§ 7 ch 178 SLA 1978)

NOTES TO DECISIONS

Cited in Lowry v. State, Ct. App. Op. No. 151 (File Nos. 6328, 6434), 655 P.2d 780 (1982).

Sec. 28.10.480. Filing provisions. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.481. Improper use of evidence of registration or certificate of title. A person may not lend to another, or knowingly permit the use by another of, a certificate of registration or title, registration plate, decal, special plate, or permit issued under this chapter if the person to whom it is loaned or whose use is permitted is not entitled to its use, nor may a person display in or upon a vehicle a certificate of registration, registration plate, decal, special plate, or permit not issued for that vehicle or not otherwise lawfully used on that vehicle. (§ 7 ch 178 SLA 1978)

Sec. 28.10.490. New certificate. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.491. Felonies relating to title, registration, identification number, and removal and representation of vehicles. (a) Upon conviction, a person is guilty of a felony who

(1) alters, forges or counterfeits a certificate of title or registration, or a registration plate, decal, tab or sticker of this or another jurisdiction;

(2) alters or forges an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title of this or another jurisdiction or on a form the department prescribes;

(3) has possession of or uses a certificate of title or registration, registration plate, decal, tab or sticker of this or another jurisdiction knowing it to have been altered, forged or counterfeited;

(4) wilfully removes or falsifies a vehicle identification number;

(5) wilfully conceals or misrepresents the identity of a vehicle or vehicle equipment;

(6) buys, receives, possesses, sells or disposes of a vehicle or vehicle equipment, knowing that a vehicle identification number or equipment has been unlawfully removed or falsified;

(7) removes from the state a vehicle which is the subject of a security interest created under AS 28.01 — 28.35 or under AS 45.01 — 45.09, without the written consent of the secured party, and with intent to defraud the secured party or the state; or

(8) represents a motor vehicle or house trailer to be a new vehicle and who sells or procures the sale of that motor vehicle as a new vehicle without presenting a "manufacturer's statement of origin."

(9) makes a false statement or otherwise conceals or withholds a

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

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

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

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

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

Article 7. General Provisions.

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

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

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

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

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

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

Sec. 28.10.501. [Renumbered as AS 28.10.661.]

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

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a motor vehicle, has a possessory lien on the vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person, and the vehicle may be sold, as provided in (c) of this section, to pay the charges for towing, transportation or storage.

(b) A lien under this section is limited to towing and storage charges assessed according to the tariff filed by the carrier with the Alaska Transportation Commission; however, in the absence of a filed tariff, the towing or storage charge shall be the same as the lowest similar charge in the other filed tariffs covering the same service or route. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless a certified letter has been mailed within that time to the owner and primary lienholder, if any, at their addresses of record with the Department of Public Safety or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded.

(c) If the motor vehicle remains unclaimed for a period of 30 days in the possession of the person who performed the towing, transportation or storage, it shall be sold on giving 20 days notice of the sale. The notice shall be delivered to the proper officer and personally served on the registered owner and all lienholders, if any, of the motor vehicle in the same manner as provided by law for service of summons. If either of these persons cannot be located and served personally, notice of the sale shall be forwarded to the registered owner and all lienholders, if any, at their last known address by certified mail, return receipt requested. This notice shall contain a description of the motor vehicle, including its registration plate number and vehicle identification number, together with the time and place of sale, a statement of the amount due, and the name and address of the person to whom the charges are due.

(d) The money realized from a sale made under this section shall be applied first to the payment of costs and expenses of the sale and secondly to the lawful charges of the person having a lien on the motor vehicle under this section. Remaining proceeds from the sale shall be retained by the Department of Public Safety to be distributed to the registered and legal owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of a titled motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien. (§ 21 ch 178 SLA 1978)

Collateral references. — 38 Am. Jur. 2d, Garages, and Parking and Filling Stations, §§ 140, 144 to 151.

61A C.J.S., Motor Vehicles, §§ 725, 748(d), (e).

Lien for towing or storage, ordered by public officer, of motor vehicle, 85 ALR3d 199.

Secs. 28.10.510 — 28.10.540. Liens; nonresident owners. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.550. Notice of changes. [Repealed, § 20 ch 241 SLA 1976.]

Secs. 28.10.560, 28.10.570. Evidence; enforcement. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.580. Lists of vehicles. [Repealed, § 29 ch 214 SLA 1975.]

Secs. 28.10.590 — 28.10.660. Miscellaneous offenses; general provisions. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.661. Definition of dealer. Unless otherwise specifically defined or unless the context otherwise requires, in this chapter and in regulations adopted under this chapter, "dealer" means a person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered under this chapter and who maintains a place of business or by word of mouth, advertising or in any other manner represents to be in the business of buying, selling or exchanging vehicles. (§ 7 ch 178 SLA 1978)

Revisor's notes. — Formerly AS 28.10.501. Renumbered in 1984.

NOTES TO DECISIONS

As to the use of the word "dealer" in former AS 28.10.260, relating to obtaining a certificate of title as a condition to registration, see *New & Used Auto Sales, Inc. v. Dewey*, 14 Alaska 647.

Chapter 11. Abandoned Vehicles.

| | |
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| Section | Section |
| 10. Abandonment unlawful | 70. Disposal of abandoned vehicles |
| 20. Presumption of abandonment | 80. Disposal facilities |
| 30. Removal of abandoned vehicles | 90. Towing and storage lien on abandoned vehicle |
| 40. Notice to owners and lienholders | 100. Municipal abatement procedure |
| 50. Vesting of title | 110. Abandoned motor vehicle fund |
| 60. Redemption | |

Sec. 28.11.010. Abandonment unlawful. (a) A person may not abandon a vehicle upon a highway or vehicular way or area.

(b) A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.

(c) A person who abandons a vehicle in a place specified in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.

Alaska Statutes

Title 28. Motor Vehicles.

Chapter

- 10. Vehicle Registration and Title (§§ 28.10.021, 28.10.041, 28.10.101, 28.10.015, 28.10.107, 28.10.108, 28.10.111, 28.10.321, 28.10.411, 28.10.421, 28.10.423)
- 15. Drivers' Licenses (§§ 28.15.041, 28.15.051)
- 17. Commercial Driver Training Schools (§ 28.17.051)
- 20. Motor Vehicle Safety Responsibility Act (§ 28.20.440)
- 32. Commercial Motor Vehicle Safety Inspections (§§ 28.32.010 — 28.32.900)
- 33. Commercial Motor Vehicle Financial Responsibility (§ 28.33.010)
- 35. Miscellaneous Provisions (§§ 28.35.031, 28.35.045)
- 40. General Provisions (§ 28.40.100)

Chapter 10. Vehicle Registration and Title.

Article

- 1. Registration §§ 28.10.021, 28.10.041, 28.10.101, 28.10.105, 28.10.107, 28.10.108, 28.10.111
- 3. Transfer of Vehicle (§ 28.10.321)
- 5. Fees and Charges (§§ 28.10.411, 28.10.421, 28.10.423)

Article 1. Registration.

Section

- | | |
|---------------------------------------|------------------------------|
| 21. Application for registration | 107. [Repealed] |
| 41. Grounds for refusing registration | 108. Registration procedures |
| 101. [Repealed] | 111. Renewal of registration |
| 105. [Repealed] | |

Sec. 21 **Application for registration.** (a) The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under AS 28.05.041. Before the issuance of a certificate of registration by the department, the owner shall pay all registration fees and taxes required under this chapter and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954) and shall comply with any other applicable statutes and regulations.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law, the

mandatory automobile insurance requirement, and potential penalties for failure to comply with the law. (§ 7 ch 178 SLA 1978; am §§ 4, 17 ch 70 SLA 1984; am § 35 ch 21 SLA 1985; am § 1 ch 58 SLA 1985)

Effect of amendments. — The first 1985 amendment, effective May 10, 1985, deleted "and Alaska motor freight carrier and bus transportation fees required under AS 42," following "under this chapter" in the second sentence of subsection (a).

The second 1985 amendment, effective May 31, 1985, in the last sentence of

subsection (a) substituted "and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954)" for "and Alaska motor freight carrier and bus transportation fee required under AS 42" and inserted "shall" preceding "comply."

Sec. 28.10.041. Grounds for refusing registration. (a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;
- (7) the required fees or taxes have not been paid;
- (8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section;
- (9) the vehicle is without a certificate of inspection required under AS 28.32.010;
- (10) the vehicle is subject to a state-approved local emission inspection program adopted by municipal ordinance under AS 46.03.210, and the vehicle does not meet the standards of that program, unless the vehicle uses a fuel source that does not primarily emit carbon monoxide.

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

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

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Effect of amendments. — The first
1985 amendment, effective May 10, 1985,
in paragraph (7) of subsection (a) deleted
"motor freight carrier fees or bus trans-
portation fees" following "taxes" and
made a related stylistic change.

The second 1985 amendment, effective

July 1, 1985, added paragraph (10) of
subsection (a).

The third 1985 amendment, effective
May 31, 1985, added subsection (c).

The fourth 1985 amendment, effective
June 13, 1985, added paragraph (9) of
subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

(h) The department shall mail notice of registration expiration to
the registered owner of record at the owner's mailing address as
shown in the records of the department. An owner of a vehicle subject

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

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

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

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

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

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

Effective dates. — Section 70, ch. 21, May 10, 1985, in accordance with AS SLA 1985, makes this section effective 01.10.070(c).

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

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

Effect of amendments. — The 1985 amendment, effective May 10, 1985, deleted ", and any motor freight carrier fee or bus transportation fee required under AS 42" at the end of subsection (a).

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Article 2. Title.

Sec. 28.10.261. Evidence.

NOTES TO DECISIONS

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

Article 3. Transfer of Vehicle.

Section

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

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

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

Effect of amendments. — The 1985 amendment, effective May 10, 1985, deleted "and motor freight carrier or bus transportation fees, if any," following "lien fees" in subsection (b).

Article 5. Fees and Charges.

Section

411. Registration fees levied
421. Registration fee rates

Section

423. Emission control inspection program fees

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

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

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

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under AS 28.10.431(b) regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978; am § 85 ch 6 SLA 1984; am 1983 Initiative Proposal No. 2, § 6)

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

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

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

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;
- (3) a taxicab \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$80;
- (5) a motorcycle or a motor-driven cycle \$15;
- (6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer \$ 5.

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