

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

3795 HTRA HB 456 - HB 460 681

Affairs shall pay who is granted an amount equal to the tax for the borough or

the fees paid for (5), (6) or (d) shall for a state park or AS 1984; am 1983

as otherwise provided shall be paid to the AS 28.10.111. are imposed

maintained for use or for other purposes. \$30; for more than 5,000 pounds unladen weight of persons or equipment. \$35; for more than 10,000 pounds. \$65; for more than 15,000 pounds. \$80; for more than 20,000 pounds. \$15; for other commercial vehicles, such as a motor vehicle, trailer, box trailer, or tractor.

- (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.

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; am § 41 ch 21 SLA 1985)

**Effect of amendments.** — The 1985 amendment, effective May 10, 1985, substituted "AS 28.10.108 and 28.10.111" for "AS 28.10.101 — 28.10.111" at the end of subsection (a).

**Sec. 28.10.423. Emission control inspection program fees.** In addition to the annual registration fee specified in AS 28.10.421, a \$1 fee is imposed upon every vehicle required to be inspected under an emission control program established under AS 46.03.210. This fee shall be collected at the same time and in the same manner as the registration fee. (§ 2 ch 56 SLA 1985)

**Effective dates.** — Section 4, ch. 56, SLA 1985 provides: "This Act takes effect July 1, 1985."

## Chapter 15. Drivers' Licenses.

### Article

1. Issuance, Expiration and Renewal of Licenses (§§ 28.15.041, 28.15.051)

### Article 1. Issuance, Expiration and Renewal of Licenses.

#### Section

41. Classification of drivers' licenses

#### Section

51. Instruction permit, temporary driver's license and special driver's permit

**Sec. 28.15.011. Drivers must be licensed.**

### NOTES TO DECISIONS

**Subsection (a) construed.** — The provisions of subsection (a) constitute a broad statement of the legislature's intent, in enacting the motor vehicle code, to adopt a statutory scheme that deals with the licensing of Alaska drivers in a compre-

hensive and uniform manner; this subsection is not a legislative commitment to the philosophical concept of an innate privilege to drive. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342). P 2d (1985).

**PART 4.  
DIVISION OF MOTOR VEHICLES**

**Chapter**

- 70. Vehicle Registration, Title, and Transfer  
(13 AAC 70.010-13 AAC 70.260)

**CHAPTER 70.  
VEHICLE REGISTRATION, TITLE,  
AND TRANSFER**

**Article**

- 1. Registration, Title and Transfer  
(13 AAC 70.010-13 AAC 70.250)
- 2. General Provisions  
(13 AAC 70.260-13 AAC 70.270)

**ARTICLE 1.  
REGISTRATION, TITLE AND TRANSFER**

**Section**

- 10. Title and registration: burden of producing evidence of ownership on applicant
- 20. Title and registration: grounds for refusing title or registration or transfer of title or registration
- 30. Title and registration: ownership and transfer
- 40. Title and registration after involuntary transfer of ownership by court order
- 50. Title and registration after tax or customs sale
- 60. Title and registration after death of registered owner
- 70. Title and registration for a new vehicle not located in Alaska
- 80. Title and registration for a used vehicle
- 90. Title and registration for a vehicle purchased in foreign country other than Canada
- 100. Title and registration for vehicle purchased in Canada
- 110. Title and registration for assembled vehicle
- 120. Title and registration when no supporting evidence of ownership
- 130. Title and registration after dismantling or wrecking vehicle
- 140. Registration for vehicle registered elsewhere
- 150. Registration for occasional-use vehicle
- 160. Registration for snowmobile

- 170. Personalized registration plates for motor vehicles
- 180. Registration plates for handicapped registrant
- 190. Registration plates for mobile amateur radio station owner
- 200. Exemption from registration tax for military
- 210. Exemption from license tax for charitable organization
- 220. Refund of tax or fee
- 230. Satisfaction and release of liens: procedures
- 240. Duty of insurance company obtaining title to an unrepairable vehicle
- 250. Temporary operating permits

**13 AAC 70.010. TITLE AND REGISTRATION: BURDEN OF PRODUCING EVIDENCE OF OWNERSHIP ON APPLICANT.**

An applicant for title to and registration of a vehicle has the burden of producing evidence of ownership in all cases. The department will provide reasonable guidelines to assist applicants for title and registration whose vehicles are not listed on the state's records system. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.020. TITLE AND REGISTRATION: GROUNDS FOR REFUSING TITLE OR REGISTRATION OR TRANSFER OF TITLE OR REGISTRATION.**

(a) The department will, in its discretion, refuse to issue title or registration or transfer title or registration if the application does not comply with the procedures established in the Alaska Motor Vehicle Act, AS 28.10 and the regulations in this chapter.

(b) If the department refuses to issue title or registration or transfer title or registration, it will promptly inform the applicant of its decision and briefly give reasons in writing for its action. An applicant may reapply after a refusal to act on an earlier application. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.110  
AS 28.10.310

**13 AAC 70.030. TITLE AND REGISTRATION: OWNERSHIP AND TRANSFER.** (a) The department will issue title and registration in the names of all owners of a vehicle upon the application and signature of one or more of the multiple owners.

(b) Title to and registration of a vehicle recorded in the names of more than one owner in the conjunctive will not be transferred or encumbered without the signature on the title of every owner or his legally recognized representative. Title and registration in the conjunctive are signified by use of the word "and" between names of the owners listed on the certificates of title and registration.

(c) Title to and registration of a vehicle recorded in the names of more than one owner in the disjunctive will be transferred or encumbered on the signature of one or more of the multiple owners or his legally recognized representative. Title and registration in the disjunctive are signified by use of the word "or" between the names of the owners listed on the certificates of title and registration.

(d) In this section, "legally recognized representative" means any person who is the heir, beneficiary, assignee, or devisee of an owner or who holds a power of attorney signed by an owner, authorizing the holder to transfer, assign or encumber title to the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.040. TITLE AND REGISTRATION AFTER INVOLUNTARY TRANSFER OF OWNERSHIP BY COURT ORDER.** In addition to the other requirements in AS 28.10, an applicant for title and registration after involuntary transfer by court order must submit a certified copy of a court order showing a transfer to the applicant of ownership of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.050. TITLE AND REGISTRATION AFTER TAX OR CUSTOMS SALE.** (a) In addition to the other requirements in AS 28.10, an applicant for title and registration who purchased a vehicle at a tax sale

must submit a copy of a bill of sale by the United States Internal Revenue Service, the Alaska Department of Revenue, or a municipality showing that the vehicle was sold for taxes owed upon it.

(b) In addition to the other requirements in

AS 28.10, an applicant for title and registration who purchased a vehicle at a sale by the United States Customs Service must submit a copy of a bill of sale issued by it. (Eff. 3/29/78, Reg. 65)  
Authority: AS 28.10.020  
AS 28.10.410

**13 AAC 70.060. TITLE AND REGISTRATION AFTER DEATH OF REGISTERED OWNER.** (a) In addition to the other requirements in AS 28.10, an applicant for new title and registration after the death of the registered owner must submit the following documents:

(1) letters of administration issued to the applicant as the personal representative of the estate of the deceased; or

(2) a certified copy of a probated will or a will declared valid by an order of informal probate naming the applicant the devisee of the deceased's vehicle; and

(3) the current title to and registration of the vehicle.

(b) When the estate of the deceased can be summarily administered under AS 13.16.690, the applicant for new title and registration after the death of a registered owner, in addition to the other requirements in AS 28.10, must submit a certified copy of the closing statement for the estate showing the applicant to be the person entitled to the vehicle and current title to and registration of the vehicle. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.070. TITLE AND REGISTRATION FOR A NEW VEHICLE NOT LOCATED IN ALASKA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle not located in Alaska at the time of application must submit a manufacturer's certificate of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.060 AS 28.10.260

**13 AAC 70.080. TITLE AND REGISTRATION FOR A USED VEHICLE.** In addition to the other requirements in AS 28.10,

an applicant for title to and registration of a used vehicle must submit

(1) an affidavit affirming that the vehicle is located within the state; and

(2) current title to and registration of the vehicle, or current registration alone if the owner cannot surrender out-of-state title. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.090. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN FOREIGN COUNTRY OTHER THAN CANADA.** (a) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) a manufacturer's certificate of origin;

(2) DOD Form 430 or AD Form 89 issued by the Department of Defense or their successor forms; and

(3) other documents reasonably required by the department in its examination of the applications for title and registration.

(b) In addition to the other requirements in AS 28.10, an applicant for title to and registration of a used vehicle purchased in a foreign country other than Canada must submit the following documents:

(1) an affidavit affirming that the vehicle is located within the state;

(2) a bill of sale or comparable document evidencing a transfer of ownership and possession to the applicant;

(3) DOD Form 430 or AD Form 89 issued by the Department of Defense, or their successor forms; and

(4) other documents reasonably required by the department in its examination of the applications for title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.090  
AS 28.10.050 AS 28.10.260

**13 AAC 70.100. TITLE AND REGISTRATION FOR VEHICLE PURCHASED IN CANADA.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a new vehicle purchased in Canada must comply with sec. 70 of this chapter and an applicant for title and registration to a used vehicle purchased in Canada must comply with sec. 80 of this chapter. (Eff. 3/29/78, Reg. 65)

Authority: AS 20.50.090  
AS 20.50.260

**13 AAC 70.110. TITLE AND REGISTRATION FOR ASSEMBLED VEHICLE.** In addition to the other requirements in AS 28.10, an applicant for title to and registration of a reconstructed vehicle or a vehicle assembled from a kit must submit a receipt of purchase for the engine, transmission, drive train, frame and body and other information reasonably required by the department in its examination of the applications for title and registration. The applicant may also be required to submit his vehicle to the department for an inspection for stolen parts before the issuance of title and registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.050

**13 AAC 70.120. TITLE AND REGISTRATION WHEN NO SUPPORTING EVIDENCE OF OWNERSHIP.** In addition to the other requirements in AS 28.10, an applicant for title and registration who has no supporting evidence of ownership must submit

(1) an affidavit affirming that he is the owner of the vehicle and that no liens or encumbrances exist on it;

(2) a cash bond or surety bond, executed by a corporate surety approved by the department, posted with the state and held by it for at least two years, in the amount of the retail value of the vehicle as determined from a departmental listing; and

(3) a statement signed by the applicant holding the state harmless in all suits concerning questions of title and ownership to the vehicle and promising to indemnify the state for all

judgments against it arising out of these actions. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.130. TITLE AND REGISTRATION AFTER DISMANTLING OR WRECKING VEHICLE.** Title to and registration of a vehicle expires when it is disassembled or sold for scrap or parts. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.440

**13 AAC 70.140. REGISTRATION FOR VEHICLE REGISTERED ELSEWHERE.** The department will issue "No Alaska Title Issued" (NTI) registration only in the name of the owner shown on the records of the other state where the vehicle is registered. Lienholders recorded on the certificate of registration for another state will be shown on the NTI registration card issued by Alaska. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.060

**13 AAC 70.150. REGISTRATION FOR OCCASIONAL-USE VEHICLE.** (a) In addition to the other requirements in AS 28.10, an applicant for occasional-use registration must submit an affidavit affirming that the vehicle is used in relation to commercial fishing, mining, hunting, or farming operations and travels upon the highways less than 10 percent of its total hours of operation.

(b) No person may transfer an occasional-use registration plate to another vehicle. Upon the transfer or assignment of title to an occasional-use vehicle, the registration plates remain with the vehicle if it continues to be used as an occasional-use vehicle or must otherwise be returned to the department by the new owner.

(c) In this section, "occasional-use vehicle" means a motor vehicle as defined in AS 28.35.260(4) used in accordance with AS 28.10.127(a). (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.127

**13 AAC 70.160. REGISTRATION FOR SNOWMOBILE.** (a) In addition to the other requirements in AS 05.30, an applicant for registration of a snowmobile must submit a bill of sale for the vehicle. An applicant unable to

submit a bill of sale may be required to present the vehicle for an inspection of the serial number displayed on the frame and to submit an affidavit affirming that he is the owner and stating the circumstances under which he acquired ownership.

(b) When ownership of a registered snowmobile is transferred or assigned, the new owner shall notify the department of the change in ownership within 30 days and pay a transfer fee of \$2. When ownership of an unregistered snowmobile is transferred or assigned, the new owner shall notify the department of the change of ownership within 30 days and pay the original registration fee. (Eff. 3/29/78, Reg. 65)

Authority: AS 05.30.020  
AS 05.30.050  
AS 05.30.101

**13 AAC 70.170. PERSONALIZED REGISTRATION PLATES FOR MOTOR VEHICLES.** (a) The department will issue personalized registration plates for a pickup truck, van, motor home, or passenger car not used for commercial purposes.

(b) The department will not issue personalized registration plates displaying

(1) symbols in a combination identical to one already in use on a registration plate;

(2) a total of more than six or less than two symbols;

(3) the prefix "KL7";

(4) four consecutive numbers followed by two consecutive letters;

(5) three consecutive letters followed by three consecutive numbers;

(6) two consecutive letters followed by four consecutive numbers;

(7) symbols other than numbers or letters; or

(8) symbols in a combination which demeans any ethnic or racial group, carries a prurient meaning, or which is otherwise vulgar or indecent; any combination known by the department to be patently offensive to a person

of ordinary sensibilities will be considered vulgar or indecent or carrying a prurient meaning, any combination known by the department to be patently offensive to any racial or ethnic group will be considered demeaning to that group

(c) The department will recall any personalized registration plate discovered to be in violation of subsection (b).

(d) In addition to the other requirements in AS 28.10, an applicant for personalized registration plates must submit five random combinations of symbols for the plates. The registrant may transfer personalized registration plates to another vehicle or person, except that a registrant may transfer plates to another vehicle registered in his name after proper application to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.120

**13 AAC 70.180. REGISTRATION PLATES FOR HANDICAPPED REGISTRANT.** The department will issue only one set of special registration plates to each registrant under AS 28.10.200(b)(11). Special registration plates remain with the registrant if title or ownership to the vehicle is transferred. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.120  
AS 28.10.200

**13 AAC 70.190. REGISTRATION PLATES FOR MOBILE AMATEUR RADIO STATION OWNER.** (a) The department will issue special registration plates containing the call letters to a mobile amateur radio station owner. Each registrant will be issued only one set of special registration plates.

(b) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on 75 meters must submit a copy of the amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied under AS 28.10.200(b)(7).

(c) In addition to the other requirements in AS 28.10, the applicant for special registration plates broadcasting on frequencies other than 75

meters through 10 meters must submit a copy of his amateur radio operator's license and call letters issued by the Federal Communications Commission and pay the annual license tax levied upon the particular type of vehicle to be registered.

(d) A registrant may use mobile amateur radio registration plates as long as he retains a qualifying amateur radio operator's license issued by the Federal Communications Commission and otherwise complies with the requirements of law. After proper application to the department, the registration plates may be placed on another vehicle containing a mobile amateur radio station. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020 AS 28.10.120  
AS 28.10.060 AS 28.10.200

**13 AAC 70.200. EXEMPTION FROM REGISTRATION TAX FOR MILITARY.** A vehicle owned by a member of the armed forces of the United States on active duty, and a vehicle owned jointly by a member and one or more of his or her dependents, is exempt from registration if the vehicle is registered in a state of domicile other than Alaska. A vehicle owned solely by a dependent of a member of the armed forces of the United States on active duty is not exempt from registration. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
50 USC App. 574

**13 AAC 70.210. EXEMPTION FROM LICENSE TAX FOR CHARITABLE ORGANIZATION.** In addition to the other requirements in AS 28.10, a charitable organization applying for an exemption from the annual license tax must submit to the department, if requested by the department, a letter from the Internal Revenue Service establishing its tax exempt status. When the title to or ownership of a vehicle exempted from the annual license tax is transferred, the charitable organization shall surrender the registration plates to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.210

**13 AAC 70.220. REFUND OF TAX OR FEE.** The department will not refund a tax or fee paid by an applicant unless the applicant can prove

that the tax or fee has already been paid for the current licensing period or can demonstrate that a refund is necessary to correct an administrative error. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.230. SATISFACTION AND RELEASE OF LIENS: PROCEDURES.** (a) A lien recorded upon the title shall immediately be released by the lienholder upon satisfaction of the lien. Upon satisfaction, the lienholder shall release or assign his interest in the vehicle to the owner.

(b) An owner of a registered vehicle upon which a lien has been satisfied and released shall, within 10 days, apply for a new title, unless title to the vehicle will be transferred or assigned within 30 days of the release of the lien. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020  
AS 28.10.430  
AS 28.10.450

**13 AAC 70.240. DUTY OF INSURANCE COMPANY OBTAINING TITLE TO AN UNREPAIRABLE VEHICLE.** An insurance company obtaining title to an unrepairable vehicle through the satisfaction of an insurance claim shall mark the word "junk" on the face of the certificate of title and surrender the current title and registration to the department. The vehicle may then be sold by a bill of sale which indicates that the title has been surrendered to the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

**13 AAC 70.250. TEMPORARY OPERATING PERMITS.** (a) The department will, in its discretion, issue a temporary operating permit without charge to an owner of an unladen vehicle, pending action on the application for title and registration.

(b) The department will, in its discretion, issue a noncommercial trip permit for a fee as established by statute to an owner of an unladen vehicle, allowing a single continuous trip by a noncircular route for a period of time not to exceed 20 days.

(c) The department will, in its discretion, issue for a fee as set by statute a nonresident vehicle permit to an owner of a laden vehicle, allowing

the commercial operation of a vehicle registered in another state. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

AS 28.10.290

AS 28.10.540

## ARTICLE 2. GENERAL PROVISIONS

### Section

260. Records of department

270. Definitions

13 AAC 70.260. **RECORDS OF DEPARTMENT.** (a) Certified or uncertified copies of records made within the scope of duty of an employee or representative of the department, unless specifically declared confidential by statute or regulation, will be available during regular business hours upon request and payment of a reasonable fee equal to the cost to the department of copying the record.

(b) Records of applications for title and registration and records of the denial, suspension, or revocation of the title and registration, will be retained by the department for a period of three years following the final entry in the title history or registration file for a vehicle. After three years, the commissioner will, in his discretion, destroy records of no further service in carrying out the powers and duties of the department. (Eff. 3/29/78, Reg. 65)

Authority: AS 09.25.110

AS 28.10.010

AS 09.25.120

AS 28.10.020

13 AAC 70.270. **DEFINITIONS.** In this chapter

(1) "department" means the Alaska Department of Public Safety;

(2) "manufacturer's certificate of origin" includes a manufacturer's statement of origin. (Eff. 3/29/78, Reg. 65)

Authority: AS 28.10.020

## PART 5. VIOLENT CRIMES COMPENSATION BOARD

### Chapter

80. Violent Crimes Compensation

(13 AAC 80.010-13 AAC 80.110)

### CHAPTER 80. VIOLENT CRIMES COMPENSATION

Editor's Note: As of Register 71, the material formerly located in 7 AAC 77 has been transferred to 13 AAC 80, in recognition of the relocation of the Violent Crimes Compensation Board by sec. 1, ch. 87 SLA 1978. The history notes for the sections in this chapter continue the history of these provisions from their former location.

### Section

10. Applications for compensation

15. Investigation and consideration

20. Hearings

30. Attorney fees

40. (Repealed)

50. Standards for compensation

60. Awarding compensation

65. Recommencing suspended proceedings ;

70. Finality of awards

80. Recovery from a collateral source

90. Emergency compensation

100. Recovery from an offender

110. Definitions

13 AAC 80.010. **APPLICATIONS FOR COMPENSATION.** (a) All applications for compensation shall be made on the form authorized by the board. The information required by the board shall be supplied in full by the claimant, or the claim may not be considered. Additional sheets may be used, as necessary, to complete descriptions of the injury, incident or expenses. For those unable to make applications for compensation themselves (e.g., minors or the mentally incompetent), claims may be filed by a parent, guardian or other individual authorized to administer the injured party's estate. The applicant shall sign his completed application under oath before a notary public.

(b) Those medical reports and examination results which are reasonably available shall be submitted by the applicant no less than 10 days before the date of the hearing. On the basis of their potential relative importance or material

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SS HB 45b  
 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						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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)



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

10/31/89  
Date

OH

HB

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

2-12-86

7 Am

CSSB 294(Res)am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 294 (Resources) amended, by the Resources Committee, entitled:

"An Act relating to guiding; and providing for an effective date."

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

CSSB 333(Fin)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 333 (Finance), by the Finance Committee, entitled:

"An Act relating to the Alaska State Building Authority."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CSSB 442(Fin)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 442 (Finance), by the Finance Committee, entitled:

"An Act relating to reciprocal insurers that provide marine insurance; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

CSSB 275(Fin)am

The State Affairs Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275 (Finance) (amended) (relating to release of motor vehicle records), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), M.M. Miller, Collins, Boucher and Navarre recommend do pass; Cato has no recommendation.

A fiscal note appears in House Journal Supplement No. 119.

CSSB 275(Fin)am was referred to the Judiciary Committee.

SSHB 128

The Judiciary Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128 (relating to the interim management of mental health trust land; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 123 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor and Phillips recommend do pass; Clocksin and Pettyjohn have no recommendation.

SSHB 128 was referred to the Finance Committee.

HB 460 *file*

The Judiciary Committee has considered HOUSE BILL NO. 460 (relating to off-road vehicles), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 460 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor and Phillips recommend do pass; Clocksin and Pettyjohn have no recommendation.

HB 460 was referred to the Finance Committee.

HB 681

The Labor & Commerce Committee has considered HOUSE BILL NO. 681 (relating to unemployment insurance; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 681 (L&C) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Boucher, Hanley and Collins recommend do pass.

A fiscal note appears in House Journal Supplement No. 119.

HB 681 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEESCSSSB 430(R1s)

The House Special Committee on Oil & Gas has considered COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 430 (Rules) (relating to the reduction or revocation by the commissioner of the Department of Natural Resources of oil or gas royalty obligation increases made in connection with the institution or operation of a cooperative or unit plan; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 430 (Oil & Gas) (same title) and reports it back as follows: Pignalberi, Pourchot and Szymanski recommend do pass; Davis (Chairman), Sund and Cotten have no recommendation.

CSSSB 430(R1s) was referred to the Resources Committee.

FEB 21 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB 460  
 Title : "An Act relating to off-road vehicles."  
 Sponsor : Representative Hurley  
 Requestor : House Transportation  
 Date of Request : 2/19/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		89.3	93.8	98.4	103.4	108.5
TRAVEL		25.0	26.3	27.6	28.9	30.4
CONTRACTUAL		84.5	34.5	36.2	38.0	39.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.1	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>
<b>CAPITAL</b>						
<b>REVENUE</b>		<b>450.0</b>	<b>150.0</b>	<b>150.0</b>	<b>250.0</b>	<b>150.0</b>

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

**POSITIONS :**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Kathy Niles, Admin Assistant  
 Division : Commissioner's Office Phone : 465-4336  
 Date : 2/20/86  
 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)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

### Registration

The workload of 30,000 vehicle registrations spread over three years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services		
MVR II, Range 9		31.8
Contractual		
Terminal, Printer Lease	2.5	
DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		<u>1.0</u>
	Total	<u>37.3</u>

### Education and Training Program

The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non-profit corporations who are authorized to conduct training and certify officers.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The cost breakdown is as follows:

Personal Services		
Program Coordinator, Range 18		57.5
Travel		25.0
Contractual		
Printing		
HWCF		
Charters		
Office Space		
Utilities, etc.	30.0	
Training Expenditure (one year only)	<u>50.0</u>	
		80.0
Supplies		8.0
Equipment		
Vehicle		
PC		
Desk, Chairs, etc.		
Filing Cabinet		
Projectors		
Bookcase		<u>30.0</u>
	Total	<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST

*file*  
Bill/Resolution No.: CSHB 460 (Trans.)  
Title: "An Act relating to off-road vehicles."  
Sponsor: Representative Hurley  
Requestor: House Transportation  
Date of Request: 3/28/86

Revision Date: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Public Safety  
BRU: Division of Motor Vehicles  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		89.3	93.8	98.4	103.4	108.5
TRAVEL		25.0	26.3	27.6	28.9	30.4
CONTRACTUAL		84.5	84.5	86.2	88.0	89.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.8	157.6	165.4	173.6	182.3

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

REVENUE		450.0	150.0	150.0	250.0	150.0
---------	--	-------	-------	-------	-------	-------

FUNDING : (Thousands of Dollars)

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
TOTAL		237.8	157.6	165.4	173.6	182.3

POSITIONS :

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Kathy Niles, Admin Assistant  
Division: Commissioner's Office

Phone: 465-4336  
Date: 3-28-86

Approved by Commissioner: [Signature]  
Agency: Public Safety

Date: 3/28/86

Distribution (by Agency preparing fiscal note):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CSHB 460 (Trans.)

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

### Registration

The workload of 30,000 vehicle registrations spread over three years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services		
MVR II, Range 9		31.8
Contractual		
Terminal, Printer Lease	2.5	
DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		<u>1.0</u>
	Total	<u>37.3</u>

### Education and Training Program

The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non-profit corporations who are authorized to conduct training and certify officers.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460 (Trans.)

The cost breakdown is as follows:

Personal Services		
Program Coordinator, Range 18	57.5	
Travel	25.0	
Contractual		
Printing		
HWCF		
Charters		
Office Space		
Utilities, etc.	30.0	
Training Expenditure (one year only)	<u>50.0</u>	
		80.0
Supplies		8.0
Equipment		
Vehicle		
PC		
Desk, Chairs, etc.		
Filing Cabinet		
Projectors		
Bookcase		<u>30.0</u>
	Total	<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CS HB 460(Trans)

Support

March 28, 1986

The Department of Public Safety supports the passage of CSHB460(Trans). The primary reason for our support is that this bill would reduce the number of injuries and fatalities that are occurring as a result of individuals riding three- and four-wheel ATVs.

This bill provides for education and training of individuals who are 14 through 17 years of age before they can be certified as an operator of an ATV. Current law requires operators of ATVs to have a current Alaska driver's license before operating on any public property within the State of Alaska.

This bill further provides that operators who are 14 through 17 years of age must wear a helmet; the vehicle cannot be operated with more than one rider unless specifically designed for more; that the serial numbers be placed on the machine in a location specified by the Department; and that a space designated by the Department be made available for decals.

Both the Honda and Kawasaki distributors in Anchorage were contacted. They have no problem with the law.

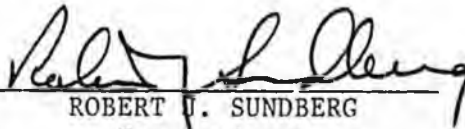
This agency feels that the registration could primarily be done by mail, thus reducing the amount of inconvenience to owners and operators of ATVs. Training would be done the first year by establishing a program, and then bringing in individuals from throughout the state who would be trained as instructor certifiers. Those individuals in turn would train individuals as certifiers in various locations throughout rural Alaska. At present, the University of Alaska, through its community extension services, has a program in place to train operators in ATV safety. Additionally, there are 116 village Public Safety Officers, in 113 villages, who could be trained to administer the training and certification.

The bill does require headlights, taillights, brakes, and springloaded throttles. All the manufacturers indicate that they would have no problem with this provision, as these are standard pieces of equipment on ATVs. It is the Department's belief that other ATVs sold in the past were also originally designed and sold with this equipment in place.

Position Paper - CSHB460(Trans)  
March 28, 1986  
Page 2

Serial numbers are now located in an area on the frame and engine which allows for inspection without tools or the necessity to upset the machine. The Department would only specify that serial numbers be accessible on new ATVs, as they are on the present machines.

Again, Honda Kawasaki distributors were unconcerned with this requirement.

  
ROBERT J. SUNDBERG  
Commissioner

HOUSE

COMMITTEE REPORT

JUDICIARY

Date referred: 1/13/86

FURTHER REFERRALS: FINANCE

DATE: 20 MARCH 1986

The TRANSPORTATION Committee has considered HB 460

"An Act relating to off-road vehicles."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB 460 (TRSP)  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:

McQuinn

Bette Cato

Mike W.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

Adelheid Hermann Do Not Pass!

will be unenforceable in

rural Alaska

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bette Cato

Chairman

Ford  
2/19/86 ✓.

Original sponsors: Hurley, Pourchot  
and Thompson

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR HOUSE BILL NO. 460 (Transportation)  
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 off-road vehicles."

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

8 \* Section 1. AS 05 is amended by adding a new chapter to read:

9 CHAPTER 40. OFF-ROAD VEHICLES.

10 Sec. 05.40.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE.

11 Except for operation on the owner's private property, a person may not  
12 operate an off-road vehicle unless the vehicle has been registered  
13 with the Department of Public Safety as provided in this chapter.

14 Sec. 05.40.020. REGISTERED AND REGISTRATION FEE. (a) The owner

15 of an off-road vehicle subject to registration shall apply for regis-  
16 tration under this chapter by properly completing a form provided by  
17 the department. The fee for registration of a vehicle is \$15, and is  
18 valid for three years. Fees collected under this section shall be  
19 deposited by the Department of Revenue into the general fund.

20 (b) Off-road vehicles owned by the federal or state government  
21 or a political subdivision of the federal or state government shall be  
22 registered but are not required to pay a registration fee.

23 Sec. 05.40.030. REGISTRATION CERTIFICATE AND DECAL. Upon regis-

24 tration of an off-road vehicle, the registrant shall be issued a  
25 registration certificate and a numbered decal containing the registra-  
26 tion number of the vehicle. Once a vehicle has been issued a number,  
27 it shall retain that number until the vehicle is destroyed, abandoned,  
28 or permanently removed from the state. The numbered registration  
29 decal shall be prominently displayed at a location prescribed by the

1 department.

2 Sec. 05.40.040. TRANSFER OF OWNERSHIP. The department shall  
3 adopt regulations covering transfer of ownership of off-road vehicles.

4 Sec. 05.40.050. EDUCATION AND TRAINING PROGRAM. (a) The de-  
5 partment shall establish and may approve off-road vehicle safety  
6 education and training programs. The program shall include training  
7 and dissemination of information and safety advice to the public  
8 concerning vehicle maintenance, environmental protection, alcohol and  
9 controlled substances laws, and emergency first aid procedures.

10 (b) A person who completes the training program shall receive an  
11 off-road vehicle safety certificate.

12 Sec. 05.40.060. OFF-ROAD VEHICLE SAFETY FUND. There is created  
13 a special account in the general fund known as the off-road vehicle  
14 safety fund. The purpose of the fund shall be to support the educa-  
15 tion and training program of this chapter. It is the intent of the  
16 legislature that the fund consist of fees received under AS 05.40.020,  
17 and that an amount equal to the fees received be appropriated for  
18 off-road vehicle safety education and training under AS 05.40.050.

19 Sec. 05.40.070. OPERATING RESTRICTIONS. <sup>DELETE</sup>(a) A person may not  
20 operate an off-road vehicle on public land unless the person wears a  
21 helmet that meets the requirements set out in AS 28.05.081(c).

22 (b) Not more than one person may ride an off-road vehicle at the  
23 same time, unless the off-road vehicle is specifically designed by the  
24 manufacturer to carry more than one person.

25 Sec. 05.40.080. OPERATION BY CERTAIN MINORS. (a) A person at  
26 least 14 years of age and under the age of 18 years may not operate an  
27 off-road vehicle on public land unless the person

28 (1) has in possession a valid off-road vehicle safety  
29 certificate; [and]

1           (2) wears eye, foot, and hand protection prescribed by the  
2 department by regulation.

3           Sec. 05.40.090. SAFETY EQUIPMENT. An off-road vehicle is re-  
4 quired to contain the following equipment:

5           (1) brakes adequate to control the movement of and to stop  
6 and to hold the vehicle under normal conditions of operation;

7           (2) at least one head lamp so aimed and of sufficient  
8 intensity to reveal persons and objects at a distance of at least 100  
9 feet ahead during hours of darkness under normal atmospheric condi-  
10 tions;

11           (3) at least one tail light of sufficient intensity to be  
12 visible at a distance of 50 feet behind the vehicle during hours of  
13 darkness under normal atmospheric conditions;

14           (4) a throttle that, when released by hand, will return the  
15 engine speed to idle; and

16           (5) an exhaust muffler in good working order.

17           Sec. 05.40.100. RETAIL SALES. All off-road vehicles made after  
18 July 1, 1986, and sold in the state must

19           (1) have a manufacturer's permanent identification number  
20 stamped in letters and numbers on the vehicle in the form and at a  
21 location prescribed by the department;

22           (2) be designed and made to provide an area to affix the  
23 registration number; the area shall be at a location and of dimensions  
24 prescribed by the department by regulation;

25           [(3) include as a part of the retail sale a helmet that  
26 meets the requirements of AS 28.05.081(c)]

27           Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be  
28 driven on a street or highway, except for the purpose of crossing the  
29 street or highway.

1           Sec. 05.40.120. PENALTY. A person who violates a provision of  
2 this chapter or a regulation adopted under this chapter is guilty of a  
3 misdemeanor and, upon conviction, is punishable by a fine of not more  
4 than \$500 for each offense.

5           Sec. 05.40.900. DEFINITIONS. In this chapter and in regula-  
6 tions adopted under this chapter, unless the context otherwise re-  
7 quires,

8                   (1) "department" means the Department of Public Safety;

9                   (2) "off-road vehicle" means a motorized vehicle with three  
10 or four tires that has an engine displacement of less than 600 cubic  
11 centimeters and total dry weight of less than 600 pounds.

12           \* Sec. 2. AS 28.15.031(a) is amended to read:

13                   (a) The department may not issue a driver's license to a person  
14 who is under the age of 16 years, except that the department may issue  
15 a permit or a certificate under AS 28.15.051 or a restricted license  
16 under AS 28.15.121.

17           \* Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

18                   (f) The department may issue or approve issuance of a special  
19 driver's certificate to a person who is at least 14 years of age for  
20 the purpose of driving an off-road vehicle. The certificate may be  
21 issued upon successful completion of an off-road vehicle education and  
22 training program established under AS 05.40.050, and is valid for the  
23 same period of time as a driver's license. The certificate is not  
24 valid in a municipality that by ordinance prohibits the driving of an  
25 off-road vehicle by a person under the age of 16 years; a borough may  
26 adopt the ordinance on a nonareawide basis only, unless the power to  
27 adopt it on an areawide basis is acquired under AS 29.35.300 -  
28 29.35.330 or former AS 29.33.250 - 29.33.290.

29

## SURVEY-DILLINGHAM HIGH SCHOOL

MARCH 12, 1986

Three and Four wheelers, Also known as All-Terrain Vehicles, are an important type of transportation in rural areas, as well as a source of recreation. ATV's, however, have been responsible for the death and injury of many people in Alaska. During the two-year period of Jan. 1983-December 1984, there were 20 deaths and 538 injuries associated with ATV's. Of the 20 fatalities, 15 were between the ages of 15 and 34, and 60% could have been prevented if the person had worn a helmet.

Currently, there is legislation that is sponsored by legislators from the Mat-su area regarding ATV's. It would:

- \*require protective gear for persons under 17 years of age during operation
- \*that persons under 17 complete a safety education program before operating a ATV.
- \*make it mandatory that all ATV's be registered before operation
- \*require an ATV to have functioning brakes, head lamp, tail light, throttle, and exhaust muffler
- \*driving an ATV on a street or highway would be prohibited except for crossing
- \*Violation would be a misdemeanor punishable by up to \$500 fine per offense

It would be helpful to gather student's opinions on this matter.

1. How old are you? 14(4) 15(8) 16(23) 17(20) 18 (7)
2. Do you own an ATV? (26)YES (36)NO
3. If yes, how often do you operate it? everday(10) often(11) not often(5)
4. If no, do you plan on buying one? yes(13) no(15) maybe(3)
5. If this law were enacted, and you were under 17, you would not be able to use your ATV outside your home, unless you took the course. If this was necessary, would you...
  - (28)(a) take the course
  - (3)(b) forget about the course, and wait until I turn 17.
  - (23)(c) forget about the course, and ride anyway.
  - (4)(d) other: please explain already 17
6. What kinds of protective gear do you wear when you operate an ATV?
  - (17)(a) none
  - (44)(b) helmet
  - (11)(c) other
  - (6) leather, carharts, gloves, goggles
7. If this law were enacted, all ATV's would have to be registered. To register, there is a \$15 fee. Would you...
  - (37)(a) pay the fee.
  - (24)(b) not pay the fee.
  - (1) already registered
8. As for the penalty for not complying with the law, do you think...
  - (2)(a) it is not stiff enough
  - (34)(b) it is okay
  - (4)(c) it should be stiffer
  - (9) too stiff

9. One part of the law states that the ATV can't be used on streets or highways, yet in small villages it is often found that they are now being used on streets. Do you feel...

(30)(a) this section should be kept in

(22)(b) this section should be omitted

(9)(c) this section should be modified. Please give example: \_\_\_\_\_

see attached comments

10. In general, the State of Alaska does not have any regulations in reference to ATV's. Do you feel that legislation should be passed?

YES (17)            NO (36)            Undecided (2)

Please give any reasons for your belief.

see attached comments

11. On the space provided below, please write any comments about ATV's.

see attached comments

9. Modify section that states ATV's cannot be used on streets or highways:

ATV's not made for road use.

Limit road driving to towns of certain sizes.

Allow ATV's to be driven in villages, but not on highways.

Operate ATV's freely outside of Mat-Su, Anchorage, Fairbanks areas.

Make exception for villages of 2000 or less.

Smaller communities should be allowed to use ATV's on roads.

10. Reasons legislation should/should not be passed:

Should be passed:

Might help, helmet safety, etc.

Pass, but change for villages where main transportation is 3/4 wheelers.

Needed for protection of operator and bystanders.

Need to be protected.

Will cut down on accidents.

Hate to listen to loud machines late at night.

Should not be passed:

Essential means of transportation in villages.

Only way people get around in villages.

Leave people be - laws are tough enough, police officers are too nosy already.

Should be a person's decision how or where to operate and they know safety gear should be worn.

It's carelessness of the dummy who doesn't wear safety gear.

State shouldn't have anything to do with 3/4 wheelers.

None of state's business, there's enough to worry about already.

If state can control where we ride, why couldn't they control what we ride.

Like to ride and have fun in this boring town.

ATV's should be outlawed.

If someone gets killed or hurt it's their fault for being careless or reckless.

If ATV's are outlawed, there should be a place to ride.

Some people rely on ATV's for their only transportation. If you're going to enact this you ought to set aside money for cars for these people who rely on ATV's.

The law is no excuse for the ATV problem or a solution. Mat-Su's area problems are not our problems. If so, there should be legislation to have them have their bikes registered and have them pass a walking course.

11. Comments about ATV's:

They're fun but the people who try to be cool and ride without lights, not wear helmets, and run from the cops make ATV's look bad.

They're trying to blame ATV's for all the problems. If there were more to do than go to a friend's house or drink or drive your ATV, this wouldn't be a problem. This legislation was probably introduced by a person from a big city and doesn't know how important ATV's are in the rural area.

11. (continued)

ATV's are made and sold they say for off the road but if they don't provide off the road places to ride them, people either let them sit in their yards or they ride them illegally. The law doesn't do any good. All it does is add one more reason to get busted!

ATV's are only unsafe to recluse and unexperienced riders.

Fun, economic and don't destroy the environment.

Fun for recreation if you don't abuse them.

Awesome machines to get around in a village or anywhere else.

In small villages, the only transportation is 3-wheelers.

For fun and work, if people were restricted, they would just say screw the law and ride anyway. If you ban 3-wheeling, you might ban driving. For some, 3-wheelers and snow goes are their transportation.

3-wheelers should be made more stable.

Fun to get away on.

They are awesome.

They're fun.

Essential transportation, leave 'em alone.

Important for transportation and fun.

Should be allowed on the road even if it's off-road vehicle because its hard to get around in tundra. It's easier to drive on road, more wrecks in tundra because of bumps and holes.

Awesome law - pass it.

Should be able to ride anytime, anywhere you want.

To do away with use of 3-wheelers on village roads would be like taking away your automobile in a city.

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

DATE: 19 MARCH 1986  
TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS  
FROM: COMMITTEE STAFF  
RE: BILL COMPARISON FOR CSHB 460 (TRSP)

The following is a comparison of the changes made to the new committee substitute for House Bill 460 (Trsp) dated March 18, 1986.

CSHB 460  
2/19/86 draft

CSHB 460  
3/18/86

Page 2, Lines 19-21  
"Sec. 05.40.070 OPERATING  
RESTRICTIONS. (a) A person may  
not operate an off-road vehicle  
on public land unless the person  
wears a helmet that meets the  
requirements set out in  
AS 28.05.081(c)

deleted

Page 2, Lines 28 & 29  
(1) has in possession a valid  
off-road vehicle safety  
certificate; and

(1) has in possession  
a valid off-road  
vehicle safety  
certificate

(2) wears a helmet  
that meets the  
requirements set out  
in AS 28.05.081(c)  
and

Page 3, Lines 1 & 2  
(2) wears eye, foot, and  
hand protection prescribed  
by the department by  
regulation

(3) wears eye, foot,  
and hand protection  
prescribed by the  
department by  
regulation

Page 3, Lines 25 & 26  
(3) include as part of the  
retail sale a helmet that  
meets the requirements of  
AS 28.05.081(c)

Deleted



## Katie Hurley, House of Representatives

### Alaska State Legislature

Chair, House State Affairs Committee  
Member, Health Education & Social Services Committee  
Member, Alaska Legislative Council  
Member, House Special Committee on Fisheries  
Member, Finance Subcommittee on Corrections  
Member, Joint Committee on Local Option Elections

Pouch V  
Juneau, Alaska 99811  
(907) 465-4963

Box 870157  
Wasilla, Alaska 99687  
(907) 376-4058

### MEMORANDUM

TO: Mike Ford  
Legal Services

FROM: *Laurie*  
Laurie Anderson, Aide  
Rep. Katie Hurley

SUBJECT: Committee Substitute for HB 460

DATE: March 18, 1986

We would like to have another work draft of committee substitute for HB 460. Please incorporate the following changes to the draft dated 2/19/86:

- \* Page 2, line 19-21, OPERATING RESTRICTIONS - delete section (a) and re-letter section (b) as section (a);
- \* Page 2, OPERATION BY CERTAIN MINORS -  
line 29, delete "and"  
  
add language to read: "(2) wears a helmet that meets the requirements set out in AS 28.05.081(c); and"
- \* Page 3, line 1, renumber section (2) to be section (3)
- \* Page 3, line 25-26, delete all of section (3)

The bill is scheduled for yet another hearing in House Transportation Committee Thursday morning so we'd like to have this draft by Wednesday afternoon, if possible. Thanks for all the work you've done, I'm sure we're not through yet!

# Bank

## 3-wheeler hits, injures young girl

A 4-year-old girl who had been enjoying an afternoon of sledding was in critical condition at Fairbanks Memorial Hospital this morning after being hit head-on by a three-wheeler on the Noyes Slough.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon when the all-terrain vehicle crashed into her just behind 633 Noyes St.

The 14-year-old driver estimated he had been going about 40 mph.

Fairbanks City Police said the little girl was sliding down the slough embankment on a small saucer. Her aunt stood nearby watching. Neither of them saw the three-wheeler approaching from around a curve.

The 14-year-old driver told police he traveled on the slough often. When he didn't see anyone ahead of him Wednesday, he speeded up from third gear to fifth gear. He tried to brake when he saw the girl sliding toward him, but he could not stop.

After a preliminary investigation, police said it did not appear likely that any criminal charges would be filed against the young driver of the three-wheeler. Investigation continues.

## Girl, 4, hit by ATV dies from injuries

A four-year-old girl who was hit head-on by a three-wheeler died Friday afternoon at the Fairbanks Memorial Hospital from injuries caused by the accident.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon after an all-terrain vehicle operated by a 14-year-old juvenile crashed into her just behind 633 Noyes Street. The girl was reportedly sledding on Noyes Slough when the accident occurred. She died from severe head injuries, according to hospital officials, at about 2:30 Friday afternoon.

The 14-year-old driver of the three-wheeler estimated his speed at about 40 mph, according to Fairbanks City Police.

Police said the girl was sliding down the slough embankment on a small saucer, with her aunt watching her nearby, when the all-terrain vehicle came around a curve. Police said neither of them saw the three-wheeler.

The driver said he used the slough for three-wheeler travel often. He said he didn't see anyone in front of him and speeded up, but was not able to brake fast enough when he saw the little girl on the saucer.

Norman J. Klingeiser, 50, died Wednesday afternoon at 4405 Woodriver Drive.

Alaska State Troopers said he suffered an apparent self-inflicted gunshot wound.

3/16/86

## Obituaries *Daily News Miner*

### JENNIFER S. GALLAGHER

Jennifer Susan Gallagher, 4-year-old daughter of James and Jeanne Gallagher, died Friday afternoon as a result of injuries sustained when she was hit by a three-wheeler vehicle Thursday.

Jennifer was born Jan. 25, 1982 in Fairbanks. She attended the Montessori School where everyone was her friend. She loved music and to sing and dance.

Surviving in addition to her parents are a brother, Aaron, 5, and a sister, Ashley, 8 months; grandparents Ruth and Moe Samuelson and Paul Woods Sr., and Joe and Mary Ann Gallagher, all of Fairbanks; great grandmothers, Addie Woods of Fairbanks and Barbara Hakes of Muscatine, Iowa; aunt and godmother, Ann Gallagher, and godfather, Mark Gregory, both of Fairbanks; an aunt, Sue Samuelson, and uncles David Samuelson, Jerry Woods and Paul Woods Jr., all of Fairbanks; and other relatives in Alaska and other states.

Services will be at 2 p.m. Monday at the St. Matthew's Episcopal Church, 1029 First Ave. The Rev. Roger Williams will officiate.



JENNIFER GALLAGHER

### STEPHEN BIRMINGHAM

Burial arrangements are pending for Stephen Norris Birmingham, who died March 12 at Fairbanks Memorial Hospital at the age of 31.

Mr. Birmingham was a former

employee of the State Division of Fish and and Wildlife Protection and also worked as a police officer at Fairbanks International Airport. He was currently employed as an environmental assistant at the State Department of Transportation.

Mr. Birmingham leaves his wife, Kristi, and a son, Stephen Robert, both of North Pole; his parents, Jackie and Les Sewell of North Pole; a brother, Clarence Sewell of Fairbanks; two sisters, Valerie Cugini of Littleton, Colo., and Nita Armstrong of Fairbanks; his grandparents, Clarence and Thelma Cargill Sr. of Prattville, Ala.; two nephews, Kent Armstrong and Joshua Sewell, both of Fairbanks; one niece, April Brinkerhoff of Littleton; his wife's parents, Robert and Edna Woodbury of St. Maries, Idaho; his wife's sister, Dianna Blair of Fairbanks, and his wife's grandmother, Pauline Woodbury of St. Maries.

The family requests that memorials be made to the Kidney Unit at Fairbanks Memorial Hospital, 1650 Cowles St., 99701, or the American Diabetes Association, P.O. Box

Daily News-Miner 3/16/86

laska

# Fairban

## Pupils appeal for laws tightening ATV usage

Some local children have written to the Daily News-Miner appealing to the public for stricter laws regulating all-terrain vehicles after a motorized three-wheeler killed a four-year-old girl last week in Fairbanks.

"It is time to protect Fairbanks from kids on three-wheelers," said a letter submitted to the News-Miner Friday signed by about seven students from Montessori Elementary School in Fairbanks.

Four-year-old Jennifer Gallagher died from severe head injuries Friday afternoon after she was struck by a three-wheeler speeding down Noyes Slough Thursday afternoon.

Fairbanks police said a 14-year-old child operating the vehicle estimated his speed at about 40 mph.

The little girl, who was a student at the local Montessori school, was sliding on a saucer on Noyes Slough when the accident occurred.

Her aunt was watching her at the time, but neither of them saw the three-wheeler coming.

"We would like a law that forbids young people from driving three- and four-wheelers at trailer parks or public paths and trails," said a letter signed by several children from Montessori Elementary School in Fairbanks.

"Today one of our Montessori friends die (sic) because she was hit by a kid on a three-wheeler," wrote nine-year-old Kelli Sue Tarrant. "I'd like Fairbanks to have some laws on kids not being able to ride three- or four-wheelers on trailer parks or public trails."

"The children were very upset," said Elizabeth Stachow, a teacher at Montessori. "They were real sad. I think people are generally getting fed up with three-wheelers in Fairbanks. We've just seen a lot of accidents."

Borough Mayor Juanita Helms said Saturday she would consider introducing a resolution to the borough assembly addressing the issue.

"I need to have more information as far as what kind of motion it would be," she said. "It should be something fairly concrete in order to be endorsed. It has to be directed at somebody."

Helms said that while the Fairbanks North Star Borough has no enforcement powers, it could pressure local and state law officials to push for regulation on the use of all-terrain vehicles within the borough.

"It sounds reasonable to me that a younger child may be a little bit terrorized by them," she said. "The older kids always tend to tease the younger kids anyway when they are on one of those things. Now the kids have proof. That is not at all to say that was done deliberately."

Helms said all-terrain vehicles and their operators "need to at least have a license of some kind."

"I think there should be safety laws," said 12-year-old Alethea Stachow. "There should be restrictions in trailer parks and also on trails."

"You have to be very careful on mushing trails," Elizabeth Stachow said. "When you are walking sometimes you can't get out of the way of those things. Perhaps there should be areas just for three- or four-wheelers where they can spin around. They are so noisy."

ALASKA NATIVE HEALTH BOARD, INC.

RESOLUTION NO. 85-06

TITLE: REGARDING THREE WHEELER AND SIMILAR ALL TERRAIN VEHICLES.

WHEREAS, The Alaska Native Health Board is a legally established organization of Alaska Natives, as defined in the Alaska Native Land Claims Settlement Act (85 Statute 688); and

WHEREAS, The Alaska Federation of Natives, Inc., a legally established organization of Alaska Natives which is democratically elected by the adult members of the Alaska Native community and which includes the maximum participation of Alaska Natives in all phases of its activities, has unanimously designated, by formal resolution on January 11, 1979 of its Full Board, "That the Alaska Federation of Natives, Inc. formally recognizes the Alaska Native Health Board as the Health Committee of AFN, Inc. and thereby conveys full authority to articulate policy and to act on health issues"; and

WHEREAS, The use of three-wheeler, all-terrain vehicles by children and adults has contributed to unnecessary deaths and injuries in the State of Alaska; and

WHEREAS, The medical cost of 538 injuries over a period of two years exceeded \$1.6 million dollars and that it is estimated that the cost of institutional care for those 6 brain damaged Alaskans injured in all-terrain vehicle accidents will exceed \$11.5 million if they live to age 65; and

WHEREAS, Measures such as educational safety programs and mandatory helmet requirements have reduced injuries associated with bicycles, motorcycles and snowmobiles; and

WHEREAS, Alaska has documented some of the most serious problems among all states on this subject;

NOW THEREFORE BE IT RESOLVED that the Alaska Native Health Board, Inc. urges the passage of the following legislation:

- 1) Helmet use requirements for all operators of ATVs.
- 2) Vehicle registration.
- 3) Mandatory safe driving course for all ATV drivers.

BE IT FURTHER RESOLVED that the ANHB urges that the U.S. Product Safety Commission hold one of its hearings on three-wheeler ATVs in Alaska; and

BE IT FURTHER RESOLVED that the ANHB urges the Department of Health and Social Services to commit additional funds and professional positions to increase its efforts to study and to investigate injuries in Alaska.

CERTIFICATION

Resolution 85-06 passed by the Alaska Native Health Board this 13th day of September, 1985 by a vote of 7 for and 0 against.

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

DATE: 19 FEBRUARY 1986  
TO: COMMITTEE MEMBERS  
FROM: STAFF  
RE: CHANGES TO HB 460

The following are the changes made to HB 460:

The language was changed to Sec. 05.40.070 which makes it a different section as compared to HB 460 -

Sec. 05.40.070. OPERATING RESTRICTIONS. (a) A person may not operate an off-road vehicle on public land unless the person wears a helmet that meets the requirements set out in AS 28.05.081(c).

(b) Not more than one person may ride an off-road vehicle at the same time, unless the off-road vehicle is specifically designed by the manufacturer to carry more than one person.

Sec. 05.40.080(a) the language is changed from

HB 460 - 05.40.070(a) A person under the age of 17 years may not operate an off-road vehicle on public land unless the person...

CSHB 460 - (a) A person at least 14 years of age and under the age of 18 years may not operate an off-road vehicle on public land unless the person...

Two additional sections are added to the bill as follows:

Sec. 2. AS 28.15.031(a) is amended to read:

(a) The department may not issue a driver's license to a person who is under the age of 16 years, except that the department may issue a permit or a certificate under AS 28.10.051 or a restricted license under AS 28.15.121.

Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

(f) The department may issue or approve issuance of a special driver's certificate to a person who is at least 14 years of age for the purpose of driving an off-road vehicle. The certificate may be issued upon successful completion of an off-road vehicle education and training program established under AS 05.40.050, and is valid for the same period of time as a driver's license. The certificate is not valid in a municipality that by ordinance prohibits the driving of an off-road vehicle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 - 29.33.290..



Official Business

# Alaska State Legislature

## House

Pouch V  
State Capitol  
Juneau, Alaska 99811

### ALL-TERRAIN VEHICLE SAFETY LEGISLATION

H.B. 460

"An Act relating to off-road vehicles."  
Rep. Katie Hurley, Sponsor

#### Background

There were at least 20 deaths and 538 injuries associated with all-terrain vehicles (ATV's) during the two-year period January 1983 through December 1984, according to a recent statewide study by the Alaska Division of Public Health and the National Centers for Disease Control.

Of the 20 fatalities:

- 75% were between the ages of 15 and 34
- 10 persons died as a result of direct impact to the head but only 2 wore helmets
- 12 deaths might have been prevented by wearing a helmet
- 8 persons had blood alcohol levels which exceeded the standard for intoxication

Of the 538 injuries:

- 324 patients required hospitalization with an average stay of 8.5 days
- 6 patients were treated for severe head or spinal cord injuries and are now permanently disabled

The primary purpose of HB 460 is to promote safety practices associated with the use of ATV's.

#### HB 460 Does:

- Require all persons under the age of 17 to wear a helmet and protective gear;
- Require an ATV to have functioning brakes, head lamp, tail light, throttle, and exhaust muffler;

ATV Fact Sheet  
Rep. Katie Hurley  
1/17/86

- Require all persons under the age of 17 to complete the safety education program prior to operation of an ATV;
- Establish a comprehensive safety education and training program which would include areas such as vehicle maintenance; alcohol and controlled substance laws; environmental protection; and emergency first aid procedures;
- Prohibit driving of ATV's on a street or highway except for crossing purposes;
- Make it unlawful to operate an unregistered ATV; and
- Make violation of this law a misdemeanor and upon conviction is punishable by a fine of up to \$500 for each offense.

POSITION PAPER

HOUSE BILL NO. 460

For an Act entitled: "An Act relating to off-road vehicles."

HB 460 attempts to reduce the risk of injuries associated with off-road vehicles by: (1) requiring registration of off-road vehicles; (2) mandating establishment of public information, education and training programs on off-road vehicle safety; (3) placing certain restrictions on use of these vehicles by persons under 17 (e.g., requiring them to complete a safety course and use a helmet); (4) requiring that all sales of vehicles include a helmet as part of the package; and (5) prohibiting off-road vehicles from being driven on any street or highway except to cross.

The number and severity of injuries related to the use of off-road vehicles in Alaska is unacceptably high. In 1983 and 1984, at least 21 persons were killed. Half of these died as a result of direct impact to the head; only two wore helmets. One death was under age 15. Of 11 fatal cases in which blood alcohol was measured, the concentration exceeded the level of intoxication in eight cases.

At least 530 other persons were injured. Of these, six are known to be permanently and totally disabled. Lifetime costs of care for these six persons could reach \$12 million based on current costs of care and a life expectancy of 65 years. The largest number of injuries occurred in the 20-24 year age group followed by the 15-19 group and the 10-14 group. These three groups accounted for well over half the injuries.

The Department of Health and Social Services endorses HB 460. It would prefer to see the helmet requirement extended to all off-road riders; however, such a requirement is probably not politically acceptable at this time. The Department also recommends that consideration be given to the addition of a minimum age requirement although this recommendation is likely to be controversial. We would recommend age 12 as the minimum since that age is consistent with minimum age in those states which have a "true" minimum age, i.e., an age below which operation of an off-road vehicle is in fact prohibited. This would help to exclude very young children who do not have the strength, motor coordination, skill or judgment for using off-road vehicles.

The establishment of an education and training program is essential to increasing the safety of using these vehicles. It seems likely that the income to the off-road vehicle safety fund resulting from the proposed registration fee will not be sufficient to cover the costs of the program. However, the Department will defer to the Department of Public Safety on the question of revenues and costs.

Recommended by: Elizabeth Ward  
Elizabeth Ward, M.N.  
Director  
Division of Public Health

Date: 1/23/86

Approved by: John R. Pugh  
John R. Pugh  
Commissioner  
Department of Health and  
Social Services

Date: 1/31/86

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER

HB 460

SUPPORT

JANUARY 16, 1986

This bill requires:

1. Registration of all 3 and 4 wheeled ATV's;
2. Development of regulations pertaining to sale and transfer, (titling);
3. Training and education in the use of these vehicles;
4. Required training for persons under 17 years of age;
5. Required clothing protection for those under 17;
6. Sale of all ATV's to include protective head gear.

At present under existing statutes, it is illegal for anyone without a valid drivers license to operate a motor vehicle on public property.

If the Department enforces the current statutes, only 16 year olds would be required to be trained and required to wear the protective eye, foot, hand and head protection.

This bill should either require:

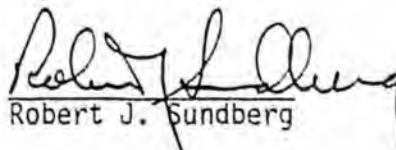
1. Everyone age 16 and 17 to comply or;
2. Change AS 28.15.011 or the definitions to allow persons without operators licenses to operate ATV's and snow machines in the state.

The Department can register the vehicles with a modest increase of one person in our mail unit. The Troopers will incur more court time and have requested funding for the anticipated increase in hours.

The expensive and difficult portion of the bill pertains to training. We would propose to hire state employees to administer the program and train agents who would then provide the actual training to ATV operators. We envision using non-profit corporations, citizen groups, the University of Alaska as agents, and perhaps satellite television for continued training and educational programs.

It may be less expensive to have the training conducted by the University which at present has a training course which they offer.

We would recommend an additional section which limits the number of riders on an ATV to one. At present, it is illegal for ATV's to be operated on a roadway. However, in the villages they are often used as the only means of transportation. In these cases they are driven on streets and roadways.

  
Robert J. Sundberg

February 26, 1986

Department of Public Safety  
COMMITTEE SUBSTITUTE HOUSE BILL 460

Position Paper

Support

The Department of Public Safety supports the passage of CSHB460. The primary reason for our support is that this bill would reduce the number of injuries and fatalities that are occurring as a result of individuals riding three- and four-wheel ATVs.

This bill provides for education and training of individuals between the ages of 14 through 17 before they can be certified as an operator of an ATV. Current law requires operators of ATVs to have a current Alaska driver's license before operating on any public property within the state of Alaska.

This bill further provides that all operators must wear a helmet, the vehicle cannot be operated with more than one rider unless specifically designed for more, that the serial numbers be placed on the machine in a location specified by the Department, and that a space designated by the Department be made available for decals.

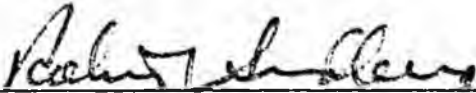
Both the Honda and Kawasaki distributors in Anchorage were contacted. They have no problem with the law, with the exception of the helmet being required at time of sale. They indicate that there are approximately 29 different helmets to choose from, and they do not believe that they should be responsible for furnishing a helmet with sale. They indicate that merely furnishing the helmet will not insure that it is worn. They were more than willing to advise purchasers that the law requires the wearing of a helmet prior to operation.

This agency feels that the registration could primarily be done by mail, thus reducing the amount of inconvenience to owners and operators of ATVs. Training would be done the first year by establishing a program, and then bringing in individuals from throughout the state who would be trained as instructor certifiers. Those individuals in turn would train individuals as certifiers in various locations throughout rural Alaska. At present, the University of Alaska, through its community extension services, has a program in place to train operators in ATV safety. Additionally, there are 116 Village Public Safety Officers, in 113 villages, who could be trained to administer the training and certification.

The bill does require headlights, taillights, brakes, and springloaded throttles. All the manufacturers indicate that they would have no problem with this provision, as these are standard pieces of equipment on ATVs. It is the Department's belief that other ATVs sold in the past were also originally designed and sold with this equipment in place.

Serial numbers are now located in an area on the frame and engine which allows for inspection without tools or the necessity to upset the machine. The Department would only specify that serial numbers be accessible on new ATVs, as they are on the present machines.

Again, Honda and Kawasaki distributors were unconcerned with this requirement.

  
\_\_\_\_\_  
Robert J. Sundberg, Commissioner  
Department of Public Safety

MAR 3 1986

\*\*\*\*\*  
 \* DELIVER TO: JPHH \*  
 \* ORIGINAL \*  
 \* SENT: 02/28/86 TIME: 16:11 \*  
 \* FROM: LIOVAL \*  
 \* SUBJECT: CHEV 460 \*  
 \* PRINT TIME: 02/29/86 TIME: 16:19 \*  
 \*\*\*\*\*

TO: REP OATO  
 FROM: BOB SHATTUCK, BOX 1036, VALDEZ, AK. 99686,  
 907-8744  
 RE: CHEV 460 OFF ROAD VEHICLES

WOULD YOU TAKE INTO CONSIDERATION THE NUMBER OF DEATHS DUE TO ALCOHOL OR DRUGS WHEN HEARING FIGURES ON INJURIES. IT WOULDN'T BE MENTIONED IF ANY OF THOSE DEATHS WERE RELATED.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB 460  
 Title : "An Act relating to off-road vehicles."  
 Sponsor : Representative Hurley  
 Requestor : House Transportation  
 Date of Request : 2/19/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		89.3	93.8	98.4	103.4	108.5
TRAVEL		25.0	26.3	27.6	28.9	30.4
CONTRACTUAL		94.5	94.5	96.2	98.0	99.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>		450.0	150.0	150.0	250.0	150.0
----------------	--	-------	-------	-------	-------	-------

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

**POSITIONS :**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Kathy Niles, Admin Assistant  
 Division : Commissioner's Office

Phone : 465-4336  
 Date : 2/20/86

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)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

### Registration

The workload of 30,000 vehicle registrations spread over three years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services		
MVR II, Range 9		31.8
Contractual		
Terminal, Printer Lease	2.5	
DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		<u>1.0</u>
	Total	<u>37.3</u>

### Education and Training Program

The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non-profit corporations who are authorized to conduct training and certify officers.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The cost breakdcwn is as follows:

Personal Services		
Program Coordinator, Range 18	57.5	
Travel		25.0
Contractual		
Printing		
HWCF		
Charters		
Office Space		
Utilities, etc.	30.0	
Training Expenditure (one year only)	<u>50.0</u>	
		80.0
Supplies		8.0
Equipment		
Vehicle		
PC		
Desk, Chairs, etc.		
Filing Cabinet		
Projectors		
Bookcase		<u>30.0</u>
Total		<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

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

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

(c) The department may issue a temporary driver's license to an applicant for a driver's license permitting the applicant to drive a specified type or class of motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's eligibility to receive a driver's license. The temporary license must be in the applicant's immediate possession while the applicant is driving a motor vehicle. A temporary driver's license is invalid when the applicant's license has been issued or has been refused for good cause.

(d) [Effective January 1, 1986] The department may issue a special driver's permit to a person who is at least 14 years of age with the consent of the person's parents or guardians for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality that by ordinance prohibits the driving of a motor-driven cycle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.35.300 — 29.35.330 or former AS 29.33.250 — 29.33.290.

(e) Notwit-  
ment may iss-  
age of 16 ye-  
licenses to be  
individual bas-  
ch 74 SLA 198

Effect of amei-  
amendment, effe-  
subsection (d) s

### Article :

**Sec. 28.15.18**  
**tions.**

Magistrate erred  
section (c)(3) applie  
at the time of his two  
not been convicted

Ar

**Sec. 28.15.291.**  
**revoked or in vic**

Probable cause to  
with revoked license  
State, Ct. App. Op. No. 1  
A-496), P.2d (1985)  
Prerequisite to su-  
driver's license or privi-  
not properly be suspe-  
driver was in fact licen-  
actually privileged to dr-  
cle within the state. Rol-  
App. Op. No. 478 (File  
P.2d (1985), followin-  
chorage, 641 P.2d 226 (A-  
Conviction reversed.  
a defendant's license had  
for driving while intoxica-  
probative value in evalu-  
dant's conduct at the tir

ary driver's license  
rovided in (b) of this  
e may apply to the  
ment may, after the  
examination under  
to the applicant an  
while having the  
ive a specified type  
ar way or area for a  
t be accompanied by  
ncensed at least one  
d, who is capable of  
es a seat beside the  
o supervises the driver  
tion permit may be

ation, may issue a  
year or for a more  
4 years of age and  
h includes practice  
stricted instruction  
s the permit in the  
ed type or class of  
ust occupy a seat  
a motorcycle, the  
mediate supervi-

er's license to an  
licant to drive a  
e department is  
l facts relative to  
e. The temporary  
ession while the  
river's license is  
ed or has been

it may issue a  
ears of age with  
the purpose of  
e issued upon  
l tests and fees,  
r's license. The  
e prohibits the  
ge of 16 years;  
ide basis only,  
ured under AS  
290.

(e) Notwithstanding other provisions of this chapter, the department may issue a special driver's license to a person who is under the age of 16 years because of the circumstances of hardship. Special licenses to be issued because of hardship shall be determined on an individual basis by the commissioner. (§ 19 ch 178 SLA 1978; am § 50 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment, effective January 1, 1986, in subsection (d) substituted "that" for "which" preceding "by ordinance" and inserted "AS 29.35.300 — 29.35.330 or former" in the last sentence.

**Article 2. Cancellation, Suspension, Revocation or Limitation of Drivers' Licenses.**

**Sec. 28.15.181. Court suspensions, revocations, and limitations.**

**NOTES TO DECISIONS**

Magistrate erred in concluding subsection (c)(3) applied to a defendant who at the time of his two current offenses had not been convicted of more than one driving while intoxicated offense. *Thomas v. State*, Ct. App. Op. No. 436 (File No. A-553), 694 P.2d 789 (1985).

**Article 5. Driver License Violations.**

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

**NOTES TO DECISIONS**

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

Prerequisite to suspension. — A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), P.2d (1985), following *Francis v. Anchorage*, 641 P.2d 226 (Alaska App. 1982).

Conviction reversed. — The fact that a defendant's license had been suspended for driving while intoxicated did not have probative value in evaluating the defendant's conduct at the time of arrest for violating this section; and the trial judge abused his discretion in admitting the evidence of two prior convictions for driving while intoxicated because the jury might have been prejudiced. It could not be said that the error was harmless, so the conviction was reversed. *Nelson v. State*, Ct. App. Op. No. 427 (File No. A-264), 691 P.2d 1056 (1984).

Conviction and sentence reversed since "vehicular way or area," an element of subsection (a), does not include a privately owned parking lot. *Conner v. State*, Ct. App. Op. No. 451 (File No. A-574), 696 P.2d 680 (1985).

Cited in *Witt v. State*, Ct. App. Op. No. 433 (File No. A-482), 692 P.2d 976 (1984).

**Sec. 29.35.260. Cities outside boroughs.** (a) A city outside a borough may exercise a power not otherwise prohibited by law. A provision that is incorporated by reference to laws governing boroughs applies to home rule cities outside boroughs only if the provision is made applicable to home rule boroughs.

(b) A home rule or first class city outside a borough is a city school district and shall establish, operate, and maintain a system of public schools as provided by AS 29.35.160 for boroughs. A second class city outside a borough is not a school district and may not establish a system of public schools.

(c) A home rule city outside a borough shall provide for planning, platting, and land use regulation as provided by AS 29.35.180(b) for home rule boroughs. A first class city outside a borough shall, and a second class city outside a borough may, provide for planning, platting, and land use regulation as provided by AS 29.35.180(a) for first and second class boroughs.

(d) This section applies to home rule and general law cities. (§ 10 ch 74 SLA 1985)

**Article 5. Acquisition of Additional Powers.**

<p><b>Section</b> 300. Additional powers 310. Transfer by city 320. Initiation of acquisition of power 330. Election</p>	<p><b>Section</b> 340. Effect of acquiring an areawide power 350. Definition</p>
--	--

**Effective date of article.** — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

**Sec. 29.35.300. Additional powers.** (a) A first class borough acquires an additional areawide power by transfer of the power by a city or by holding an areawide election on the question.

(b) A second class borough acquires an additional power by transfer of the power by a city or by holding an election on the question. For acquisition of an areawide power, the election shall be held areawide. For acquisition of a nonareawide power, the election shall be held nonareawide.

(c) A third class borough acquires an additional power to exercise in a service area by forming a service area in accordance with AS 29.35.490(b) or (c). (§ 10 ch 74 SLA 1985)

**Sec. 29.35.310.** class borough : its powers or fu

(b) A first transferred to

**Sec. 29.35.320.** tion on the qu borough or of a class borough n

(1) a number cast at the prec nonareawide, in with the boroug

(2) the assem

(b) An electio borough for exe

(1) a number cast at the prec which the power assembly; or

(2) the assem

(c) The boroug or (b) of this secti

(d) Within 30 required number tion of a power, borough on the q of the borough t. Within 60 days a shall order an ele

**Sec. 29.35.330.** for acquisition ur the ballot.

(b) If a power i: service area, only vote.

(c) A vote on th second class borot ions. One shall c borough. The othe outside all cities. I is favorable, the l days after certifica

hs. (a) A city outside a  
ise prohibited by law. A  
laws governing boroughs  
s only if the provision is

a borough is a city school  
tain a system of public  
ughs. A second class city  
and may not establish a

all provide for planning,  
l by AS 29.35.180(b) for  
a borough shall, and a  
provide for planning,  
l by AS 29.35.180(a) for

eneral law cities. (§ 10

**nal Powers.**

of acquiring an areawide

first class borough  
fer of the power by a  
stion.

ial power by transfer  
on the question. For  
all be held areawide.  
ection shall be held

power to exercise in  
ccordance with AS

**Sec. 29.35.310. Transfer by city.** (a) A city in a first or second  
ss borough may transfer to the borough in which it is located any of  
powers or functions, subject to the approval of the assembly.

(b) A first or second class borough shall exercise all powers  
ransferred to it by a city. (§ 10 ch 74 SLA 1985)

**Sec. 29.35.320. Initiation of acquisition of power.** (a) An elec-  
on the question of adding an areawide power in a first class  
orough or of adding an areawide or nonareawide power in a second  
ass borough may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes  
ast at the preceding regular election in the area, either areawide or  
onareawide, in which the election is to be held may file a petition  
with the borough clerk; or

(2) the assembly may propose the acquisition of the power.

(b) An election on the question of adding a power in a third class  
orough for exercise in a service area may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes  
ast at the preceding regular election in a proposed service area in  
which the power is sought to be exercised may file a petition with the  
assembly; or

(2) the assembly may propose the acquisition of the power.

(c) The borough clerk shall certify whether a petition filed under (a)  
or (b) of this section contains the required number of signatures.

(d) Within 30 days after a petition is certified as containing the  
required number of signatures or the assembly proposes the acquisi-  
tion of a power, at least one public hearing shall be held in the  
borough on the question. The assembly shall then evaluate the ability  
of the borough to exercise the power and make its findings public.  
Within 60 days after its findings have been made public, the assembly  
shall order an election on the question. (§ 10 ch 74 SLA 1985)

**Sec. 29.35.330. Election.** (a) If more than one power is proposed  
for acquisition under AS 29.35.320, each shall appear separately on  
the ballot.

(b) If a power is proposed for exercise by a third class borough in a  
service area, only voters residing in the proposed service area may  
vote.

(c) A vote on the question of adding an areawide power in a first or  
second class borough shall be tabulated in two separate classifica-  
tions. One shall consist of all votes cast in all cities located in the  
borough. The other shall consist of all votes cast in the borough area  
outside all cities. If the majority of the votes cast in each classification  
is favorable, the borough shall assume the added power within 30  
days after certification of the election results.

(d) If a majority of the votes cast on the question of adding a nonareawide power in a second class borough or a power to be exercised in a service area in a third class borough is favorable, the borough shall assume the added power within 30 days after certification of the election results.

(e) The borough mayor shall certify the election results to the department. (§ 10 ch 74 SLA 1985)

**Sec. 29.35.340. Effect of acquiring an areawide power.** (a) On acquisition of an areawide power the first or second class borough succeeds to all of the rights, powers, and duties of any city or service area with respect to that power. The borough succeeds to claims, franchises, and other contractual obligations, liability for bonded and all other indebtedness, and to all of the right, title, and interest in the real and personal property held by a city or service area for the exercise of the power.

(b) The assembly may levy and collect special charges, taxes, or assessments including interest for the purpose of amortizing bonded indebtedness previously incurred by a city or service area for exercising an areawide power acquired by the borough. When a city or service area had previously incurred bonded indebtedness, all property that was in the city or service area at the time the bonds were issued remains subject to taxation to pay the principal of and interest on the bonds.

(c) On acquisition of an additional areawide power the first or second class borough, in consultation with the city or service area personnel, shall arrange for an orderly and equitable transfer of rights, assets, liabilities, powers, duties, and other matters related to acquisition of the areawide powers.

(d) This section applies to home rule and general law cities. (§ 10 ch 74 SLA 1985)

**Sec. 29.35.350. Definition.** In AS 29.35.200 — 29.35.350, "power" means the provision of a public facility or service, or the exercise of a regulatory power. (§ 10 ch 74 SLA 1985)

Section  
400. General  
410. Extent o

Effective d  
90, ch. 74, SLA  
takes effect Jar

**Sec. 29.35.3**  
shall be give  
in this title. (

**Sec. 29.35.**  
law, a munic  
necessarily or  
and functions

**Sec. 29.35.4**  
enumerated po  
title is illustra  
from the exerc

Section  
450. Service areas  
460. Service area bo  
470. Financing

Effective date o  
90, ch. 74, SLA 198  
takes effect January

**Sec. 29.35.450.**  
services in a bo  
abolished by ordin  
on an areawide or  
different level of  
nonareawide basis  
(1) the city agre  
(2) approval is g  
and by a majority  
proposed service ar

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB 460  
 Title : An Act relating to off-road vehicles  
 Sponsor : Representative Hurley  
 Requestor : House Transportation  
 Date of Request : 2/19/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		57.5	60.4	63.4	66.6	69.9
TRAVEL		25.0	27.3	27.6	28.9	30.4
CONTRACTUAL		80.0	30.0	31.5	33.1	34.7
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		30.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		200.5	119.7	125.7	131.9	138.5

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		200.5	119.7	125.7	131.7	138.5

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

See attached page.

Prepared by : Kathy Niles, Admin. Assistant Phone : 465-4336  
 Division : Commissioner's Office Date : 2/19/86

Approved by Commissioner : [Signature] Date : 2/19/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

erty on that side, and boundary line shall of a vacated street attaches to the lots of public square is vacated, and to the borough property vacated is a

r other public area ration to and accep- subdivision platting, lue of the street or uthority to be paid

ng, the council of a rough may vacate public ways that when the council, ings, sidewalks or public welfare, or tion. If the council nder this subsec- title to the area t vest as provided 18 SLA 1972; am

ty by ordinance rd and the board cases under this ncluding but not e commission or ng officer desig- prescribe proce- board shall hear

Article 5. Additional Areawide Powers.

<p>Section 250. Additional areawide powers 260. Transfer by city 270. Petition for power</p>	<p>Section 280. Investigation 290. Election</p>
--	---

**Sec. 29.33.250. Additional areawide powers.** First and second class boroughs acquire additional areawide municipal powers by transfer from a city or by holding an areawide election on the question, except as provided otherwise in AS 29.48.030(b) and 29.48.035(b). (§ 2 ch 118 SLA 1972)

**Opinions of attorney general.** — If a borough had been given areawide public health powers, the borough assembly would have had the power under a former, similar provision to contract with any city for the furnishing of additional health services. 1962 Op. Att'y Gen., No. 9.

Under a former, similar provision borough voters might use an initiative to acquire an areawide power for the borough which cities refused to transfer. 1965 Op. Att'y Gen., No. 6.

**Sec. 29.33.260. Transfer by city.** (a) A city may transfer to the first or second class borough in which it is located any of its powers or functions, subject to the approval of the borough assembly.

(b) First and second class boroughs shall exercise all powers transferred to them by cities. (§ 2 ch 118 SLA 1972)

**Sec. 29.33.270. Petition for power.** An election on the question of adding an areawide power may be initiated in two ways:

(1) a number of voters equal to 15 per cent of the number of votes cast in the borough at the preceding regular election may file a petition with the assembly, or

(2) the assembly may propose the acquisition of the power. (§ 2 ch 118 SLA 1972)

**Opinions of attorney general.** — Under a former, similar provision borough voters might use an initiative to acquire

an areawide power for the borough which cities refused to transfer. 1965 Op. Att'y Gen., No. 6.

**Sec. 29.33.280. Investigation.** The assembly shall hold at least one public hearing in the borough on the question. The assembly shall then evaluate the ability of the borough to exercise the powers and make its findings public. (§ 2 ch 118 SLA 1972)

**Sec. 29.33.290. Election.** (a) The assembly shall, within 30 days after its findings have been made public, order an election to be held on the question. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

(b) If more than one power is proposed, each appears separately on the ballot.

(c) The borough mayor shall certify the election results to the Department of Community and Regional Affairs. The vote on the question of adding an areawide power shall be tabulated in two separate classifications. One shall consist of all votes cast in the home rule and first class cities of the borough. The other shall consist of all votes cast in the remaining borough area. If the majority of the votes cast in each classification is favorable, the borough shall assume the added power within 30 days of certification of the election results. Upon acquisition of an areawide power the borough succeeds to all of the rights, powers and duties of any city or service area with respect to that power. The borough succeeds to claims, franchises and other contractual obligations, liability for bonded and all other indebtedness and to all of the right, title and interest in the real and personal property held by the city or service area for the exercise of the power. The borough assembly may levy and collect special charges, taxes or assessments including interest for the purpose of amortizing bonded indebtedness previously incurred by the city or service area for continuing services in the area. When a city or service area had previously incurred bonded indebtedness, no less than all property that was within the city or service area at the time the bonds were issued shall remain subject to taxation to pay the principal of and interest on the bond for as long as they remain outstanding. Upon acquisition of additional areawide powers the borough, in consultation with the city or service area personnel, shall arrange for an orderly and equitable transfer of rights, assets, liabilities, powers, duties and other matters related to acquisition of the areawide powers. This subsection applies to home rule and general law cities. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

NOTES TO DECISIONS

Cited in *Jefferson v. State*, Sup. Ct. Op. No. 1084 (File No. 2000), 527 P.2d 37 (1974).

**Chapter 38. Borough Powers and Duties in the Area Outside Cities.**

<p><b>Section</b>                  10. First class borough                  20. Second class borough                  30. Additional powers</p>	<p><b>Section</b>                  40. Investigation                  50. Election</p>
---	--

**Cross references.** — For exceptions to this chapter with respect to assumption of certain powers, see AS 29.48.030(b) and 29.48.035(b).

**Sec. 29.38.01**  
 exercise in  
 Before exer  
 have the id  
 propose join

**Opinions of**  
 Under a form  
 ough voters n  
 acquire an are  
 which cities rel  
 Atty Gen., No  
 Broad public

**Sec. 29.38.02**  
 may exercise  
 incorporation  
 chapter. Befi  
 shall seek to l  
 borough or p  
 SLA 1972)

**Cross referen**  
 powers that a  
 29.38.020 — 29.  
 ipalities within  
 29.48.270.

**Opinions of**  
 Broad powers giv  
 health in a propo  
 would violate a l

**Sec. 29.38.03**  
 initiate the ac  
 two ways:  
 (1) a numbe  
 cast in the are  
 a petition with  
 (2) the asse  
 SLA 1972)

**Sec. 29.38.04**  
 public hearing  
 evaluate the al  
 findings public

**Sec. 29.38.05**  
 after its findin  
 question in the  
 at least 30 day  
 election occurri

BARTON A SOLLARS, SR.

Birthdate 11/09/29 Alumni Sitka High 1947 Long time  
Fisherman long line & power troll, Trailer court owner.  
Feb. 12, 1986

Richard I. Eliason  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear legislater:

I just came from this teleconference on HB 460 and I couldn't believe my ears on all the tunnel vision and do-gooder testimony in favor of this bill. It seems the ultimate solution is to outlaw ATV's period. I am against that also!!! I believe these machines are only as hasardus as the people operating them.

HB 460 is just one more unneseccary bill in the march toward more and bigger government.

I think we were on a much better track when we could license them and take a driving test and be legal on the highway. The license plate makes them identifiable and registures them. I saw a licensed Big Red Honda pull in to a service station in ARIZONA for gas. At least the law makers there are nice enough to give the people what they want! Instead of being duty-bound to protect us from ourself. Or trying to legislate any broblems away by making us all potential outlaws. It seems our rights and freedoms are getting less all the time! and the average mind your on business citizen doesn't take the time to fight back!!

These machines are well built and are inherently no more dangerous than any other machine built by man! And I think its totally unfair to pick on them the way I just heard. A program of safty in operation could accomplish a lot more. Along with allowing us the option we had before (like in Arizona) of the modifications necessary to make them street legal and license them!! All the other owners I know complained bitterly when this right was taken from us and our complaints, from the governor on down, fell on deaf ears. All we got was song & dance quotes that these machines were built only for off road use which almost can't be done in southeast Alaska.

Sincerely,

Barton A Sollars, Sr.  
P.O. Box 771  
Sitka, Alaska 99835  
907 747 3369

*Barton Sollars, Sr.*

# Valley Medical Center, Inc.

P.O. BOX 879, 425 E. DAHLIA, SUITE M, PALMER, ALASKA 99645 - Telephone (907) 745-4268

Family Practice  
James F. Ivey, M.D., F.A.A.F.P.  
David P. Werner, M.D., F.A.A.F.P.

Representative Betty Cato  
Chairman - Transportation Committee

2/14/86

FEB 18 1986

Dear Representative Cato,

I approve of H.B. 460 regarding  
ATV'S. However, I strongly urge the  
addition of the following points

- ① A minimum age of 13 years of age  
for operation of any motorized ATV  
regardless of whether or not it is  
on private or public land, or with or  
without protective equipment, or training
- ② One rider per 3-wheeler - no more!
- ③ No vehicle ~~under~~ operation under influence  
of Alcohol or drugs.

Please help lower the body count of  
children in our emergency room.

Yours truly,

David P. Werner

FEB 12 1986

\*\*\*\*\*  
 \*  
 \* DELIVER TO: JFOM \*  
 \*  
 \* ORIGINAL \*  
 \* SENT: 02/11/86 TIME: 12:22 \*  
 \* FROM: LIONAT \*  
 \* SUBJECT: 2/11 MS POM/CC \*  
 \* PRINT DATE: 02/11/86 TIME: 12:22 \*  
 \*  
 \*\*\*\*\*

9

TO: REPRESENTATIVES HURLEY, CATO, DAVIS, FURNACE, HERRMAN, MARROU, PIGNALBERTI, SHULTZ

FROM: JOAN WELCH 376-4731  
 POB 871175  
 WASILLA 99687

RE: HB 460-OFF ROAD VEHICLES

I SUPPORT THIS BILL.

\*\*\*\*\*

11

FEB 14 1986

*file*

\*\*\*\*\*

TO: REPRESENTATIVE CATO, DAVIS, FURNACE, HERRMANN, MARROU,  
PIGNALBERTI, SHULTZ, AND HURLEY  
FROM: DAVE WERNER  
C/O VALLEY MEDICAL CENTER  
P.O. BOX 879  
PALMER AK 99645

9

RE: HB460 THREE WHEEL-OFF ROAD VEHICLES

I STRONGLY ADVISE A LOWER AGE LIMIT OF THIRTEEN YEARS TO OPERATE  
A MOTORIZED A.T.C. ALSO I ADVISE TRAINING SAFETY EDUCATION FOR  
OPERATION OF MOTORIZED A.T.V. BETWEEN AGES OF THIRTEEN AND  
SEVENTEEN.

\*\*\*\*\*

U  
A  
U



FEB 12 1986

```

*****
*
* DELIVER TO: JPOH
*
*
* ORIGINAL
* SENT: 02/11/86 TIME: 13:14
* FROM: FALEENE BIGGS
* SUBJECT: POM
* PRINT DATE: 02/11/86 TIME: 13:15
*
*****

```

1E

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS  
 REPRESENTATIVES CATO, CH.  
 DAVIS  
 FURNACE  
 HERRMANN  
 HARROU  
 PIGNALBERI  
 SHULTZ

CC: DISTRICT LEGISLATORS:  
 SPEAKER GRUSSENDORF AND SENATOR ELIASON

FROM: BARTON SOLLARS, SR., P.O. BOX 771, SITKA, AK 99835  
 747-3369

RE: HB 460; OFFROAD VEHICLES

IN REGARDS TO HB 460, I AM AGAINST REGISTRATION AND A FEE FOR OFFROAD VEHICLES AND STILL NOT BE ALLOWED TO MAKE THEM STREET LEGAL FOR PUBLIC HIGHWAY USE. I WOULD BE GLAD TO REGISTER AND PAY A FEE IF I COULD LICENSE FOR HIGHWAY USE.

\*\*\*\*\*END OF MESSAGE\*\*\*\*\*

\*\*\*\*\*

HOUSE TRANSPORTATION COMMITTEE MEMBERS:

FEB 18 1985

BETTE CATO  
MIKE DAVIS  
WALTER FURNACE  
ADELHEID HERRMANN  
ANDRE MARROU  
MARCO PIGNALBERI  
RICHARD SHULTZ

I AM IN FAVOR OF HB 460.

I SEE THIS BILL AS A HEALTH AND SAFETY TRAINING BILL FOR YOUNG RIDERS FUNDED BY ALL THE ATV OWNERS. I DON'T HAVE A PROBLEM WITH THAT. I WOULD LIKE TO CAUTION YOU TO HAVE THE TRAINING PROGRAM READY TO GO WHEN THIS BECOMES LAW. I DON'T SEE THAT KODIAK HAS THE DEPARTMENT OF SAFETY PERSONNEL TO CONDUCT THIS TRAINING. PLEASE CONSIDER THE FOLLOWING;

MINUMIN AGE REQUIREMENT  
ALL DRIVERS WEAR HELMETS  
INSURANCE REQUIREMENT  
NO PASSENGERS ALLOWED  
VEHICLE IMPOUNDED IF FOUND USED ILLEGALLY

THANK YOU

JOHN VINCENT  
1619 SELIEF LANE  
KODIAK, AK. 99615  
486-3554 (HM) 486-5090 (WK)

I am in favor of house bill NO. 460.  
I see this bill as a Health + Safety  
TRAINING bill for young Riders funded  
by ALL the ATV owners. I don't have  
a problem with that. I would like  
to caution you to have the TRAINING  
Program ready to go when this becomes  
Law. I don't see that Kodiak has  
the Dept of Safety personnel to conduct  
this training. Please consider the  
following;  
minimum age Requirement  
ALL drivers wear helmets  
INSURANCE Requirement  
NO Passengers Allowed  
Vehicle impounded if found used illegally.

Thank You

John Vincent

1619 Selief Lane

Kodiak, AK. 99615

486-3554 (hm) 487-5090 (wk)

FEB 19 1986

message Ch. Betty Cato  
to House Transport. Com, date 2/12/86  
from Dorothy J. Roundtree  
Box 454, Petersburg, AK 99833  
772-3194

Re: HB. 460 OFF-ROAD VEHICLE  
Sect. 05.40.050 Education  
and Training Fund  
Sect. 05.40.060 OFF ROAD  
VEHICLE FUND.

My 21 yrs son, Sean, is a  
victim of the lack of safety-  
instructions concerning operation  
of a 3-wheeler. Accident occur-  
ed on logging road due to  
instability of vehicle entering a  
roughly filled in culvert removal  
space across road and lack of equip-  
-ment. On 1/4 day coma, permanent  
Brain damage, paralyzed rt side was

the state of the injuries.

My son is lucky. Mr. Tom Wood "air vacated" him to HarborView's Trauma center. Sean is recovering use of his body and brain.

Please support the Safety, Education and Training and Safety Fund Sections of this bill.

Education may save lives and avoid the \$50,000 medical fees that have accumulated so far in just one case.

Sincerely,  
Jacky J. Rountree

*Sec. 28.15.030. Persons not to be licensed. [Repealed. § 19 ch 178 SLA 1978.]*

**Sec. 28.15.031. Persons not to be licensed.** (a) The department may not issue a driver's license to a person who is under the age of 16 years, except that the department may issue a permit under AS 28.15.051 or a restricted license under AS 28.15.121.

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

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

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

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

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

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

(6) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(7) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(8) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so. (§ 19 ch 178 SLA 1978)

NOTES TO DECISIONS

Stated in Commercial Fisheries Entry: 2011 (File No. 4464, 606 P.2d 1255 (1980) Comm'n v. Apokedak, Sup. Ct. Op. No.

**Collateral references.** — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 108 to 111.

60 C.J.S., Motor Vehicles, §§ 154, 155. Constitutionality of statute which makes proof of financial responsibility condition of granting, or of nonsuspension

of, automobile registration license, or driver's license, 115 ALR 1376, 35 ALR2d 1011.

Denial, suspension, or cancellation of driver's license because of physical disease or defect, 38 ALR3d 452.

Validity, of age require vehicle opera.

*Sec. 28.1 [Repealed.]*

**Sec. 28.1** Commissioner of licenses. The reasonably and combined with medical and other state licenses. The applicant's qualifications and upon issuance of the license the applicant must be qualified by examinations under current regulations of the legislature.

(b) A person or a bus transporter when in use for the person has purpose under license under of age, has had ment is satisfied fitness to be licensed proper application and physical examination issued under following issuance of the license and paying

*Sec. 28.15.050*

**Sec. 28.15.051** and special driver's license section, a person applicant has submitted AS 28.15.081 of instruction permit in the person

DATE: 19 FEBRUARY 1986  
TO: COMMITTEE MEMBERS  
FROM: STAFF  
RE: CHANGES TO HB 460

The following are the changes made to HB 460:

The language was changed to Sec. 05.40.070 which makes it a different section as compared to HB 460 -

Sec. 05.40.070. OPERATING RESTRICTIONS. (a) A person may not operate an off-road vehicle on public land unless the person wears a helmet that meets the requirements set out in AS 28.05.081(c).

(b) Not more than one person may ride an off-road vehicle at the same time, unless the off-road vehicle is specifically designed by the manufacturer to carry more than one person.

Sec. 05.40.080(a) the language is changed from

HB 460 - 05.40.070(a) A person under the age of 17 years may not operate an off-road vehicle on public land unless the person...

CSHB 460 - (a) A person at least 14 years of age and under the age of 18 years may not operate an off-road vehicle on public land unless the person...

Two additional sections are added to the bill as follows:

Sec. 2. AS 28.15.031(a) is amended to read:

(a) The department may not issue a driver's license to a person who is under the age of 16 years, except that the department may issue a permit or a certificate under AS 28.10.051 or a restricted license under AS 28.15.121.

Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

(f) The department may issue or approve issuance of a special driver's certificate to a person who is at least 14 years of age for the purpose of driving an off-road vehicle. The certificate may be issued upon successful completion of an off-road vehicle education and training program established under AS 05.40.050, and is valid for the same period of time as a driver's license. The certificate is not valid in a municipality that by ordinance prohibits the driving of an off-road vehicle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 - 29.33.290..



# Kanakanak Hospital

P.O. Box 3050  
DILLINGHAM, ALASKA 99576  
Phone: (907) 842-4224 (427) 441-2200

February 10, 1986

Representative Katie Hurley  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Hurley,

I just had a couple of questions and comments regarding House Bill No. 460.

1 - Sec. 05.40.020. (a) some villages do not have a department of Public Safety - Will the form be mailable?  
(b) Federal, State or political subdivision not required to pay - can we include retired persons and people that are on fixed incomes? i.e. handicapped, low income, etc.

2 - Sec. 05.40.050. (a) training - Is the Department of Public Safety going to be able to travel to all the villages to provide this training? Or is it going to be home correspondence? For training I would like to suggest "hands on" type of training since the manufacturers already include educational material with each machine they sell.

3 - Sec. 05.40.060. Off road vehicle safety fund - This sounds like money is being earmarked. Can this be done? Could we just set an amount?

4 - Sec. 05.40.070. How did you arrive at the age of 17? Fishing communities usually have the 10 year olds involved in helping with the fishing business, subsistence, etc.

5 - Sec. 05.40.080. Safety Equipment - Will the department be enforcing and checking all equipment to make sure that all vehicles have all of the required safety equipment?

6 - Sec. 05.40.090. Retail Sales - One of the reasons that the 3-wheeler is so popular is that it is inexpensive. Have you checked with the industry to see how much more the 3-wheeler is going to cost after everything is added? A family or four buys a 3-wheeler and all plan to use the 3-wheeler, which family member should be fitted to wear the helmet? Is this going to drive the cost of the 3-wheeler up? Do all retail sales outlets have the storage capabilities to store a huge inventory of helmets?

Bristol Bay has 32 villages that encompass 40,425 square miles with a population of approximately 6,000 people. Approximately 80% of these people depend on the 3-wheeler for transportation and work. It isn't uncommon to see 2,3, or even 4 3-wheelers in some households. The 3-wheelers are used by health aides, VPSO'S, fishermen, fire fighters, schools, villagers, etc. and its popularity is due to the fact that it is inexpensive, all terrain, and a year round vehicle.

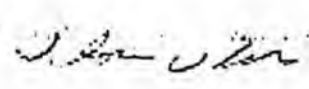
I see problems with enforcing H.B. 460. Is there money?

Prior to passing a law that might drive up the cost of the 3-wheeler and creating undue hardship on the consumers, I suggest that we try and see if the villages will be willing to pass local ordinances that will lower the accident rate, i.e. helmet laws, speed limits, DWI's, age restrictions, this will give the villages and an opportunity to tailor a law that will meet their own needs.

I cannot emphasize enough the importance the 3-wheeler plays in the village life style. It has replaced the role that the dog teams once played in their lives.

If you should have any questions I will be more than glad to try and answer them.

Sincerely yours,

  
Thomas Tilden  
Safety Trainer

tt/kh

cc Robert Clark, Executive Director  
Pat Hefley, Community Health Services Director  
Rep. Adelheid Herrmann  
Sen. Fred Zharoff

**FIVE METHODS OF REDUCING INJURIES  
ASSOCIATED WITH ALL-TERRAIN VEHICLES**

**A legislative policy analysis**

**Prepared for**

**Alaska Department of Health and Social Services  
Division of Public Health  
Emergency Medical Services Section**

**by**

**Robert H. McKnight, MPH, ScD  
College of Nursing and Health Services  
Universtiy of Alaska, Anchorage**

**under contract with**

**Alaska Native Health Board  
Anchorage, Alaska**

**January 1986**

TABLE OF CONTENTS

	Page
Introduction	
<b>Chapter 1, Registration and Licensure of All-Terrain Vehicles</b>	
A. Summary and Recommendations . . . . .	1
B. Experiences In Other States . . . . .	1
C. Positive and negative Effects . . . . .	13
D. Effects on Local Laws . . . . .	13
E. Enforcement . . . . .	13
F. Costs and Red Tape . . . . .	14
G. Political Acceptability . . . . .	16
H. Discussion . . . . .	16
<b>Chapter 2, Age Restrictions</b>	
A. Summary and Recommendations . . . . .	1
B. Experiences In Other States . . . . .	1
C. Positive and negative Effects . . . . .	6
D. Effects on Local Laws . . . . .	6
E. Enforcement . . . . .	7
F. Costs and Red Tape . . . . .	9
G. Political Acceptability . . . . .	9
H. Discussion . . . . .	10
<b>Chapter 3, Operator Permits for ATV Use ("Operator Certification")</b>	
A. Summary and Recommendations . . . . .	1
B. Experiences In Other States . . . . .	1
C. Positive and negative Effects . . . . .	3
D. Effects on Local Laws . . . . .	3
E. Enforcement . . . . .	3
F. Costs and Red Tape . . . . .	4
G. Political Acceptability . . . . .	5
H. Discussion . . . . .	5
<b>Chapter 4, Helmet Requirements</b>	
A. Summary and Recommendations . . . . .	1
B. Experiences In Other States . . . . .	1
C. Positive and negative Effects . . . . .	2
D. Effects on Local Laws . . . . .	2
E. Enforcement . . . . .	3
F. Costs and Red Tape . . . . .	4
G. Political Acceptability . . . . .	4
H. Discussion . . . . .	5
<b>Chapter 5, Retrofitting ATVs with Additional Safety Equipment</b>	
A. Summary and Recommendations . . . . .	1
B. Experiences In Other States . . . . .	1
C. Positive and negative Effects . . . . .	6
D. Effects on Local Laws . . . . .	7
E. Enforcement . . . . .	7
F. Costs and Red Tape . . . . .	8
G. Political Acceptability . . . . .	8
H. Discussion . . . . .	8
<b>Chapter 6, Some Closing Remarks</b>	
<b>Appendix 1, Testimony of author presented at Consumer Product Safety Commission hearing on All-Terrain Vehicles, Los Angeles, California, October 17, 1985</b>	

## INTRODUCTION

### What's an ATV?

All-terrain vehicles (ATVs) include both three-wheel and four-wheel, balloon tire, motorized, off-road vehicles. Typically, an ATV weighs less than 600 pounds, is less than 50 inches wide, and has a seat that is straddled by the operator. They are designed for one, and only one, rider. ATVs are not intended for operation on paved surfaces, especially highways. In fact, ATVs are prohibited from state-owned and state-maintained highways in Alaska, as well as most other states. They cannot be registered as "street legal" vehicles. Snow machines are not ATVs. Neither are "dirt bikes."

### Why Enact Legislation?

In Alaska, we have no state laws that are specific to the all-terrain vehicle or its operators. However, provisions of existing snow machine and general highway laws apply to ATVs, including:

- Illegal for highway use
- Registration, but only if used as a "snow machine"
- Permitted for right-angle crossing of highways

Alaska laws have not kept pace with the problems associated with its 30,000 ATVs--environmental damage, noise pollution, and injuries and deaths.

These papers are limited to 5 state government steps that could reduce injuries and deaths. These strategies are aimed at ATV use on public lands, not private property. These 5 chapters do not suggest that we should eliminate all risks associated with ATVs, but rather those risks that are unreasonable and unacceptable from a public health perspective. The recommendations contained herein will reduce deaths and injuries only if enforced and given adequate funding.

Who Is Suffering?

Nationally, about 23 percent of all ATV-related deaths were children 12 and under. Often, only after a tragedy do people become motivated to stop the carnage caused by ATVs.

A Mississippi State Senator recently testified:

"As the parent of an only child who lost his life August 2, 1982, while riding an ATV, I feel qualified to speak about the hazards of ATV vehicles. . . . His ATV's back wheel hit the back wheel of another ATV and it threw Greg into the air. His head hit the pavement; he was not wearing a helmet.(1)

Other witnesses expressed similar concern:

"This problem, I feel, is extremely dangerous to the children involved."(2)

"So, we can clearly see that this is a disease, an epidemic of our young people."(3)

"They are marketing these vehicles as toys. They are aiming them at young children, let's go out and have fun. . . . I am talking about young children who are being killed and maimed and put into comas by these vehicles."(4)

Also, eighty-five (85) percent of the people questioned in a recent Anchorage survey said that they were concerned about the deaths and injuries caused by ATVs.(5)

---

1. State Senator Walter Graham, New Albany, Mississippi, testimony before U.S. Consumer Product Safety Commission (CPSC), Federal hearing on ATV Safety, Jackson, Mississippi, May 30, 1985, p. 12 of transcript.

2. Dr. Jonathon Lee, CPSC testimony, Dallas, Texas, June 17, 1985, p. 58.

3. Dr. Francis Cline, CPSC testimony, Jackson, Mississippi, May 3, 1985, p. 138.

4. Ms. Bonnie Sumner, CPSC testimony, Milwaukee, Wisconsin, September 3, 1985, p. 83.

5. Survey conducted by Carrie Bashaw, graduate student, University of Alaska, Anchorage.

## Statistics show misuse of ATVs caused 530 injuries, 20 deaths

by Larry Persily  
Times Journal Bureau

**J**uneau — Examine every death certificate in Alaska for the past two years, all 4,000 of them. Contact coroners, magistrates, emergency medical services personnel, the Indian Health Service and major hospitals. Review state trooper and highway records. Total it up and you'll find:

- Twenty people died in 1983 and 1984 from 3-wheeler all-terrain vehicle accidents.
- More than half of the deaths might have been prevented had the operators been wearing helmets.
- Eight of 11 people who died had blood alcohol levels above the legal limit and were intoxicated at the time of their accidents.
- More than 530 persons were injured.
- Six of the victims are permanently disabled with head or spinal cord injuries.
- Of the more than 320 hospital reports reviewed, victims of 3-wheeler accidents averaged more than eight days in the hospital because of the severity of their injuries.
- Another fact reported by state health officials, after reviewing two years of state highway

Alaska safety program

— page B-2

and trooper records, is that "63 percent of the incidents occurred on roadways, even though that is supposedly illegal . . . and they (3-wheelers) are marketed for off-road use."

John Middaugh, state epidemiologist, has been working since January on a comprehensive review of 3-wheeler safety. He was assisted for the first two months by a worker from the federal Centers for Disease Control in Atlanta, who was assigned to Alaska to help with the project.

A preliminary report already has been released, and the federal worker arrived back in Alaska last weekend for a one-month stay to help Middaugh finish the study and prepare the final report.

In addition to the report, Middaugh said, his office plans to provide recommendations to promote 3-wheeler safety in Alaska.

The epidemiologist's office is in the Division of Public Health, with Middaugh describing his job as "a physician trained to look at diseases  
See ATVs, page B-2

## ATVs linked to 20 deaths

Continued from page B-1

and injuries as they affect the population."

From his survey of death certificates, Middaugh said the youngest of the 20 fatalities in the past two years was 12 years old, the oldest 53. Of the 14 who died from head injuries or other factors related to head injuries, only two were wearing helmets.

"Twelve persons still might be alive today if only they had been wearing a helmet," he said. In a review of state trooper and highway department reports, it was discovered that only 9 percent of 304 riders were wearing helmets, "the point being folks are not protecting their heads in operating these things."

The most frequent contribut-

ing factors cited in the two years of state reports, Middaugh said, in order of their influence, were: alcohol, speeding, driver inexperience and driver intention.

Tony Gatts, the owner of Honda of Anchorage, said, "I think the problem is just as it is with almost any form of recreation — drinking is a major problem."

Gatts listed as another cause of accidents: "Many people almost totally disregard owners manual recommendations," which include wearing a helmet and not carrying passengers.

He also said designation of recreational areas would help keep the vehicles off the roads and provide a safe area for urban owners of 3-wheelers.

In addition to the cost in lives and injuries, the medical cost of 3-wheeler accidents runs into

millions of dollars. Records for the past two years show hospital charges of \$1.6 million for the 324 cases reviewed, an average of about \$5,000 per person, excluding physician, therapy and other charges.

At one hospital, two-thirds of the patients brought in from ATV accidents had injuries severe enough to require major surgery with general anesthesia, Middaugh said.

The epidemiologist's office estimates the cost of long-term care for the six accident victims paralyzed by head or neck injuries will total \$11.5 million in state and federal funds, assuming the six live to their normal life expectancy. That estimate includes only long-term care costs and does not include physician, drug or other private care costs.

Wednesday, May 22, 1985

# Doctors want moratorium on ATV sales

From Daily News wire reports

WASHINGTON — The American Academy of Pediatrics called for a moratorium Tuesday on the sale of all-terrain vehicles — an increasingly popular three-wheel bike blamed for a rising number of fatal accidents.

There were 67,000 emergency room-treated injuries associated with the motorized bikes last year, a 10-fold increase from 1981 and most of them involved children, Dr. Joseph Greensher, an academy chairman, told a hearing in the House of Representatives.

"It appears to me that in good conscience what the situation calls for is an immediate voluntary moratorium on the sale of new ATV's while we accumulate necessary data to insure acceptable safe use," he said.

American Honda Motor Co., the biggest seller of the ATV's, said a moratorium is unwarranted and that the off-road bikes, which look like big tricycles with balloon tires, are safe.

But it vowed to work with those who question it, including

the Consumer Product Safety Commission. ATV's are used for recreation as well as for work on ranches and farms.

A "Fact Sheet on ATV's," prepared by Statler and distributed at the hearing, showed:

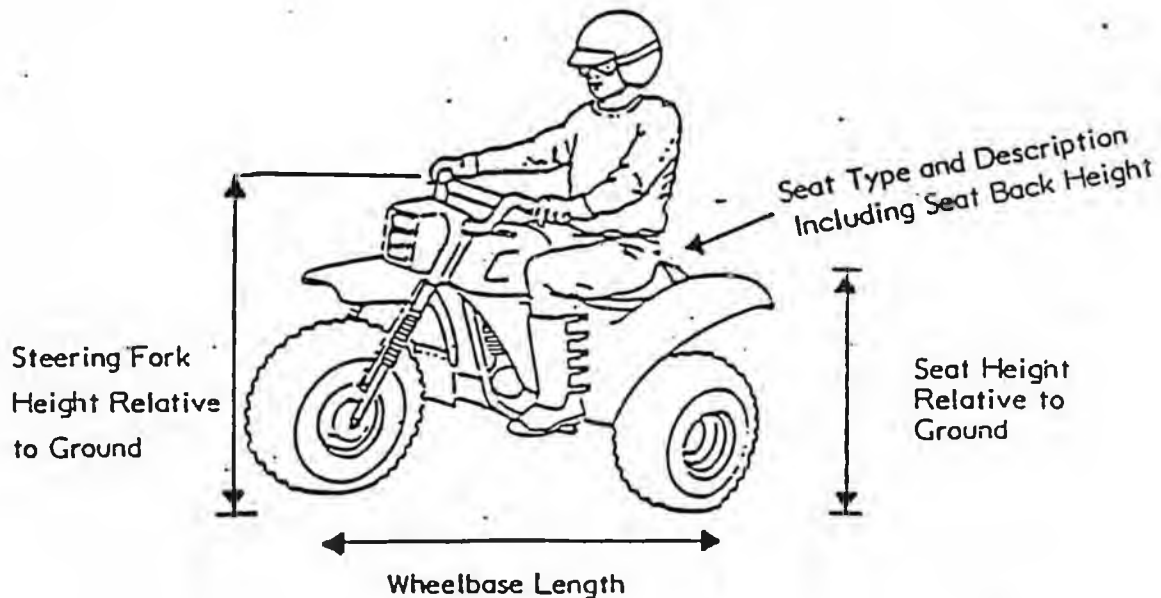
• Sales of ATV's rose from 136,000 in 1980 to 650,000 in 1984. By the end of 1985, there are expected to be 2.5 million ATV's in United States.

• Estimated hospital emergency room-treated injuries associated with the bike rose from 4,929 in 1980 to 66,956 last year.

• The accident rate for ATV's is 50 percent higher than it is for mini-bikes and trail bikes.

• From 1982 to 1984, the commission is aware of 161 ATV-related deaths.

TYPICAL THREE-WHEELED ATV



American  
Academy of  
Pediatrics



# Young Health

A service of your family's pediatrician —  
caring for infants, children and young adults

Summer 1985

## Experts raise questions about ATV safety

Thrill seekers, beware.

Children, adolescents and adults looking for excitement might well be advised to consider some disturbing facts before joy riding in three-wheel, all-terrain vehicles (ATV).

During the past three years, there have been more than 160 deaths and more than 100,000 injuries related to ATV use, reports the U.S. Consumer Product Safety Commission. Twenty-two percent of the injuries and fatalities occurred to users aged 5 to 12 years. Forty-six percent occurred to users younger than 16 years.

"The desire to be carried at a speed greater than our legs allow continues to spur the imagination of inventors and industry, leaving in their wake a stream of broken bodies and an unacceptable death toll," states Joseph Greensher, M.D., FAAP, an accident prevention expert.

More than 750,000 ATVs are expected to be sold in the United States this year. However, few states apply minimum age or licensing requirements for ATV use on private land. The vehicles feature large, balloon tires and often are used for recreational, off-the-road riding.

"Operation of these vehicles requires coordination, dynamic balance, quick



reflexes, good visual and auditory perception and also a good sense of judgment," Dr. Greensher notes. "Such characteristics and developmental ma-

turity are often lacking in the younger age group."

Several other reasons have been cited in arguments criticizing ATV safety, including: the vehicle's inherent instability created by three instead of four tires; difficulty in controlling the vehicle; drivers who speed; and people who ride double.

"One message is clear: children under 16 seem to be at the greatest risk attempting to control and stabilize the ATV," Dr. Greensher says.

Dr. Greensher, safety commission representatives and other experts recently testified about ATV safety before a congressional panel. The safety commission has authorized a special task force to gather information regarding ATV use, misuse and safety standards. The American Academy of Pediatrics is developing a formal policy statement on the issue.

In the meantime, parents, adolescents and other ATV users might think twice before jumping on one of the vehicles.

"While the clock runs," Dr. Greensher concludes, "injuries and fatalities will continue to rise. There are over 2 million ATVs already in use and a projected 2.5 million by the end of the 1985."

## CHAPTER 1. REGISTRATION AND LICENSURE OF ALL-TERRAIN VEHICLES

### A. Summary and Recommendations

Alaska law should require that all-terrain vehicles be registered with the Division of Motor Vehicles (DMV) as a unique type of off-road vehicle. Registration would be similar to the current DMV system for snow machine registration, but fees would be higher. ATV registration would be semi-annual, costing between \$25 and \$30. A decal-type sticker (but not a license plate) would be affixed to the ATV as evidence of registration. Enforcement of registration seems doubtful, perhaps doomed to failure. Also, the funds generated by registration could be insufficient to support a comprehensive all-terrain vehicle safety program unless enforcement and public awareness mechanisms are assured beforehand.

### B. Experiences in Other States

Twenty-five (25) states require off-road/recreation vehicles (including ATVs) to be registered if used on public lands. The map on the following page provides costs and frequency of registrations.

States administer ATV registration through either the Division of Motor Vehicles or the Division of Natural Resources. Key features of ATV registration statutes include (1) definition of ATVs, (2) exemptions from registration, (3) who can register, (4) the cost, (5) frequency, and (6) expenditure of directed revenues. Registration details are included in the following summaries of laws in Minnesota, New Hampshire, and North Dakota.

FEE CHARGED TO REGISTER ALL-TERRAIN VEHICLES



Source: Specialty Vehicle Institute of America