

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5580 STRA SB 3

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# 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.

*Louise M. Butler*  
Signature of Camera Operator

3/17/92  
Date

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3

Original sponsor: Abood

NEW  
Draft

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 3 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle registration and  
7 registration plates; increasing fees for driver's  
8 licenses, permits, and identification cards; and  
9 providing for an effective date."

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

11 \* Section 1. AS 18.65.310(a) is amended to read:

12 (a) Upon payment of a \$7 [\$5] fee, the Department of Public  
13 Safety shall issue a card identical to the motor vehicle operator's  
14 license provided for in AS 28.15.111, except that the card must  
15 [SHALL] be of a different color and must [SHALL] state in bold type  
16 letters across the face of it that it is for identification purposes  
17 only.

18 \* Sec. 2. AS 28.10.051 is amended to read:

19 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.  
20 The department may suspend or revoke the registration of a vehicle,  
21 the certificate of registration or a registration plate [PLATES] for a  
22 vehicle, or a special permit when

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 are considered unacceptable by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) dealer registration plate [PLATES],

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Original sponsor: Abood

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25 issued;

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27 mechanically unsafe to be driven or moved on a highway, vehicular way  
28 or area, or other public property in this state and the vehicle has  
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5 (h) The department shall mail notice of registration expiration  
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7 shown in the records of the department. An owner of a vehicle subject  
8 to registration who has received notice under this subsection may  
9 renew registration of the vehicle by returning the notice form, to-  
10 gether with appropriate fees, to the department by mail postmarked no  
11 later than the fifth day of the registration renewal period shown upon  
12 the vehicle's current registration or notice form. Upon receipt of a  
13 timely postmarked registration renewal and the appropriate fees and  
14 taxes, the department shall renew the registration and mail the cur-  
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18 \* Sec. 6. AS 28.10.111(b) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 are considered unacceptable by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (10) dealer registration plate [PLATES],
  - (A) an [THE] initial plate [SET OF PLATES] . . . \$45;
  - (B) each subsequent plate [SET OF PLATES]. . . \$25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 \* Sec. 30. AS 28.10.17(a) is repealed.

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

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

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

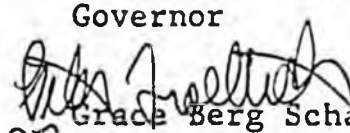
STEVE COWPER, GOVERNOR

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

March 27, 1987

### M E M O R A N D U M

TO: Honorable Steve Cowper  
Governor

FROM:   
Grace Berg Schaible  
Attorney General

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

DEPARTMENT OF PUBLIC SAFETY  
COMMISSIONER'S OFFICE  
JUNEAU, ALASKA

MAR 31 1987

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

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

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

GBS:GAH:so:nb

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

LETTER  
FROM  
GOVERNOR

D R A F T

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

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

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

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

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

Sincerely,

Steve Cowper  
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

DRAFT

REQUEST: \_\_\_\_\_  
Revision Date: \_\_\_\_\_  
Title: An Act relating to motor  
vehicle registration  
Sponsor: Abood  
Requestor: Abood

Bill Version: CSSB 3 (Trsp) DRAFT  
Publish Date: \_\_\_\_\_  
Agency Affected: Public Safety  
BRU: Motor Vehicles  
Components: Vehicle Services  
Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		15.5	16.0	16.5	17.0	17.5
TRAVEL						
CONTRACTUAL		2.6	(3.3)	(3.4)	(3.5)	(3.6)
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		18.2	12.8	13.2	13.6	14.0

CAPITAL		(25.0)	(51.5)	(53.1)	(54.7)	(56.3)
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REVENUE		428.5	440.5	452.5	465.5	478.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND		18.2	12.8	13.2	13.6	14.0
FEDERAL FUNDS						
OTHER						
TOTAL		18.2	12.8	13.2	13.6	14.0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Page 2.

Prepared by: Charles R. Hosack Phone: 269-5551  
Division: Motor Vehicles Date: 4-7-87  
Approved by Commissioner: [Signature] Date: 4/7/87  
Agency: Public Safety

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

FISCAL  
NOTE

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 3 (Trsp) DRAFT

This bill requires issuance of temporary registration and special license plates to violators convicted of specific offenses. It also requires a letter be sent to all persons 16 years of age or older who reside with the violator when the violator's registration and license plates have been surrendered to the court. In addition the bill reduces the number of license plates required on a motor vehicle from two to one, and increases driver licensing and identification card fees by \$2.00.

EXPENDITURES:

Personal Services

One part-time Motor Vehicle Rep III, Range 10	15.5	15.5
---	------	------

Contractual

1,140 special license plates @ \$4.50 per set avg.	5.1	
<del>Postage for special plates @ \$1.43 per set avg. -</del>	<del>1.6</del>	
Postage for letters required in section 28.35.039(e). 1,800 X \$.22	.4	
Postage for general correspondence 1,140 x \$.22	.3	
Print temporary registrations, 1,140 x .07	.1	
Print form letter	.1	
Savings - 332,500 less tabs @ \$.015 (1/2 year)	(5.0)	
	2.6	2.6

Commodities

Normal office supplies	.1	.1
		18.2

CAPITAL:

25,000 license plates @ \$1.00 (1/2 year)	(25.0)	(25.0)
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REVENUE:

1,140 special license plates @ \$25.00	28.5
180,000 driver licenses and permits @ \$2.00	360.0
20,000 identification cards @ \$2.00	40.0
	428.5

A 3% increase in population and inflation is included for FY89 and subsequent years. No increase in number of special plates issued.

ASSUMPTIONS:

The section of law pertaining to special license plates is effective July 1, 1987.

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

The section of law pertaining to one license plate is effective January 1, 1988.

Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PPT	Staff Months 6	Location Anchorage		Election District 7-15
Type of Expenditure		Justification		
		The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period. Will also be responsible to collect the required fee, and account for all monies received.		
	Amount			
1	2	3		
Salary	11,172			
Benefits	4,293			
Premium Pay				
Other				
Total Personal Services	15.5			
Travel	-			
Contractual	7.6			
Commodities	.1			
Equipment	-			
Other	-			
Total Cost	23.2			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	23.2		
FA Receipts	1005			
CIP Receipts	1006			
Other				

Request For  
New Position

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

FY 88

Page 3 of 3  
 Revised Date

This bill reduces the number of metal registration plates required for a motor vehicle from two to one. The one plate will be displayed on the rear of the vehicle. Twenty states currently issue only one plate and four others have introduced legislation to change to only one plate. This is a cost-saving measure that is included in the FY-88 budget for a total annual savings of \$60,000.00.

The bill also increases by \$2.00 the fee that a person must pay to obtain drivers licenses and identification cards. This increase will cover the costs of continuing to provide photographs on licenses and ID cards. The fee increase is expected to produce about \$400,000.00 a year in additional revenue to the state.

The department supports this legislation.

BILL NO: SB 3

DATE: January 23, 1987

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

CONTACT: Bill Brown  
465-4335

DEPARTMENT OF  
PUBLIC SAFETY

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

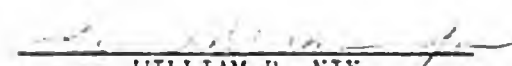
It is felt the special plates would deter the "revoked" driver from operating that specific vehicle during the time the special plates are displayed, however, not other vehicles owned by the person. It is unknown whether the possibility of receiving the special plates would deter an individual from driving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

The department recommends the following amendments:

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

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

The department is neutral on this bill.

  
WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 3  
Publish Date: \_\_\_\_\_

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		24.2	25.0	25.8	26.6	27.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

Prepared by: Bill Brown Phone: 465-4335  
Division: Motor Vehicles Date: 1-23-87  
Approved by Commissioner: [Signature] Date: 1-27-87  
Agency: Public Safety

Distribution (by preparer):

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

*JNK*  
*1/24/87*

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 3

The cost breakdown is as follows:

## Personal Services

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

## Contractual

1,140 special license plates @\$5.00 per set	5.7	
--	-----	--

Postage for license plates @\$1.75 per set	2.0	
--	-----	--

Postage for letters required in section 28.35.039(e). 1,800 x .22	.4	
--	----	--

Postage for general correspondence 1,140 x .22	.3	
---	----	--

Print temporary registrations 1,140 x .07	.1	
---	----	--

Print form letter	.1	
-------------------	----	--

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

## Commodities

Normal office supplies	.1	<u>.1</u>
------------------------	----	-----------

TOTAL 24.2

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

Position Title <b>Motor Vehicle Representative III</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>																																																												
Time Status <b>PPT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7-15</b>																																																												
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>Amount</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>11.172</td> <td></td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>4.293</td> <td></td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td></td> <td></td> <td>15.5</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> <td>8.6</td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td></td> <td>.1</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td></td> <td></td> <td>24.2</td> </tr> </tbody> </table>		Type of Expenditure	1	2	Amount	3	Salary		11.172			Benefits		4.293			Premium Pay					Other					<b>Total Personal Services</b>				15.5	Travel				-	Contractual				8.6	Commodities				.1	Equipment				-	Other				-	<b>Total Cost</b>				24.2	<b>Justification</b>  The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity) plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period.		
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**Request For  
New Position**

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

Page 3 of 3  
Revised Date

**FY 88**

BILL NO: CSSB 3(SA)

DATE: April 6, 1987

TITLE: An Act relating to forfeiture of motor vehicle registration and registration plates  
CONTACT: Bill Brown  
465-4335

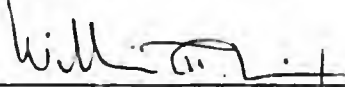
DEPARTMENT OF  
PUBLIC SAFETY

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

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

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

The department is neutral on this bill.

  
\_\_\_\_\_  
WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: CSSB 3(SA)  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act relating to forfeiture of  
motor vehicle registration and ....  
Sponsor: Ahood  
Requestor: Senate Transportation

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE		28.5	28.5	28.5	28.5	28.5
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

Prepared by: Bill Brown Phone: 465-4335  
Division: Motor Vehicles Date: 4-6-87  
Approved by Commissioner: [Signature] Date: 4/6/87  
Agency: Public Safety

Distribution (by preparer):

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

JNR  
4/6/87

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 3 (SA)

The cost breakdown is as follows:

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

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

REVENUE:

1,140 special license plates @ \$25 per set.	28.5
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Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU	
Time Status PPT	Staff Months 6	Location Anchorage		Election District 7-15	
Type of Expenditure		Justification			
		<p>The Special Programs Unit of the Division of Motor Vehicles, which currently handles specialized license plate applications, is being reduced by 33% as a FY88 decrement. As a result the division will no longer issue some specialized plates, such as personalized (vanity) plates. This bill requires issuance of specialized license plates to certain law violators. This position would process the special applications; issue the registration and plates; maintain separate records on these vehicles; and reissue regular registration and plates when the driver's license revocation has ended. The position would also be responsible for collection and disposition of registration and license plates surrendered to the court, and the temporary registration and special plates surrendered after the revocation has ended. The position will process titles when the vehicle with special plates is sold during the revocation period. Will also be responsible to collect the required fee, and account for all monies received.</p>			
Amount					
1	2				3
Salary	11,172				
Benefits	4,293				
Premium Pay					
Other					
Total Personal Services					15.5
Travel					-
Contractual					8.6
Commodities					.1
Equipment					-
Other					-
Total Cost		24.2			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	24.2			
IA Receipts	1006				
CIP Receipts	1061				
Other					

Request For  
New Position

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

Page 3 of 3  
 Revised Date

FY 88

BILL NO: CSSB 3(Trsp)

DATE: April 14, 1987

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

CONTACT: Bill Brown  
465-4335

DEPARTMENT OF  
PUBLIC SAFETY

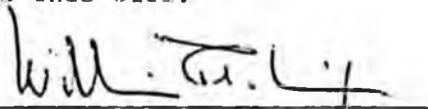
The bill will require the court to collect the registration and license plates from some repeat DWI offenders, and some offenders convicted of driving while revoked. The person may then apply to the department for specially designed license plates to replace those surrendered to the court. The department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

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

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

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

The department supports this bill.



WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version : CSSB 3(Trsp)  
Publish Date : \_\_\_\_\_

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

Agency Affected: Public Safety  
BRU: Motor Vehicles

Sponsor: Abood  
Requestor: Senate Finance

Components : Vehicle Services  
Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL		(25.0)	(51.5)	(53.1)	(54.7)	(56.3)
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REVENUE		414.3	440.5	452.5	465.5	478.5
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

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

Prepared by: Charles R. Hosack *CRH/MS* Phone: 269-5551  
Division: Motor Vehicles Date: \_\_\_\_\_

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

Distribution (by preparer):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No.        CSSB 3(Trsp)

This bill requires issuance of temporary registration and special license plates to violators convicted of specific offenses. It also requires a letter be sent to all persons 16 years of age or older who reside with the violator when the violator's registration and license plates have been surrendered to the court. In addition the bill reduces the number of license plates required on a motor vehicle from two to one, and increases driver licensing and identification card fees by \$2.00.

EXPENDITURES:

Personal Services

One part-time Motor Vehicle Rep III, Range 10	7.8	7.8
---	-----	-----

Contractual

570 special license plates @ \$4.00 each	2.3	
Postage for special plates @ \$1.10 each	.6	
Postage for letters required in section 28.35.039(e). 900 x \$.22	.2	
Postage for general correspondence 570 x \$.22	.1	
Print temporary registrations, 1,140 x \$.07	.1	
Print form letter	.1	
Savings - 332,500 less tabs @ \$.015 (1/2 year)	(5.0)	
	<u>(1.6)</u>	(1.6)

Commodities

Normal office supplies	.1	
		<u>.1</u>
		TOTAL 6.3

CAPITAL:

25,000 license plates @ \$1.00 (1/2 year)	(25.0)
---	--------

REVENUE:

570 special license plates @ \$25.00	14.3
180,000 driver licenses and permits @ \$2.00	360.0
20,000 identification cards @ \$2.00	40.0
	<u>414.3</u>

A 3% increase in population and inflation is included for FY89 and subsequent years. No increase in number of special plates issued.

Position Title <b>Motor Vehicle Representative III</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>																																																																																															
Time Status <b>PPT</b>	Staff Months <b>6</b>	Location <b>Anchorage</b>		Election District <b>7-15</b>																																																																																															
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Type of Expenditure	1	2	Amount	3																																																																																															
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**Request For  
New Position**

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

**FY 88**

Page 3 of 3  
Revised Date \_\_\_\_\_



# Alaska State Legislature

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(907) 465-4747



Senator Mitch Aboud  
SENATE DISTRICT G-A

CHAIRMAN  
STATE AFFAIRS  
MAJORITY WHIP

MEMBER  
TRANSPORTATION  
COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
INTERNATIONAL TRADE

April 8, 1987

## MEMORANDUM

TO: Members  
Senate Transportation Committee

FROM: Senator Mitch Aboud *MA*

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

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

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

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

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

PAGE TWO  
Memorandum  
April 8, 1987

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

April 7, 1987

SECTIONAL ANALYSIS

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

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

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

SECTION 3 - Requires the surrender of registration and registration plates of a motor vehicle involved in certain repeat driving offenses. Establishes procedures for surrender of the registration and registration plates and for temporary registration and special plates. Requires a person who surrenders their registration and plates to identify certain family members, and requires the department to provide notice to the family members of the license revocation and the consequences of allowing a person without a driver's license to operate their vehicle. Allows transfer of ownership of the vehicle with permission of the department.

/ds

SUGGESTED AMENDMENTS AND QUESTIONS

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

Katherine Bigler, MADD & Ms. Rich, Tough Love

Suggested Amendment:

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

Answer:

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

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

Suggested Amendment (1):

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

Answer (1):

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

Suggested Amendment (2):

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

Answer (2):

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

Senator Abood

Suggested Amendment:

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

Answer:

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

Senator Josephson

Question:

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

Answer:

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

Senator Uehling

Question:

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

Answer:

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



UNIVERSITY OF MINNESOTA  
TWIN CITIES

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

(612) 373-9980  
~~XXXXX~~ 625-5515

March 19, 1987

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

Dear Senator Abood:

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

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

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

Sincerely,

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

SMS  
rl

Enclosures



UNIVERSITY OF MINNESOTA  
TWIN CITIES

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

MEMORANDUM

TO: Minnesota Criminal Justice System DWI Task Force

FROM: Steve Simon

DATE: June 6, 1984

SUBJECT: June 22, 1984 Meeting - IMPOUNDING OF LICENSE PLATES

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

SMS  
mls

Attachments

DATE:

TO:

FROM: Five Judges of Olmsted & Dodge Counties

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

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

The reasoning behind this venture is roughly as follows:

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

Attached is the following material:

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

168.041 IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.

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

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

Subd. 2. If any person is convicted of violating any law or municipal ordinance, except parking laws or ordinances, regulating the operation of motor vehicles on the streets or highways, and the record of such person so convicted shows a previous conviction for driving after suspension or revocation of his driver's license or driving privileges, the court may direct the commissioner of public safety to suspend the driver's license of such person for not exceeding one year. The court may also require the registration plates and registration certificates of any motor vehicles owned by the violator or registered in his name to be surrendered to the court.

Subd. 3. If a person is convicted of any offense which makes mandatory the revocation of the drivers license of such person, or is convicted of driving a motor vehicle without having a valid drivers license in force, the court may require the registration plates and registration certificates of any motor vehicle owned by such person or any motor vehicles registered in his name to be surrendered to the court.

discretionary  
surrender  
w/ DWI

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

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

Notice by Court  
to  
Registrar  
at State Level

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

"Special series"  
plates  
available

Subd. 7. If an owner wishes to sell a motor vehicle during the time its registration plates and registration certificate are impounded or during the time its registration plates bear a special series number, he may apply to the court which impounded such plates and certificate, for consent to transfer title to the motor vehicle. If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that the owner will thereby be deprived of the custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, it may certify its consent to the registrar of motor vehicles and return the impounded registration plates and certificates. If during the time the registration plates and certificate of registration are impounded the title to said motor vehicle is transferred by the foreclosure of a chattel mortgage, the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the court shall order the license plates and registration certificate surrendered to the new owner and notify the registrar of motor vehicles of such action. The registrar of motor vehicles shall then transfer the registration plates and registration certificates to the new owner.

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

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

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State of Minnesota, )

Plaintiff, )

SENTENCING ORDER

-vs-

Scott Edward Nelson, )

File No. 5489

Defendant. )

-----  
September 23, 1982  
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APPEARANCES: Fred Suhler, Rochester City Attorney, appeared as  
counsel on behalf of the State of Minnesota.

David VanDerHeyden, Attorney at Law, appeared as  
counsel on behalf of the Defendant.

Defendant present in court.

The Court makes the finding that the Defendant is guilty of the  
crime of Driving While Intoxicated, a gross misdemeanor for which the  
maximum penalty is one year in jail or a thousand dollar fine or both,  
upon his own plea of guilty and the Court makes the following disposition  
and sentence:

IT IS ORDERED:

- I. That the Defendant pay a fine of three hundred dollars (\$300); said fine to be paid in installments of fifty dollars (\$50) on the first day of each month commencing October, 1, 1982.
- II. That the Defendant pay the assessment of thirty dollars (\$30) as provided by State law; said assessment to be paid forthwith.
- III. That the Defendant serve forty (40) days in the county jail upon the following terms and conditions:
  - A. That the Defendant serve ten (10) days in the county jail; said ten-day period may be served consecutively or on weekends from Fridays at 7:00 p.m. until Sundays at 7:00 p.m.
  - B. That the balance of the jail sentence (30 days) is suspended for a period of one year or during the period in which his driver's license is suspended or revoked, whichever is less, upon the following terms and conditions:
    - 1. That the Defendant is forbidden to drive any motor vehicle unless and until licensed to drive by the Commissioner of Safety, Driver's License Division.
    - 2. Pursuant to Minn. Stat. 168.041, Subd. (3) and (4), registration plates of all motor vehicles owned by the Defendant (and/or registered in his name) must be surrendered to the Clerk of this Court forthwith.

Sentencing Order

State vs. Scott Edward Nelson  
File No. 5489  
Sentencing Order  
September 23, 1982  
Page (two)

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

Dated this 23<sup>rd</sup> day of September, 1982.

BY THE COURT:

O. Russell Olson  
Judge of District Court

cc: City Attorney  
County Jail  
Defense Attorney  
Defendant .

State of Minnesota,

Plaintiff,

-vs-

SENTENCING ORDER

(D.U.I.)

File No. \_\_\_\_\_

\_\_\_\_\_  
Defendant.

Date of sentencing hearing: \_\_\_\_\_, 19\_\_\_\_.

APPEARANCES: \_\_\_\_\_, Olmsted County Attorney's Office, appeared as counsel on behalf of the State of Minnesota.

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

Defendant present in court.

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

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

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

Case v. \_\_\_\_\_  
File No. \_\_\_\_\_  
Sentencing Order cont'd  
Date: \_\_\_\_\_  
Page two

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

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

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

IV. That the defendant pay a fine in the amount of \_\_\_\_\_; said fine to be paid on or before \_\_\_\_\_

Further provisions: \_\_\_\_\_  
\_\_\_\_\_

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

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

V.  
Case No. \_\_\_\_\_

Sentencing Order cont'd

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

Page three

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

BY THE COURT:

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

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

Further,

IT IS ORDERED as follows:

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

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

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

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

City of **ROCHESTER**

— Minnesota 55901 —



FREDERICK S. SUHL  
City Attorney

Room 1, City Hall  
(507) 285-8066

September 24, 1982

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

Dear Mr. & Mrs. Nelson:

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

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

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

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

Sincerely,

Frederick S. Suhler, Jr.  
Rochester City Attorney

lks

cc: Judge Olson

Sample letter  
to household  
members

City of **ROCHESTER**  
— Minnesota 55901 —



FREDERICK S. SUHLER, JR.

City Attorney

Room 1, City Hall  
(507) 285-8066

September 24, 1982

Cheryl Nelson  
1236 SE 10th Avenue  
Rochester, MN 55901

Dear Ms. Nelson:

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

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

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

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

Sincerely,

Frederick S. Suhler, Jr.  
Rochester City Attorney

lks

cc: Judge Olson



# Little-used law to cost violators their license plates

By JIM SLDAN  
Staff Writer

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

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

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

The law, which has been on the

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

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

Why now?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Here's the way the law will work:

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



PLATES

Continued on Page 2A

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

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

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

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

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

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

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

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

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

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

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

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

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

dividuals cannot legally get duplicate plates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Wyant: 1 case - Aggravated Violations.

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

Remarks:

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

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

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

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

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

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

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

Statistics

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

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

# # # # #

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

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

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

MEMO TO: Judge Spellacy

FROM: Diane Mangseth

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

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

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

	<u>D.A.R AND D.A.S.</u>
Sept. 23, 1984 to Sept. 23, 1985	142
Sept. 24, 1985 to Sept. 24, 1986	108

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

Dated: September 24, 1986

ADDENDUM:

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

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

Dated: November 18, 1986

*Diane Mangseth*  
\_\_\_\_\_  
COURT ADMINISTRATOR  
ITASCA COUNTY DEPUTY

TO: Judge Spellacy

FROM: Diane Mangseth

RE: Report on License Plate and Certificate of Title Impoundments

DATE: September 23, 1986

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

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

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

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

Division II Plates Report

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

48 plates picked up to 9-22-86

7 active bench warrants for failure to surrender plates

I. ISSUE

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

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

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

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

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

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

III. ANALYSIS

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

SPECIAL LICENSE PLATES

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

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

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

# **CORRECTION**

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

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

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

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