

## CHAPTER 65.

## AN ACT

[S. B. 60]

Relating to highways and traffic thereon.

Alaska Highway  
Traffic Act.*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. In addition to the powers and duties already conferred and imposed by law, the Territorial Board of Road Commissioners shall have the following powers and duties:

Territorial  
Board of Road  
Commissioners,  
additional duties  
as to highways  
and traffic  
thereon.

(a) To adopt and designate a uniform standard for the manufacture, display, erection and location of all signs, signals, sign boards, guide posts and other traffic devices necessary to the safe and orderly guidance of traffic.

(b) To erect and maintain upon the public highways such signs and other devices as it shall deem necessary and advisable.

(c) To designate as arterial highways such main travel roads and highways as to it may seem advisable.

(d) To order any public road or highway, or portion thereof, closed entirely or closed as to certain classes of vehicles when for any reason the use or continued use thereof would cause great damage or be dangerous to traffic thereon or when the same is being constructed, altered, repaired or maintained in such a manner as to require restriction of traffic thereon; **Provided**, that whenever practicable, reasonable notice of any such order shall be given to the traveling public before such order becomes effective.

Rules and regulations governing roads, autos, trucks, ferries, etc., to be promulgated by Board.

(e) To promulgate rules and regulations governing—

(1) the equipment of motor vehicles;

(2) the inspection of vehicles;

(3) the size, weight and load limits of all vehicles or combinations of vehicles operating upon the public roads and highways or using the bridges and ferries, including power to grant permits to exceed such limits when justifiable in unusual cases;

(4) the qualification of applicants for operator's license;

(5) the issuance of licenses and fees therefor;

(6) the form of application for license and oath thereto and supporting affidavits;

Drivers' Licenses.

(7) the testing of applicants for operators' license as to vision, hearing, physical and mental condition, ability to understand and read the English language, and to drive a motor vehicle;

(8) the cancellation, revocation, suspension and surrender of licenses, and prescribing causes therefor, except as otherwise specifically provided;

(9) the possession, use and display of licenses.

(f) To promulgate rules and regulations governing the use of the roads and highways as to—

(1) speed limits on straight-of-ways, curves and otherwise;

(2) approaching vehicles;

(3) overtaking vehicles;

(4) sounding of horn;

(5) prohibiting passing on curves;

(6) prohibiting following too closely;

(7) making turns to the right or the left;

(8) signals on starting, stopping and turning;

(9) right of way between vehicles including arterial highways as well as other roads;

(10) parking, and

(11) such other phases of traffic control as the Board deem necessary or advisable.

(g) To make and promulgate rules and regulations—

(1) preventing the restriction, obstruction or stoppage of normal traffic upon any of the roads or highways;

(2) prohibiting any person from committing, either wilfully or carelessly, any act directly or indirectly causing injury or damage to any road, highway, trail, bridge or ferry.

(h) To publish, in pamphlet form, the rules and regulations promulgated and distribute the same free of

Publish rules in pamphlet form and distribute free of charge.

charge to the traveling public through such appropriate officers or agencies as it shall designate for the purpose; **Provided**, that as to the promulgation and enforcement of all of its standards, rules and regulations the Board is empowered to enter into agreement with, and otherwise cooperate with all of the Federal agencies referred to in Section 2 of Chapter 11 of the Session Laws of Alaska, 1919, as amended by Section 2 of Chapter 92 of the Session Laws of Alaska, 1923 (Compiled Laws of Alaska, 1933, Section 1692) and fire patrol system of the Department of Interior.

(i) To employ, fix the salary of and pay:

(1) such assistants to the highway engineer as may be necessary;

(2) such clerical help for the Board as may be necessary;

(3) members of the highway patrol;

(4) members of the vehicle inspection service.

(j) To establish a highway patrol and a vehicle inspection service and provide the necessary equipment therefor.

Unlawful vehicles  
impending.

Section 2. It shall be unlawful for any person to operate or move, or for any owner to cause or to permit to be operated or moved upon any public highway, any vehicle or combination of vehicles in violation of this Act, or of any rule or regulation made thereunder. Any vehicle operating upon the public highways found to be defective in equipment and unsafe for operation, shall be an unlawful vehicle and may be prevented from operation until such defect in the equipment is corrected. Any

peace officer or employee of the Board designated by it may impound such vehicle until the same has been placed in a condition satisfactory to the vehicle inspector. The necessary cost of impounding any such unlawful vehicle and costs of storage thereof shall be paid by the owner of the vehicle. Impounding of any such vehicle shall be in addition to any other penalties for unlawful operation of the vehicle. Provisions of this section, however, shall not prevent the operation of any such defective vehicle to a place for the correction of a defect in the equipment in the manner directed by a peace officer.

Section 3. The United States Attorneys and their assistants, the United States Marshals and their deputies, Territorial license officers and municipal police are charged with the enforcement within their respective jurisdictions of this Act and the regulations promulgated by the Board hereunder.

U. S. Attorneys  
and Marshals to  
enforce law.

Section 4. Any person, firm or corporation violating any of the provisions of this Act or of the rules and regulations promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Two Hundred Dollars or imprisonment for not more than ninety days or both. In addition thereto the privilege to drive may be suspended or revoked as hereinafter provided. The proceeds of any fines imposed under this section shall be deposited with the Territorial Treasurer.

Penalties.

Section 5. The Territory shall have a right of action for all damage caused by the violation of the provisions of subsection (g) (2) of Section 1 of this Act or of the rules and regulations promulgated thereunder. Any action under this section shall be instituted by the Attorney-General in the name of the Territory upon request by the Board. All expenses incurred under the provisions of this section shall be paid, upon voucher approved by

Actions brought  
to enforce act by  
Attorney  
General.

the Board, by the Territorial Treasurer from any funds not otherwise appropriated. Any damages recovered under this section shall be paid into the Territorial Treasury.

Treasurer to issue vehicle operators' licenses.

Section 6. The Treasurer shall have general supervision and control over the issuance of vehicle operators' licenses and shall have full power to do all things necessary and proper to carry out the provisions of this Act relating to the licensing of vehicle operators under such rules and regulations as the board may make.

Reckless driving, penalty, suspension of license.

Section 7. Upon the conviction of any person for reckless driving, or upon the forfeiture of bail or collateral for the appearance of any person charged with reckless driving, the court shall, in addition to any other penalty fixed, forthwith suspend the vehicle operators' license of any such person for a period of not less than thirty days.

Section 8. (a) Every court in fixing the penalty shall forthwith revoke the vehicle operators' license of any person upon the conviction of such person of any of the following crimes:

(1) Manslaughter resulting from the operation of a motor vehicle.

Revocation of drivers' licenses, —when ordered by court,— grounds.

(2) Perjury or the making of a false affidavit to the Treasurer under any licensing law pertaining to motor vehicles or any other law of this Territory requiring the registration of motor vehicles or regulating their operation on public highways.

(3) Any crime punishable as a felony under the motor vehicle laws of this Territory or any other felony in the commission of which a motor vehicle is used.

(4) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding two years.

(5) A conviction of an operator of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(6) Operating any vehicle upon the public highways of this Territory while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug.

(b) The foregoing offenses shall be in addition to any other offenses for which revocation of the vehicle operators' license is by law provided.

Section 9. Every court having jurisdiction over any of the offenses committed under this Act or any other Act of this Territory regulating the operation of vehicles on any of the public highways, shall forward to the Treasurer a record of the conviction of or forfeiture of bail by any person in said court for the violation of any provisions relating to the licensing of vehicle operators or of any Act of this Territory regulating the operation of vehicles on any of the public highways and a record of the conviction of or forfeiture of bail by any person in said court for the violation of any municipal ordinances which violation would also be an offense under the provisions relating to the licensing of motor vehicle operators or any Act of this Territory regulating the operation of vehicles on any of the public highways in which case such court may in its discretion revoke or suspend the vehicle operators' license of such person.

Courts to forward record of convictions, etc., to Treasurer.

Section 10. Whenever the vehicle operators' license of any person is suspended, revoked or cancelled for any

Forfeiture of operator's license on convictions.

violations, the judge passing such sentence shall forthwith secure the immediate forfeiture of the vehicle operators' license of such convicted person and immediately forward such vehicle operators' license to the Treasurer, and on failure of such convicted person to deliver up such vehicle operators' license the judge shall forthwith commit such person for contempt of court; **Provided**, in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle operators' license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid vehicle operators' license.

Driving when  
license sus-  
pended, penalty.

Section 11. Any person whose vehicle operators' license has been suspended, revoked or canceled, and who shall operate any motor vehicle upon the public highways of this Territory while such license is suspended, revoked or canceled, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not less than ten days nor more than one year and by a fine of not more than One Thousand Dollars.

Reinstatement  
of suspended,  
or revoked or  
cancelled  
license.

Section 12. (a) When any person, whose operators' license has been suspended, revoked or canceled, desires to have the same reinstated or new operators' license issued, he shall not be entitled to such reinstatement or new license unless and until he shall make affidavit on oath to the effect that the period of suspension, revocation or cancellation has expired and that he has not at any time during such period of suspension, revocation or cancellation operated any vehicle upon the public highways of this Territory.

(b) In case any person desiring to have his operators' license reinstated or a new operators' license issued, should fail or refuse to make the affidavit required by

this section, such person shall be deemed **prima facie** guilty of violating such suspension, revocation or cancellation and such license shall not be reinstated nor shall any new license be issued to such person and the suspension or revocation of such vehicle operators' license shall be continued for a subsequent period equal to the original period of suspension or revocation and from the date of such application for reinstatement or new vehicle operators' license.

(c) Any person making affidavit as required in this Act and who shall make a false or fraudulent statement as to any material fact shall be guilty of perjury.

Section 13. (a) An operator of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subsection (c) of this section.

Drivers must  
stop at scene of  
accident and  
give names, etc.

(b) The operator of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subsection (c) of this section.

Must stop at scene of accident and give names, etc.

(c) The operator of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and vehicle license number to any person struck or injured or the operator or any occupant of, or any person attending, and such vehicle collided with and shall render to any person

Must give name, address, and license number to any person struck or injured or the operator or any occupant of, or any person attending, and such vehicle collided with and shall render to any person

injured in such accident reasonable assistance, including making of arrangements for attendance upon such person by a physician and transportation, in such manner as will not cause further injury, to a hospital for medical treatment if it is apparent that such treatment is desirable. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any operator for such accident.

**Penalty.**

(d) Any person failing to stop or to comply with any of the requirements of subsection (c) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars, or by both such fine and imprisonment; **Provided**, this provision shall not apply to any person incapacitated by such accident to the extent of being physically incapable of complying herewith.

**Reports of  
accident to  
U. S. Marshal.**

(e) The operator of any vehicle involved in an accident resulting in personal injury or death, or damage to one or more vehicles in an aggregate amount of One Hundred Dollars or more shall report said accident to the office of the United States Marshal of the division in which such accident occurs or to the office of his nearest deputy and such person shall upon request fill out such form as shall be prescribed by the Board. Such report must be made within forty-eight hours after the occurrence of such accident unless injury or incapacity of any vehicle operator involved shall prevent him from doing so, in which event he shall comply as soon as possible.

**No repairs to be  
made without  
first notifying  
police.**

(f) It shall be unlawful for any person to make, or cause to be made, any repairs to any damage or injury to a motor vehicle which could have been caused by collision with any person or property without first notifying

the Treasurer, the United States Marshal, Chief of Police, or in the absence of such officers, the nearest deputy United States Marshal, policeman or other peace officer, who shall immediately make an examination of such vehicle and make a full report thereof, which shall also be subscribed by the person in whose custody the vehicle then is, a copy of which shall be mailed or delivered to the Treasurer. Provided, however, if no such official be within 10 miles of the place where the vehicle is brought for repair, then no notice or examination shall be required. If there is any ground for suspecting that the vehicle has been involved in a collision with any person, such vehicle shall be impounded at the expense of the owner, for which the custodian shall have a lien, and shall be accessible only to officers detailed to the investigation of the case until released. If, however, there is no reason to suspect that the damage to the motor vehicle was caused by collision with any person or property, the repair of such vehicle may be authorized by the officer in charge of the investigation at any time after the expiration of 24 hours thereafter.

Lien for custodian of auto impounded.

Section 13-1. Any officer or person knowingly making or subscribing a false report concerning any investigation of any vehicle or damage or injury caused thereby, as provided in this Act, shall be guilty of perjury and any person who destroys, obliterates, conceals or removes, or who aids, abets, or assists in the destruction of, obliteration, concealment, or removal from any vehicle, or any evidence showing or tending to show that such vehicle had collided with any person or property, shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months or by both such fine and imprisonment.

False reports, penalty.

Section 14. It shall be unlawful to purposely obstruct or block traffic by any means whatsoever on any highway or street.

Section 15. It shall be unlawful to wilfully injure or destroy any road, bridge or ferry, or part thereof, or works, property or material to be used in the construction or maintenance of same.

Section 16. It shall be unlawful to wilfully injure or destroy any sign, signal, sign board, guide post or other traffic regulations or traffic guidance device.

Section 17. It shall be unlawful to operate any motor vehicle with more than three persons in the operators' seat thereof.

Section 18. It shall be unlawful for any operator of a motor vehicle to refuse or neglect to obey signals of any peace officer or duly authorized flagman while regulating and directing traffic.

School patrols,  
Commissioner  
of Education  
to appoint.

Section 19. The Commissioner of Education, acting in behalf of schools outside of incorporated towns, and any incorporated town within its town limits may appoint students to act without compensation as a school patrol who shall wear and display an appropriate insignia, and it shall be unlawful for any vehicle operator to refuse or neglect to stop when signalled to do so by any member of such school patrol.

Penalties.

Section 20. Violation of any of the provisions of subsection (e) of Section 13 or Section 14 to 19, inclusive, of this Act shall constitute a misdemeanor and any person convicted thereof shall be fined not more than Two Hundred Dollars or imprisoned for not more than ninety days, or shall be punished by both such fine and imprisonment.

Treasurer to  
keep operators'  
licenses fees in  
separate fund  
for Board.

Section 21. All money received by the Treasurer as fees for operators' licenses shall be kept separate and apart by him from other Territorial moneys and may be

expended by the Board in payment of salaries and wages of persons employed under authority of Section 1, subparagraph (1) of this Act, and of any printing or other costs incident to the furnishing of applications and licenses, rules and regulations, establishing and maintaining records, accounts, rules and regulations. The Board shall submit a report and account to each regular session of the Legislature showing the receipts for the preceding two years for operators' licenses and the disbursements during that period from the fund created with those fees.

Section 22. For the purpose of this Act—

(a) the word "Board" means the Territorial Board of Road Commissioners;

(b) the word "vehicle" means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. Definitions.

Section 23. Section 1731, 1732, 1733, 1734 and 1735, Compiled Laws of Alaska, 1933, are hereby repealed.

Section 24. This Act may be cited as the "Alaska Highway Traffic Act".

Approved March 27, 1941.