

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. A tract one hundred feet wide between each section of land owned by the Territory of Alaska, ^{Highway reservation.} or acquired from the Territory, is hereby dedicated for use as public highways, the section line being the center of said highway. But if such highway shall be vacated by any competent authority the title to the respective strips shall inure to the owner of the tract of which it formed a part by the original survey.

Approved March 26, 1951.

CHAPTER 124

AN ACT

[S. B. 71]

Pertaining to vehicles; providing for certificates of registration and ownership; levying an annual license tax; providing for the filing of all liens on vehicles with the Department of Taxation and exempting liens on vehicles from filing provisions of Secs. 22-6-5, 29-2-5 and 29-2-6 ACLA 1949; repealing Secs. 50-2-1, 50-2-2, 50-2-3, 50-2-4, 50-2-5, 50-2-6, 50-2-7, 50-3-11, 50-3-12, 50-3-13, 50-3-14, 50-3-15, and 50-3-16 ACLA 1949; defining violations and prescribing penalties; and establishing an effective date.

Be it enacted by the Legislature of the Territory of Alaska:

MOTOR VEHICLE ACT

Section 1. DEFINITIONS.

When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the ^{Definitions.} intent thereof—

- Actual weight.** (1) "Actual Weight" shall be taken to mean the actual unladen weight of a vehicle or combination of vehicles.
- Commissioner.** (2) "Commissioner" shall be taken to mean the Tax Commissioner of the Department of Taxation of the Territory of Alaska.
- Dealer.** (3) "Dealer" shall be taken to mean and include every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder in the Territory.
- Department.** (4) "Department" shall be taken to mean the Department of Taxation for the Territory of Alaska.
- Foreign vehicle.** (5) "Foreign Vehicle" shall be taken to mean and include every vehicle of a type required to be registered hereunder brought into this Territory from another state or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this Territory.
- Highway.** (6) "Highway" shall be taken to mean and include the entire width between property lines of every way or place of whatever nature when any part thereof is open to the public, as a matter of right, for purposes of vehicular traffic.
- Implement of Husbandry.** (7) "Implement of Husbandry" shall be taken to mean and include every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.
- Include.** (8) "Include", when used in a definition contained in this act, shall not be deemed to exclude other things otherwise within the meaning of the word defined.

(9) "Manufacturer" shall be taken to mean and include every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder. ^{Manufacturer.}

(10) "Motorcycle" shall be taken to mean and include every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. ^{Motorcycle.}

(11) "Motor Vehicle" shall be taken to mean and include every vehicle which is self-propelled. ^{Motor vehicle.}

(12) "Owner" shall be taken to mean and include a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act. ^{Owner}

(13) "Person" shall be taken to mean and include an individual, a trust, estate, company, corporation, or partnership, and any group, joint venture or other unincorporated organization through or by means of which any business, financial operation or venture is carried on. ^{Person.}

(14) "Reconstructed vehicle" shall be taken to mean and include every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used. ^{Reconstructed vehicle.}

(15) "Semi-trailer" shall be taken to mean and include every vehicle without motive power designed for ^{Semi-trailer}

carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests or is carried by another vehicle.

Specially
constructed
vehicle.

(16) "Specially constructed vehicle" shall be taken to mean and include every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

State.

(17) "State" shall be taken to mean and include all of the states, territories, possessions and federal districts of the United States, and the provinces of the Dominion of Canada.

Territory .

(18) "Territory" shall be taken to mean the Territory of Alaska.

Trailer.

(19) "Trailer" shall be taken to mean and include every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck
tractor.

(20) "Truck tractor" shall be taken to mean and include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle

(21) "Vehicle" shall be taken to mean and include every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or dogs or horses or used exclusively upon stationary rails or tracks. Track type tractors prohibited from using paved high-

ways shall be exempt from license fees under this Act.

Section 2. ADMINISTRATION. The commissioner is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this act. Administration

(1) RULES AND REGULATIONS. The commissioner is hereby authorized to adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this act. Rules and regulations

(2) FORMS. The commissioner shall prescribe and provide suitable forms of applications, certificates of title, registration cards, operator's licenses, and all other forms requisite or deemed necessary to carry out the provisions of this act. Forms

(3) AUTHORITY TO INVESTIGATE AND REFUSE APPLICATIONS. The commissioner shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle and for a certificate of title therefor; and for an operator's license; and of any other application lawfully made to the department; and may in all cases make investigation as may be deemed necessary or require additional information; and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof, or the truth of any statement contained therein, or for any other reason, when authorized by law. Investigation authority

(4) SEIZURE OF DOCUMENTS AND PLATES. The commissioner is hereby authorized to take possession of any certificate of title, registration card, permit, license or registration plate issued by him upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Seizure of documents

Section 3. REGISTRATION OF VEHICLES. It shall be unlawful for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway any motor vehicle, trailer, or semi-trailer which has not been registered under this act.

Registration
required.

(1) VEHICLES SUBJECT TO REGISTRATION—
EXCEPTION. Every motor vehicle, trailer and semi-trailer when driven or moved upon a highway shall be subject to the registration provisions of this act except:

Exception
to registration.

(a) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another.

(b) Any implement of husbandry which is only incidentally operated or moved upon a highway.

(2) APPLICATION FOR REGISTRATION. Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration thereof for such vehicle upon the appropriate form or forms furnished by the department, and every such application shall bear the signature of the owner and shall contain:

Contents
of
application.

(a) The name, bona fide residence, and business address of the owner;

(b) A description of the vehicle, including the make, model, type of body, the serial number, the engine or other number of the vehicle, and whether new or used, and if a new vehicle, the date of sale by the manufacturer or dealer to the person intending to operate such vehicle, and any lien or encumbrance and the amount thereof.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed, or

foreign vehicle, such fact shall be stated in the application.

(d) Such further information as the commissioner may reasonably require in order to enable him to determine whether the vehicle is lawfully entitled to registration.

(3) **VEHICLES REGISTERED ELSEWHERE.** Upon the registration of every foreign vehicle subject to registration under this act, which has been registered heretofore in any other state or country, the applicant for registration under this act shall surrender to the commissioner all certificates or registration, or other evidences of such former registration as may be in such applicant's possession or control; provided, however, that where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection such evidences of such foreign registration, and the commissioner upon a proper showing shall register said vehicle in this territory but shall not issue a certificate of title for such vehicle. Surrender of foreign registry certificate.

(4) **APPLICATION TO BE ACCOMPANIED BY LICENSE FEE.** Every application for registration hereunder shall be accompanied by the license tax provided for in this act. Fee to accompany application.

(5) **UNLAWFUL TO MAKE FALSE STATEMENTS IN APPLICATION.** It shall be unlawful for any applicant for registration of any vehicle hereunder to knowingly make any false statement or representation with respect to any of the facts required to be set forth in such application, or to use a name other than the true name of such applicant. False statements.

New
vehicle
registration.

(6) REGISTRATION OF NEW VEHICLE. When application for registration is made for a new vehicle purchased from a dealer, the application shall be accompanied by a receipted invoice or bill of sale, or if a conditional purchase by a statement by the dealer showing any lien retained by the dealer.

Authority
to refuse
registration.

(7) GROUNDS FOR REFUSING REGISTRATION
The commissioner shall refuse registration, or any transfer of registration, upon any of the following grounds:

(a) That the application contains any false or fraudulent statement, that the applicant has failed to furnish required information or reasonable additional information requested by the commissioner, or that the applicant is not entitled to the issuance of a certificate of registration of the vehicle under this act;

(b) That the commissioner has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle, or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

(c) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of the Territory;

(d) That the required tax has not been paid.

Form and
contents
of
registration
card.

(8) REGISTRATION CARD. Upon a vehicle being registered, the commissioner shall issue to the owner thereof a registration card which shall contain upon the face thereof the following data: the registration number assigned to the vehicle and date of issuance; the owner's name and post office address; the make, model and serial number of the vehicle; the engine serial number; and lien, if any, and Certificate of Ownership num-

ber, and such other matters as the commissioner may require. The registration card shall contain a blank space for the signature of the registered owner, and shall be signed with ink by such owner immediately upon receipt thereof. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a peace officer or the commission or his authorized deputies or agents. Every owner of a motor vehicle, trailer or semi-trailer used or designed for use in the transportation of persons for hire or transportation of property shall enclose the registration card for such vehicle in a metal or other durable container with transparent covering so as to permit inspection of contents of said card, and shall cause said card to be affixed in plain sight to such vehicle or carry it in a tool bag or other convenient receptacle attached to such vehicle.

(9) REGISTRATION PLATES: ISSUANCE. Upon registering a vehicle hereunder, the commissioner shall issue to the owner thereof one registration plate for a motorcycle, trailer or semi-trailer, and two registration plates for every other motor vehicle, which plates shall be issued to the particular vehicle registered and shall not be removed therefrom during the term for which said plates were issued or used upon any other vehicle, except as otherwise herein provided. Every registration plate shall have displayed on it the registration number assigned to the vehicle for which it is issued, the name of this Territory, and the year for which such plate is issued; provided, however, that the commissioner may in his discretion select permanent registration plates consisting of a main plate and a yearly insert plate bearing the last two numbers of the year for which such license is issued, in which event the main plate shall be and remain with the vehicle as long as it is required to be registered in the Territory, and the yearly insert plate

Issuance of
registration
plates.

shall remain with the vehicle for the period of registration.

Location
and display
of plates.

(10) DISPLAY PLATES. Registration plates issued for a motor vehicle other than a motorcycle, trailer or semi-trailer shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle, trailer, or semi-trailer shall be attached to the rear thereof.

Procurement
of duplicate
plates.

(11) WHEN DUPLICATE PLATES MAY BE ISSUED. In the event of the loss, mutilation, or destruction of a registration card or plate, the owner of a registered vehicle may obtain from the commissioner a duplicate upon the filing with the department, on appropriate forms prescribed by the commissioner, an application showing the facts of loss, mutilation, or destruction, and by payment of a fee of two dollars. In the event a duly registered vehicle used or designed for use in the transportation of persons for hire or transportation of property, for which a license fee in excess of five dollars has been paid, shall have been destroyed or permanently withdrawn from service within the Territory and replaced in such service by a like vehicle to be similarly used, the registered owner, upon compliance with the conditions hereinafter set forth, shall be permitted to transfer the registration plates from such vehicle destroyed or so withdrawn to the vehicle replacing it, and a registration card shall be issued for the latter without the payment of any further tax required by Section 4 of this act. To effect such transfer and re-registration:

Registration
transfer
fee.

(a) The owner of such motor vehicle so to be replaced shall pay to the commissioner a registration transfer fee of two dollars, file with the department an affidavit showing such fact of destruction or withdrawal, and surrender to the commissioner the registration card therefor; and

(b) If the weight, as defined in Section 4 of this act, of such vehicle for which transfer and registration is to be made hereunder exceeds the weight of the vehicle destroyed or so withdrawn, there shall be paid to the commissioner for such excess weight a tax at the rate prescribed in Section 4 of this act.

Transfer
to heavier
vehicle.

(12) EXPIRATION OF REGISTRATION. Every vehicle registration under this act and every registration card and every registration plate issued hereunder shall expire at midnight on the thirty-first day of December of each year. The owner of a vehicle registered under this act shall be entitled to operate such vehicle under the registration of such vehicle for the preceding year upon displaying the registration plates issued for such year until the twenty-eighth day of February of the year for which the registration is required under the provisions of this act.

Expiration
date of
registration.

(13) RENEWAL OF REGISTRATION. Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the annual license tax for such vehicle as provided by this act. The commissioner may receive applications for registration or renewal registration and grant the same and issue new registration cards and plates at any time prior to expiration of registration, but no person shall display upon a vehicle the new registration plates prior to December fifteenth of the year preceding which such plates are issued.

Renewal.

Section 4. ANNUAL LICENSE TAX.

(1) **Levy and Rate of Tax.** For the privilege of driving or moving any vehicle subject to registration under this act upon any highway in the Territory there is hereby levied an annual license tax. Such tax shall be at the rates specified in this section and shall be paid to and

Levy of
tax.

Motorcycle.

collected by the department at the time of making application for registration, or annual renewal of registration, as provided in this act.

(a) For every motorcycle, \$5.00.

Private use vehicles.

(b) For every motor vehicle not designed, used, or maintained primarily for the transportation of passengers for hire, or for the transportation of property, \$10.00.

Taxicab.

(c) For every motor vehicle for hire, operated as and known as a taxicab, \$20.00.

Commercial vehicles.

(d) For every motor vehicle, including motor vehicles pulling trailers or semi-trailers designed, used, or maintained primarily for the transportation of passengers for hire, excepting taxicabs, or for the transportation or hauling of property, including, without limitation, such commercial vehicles as wreckers or tow cars, hearses, ambulances, and tractors, the actual combined weight as established by the manufacturer's advertised weight, or if not so determined, it shall be the responsibility of the owner to furnish the true and actual weight, subject to the approval of the commissioner or his agent, of which is:

Poundage rate.

3,500 pounds or less	\$15.00
3,501 pounds and not over 12,000 pounds	25.00
12,001 pounds and not over 18,000 pounds	50.00
18,001 pounds and over	75.00

(2) Exemptions. No tax shall be imposed upon the registration of any two-wheeled trailer equipped with pneumatic tires.

(3) **Reduced Fee for Portion of Year.** Whenever a motor vehicle, trailer or semi-trailer subject to registration under this act is registered on or after the first day of September of any year, the tax shall be one-half the annual license tax imposed hereunder; provided, however, that such vehicle shall not have been illegally operated on the highways of the Territory prior to September 1st of the year in which application for registration is made; and provided, further, however, that the minimum license tax shall be \$2.50.

(4) **Special Tax for Dealers.** Upon the application for the first set of dealer's demonstration registration plates ^{Dealer plates.} there shall be paid a tax in the amount of \$15.00, and for each additional set, \$7.50. Plates so obtained shall be used only in demonstrating vehicles for sale and shall not be used on any one vehicle for more than thirty consecutive days. Upon any sale or other transfer of such vehicle by a dealer, such demonstration plates shall remain with the dealer.

(5) **Registration Years to Which Applicable.** The rate of tax provided by this section shall apply to the registration year commencing January 1, 1952 and to all ^{Effective registration date.} ensuing years.

Section 5. **CERTIFICATES OF TITLE.** No vehicle subject to registration under this act shall be registered by the department unless the applicant for such registration at the same time makes application for and obtains an official certificate of title of such vehicle, or shall ^{Certificate of title.} present satisfactory evidence that such certificate of title has been previously issued to such applicant. It shall be unlawful for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway in the Territory any vehicle of the type required to be registered hereunder for which a certificate of title has not been issued.

Contents
of application
for certificate
of title.

(1) **Application for Certificate of Title.** Every owner of a vehicle subject to registration under this act shall make application to the department for the issuance of a certificate of title for such vehicle upon the appropriate form or forms furnished by the department, and every such application shall bear the signature of the owner and shall contain:

(a) The name, bona fide residence, business address and post office address of the owner;

(b) A description of the vehicle, including the make, model, type of body, the serial number, the engine or other number of the vehicle, and whether new or used, and if a new vehicle, the date of sale by the manufacturer or dealer to the person intending to operate such vehicle;

(c) A statement of the applicant's title, and of any liens or other encumbrances upon said vehicle;

(d) Such further information as the commissioner may reasonably require.

Surrender
of title
by foreign
vehicles.

(2) **Foreign Vehicle.** No certificate of title shall be issued by the commissioner for a foreign vehicle, unless with the application for such certificate of title there is surrendered to the commissioner the certificate of title issued by such other state, if said state requires certificates of title, and if said state does not require the same, then upon the surrender of the registration card or plates or other evidences of such foreign registration as may be in the applicant's possession or control.

Temporary
permit.

(3) **Temporary Permit.** The commissioner in his discretion may grant a temporary permit to operate a vehicle for which application for registration and issuance of certificate of title has been made, where such applica-

tion is accompanied by a fee of \$1.00 pending action upon said application.

(4) **Unlawful to Make False Statements in Application.** It shall be unlawful for any applicant for a certificate of title for any vehicle hereunder to knowingly make any false statement or representation with respect to any of the facts required to be set forth in such application, or to use a name other than the true name of such applicant. False statements.

(5) **Grounds for Refusing Certificate of Title.** The commissioner shall refuse issuance of a certificate of title upon any of the grounds justifying his refusal of registration under Section 3 (7) of this act. Refusal to issue certificate

(6) **Issuance of Certificate of Title.** Upon satisfactory application being made and upon payment of a fee of \$2.00, the commissioner shall issue to the applicant therefor a certificate of title. Such certificate shall contain upon its face the identical information required upon the face of the registration card, and in addition thereto, a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described, and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement. Such certificate shall contain upon the reverse side a space for the signature of the owner, and the owner shall write his name with pen and ink in such space upon receipt of the certificate. Said certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon the vehicle at the time of transfer. The commissioner may, in his discretion, require that other matters also be shown on such certificate. Fee and form of certificate

(7) **Delivery of Certificate.** The certificate of title shall be delivered to the person holding the legal title Delivery of certificate

thereof in the event no lien or encumbrance appears thereon. Otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance upon the vehicle as shown in the certificate.

(8) **Lost or Damaged Certificate of Title.** In the event any certificate of title is lost, mutilated, or because illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may obtain a duplicate upon the applicant furnishing information satisfactory to the commissioner, and upon the payment of a fee of \$2.00. Any certificate of title issued pursuant to this sub-section shall have printed or stamped in ink upon its face the words "duplicate certificate" and, in the event that more than one duplicate certificate shall be issued, this fact shall likewise be made to appear upon the face of said duplicate certificate.

Issuance of duplicate certificate.

Section 6. TRANSFERS OF TITLE OR INTEREST.

(1) **Transfer by Owner.** Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the registration of said vehicle shall expire. However the registration plates shall remain on the vehicle. The owner shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances, and he shall deliver the certificate of title and certificate of registration to the transferee at the time of delivering the vehicle, except as hereinafter provided in sub-section (4) of this section.

Transfer of title.

(2) **New Owner to Secure Transfers.** The transferee before operating or permitting the operation of such vehicle on any highway shall present the certificate of registration and certificate of title, properly endorsed,

New owner to secure certificate.

accompanied by a fee of \$2.00, to the department within 20 days following transfer of ownership, and shall apply for and obtain a new certificate of title and new registration for such vehicle, except as permitted in sub-section (5) of this section.

(3) Issuance of New Registration and Certificate of Title.

The commissioner, upon receipt of a properly endorsed certificate of title and certificate of registration and proper application for registration, accompanied by the required fee, and when satisfied as to the genuineness and regularity of such transfer and right of the transferee to a certificate of title, shall re-register the vehicle in the name of the new owner and issue a new certificate of registration and a certificate of title. Until the commissioner shall have issued such new certificate of registration and certificate of ownership, delivery of any vehicle required to be registered under this act shall be deemed not to have been made and title thereto shall be deemed not to have passed, and such intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

Re-registration
to new
owner.

(4) Transfer by Dealer of Unregistered Vehicle.

Upon the transfer by a dealer of any vehicle required to be registered under this act, if such vehicle is not registered such dealer shall forthwith file with the department upon a blank to be furnished by the commissioner, a notice, statement or report containing the date of such transfer, a description of such vehicle, the name and post office address of the transferee, together with such other information as the commissioner may require.

Transfer
of unregis-
tered vehicle.

(5) Transfer to Dealer. Whenever the owner of a vehicle registered hereunder transfers or assigns his title, or interest therein, to a dealer, the transferor shall merely endorse the certificate of title, and the dealer shall not be required to present the certificate of regis-

Transfer
to dealer.

tration or certificate of title to the department, as provided in sub-section (2) of this section, until such time as the said vehicle has been transferred by such dealer; provided, however, that such dealer shall immediately notify the department that such vehicle has been transferred to him.

Transfer
by dealer.

(6) **Transfer by Dealer of Registered Vehicle.** Upon the transfer by a dealer of any vehicle mentioned in sub-section (5) of this section, such dealer shall deliver to the transferee the assigned certificate of title received by such dealer from his transferor, which certificate shall be forwarded to the commissioner, as hereinbefore provided in sub-section (2) of this section, together with a fee of \$2.00. The commissioner shall thereupon issue a new certificate of registration and new certificate of title as provided in sub-section (3) of this section, and shall deliver the same to such transferee of the dealer, subject, however, to the provisions of Section 5 (7) of this act.

Involuntary
transfer.

(7) **Transfer by Operation of Law.** Whenever the title or interest of an owner in or to a registered vehicle shall pass to another, otherwise than by voluntary transfer, the registration thereof shall expire, and the vehicle shall not be operated upon a highway unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof. Upon any such transfer a new owner may either secure a new registration and certificate of title on proper application, upon presentation of such instruments or documents of authority or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to such vehicle in such case, or such new owner, upon transferring his title or interest to another person, shall execute and acknowledge an assignment and warranty of title and deliver the same, together with the documents of au-

thority or certified copies thereof as aforesaid, to the person to whom such transfer is made.

(8) **Assignment by Lien Holder.** Any person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign his title or interest in or to such vehicle to a person other than the owner without the consent of and without effecting the interest of such owner or the registration of such vehicle, but in such event shall give to the owner written notice of such assignment. The department, upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown thereon and giving the name and address of the assignee, accompanied by a fee of \$2.00, shall issue a new certificate of title.

Assignment
by lien
holder.

(9) **Release by Lien Holder to Owner.** A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle may release such lien or encumbrance or assign his interest to the owner without affecting the registration of such vehicle. The department, upon receiving a certificate of title upon which a lien holder has released or assigned his interest to the owner, or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lien holder of his interest in or to a vehicle, and upon receipt of a fee of \$2.00, shall issue a new certificate of title.

Release by
lien holder
to owner.

(10) **Owner Dismantling or Wrecking Vehicle.** Any owner dismantling or wrecking any registered vehicle shall immediately forward to the department the certificate of title and registration card last issued for such vehicle.

(11) **Unlawful to Endorse and Deliver Certificate.** It shall be unlawful for any person to fail or neglect to

properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

Section 7. FILING INSTRUMENTS EVIDENCING LIENS OR ENCUMBRANCES. No conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon a registered vehicle, other than a lien dependent upon possession, shall be valid as against the creditors of an owner acquiring a lien by levy or attachment or subsequent purchasers or encumbrances without notice until the requirements of this section have been complied with.

(1) **Provisions for Filing.** There shall be deposited with the department a copy of the instrument creating and evidencing such lien or encumbrance, which instrument shall be executed in the manner required by the laws of the Territory, with a certificate of a notary public, or other person who by the laws of the Territory has authority to administer oaths, stating that the same is a true and correct copy of the original.

(a) If a certificate of title had been issued before such lien or encumbrance has attached, the copy of the instrument creating and evidencing such lien or encumbrance as aforesaid shall be accompanied by the certificate of title last issued for such vehicle.

(b) If the vehicle is of a type subject to registration hereunder but has not been registered and no certificate of title has been issued therefor, then the certified copy of the instrument creating and evidencing such lien or encumbrance shall be accompanied by an application by the owner in the usual form for an original registration and issuance of an original certificate of title.

Lien

Filing.

Lien to
accompany
certificate.Lien where
no certificate
has been
issued.

(2) **New Certificate of Title.** Upon receipt of application and documents hereinabove provided, the department shall file the same, endorsing thereon the date of receipt at the central office of the department, and when satisfied as to the genuineness and regularity of said application shall issue a new certificate of title in usual form giving the name of the owner and a statement of all lien or encumbrances certified to the department as herein provided as existing against said vehicle. Such certificate of title shall be delivered by the department to the person holding such lien or encumbrance.

New certificate of title.

(3) **Index of Liens and Encumbrances.** The department shall maintain an appropriate index of all lien, encumbrance, or title retention instruments filed as herein provided.

Lien index.

(4) **Filing Effective to Give Notice.** Such filing and the issuance of a new certificate of title as herein provided shall constitute constructive notice of all liens and encumbrances against the vehicle described therein to creditors of the owner, or to subsequent purchasers and encumbrancers.

Filing is effective notice.

(5) **Date of Constructive Notice.** In the event the documents referred to in this section are received and filed in the central office of the department within ten days after the date said documents were executed, the constructive notice shall date from the time of the execution of said documents. Otherwise constructive notice shall date from the time of receipt and filing of such documents by the department as shown by its endorsement thereon.

Date of constructive notice.

(6) **Method of Giving Notice Exclusive.** The method provided in this section of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive, except as to liens dependent upon possession,

Method of notice is exclusive.

and any said lien or encumbrance or title retention instrument filed as herein provided and any documents evidencing the same are hereby exempt from the provisions of Sections 22-6-5, 29-2-5, and 29-2-6 ACLA 1949 but only insofar as the provisions of those sections are inconsistent with the method provided herein for the giving of constructive notice of a lien or encumbrance upon a registered vehicle; provided, however, that

(a) wherever in Sections 22-6-6, 22-6-7, 22-6-8, 22-6-11, 22-6-14, 22-6-15, 22-6-16, ACLA 1949, the words "recorder", "recorder of the precinct", "commission", and "office of the recorder" are used, they shall be taken to mean, for the purposes of this act only, the Commissioner of Taxation or Department of Taxation for the Territory of Alaska; and

(b) wherever in Sections 29-2-1 to 29-2-30, ACLA 1949, the "Uniform Conditional Sales Act", the words "filing officer" are used they shall be deemed, for the purpose of this act only, to refer to the Commissioner of Taxation of the Territory of Alaska, and whenever in such sections the words "district", "filing district", or "proper district" are used they shall be deemed, for the purposes of this act only, to refer to only one "district" which is the Territory of Alaska. Such liens, or documents evidencing the same, are also hereby exempt from such other provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration hereunder.

Non-residents.

Section 8. NONRESIDENT OWNERS OF VEHICLES.

(1) **Pleasure Vehicles.** Any person who shall bring into the Territory a vehicle of the type required to be registered hereunder which is duly registered in any

other state and who shall use such vehicle for pleasure only, shall be exempt from the licensing and registration provisions of this act for a period of ninety days after entry into the Territory; provided, however, that such exemption shall not apply if such person becomes gainfully employed in the Territory or takes any action to indicate his intention to acquire residence in the Territory.

Time limit
for foreign
plates.

Exception

(2) **Vehicles Operated for Profit.** Any person who shall bring into the Territory a vehicle of the type required to be registered hereunder which is duly registered in any other state, and operates such vehicle on any highway in the Territory for compensation or profit, shall be subject to the registration and licensing provisions of this act; provided, however, that any such vehicle may be so operated in the Territory in the transportation of persons or property exclusively in interstate commerce, if duly registered and licensed under the laws of another state but only to the extent that in such state like exemptions and privileges are granted to vehicles registered and licensed under this act and owned by residents of the Territory.

Operation
for profit.

(3) **Reciprocal Contracts and Agreements.** The commissioner is hereby authorized and empowered to enter into such reciprocal contracts and agreements as he may deem proper or expedient with the proper authorities of any other state, regulating the use of the highways of the Territory, of motor vehicles, trailers, and semi-trailers owned in such other states and duly licensed under the laws thereof. He is likewise authorized to confer and advise with the proper officers, officials, and legislative bodies of the Territory and of other states with a view to promoting and to promote reciprocal agreements under which the registration of vehicles owned in the Territory shall be recognized by such other states.

Reciprocal
agreements

Penalties.

Section 9. PENALTIES.

(1) **Operating Vehicles Not Registered or for which Certificate of Title Has Not Been Issued.** Any person who shall drive or move, or any owner who knowingly shall permit to be driven or moved, upon any highway in the Territory, any vehicle required to be registered hereunder which has not been so registered or for which a certificate of title has not been issued is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than One Hundred (\$100.00) Dollars.

Non-registered
and
non-certificated
vehicles.

Fraud.

(2) **Fraudulent Applications.** Any person who fraudulently uses a false or fictitious name in any application for the registration of a vehicle or a certificate of title, or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for not more than two years, or by a fine of not more than two thousand (\$2,000.00) dollars, or by both such fine and imprisonment.

False
evidence
of title.

(3) **False Evidence of Title and Registration.** Any person who (a) alters with fraudulent intent any certificate of title, registration card, registration plate or permit issued by the department, (b) forges or counterfeits any such document or plate purporting to have been issued by the department, (c) alters or falsifies with fraudulent intent or forges any assignment upon a certificate of title, or (d) holds or uses any such document or plate knowing the same to have been altered, forged, or falsified, is guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not more than two years, or by a fine of not more than two thousand (\$2,000.00) dollars, or by both such fine and imprisonment.

(4) **Other Violations.** Any person who violates any other provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00.

Section 10. MISCELLANEOUS.

(1) **Notice of Change of Name or Address.** Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title shall change his or her name by marriage or otherwise, or shall move from the address named in the application or shown upon a registration card or certificate of title, such person shall within ten days thereafter notify the department in writing of his old and new addresses and his former and new name.

(2) **Evidence.** In all actions at law or suits in equity or in any criminal proceedings when the title or right to possession of any vehicle is involved, the record of registrations and certificates of title as the same appear in the files and records of the department shall be prima facie evidence of ownership or right to possession of such vehicle. Such proof of ownership, possession or right to possession of any such vehicle shall be made by means of a copy of such records, certified to by the commissioner or by the original certificate of registration or certificate of title issued by the commissioner.

Validity of
records
in evidence.

(3) **Enforcement of Act.** It shall be the duty of the United States Marshals and Deputy Marshals, Territorial Highway Patrolmen, and all other peace officers in the Territory to enforce the provisions of this act.

Who may
enforce.

Section 11. **REPEALS.** The following sections of the Alaska Compiled Laws Annotated, 1949, are hereby repealed:

Repeals.

Sections 50-2-1, 50-2-2, 50-2-3, 50-2-4, 50-2-5, 50-2-6, 50-2-7, 50-3-11, 50-3-12, 50-3-13, 50-3-14, 50-3-15, 50-3-16.

Title.

Section 12. TITLE OF ACT. This act shall be known as the "Alaska Motor Vehicle Act."

Separability
clause.

Section 13. SEPARABILITY CLAUSE. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Section 14. EFFECTIVE DATE. This Act shall take effect on January 1, 1952.

Approved March 26, 1951.

CHAPTER 125

AN ACT

[S. B. 106]

To amend Chapter 95, S.L.A. 1951, Section 3 (a) (4), to provide for the coverage of certain officers and employees of Territorial and local governments under the old-age and survivors insurance provisions of title II of the Federal Social Security Act, as amended; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Section 3 (a) (4) of Chapter 95, S.L.A. 1951, is amended to read as follows:

(4) All services which constitute employment as defined in Section 2 and are performed