



LAWS OF ALASKA

1973

Source

SB 24

Chapter No.

30

AN ACT

Relating to citations for motor vehicle and traffic offenses.

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

* Section 1. AS 28.05 is amended by adding new sections to read:

Sec. 28.05.080. DISPOSITION OF CERTAIN MOTOR VEHICLE AND TRAFFIC OFFENSES. (a) When a person is arrested for the commission of a motor vehicle or traffic offense which is a misdemeanor, the arresting officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved.

(b) The citation shall have printed on it a schedule of motor vehicle and traffic offenses, as determined by the Alaska Supreme Court in its rules to be amenable to payment by fine without a court appearance, with an appropriate fine for each offense, also to be determined by the court in its rules.

(c) If the offense for which the citation is issued is one for which a fine may be paid without a court appearance, the person to whom it is issued may plead guilty to the offense by signing an appropriate blank on the citation and paying the fine specified on the citation, either in person or by mail within five days from the date of arrest, to the clerk of the district court having jurisdiction over the place where the offense occurred. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense, and the offender shall be given a receipt which so states.

(d) A motor vehicle and traffic offense citation shall

also contain a blank for a cited person to sign acknowledging receipt of the citation and promising to appear in the court and at the time specified on the citation. However, the person need not appear in court if he pleads guilty and pays the fine as provided in (c) of this section.

(e) If the offender refuses to accept the citation or refuses to sign the acknowledgement of receipt and promise to appear, the arresting peace officer shall proceed with the arrest in the manner otherwise provided by law. If the offender accepts the notice, but fails to pay the fine or appear in court as required, the citation shall be considered a summons as for a charge of a misdemeanor and the offender shall be proceeded against in the manner prescribed by law. However, the maximum penalty which may be imposed for the original offense may not exceed the penalty set out in the schedule of fines as determined by the supreme court under (b) of this section.

Sec. 28.05.090. DUTY OF COMMISSIONER OF PUBLIC SAFETY TO PROVIDE STANDARD CITATION FORMS. The commissioner of public safety shall adopt a standard citation form which meets the requirements of sec. 80 of this chapter and which is in a form necessary to identify the offender and the offense and otherwise necessary to meet the needs of the public safety and the administration of justice. A home rule or general law municipality shall adopt a citation form which complies with sec. 80 of this chapter and is at least equivalent to that adopted by the commissioner under this section.