



# LAWS OF ALASKA

1975

Source

SB 266 am H

Chapter No.

214

## AN ACT

Transferring those functions of the Department of Revenue relating to motor vehicles to the Department of Public Safety; and providing for an effective date.

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

\* Section 1. AS 05.30.010 is amended to read:

Sec. 05.30.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE. Except for operation on the owner's private property, no person may operate a snow vehicle which has not been registered with the Department of Public Safety as provided in this chapter.

\* Sec. 2. AS 05.30.050 is amended to read:

Sec. 05.30.050. TRANSFER OF OWNERSHIP. The Department of Public Safety shall promulgate regulations to accomplish transfer of ownership of snow vehicles.

\* Sec. 3. AS 08.66.010 is amended to read:

Sec. 08.66.010. DEALERS TO REGISTER. Every dealer in motor vehicles, trailers or semi-trailers shall, as a condition to engaging in business in this state, register annually with the Department of Public Safety.

\* Sec. 4. AS 08.66.030 is amended to read:

Sec. 08.66.030. FORM OF APPLICATION. The Department of Public Safety shall prescribe and furnish the form of application for dealer registration. The application shall contain:

(1) the name under which the business is conducted;

- (2) the location of business;
- (3) the name and address of all persons having an interest in the business, and in the case of a corporation the application shall contain the name and address of the two principal officers;
- (4) the name and make of all vehicles handled;
- (5) whether or not used vehicles are handled;
- (6) a statement that the applicant is a bona fide dealer in motor vehicles, trailers, or semi-trailers with an established business at the location given;
- (7) such other information as the Department of Public Safety requires to administer this chapter.

\* Sec. 5. AS 08.66.040 is amended to read:

Sec. 08.66.040. FILING APPLICATION FOR REGISTRATION. The application shall be filed with the Department of Public Safety. Upon receipt of the application the department shall examine it and may make an investigation of the information in it. If the department is satisfied that the dealer is entitled to registration, and the fees have been paid and a bond filed, the department shall assign a distinctive registration number to the dealer and file his application and index it alphabetically and numerically. A dealer is registered when the department assigns a registration number.

\* Sec. 6. AS 08.66.060 is amended to read:

Sec. 08.66.060. BOND. (a) Every applicant for dealer registration or for renewal of dealer registration shall file with the application or request for renewal, and shall maintain in force while registered, a bond in favor of the state, executed by an authorized corporate surety approved by the commissioner of public safety, in the amount of \$10,000. Instead of a corporate surety bond the commissioner may, in his sole discretion, accept a bond in the same amount with at least two individual sureties, each justifying with real property in twice the amount of the bond. The commissioner shall make the investigation necessary to determine the actual financial responsibility of the individual sureties. The condition of the bond shall be that the applicant will conduct his business in accordance with secs. 10 - 90 of this chapter and will not commit fraud or make fraudulent representations in the course of business.

(b) The bond shall be filed in the office of the commissioner of public safety. A surety may cancel the bond upon 30 days advance notice in writing filed with the commissioner. However, cancellation does not relieve a surety of liability arising on the bond from a sale made by the bonded dealer before cancellation or a liability which has accrued upon the bond before cancellation. The commissioner shall retain the cancelled bond on file and may not relieve a surety of a liability arising before cancellation.

\* Sec. 7. AS 09.05.020(a) is amended to read:

(a) The operation of a motor vehicle by a nonresident, or owned by a nonresident and operated by his express or implied consent, in the state is considered equivalent to an appointment of the commissioner of public safety by the nonresident as his attorney. The summons may be served on the commissioner in an action against the nonresident growing out of an accident or collision in which the vehicle is involved while being so operated. This operation is considered a signification of the nonresident's agreement that a summons against him which is so served has the same legal force as if served on him personally in the state.

\* Sec. 8. AS 09.05.020(b) is amended to read:

(b) Service of the summons is made by leaving a copy of it with the commissioner of public safety or his designee. The commissioner or his designee shall keep a record of each such process and the day and hour of service. This service is sufficient service on the nonresident.

\* Sec. 9. AS 09.05.030(a) is amended to read:

(a) The death of a nonresident does not revoke the appointment of the commissioner of public safety by the nonresident as his attorney under sec. 20 of this chapter. If the nonresident dies, an action growing out of the accident or collision may be begun or prosecuted against his executor or administrator duly appointed by the state, territory, or district of the United States or foreign country where the nonresident is domiciled when he dies. Service of the summons shall be made on the commissioner of public safety. Notice of the service and the copy of the process shall be given to the nonresident's executor or administrator in like manner, with the same force as service on a living nonresident.

\* Sec. 10. AS 28.05.050 is amended to read:

Sec. 28.05.050. DEPARTMENT OF PUBLIC SAFETY TO PUBLISH REGULATIONS AND LAWS RELATING TO VEHICLES. The Department of Public Safety shall publish in pamphlet form the rules and regulations adopted under authority of secs. 10 - 50 of this chapter, traffic laws governing the operation of motor vehicles, driver's licensing and motor vehicle licensing and dealer laws, and accident reporting and safety responsibility statutes. These rules, regulations, and laws shall be distributed free of charge to the motoring public through officers or agencies designated for the purpose. The cost of producing the pamphlets shall be jointly shared by the Department of Highways and the Department of Public Safety.

\* Sec. 11. AS 28.10.127(a) is amended to read:

(a) Upon application by the owner and under regulations adopted by the commissioner of public safety, the department shall issue a license to the owner of a vehicle used in relation to fishing, mining, hunting, or farming operations and used only occasionally upon a highway.

\* Sec. 12. AS 28.10.515(c) is amended to read:

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(c) The money realized from a sale made under this section shall be applied first to the payment of costs and expenses of the sale and, secondly to the lawful charges of the person having a lien on the motor vehicle under this section. Remaining proceeds from the sale shall be retained by the Department of Public Safety to be distributed to the registered and legal owner or lien holder entitled to the remaining proceeds. A purchaser in good faith of a motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien.

\* Sec. 13. AS 28.10.530(c) is amended to read:

(c) The liens, or documents evidencing liens, are exempt from the other provisions of law which 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 under this chapter.

\* Sec. 14. AS 28.10.650(3) is amended to read:

(3) "department" means the Department of Public Safety;

\* Sec. 15. AS 28.20.490 is amended to read:

Sec. 28.20.490. MONEY OR SECURITIES AS PROOF. Proof of financial responsibility may be evidenced by the deposit of \$25,000 in cash, or securities which are legal investments for savings banks or trust funds having a market value of \$25,000. The department shall not accept a deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the recording district where the depositor resides.

\* Sec. 16. AS 28.20.510 is amended to read:

Sec. 28.20.510. SUBSTITUTION OF PROOF. The department shall consent to the cancellation of a bond or certificate of insurance, or the department shall return money or securities to the person entitled to it, upon the substitution and acceptance of other adequate proof of financial responsibility under this chapter.

\* Sec. 17. AS 28.20.530 is amended to read:

Sec. 28.20.530. APPLICATION OF DEPOSIT. The department shall hold the deposit to satisfy, in accordance with this chapter, any execution on a judgment issued against the person making the deposit for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use of it, resulting from the ownership, maintenance, use or operation of a vehicle subject to registration under the laws of this state after the deposit is made. Money or securities deposited are not subject to attachment or execution unless the attachment or execution arises out of a suit for damages specified in this section.

\* Sec. 18. AS 28.20.540(a) is amended to read:

(a) The department shall, upon request, consent to the immediate cancellation of a bond or certificate of insurance, or shall return to the person entitled to it money or securities deposited as proof of financial responsibility, or shall waive the requirement of filing proof, in any of the following events:

(1) at any time after three years from the date proof is required when, during the three year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom the proof was furnished; or

(2) upon the death of the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) if the person who has given proof surrenders his license to the department.

\* Sec. 19. AS 28.31.010(c) is amended to read:

(c) A peace officer or an authorized employee of a general law municipality in the case of a general law municipality bound by the procedure specified in this chapter, who reasonably believes that a vehicle has been abandoned may have the vehicle removed to the nearest garage or other place for impoundment and storage. Removal of an abandoned vehicle from private property shall be on the written request, on a form prescribed by the Department of Public Safety, of the owner or person in lawful possession or control of the property. A written report of the removal shall be sent immediately to the Department of Public Safety, describing the vehicle, the date, time and place of removal, the grounds for removal, and place of impoundment of the vehicle. Upon receipt of the removal report, the Department of Public Safety shall provide written notification by certified mail to the vehicle owner of record and to lien holders of records, stating the grounds for removal and the name of the place of impoundment of the vehicle; however, notice is not required if the retail value of an abandoned vehicle is \$200 or less. If the vehicle is not registered in the state, the Department of Public Safety shall make a reasonable effort to notify the registered owner or any lien holder of removal and the place of impoundment of the vehicle. The Department of Public Safety shall forward a copy of the notice to the owner or person in charge of the place of impoundment.

\* Sec. 20. AS 28.31.040(b) is amended to read:

(b) Title to a vehicle disposed of under (a) of this section shall be conveyed by a bill of sale issued by the state or local governing body, as appropriate, on a form prescribed by the Department of Public Safety. A copy of the bill of sale shall be forwarded to the Department of Public Safety by the purchaser within 10 days.

\* Sec. 21. AS 28.31.040(c) is amended to read:

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(c) Any subsequent sale of a vehicle sold under (a) of this section is prohibited without a certificate of title issued by the Department of Public Safety under AS 28.10.

\* Sec. 22. AS 28.31.050(a) is amended to read:

(a) The Department of Public Safety shall, if necessary, negotiate with other appropriate state agencies in an effort to designate and acquire centrally located state land for the disposal of abandoned vehicles. These areas may be for the temporary holding of vehicles before sale as prescribed in sec. 40 of this chapter, or for the final disposal of unsold abandoned vehicles.

\* Sec. 23. AS 28.31.060(b) is amended to read:

(b) The Department of Public Safety shall assist general law municipalities which elect to adopt their own procedures for the removal and impoundment of vehicles within their boundaries.

\* Sec. 24. AS 28.31.065 is amended to read:

Sec. 28.31.065. ABANDONED MOTOR VEHICLE FUND. There is created within the Department of Public Safety an abandoned motor vehicle fund, to be composed of appropriations by the legislature and proceeds from the sale of abandoned motor vehicles.

\* Sec. 25. AS 28.31.070 is amended to read:

Sec. 28.31.070. DISPOSITION OF PROCEEDS OF PUBLIC AUCTION. (a) The proceeds from the sale of abandoned motor vehicles under sec. 40 of this chapter, if any, after deducting the cost of impounding the vehicle, and advertising and selling it, shall be deposited in an abandoned motor vehicle fund within the Department of Public Safety. The Department of Public Safety shall prorate the money in the fund to each general law municipality bound by the procedure specified in this chapter in proportion to the number of abandoned vehicles disposed of within its boundaries.

(b) If available, money in the abandoned vehicle fund shall be disbursed by the Department of Public Safety to provide for the removal of abandoned vehicles in areas outside general law municipalities.

\* Sec. 26. AS 28.31.075 is amended to read:

Sec. 28.31.075. REGULATIONS. The Department of Public Safety shall promulgate regulations necessary to implement secs. 10 - 80 of this chapter.

\* Sec. 27. AS 42.10.240(c) is amended to read:

(c) Weight fees on motor vehicles regularly licensed and registered in the state shall be paid to the commissioner of public safety at the same time that the regular annual license fee is paid. Weight fees on motor vehicles not otherwise licensed in the state shall be paid to the commission.

\* Sec. 28. AS 42.15.331(c) is amended to read:

(c) Weight fees on vehicles regularly licensed and registered in the state shall be paid to the commissioner of public safety at the same time that the regular annual license fee is paid. Weight fees on vehicles not otherwise licensed in the state shall be paid to the commission.

\* Sec. 29. AS 28.10.530(b) and 28.10.580 are repealed.

\* Sec. 30. AS 28.15.250(b) is repealed and re-enacted to read:

(b) The department shall require the reexamination of a licensed operator who is 70 years of age or older. The licensee may be reexamined at the time he renews his license every two years, or as often as the department considers necessary. The reexamination shall be limited to a test of the applicant's eyesight and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

\* Sec 31. This Act takes effect July 1, 1975.