



# LAWS OF ALASKA

1977

Source

FCCS HCSSB 75

Chapter No.

144

## AN ACT

Relating to motor vehicles.

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

\* Section 1. AS 08.66.060(a) is amended to read:

(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, except that a dealer who sells only motorcycles shall maintain in force while registered a bond in favor of the state, executed and approved in the same manner as bonds required of other dealers under this section, in the amount of \$3,000. 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.

\* Sec. 2. AS 11.20.590 is amended by adding a new subsection to read:

(f) The state has a right of action for damages caused by a violation of this section. Damages recovered under this section shall be deposited in the general fund.

\* Sec. 3. AS 12.25.180 is amended to read:

Chapter 144

Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON BEFORE JUDGE OR MAGISTRATE. When a person is stopped or contacted by a peace officer for the commission of a misdemeanor or an infraction or the violation of a municipal ordinance, he may, in the discretion of the contacting peace officer, be issued a citation instead of being taken before a judge or magistrate under sec. 150 of this chapter, unless

(1) the person does not furnish satisfactory evidence of identity;

(2) the contacting officer has reasonable and probable cause to believe the person is a danger to himself or others;

(3) the crime for which the person is contacted is one involving violence or harm to another person or to property; or

(4) the person asks to be taken before a judge or magistrate under sec. 150 of this chapter.

\* Sec. 4. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.080.

\* Sec. 5. AS 12.25.230 is amended to read:

Sec. 12.25.230. FAILURE TO OBEY CITATION. A person who fails to appear in court to answer the citation, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

\* Sec. 6. AS 28.05.080(c) is amended to read:

(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 monetary satisfaction for the offense, and the offender shall be given a receipt which so states.

\* Sec. 7. AS 28.10.100 is amended to read:

Sec. 28.10.100. GROUNDS FOR REFUSING REGISTRATION. The department may refuse registration, or a transfer of registration, upon any of the following grounds:

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

(2) that the department 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 lien upon the vehicle;

(3) that the registration of the vehicle stands suspended or revoked for any reason provided by law;

(4) that the required license and registration taxes have not been paid.

\* Sec. 8. AS 28.10.310 is amended to read:

Sec. 28.10.310. **GROUND S FOR REFUSAL TO ISSUE CERTIFICATE OF TITLE.** The department may refuse to issue a certificate of title upon any ground justifying refusal of registration under sec. 100 of this chapter.

\* Sec. 9. AS 28.10.350(b) is amended to read:

(b) The owner shall notify the department of the transfer or assignment of his title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under sec. 370 of this chapter. The notice form to be provided by the department shall include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment;
- (4) description and license number of vehicle.

\* Sec. 10. AS 28.10.360 is amended to read:

Sec. 28.10.360. **NEW OWNER TO SECURE TRANSFERS.** The transferee shall present the certificate of registration and certificate of title, properly endorsed, accompanied by a fee of \$5, to the department within 30 days following transfer of ownership, and shall apply for a new certificate of title and obtain a new registration for the vehicle, except as permitted in sec. 390 of this chapter.

\* Sec. 11. AS 28.20.050(a) is amended to read:

(a) The provisions of this chapter requiring deposit of security and suspension for failure to deposit security apply to the driver and owner of a vehicle subject to registration under the laws of this state which is involved in any manner in an accident in this state resulting in bodily injury to or death of a person or damage to the property of any one person exceeding \$500.

- \* Sec. 12. AS 28.20.070(b) is amended to read:

(b) No policy or bond is effective under sec. 60 of this chapter with respect to a vehicle not registered in this state or a vehicle which was registered in another jurisdiction at the effective date of the policy or bond or the most recent renewal of it, unless the insurance or surety company issuing the policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it executes a power of attorney authorizing the director of the division of insurance to accept service on its behalf of notice or process in an action upon the policy or bond arising out of the accident.

- \* Sec. 13. AS 28.20.100(c) is amended to read:

(c) If the department evaluates the injuries or damage to a minor in an amount not more than \$500, the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural or legal guardian on behalf of the minor without court approval.

- \* Sec. 14. AS 28.20.230(a) is amended to read:

(a) The provisions of this chapter requiring the deposit of proof of financial responsibility for the future apply to persons who are convicted of or forfeit bail for certain offenses under motor vehicle laws or who, by ownership or operation of a vehicle of a type subject to registration under ch. 10 of this title, are involved in an accident in this state which results in bodily injury or death of a person or damage to the property of any one person exceeding \$500.

- \* Sec. 15. AS 28.20.260(a) is amended to read:

(a) Upon receipt by the department of the report of an accident resulting in bodily injury or death, or property damage to any one person exceeding \$500, the department shall suspend the license of the driver of a motor vehicle involved in the accident unless the driver or owner

(1) has previously furnished or immediately furnishes security required by this chapter, or is excepted from furnishing security under sec. 60 of this chapter, and

(2) maintains proof of financial responsibility for three years following the accident.

- \* Sec. 16. AS 28.20.580 is amended to read:

Sec. 28.20.580. ASSIGNED RISK PLANS. After consultation with the insurance companies authorized to issue motor vehicle liability policies in this state, the director of the division of insurance shall approve a reasonable plan, fair to the insurers and equitable to their policyholders, for the apportionment among these companies of applicants for motor vehicle policies and other vehicle coverages who are in good faith entitled to but are unable to procure policies through ordinary methods. When a plan is approved, all the insurance companies shall subscribe to

it and participate in it. An applicant for an assigned risk policy, a person insured under an assigned risk plan, and an insurance company affected may appeal to the commissioner of commerce and economic development from a ruling or decision of the authority designated to operate the plan. Failure to adopt an assigned risk plan does not relieve any person from responsibility under this chapter.

- \* Sec. 17. AS 28.35.020 is amended to read:

Sec. 28.35.020. CONVICTION IN LARCENY PROSECUTION. In a criminal prosecution for larceny of a vehicle, as the term "vehicle" is defined in sec. 260(7) of this chapter, if the facts do not warrant a conviction of the defendant for larceny, he may, nevertheless, be convicted of a violation of sec. 10 of this chapter if the facts warrant.

- \* Sec. 18. AS 28.35.026(a) is amended to read:

(a) A person in possession of a motor vehicle under an agreement in writing which requires him to return the vehicle to a particular place or at a particular time who refuses or wilfully neglects to return it to the place and at the time specified in the agreement in writing with the intent to deprive the owner of the vehicle or to convert it to his own use, or who secretes, converts, sells or attempts to sell the vehicle or any part of it is, upon conviction, punishable by imprisonment for not more than five years, or by a fine of not more than \$1,000, or by both.

- \* Sec. 19. AS 28.35.045(c) is amended to read:

(c) A person convicted of negligent driving is guilty of an infraction as provided under sec. 230 of this chapter, and in addition, the court may limit or suspend his driver's license under AS 28.15.220(b).

- \* Sec. 20. AS 28.35.080(a) and (b) are amended to read:

(a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of a person or total property damage to an apparent extent of \$500 or more shall immediately by the quickest means of communication give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the Department of Public Safety.

(b) The driver of a vehicle involved in an accident resulting in bodily injury to or death of a person or total property damage to an apparent extent of \$500 or more shall, within 10 days after the accident, forward a written report of the accident to the Department of Public Safety and to the local police department if the accident occurs within a municipality. No report is required under this subsection if the accident is investigated by a peace officer.

- \* Sec. 21. AS 45.45.240(2) is amended to read:

(2) "motor vehicle" or "vehicle" means a motor vehicle as defined in AS 28.35.260 which is required to be

registered under AS 28.10, or with a governmental agency of another jurisdiction performing a similar function;

\* Sec. 22. AS 28.35.230(e) is repealed and re-enacted to read:

(e) Notwithstanding the maximum fine provided for infractions under (c) of this section, for the violation of regulations or special permits issued governing vehicle weight limits, overweight penalties shall be imposed at the rate of five cents for each pound of weight over the authorized weight limit for that vehicle.

\* Sec. 23. AS 28.35.230(d) is amended to read:

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.282 - 28.15.288, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

\* Sec. 24. AS 44.80.070 is amended to read:

Sec. 44.80.070. SPECIAL USE OF HIGHWAYS AND OTHER AREAS. When the state, or a department or agency of the state, which has control over a highway or vehicular way or area, permits a portion of the highway or vehicular way or area, as defined under AS 28.35.260, to be used for a special purpose, the state is not subject to legal action or recovery of damages for injury arising out of, or in any manner connected with the special purpose use.

\* Sec. 25. The following laws are repealed: AS 19.10.060-  
(2); AS 28.10.300; AS 28.15.140; AS 28.35.025; 28.35.150; and  
28.35.160.