

Section 4. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval. Emergency clause.

Approved March 20, 1947.

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## CHAPTER 49

### AN ACT

[H. B. 75]

To amend Ch. 65, Session Laws of Alaska 1941, relating to Highways and traffic thereon; repealing Ch. 86, Session Laws of Alaska 1935, and Sec. 7 of Ch. 65, Session Laws of Alaska 1941.

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

Section 1. Subsection (j) of Section 1 of Ch. 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

(j) To establish a highway patrol and a vehicle inspection service and provide the necessary equipment therefor. Highway patrol officers appointed hereunder shall have the powers now exercised by United States Marshals in the enforcement of the laws of the Territory, and city police officers deputized hereunder shall likewise have such powers.

Patrol officers to have U. S. Marshal's powers.

Section 2. Section 3 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 3. This Act shall pertain to streets of municipalities as well as to roads and highways. The United States Attorneys and their assistants, the United States Marshals and their deputies, Territorial license officers, highway patrol officers and municipal police are charged with the enforcement, in their respective capacities, of this Act and the regulations promulgated by the Board hereunder.

Authority within cities.

Section 3. Section 4 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended by deleting therefrom the last sentence thereof, to-wit: "The proceeds of any fines imposed under this section shall be deposited with the Territorial Treasurer."

Section 4. Section 5 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

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

Territory to have right to damages.

Section 5. Section 6 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 6. The Tax Commissioner shall have general supervision and control over the issu-

Tax Commissioner to issue licenses.

ance of vehicle operators' licenses and shall have full power to collect operators' license fees and 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.

Suspension of  
license.

Section 6. Section 8 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 8. Every court in fixing the penalty shall include in its judgment a suspension of the vehicle operator's license of any person upon the conviction of such person of any of the following crimes, and no person whose operator's license has been so suspended may apply for or obtain another operator's license until the expiration of such period of suspension:

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

Manslaughter.

(2) Perjury or the making of a false affidavit to the Tax Commissioner 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.

Perjury.

(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.

Felony.

(4) Reckless driving as hereinafter defined in Section 13-3.

Reckless driving.

(5) Operating any motor vehicle, involved in an accident resulting in the death or injury

Hit and run.

of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(6) Operating any motor vehicle upon any public street or highway of this Territory while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug as hereinafter prescribed in Section 13-2.

Using liquor or narcotic.

Section 7. Section 9 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 9. The suspension of operators' license pursuant to Section 8 shall be in addition to other authorized punishment. No such suspension of operator's license and driving privileges shall be for less than thirty days nor more than one year immediately succeeding the date of judgment. Suspension of operator's license, whether or not the license certificate is surrendered, shall operate as a cancellation of the license certificate in question, and at the expiration of the period of suspension, such licensee, if he desires driving privileges, must apply for and obtain a new operator's license.

Suspension of license.

Section 8. Section 10 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 10. Whenever the vehicle operator's license of any person is suspended for any violation, the judge passing such sentence shall forthwith secure the immediate forfeiture of the vehicle operator's license of such convicted person and immediately forward such vehicle operator's license to the Tax Commissioner, with written notification of the length of such suspension, and on failure of such convicted person

Operator's license returned to Tax Commissioner.

to deliver up such vehicle operator's license the judge shall forthwith commit such person for contempt of court; provided, in the event such convicted person shall show that he does not and at the time of the offense did not have a current and valid vehicle operator's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid vehicle operator's license.

Contempt of court.

Section 9. Section 11 of Chapter 65, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 11. Any person whose vehicle operator's license has been suspended, and who shall operate any motor vehicle upon the public highways of this Territory while such license is suspended, or who has fraudulently procured a new license before expiration of the suspension period, 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 or by a fine of not more than One Thousand Dollars.

Operating without a license.

Penalties.

Section 10. Subsections (a) and (b) of Section 12, Chapter 65, Session Laws of Alaska, 1941, are hereby amended to read as follows:

(a) When any person, whose operator's license has been suspended and/or surrendered, desires to have a new operator's license issued, he shall not be entitled to such new license unless and until he shall make affidavit on oath to the effect that the period of suspension has expired and that he has not at any time during such period of suspension operated any vehicle upon any public street or highway of this Territory.

Affidavit for renewal.

(b) In case any person desiring to have a new operator's 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 and such new license shall not then be issued to such person and the suspension of such vehicle operator's license shall be continued for a subsequent period equal to the original period of suspension and from the date of such application for new license.

Failure to make affidavit.

Section 11. Subsection (f) of Section 13, Chapter 65, Session Laws of Alaska, 1941, is hereby amended by deleting the word "Treasurer" from the fifth line thereof.

Section 12. Chapter 65, Session Laws of Alaska, 1941, is hereby amended by addition thereto, immediately following Section 13-1, additional sections designated "13-2" and "13-3", reading as follows:

Section 13-2. Any person who, while under the influence of intoxicating liquor or narcotic drugs, operates or drives any automobile, motorcycle or other motor vehicle upon any public street or highway in Alaska, shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

Narcotic or alcoholic influence while driving.

Penalty.

Section 13-3. Any person who drives any automobile, motorcycle or other motor vehicle upon any public street or highway in this Territory, carelessly, heedlessly or in wilful or wanton disregard of the rights or safety of others or without due caution and circumspection, or at a speed or in any manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving, and, upon

Negligent driving.

conviction thereof, shall be punished by a fine of not more than One Thousand Dollars, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

Section 13. Section 7 of Chapter 65, Session Laws of Alaska, 1941, and Chapter 86, Session Laws of Alaska, 1935, are hereby repealed.

Approved March 20, 1947.

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## CHAPTER 50

### AN ACT

[H. B. 83]

To amend Section 2419, Compiled Laws of Alaska, 1933, relating to proceedings for annexation of territory by municipalities and declaring an emergency.

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

Section 1. That Section 2419 of Chapter XLIV, Compiled Laws of Alaska, 1933, be and the same is hereby amended by adding thereto the following:

Those owners of land within the limits of the territory sought to be annexed who have filed a statement of their ownership in the United States General Land Office for the District in which the land is situate, in compliance with Chapter 49 of the Session Laws of Alaska, 1945, shall be presumed to be the owners of substantial property interests in land or possessory rights in land, tidelands or improvements upon land or tidelands within the limits of the territory proposed and sought to be annexed in the absence of a clear showing to the contrary.

Presumption of  
land ownership.