

Title 28. Motor Vehicles.

Chapter 01. Alaska Uniform Traffic Laws Act.

Sec. 28.01.010. Provisions uniform throughout state.

(a) The provisions of this title and the regulations adopted under this title are applicable within all municipalities of the state. A municipality may not enact an ordinance that is inconsistent with the provisions of this title or the regulations adopted under this title. A municipality may not incorporate into a publication of traffic ordinances a provision of this title or the regulations adopted under this title without specifically identifying the provision or regulation as a state statute or regulation.

(b) A municipality may adopt by reference all or a part of this title and regulations adopted under this title, and may request and shall receive from the Department of Commerce, Community, and Economic Development and, as appropriate, either the Department of Administration or the Department of Public Safety, assistance in the drafting of model ordinances for adoption by reference. Notwithstanding (a) of this section, a municipality may enact necessary ordinances to meet specific local requirements.

(c) A copy of all traffic ordinances enacted by a municipality shall be forwarded to the commissioner of public safety and specific notice of any inconsistent ordinances shall be given by the municipality when the copy of the ordinances is forwarded. So far as practicable, the section number identifying a particular municipal traffic ordinance must be the same as the section number identifying a corresponding provision of this title or regulations adopted under this title.

(d) A municipality shall erect necessary official traffic control devices on streets and highways within its jurisdiction that as far as practicable conform to the current edition of the Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. The municipality

(1) shall post a sign indicating that the school is a “drug-free school zone” at each location in which it has installed a sign identifying the location of a school;

(2) may post a sign at each recreation and youth center indicating that the center is a “drug-free recreation and youth center zone”; in this paragraph, “recreation or youth center” has the meaning given in [AS 11.71.900](#).

(e) Copies of all traffic ordinances enacted by a municipality shall be incorporated in a manual and made available to the general public.

(f) Regulations adopted pertaining to a matter partially or wholly governed by this title must be mutually consistent and compatible, and must complement each other, as far as practicable. For the purpose of uniformity, the Department of Administration or the Department of Public Safety, whichever is appropriate, shall offer and receive reasonable assistance in the coordination and adoption of these regulations.

(g) Regulations adopted under this title must, as far as practicable, conform to the recommendations of the current edition of the Uniform Vehicle Code adopted by the National Committee on Uniform Traffic Laws and Ordinances.

(h) A municipality may issue a citation for a traffic offense only if the citation complies with the provisions of [AS 12.25.175](#) and 12.25.200.

(i) A municipal parking citation trial or appeal process and fees charged for it must be substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law.

(j) A court may not enforce a municipal ordinance prescribing a penalty for driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or refusal to submit to a chemical test unless that ordinance imposes ignition interlock device requirements under this title.

Sec. 28.01.015. Municipal impoundment and forfeiture.

(a) Notwithstanding other provisions in this title, a municipality may adopt an ordinance providing for the impoundment or forfeiture of a

(1) motor vehicle, watercraft, or aircraft involved in the commission of an offense under [AS 28.35.030](#), 28.35.032, or an ordinance with elements substantially similar to [AS 28.35.030](#) or 28.35.032;

(2) motor vehicle involved in the commission of an offense under [AS 28.15.291](#) or an ordinance with elements similar to [AS 28.15.291](#);

(3) motor vehicle used by a person whose license is suspended under [AS 28.22.041](#);

(4) motor vehicle used by a person who fails to carry proof of insurance as required under [AS 28.22.019](#); or

(5) motor vehicle used by a person who has \$1,000 or more in delinquent traffic fines for moving violations committed within the municipality.

(b) An ordinance adopted under (a) of this section may

(1) include a fee for the administrative costs incurred by the municipality; and

(2) be more stringent than or the same as but may not be less stringent than applicable provisions under this title or regulations adopted under this title.

Sec. 28.01.017. Municipal regulation of cellular telephone use.

Notwithstanding other provisions of this title, a municipality may adopt an ordinance prohibiting the use of a cellular telephone by a person driving a motor vehicle while on school property or in an active school zone designated under the current edition of the Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. A municipal ordinance adopted under this section may not prohibit the hands-free use of a cellular telephone.

Sec. 28.01.020. Short title.

This chapter may be cited as the Alaska Uniform Traffic Laws Act.

Chapter 05. Administration.

Article 1. Powers and Duties of Departments of Public Safety and Administration.

Sec. 28.05.010. Powers and duties. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.011. Duty of commissioners to adopt regulations.

(a) The commissioner of public safety shall, unless otherwise provided by statute, adopt regulations in compliance with [AS 44.62](#) (Administrative Procedure Act) necessary to carry out the provisions of this title and other statutes whose administration is vested in the Department of Public Safety. The regulations must include

(1) rules of the road relating to the driving, stopping, standing, parking, and other conduct of vehicles, to pedestrians, and to official traffic control devices; regulations adopted under this paragraph may not prohibit the use of an electric personal motor vehicle on a sidewalk, bike path, or vehicular way or area restricted to the use of pedestrians; limitations on regulation of electric personal motor vehicles imposed under this paragraph do not apply to a municipal ordinance regulating electric personal motor vehicles enacted to meet local requirements;

(2) minimum equipment for vehicles, including minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;

(3) inspection of vehicles other than commercial motor vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;

(4) abandonment of vehicles;

(5) management of records of the Department of Public Safety required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(6) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(7) certification and regulation of junk yards.

(b) The commissioner of administration shall, unless otherwise provided by statute, adopt regulations in compliance with [AS 44.62](#) (Administrative Procedure Act) necessary to carry out the provisions of this title whose administration is vested in the Department of Administration. The regulations must include, but are not limited to,

(1) registration, titling, and transfer of vehicles;

(2) licensing of drivers of vehicles and procedures for obtaining limited license privileges;

(3) financial responsibility relating to vehicles other than commercial motor vehicles;

(4) management of records of the Department of Administration required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(5) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(6) registration of motor vehicle, trailer, and semi-trailer dealers;

(7) regulations necessary to implement a commercial motor vehicle driver's licensing program; regulations adopted under this paragraph must provide for a waiver of the driver skills test for drivers with recent military commercial vehicle driving experience as allowed by federal law.

(c) If the department publishes a manual related to the safe and lawful operation of a motor vehicle, the manual must include the rights and responsibilities of drivers when encountering or being stopped by a peace officer.

Sec. 28.05.015. Wheeled adjuncts.

The department shall, unless prohibited by an ordinance of a governmental subdivision of the state, allow pedestrians to use wheeled adjuncts, such as rollerblades, roller skates, and roller skis, on roadways and vehicular ways in addition to areas available for use by bicycles.

Sec. 28.05.020. Authority of highway commissioner. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.021. Commissioners to enter compacts and reciprocal agreements.

(a) The commissioner of administration may, under terms and conditions best calculated to promote the interests of the state, enter into a compact or agreement with an authorized representative of another jurisdiction in a matter relating to driver licensing, vehicle registration, or other activity authorized under this title, the administration of which is vested in the Department of Administration. The commissioner of public safety may, under the same terms and conditions, enter into a compact or agreement with an authorized representative of another jurisdiction in a matter relating to an activity authorized under this title, the administration of which is vested in the Department of Public Safety. A compact or agreement affecting state finances or driving privileges must be approved by adoption of a concurrent resolution approved by a majority vote of each house of the legislature before it becomes effective.

(b) [Repealed, § 28 ch 90 SLA 1991.]

Secs. 28.05.025 , 28.05.030. Authority of Department of Commerce and public safety commissioner. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.031. Department of Public Safety to publish statutes and regulations relating to vehicles, vehicle use, and pedestrians.

(a) The Department of Public Safety shall publish current state statutes and regulations relating to vehicles and their driving or movement, to drivers of vehicles, and to pedestrians. The cost of publication shall be jointly shared by that department and other state agencies that administer statutes and regulations included in the publication prescribed under this section.

(b) A single copy of a facsimile of the publication prescribed in (a) of this section shall be available to the public without charge at all offices of the Department of Administration that administer the statutes in this title and at all offices of the Department of Public Safety. However, a municipality may request and receive without charge a reasonable number of copies of the publication.

Sec. 28.05.035. Approval of accident prevention courses.

For the purposes of [AS 21.96.025](#)(a)(4), the commissioner may approve driver education courses intended to prevent motor vehicle accidents and promote safe driving practices.

Sec. 28.05.040. Duty of public safety commissioner. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.041. Forms, applications, and oaths.

(a) The commissioner of administration shall prescribe and provide suitable application forms, certificates of title and registration, driver's licenses, and all other forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the Department of Administration. The commissioner of public safety shall prescribe and provide suitable forms necessary to carry out the provisions of this title and regulations adopted under this title, the administration of which is vested in the Department of Public Safety, including a standard citation form that meets the requirements of [AS 12.25.175](#) and 12.25.200 and that 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 as required under [AS 12.25.175](#) and 12.25.200.

(b) The Department of Administration shall examine and approve or disapprove any application for registration of, or certificate of title for, a vehicle, and for a driver's license and any other application made to the department. The department may make any investigation it considers necessary and may require additional information before approving an application. The department shall reject an application if it is not satisfied with the genuineness, regularity, or legality of the application, the truth of a statement contained in it, or the adequacy or sufficiency of information requested by the department. The department shall reject an application when the applicant is not entitled to issuance of the registration, title, license, or permit for which the person is applying or for any other reason required by law.

(c) The commissioner of public safety and officers and employees of the Department of Public Safety designated by that commissioner, and the commissioner of administration and officers and employees of the Department of Administration designated by that commissioner, may, for the purpose of administering this title and regulations adopted under this title, administer oaths and acknowledge signatures, and do so without charging a fee.

Sec. 28.05.045. Voter registration.

The administrative component of the department that administers motor vehicle and driver's license laws shall comply with [AS 15.07.055](#) to serve as a voter registration agency to the extent required by state and federal law, including 42 U.S.C. 1973gg (National Voter Registration Act of 1993) and this section. A state resident, who will be 18 years of age or older within 90 days, who applies in an office of the department for a driver's license, identification card issued under [AS 18.65.310](#), or vehicle registration under [AS 28.10](#) shall at the time of application be advised by the division that the resident may also register to vote. The application submitted by the resident shall serve as an application for voter registration unless the resident fails to sign the voter registration portion of the application. The department shall forward completed voter registration forms to the division of elections. The department shall prominently display notice of the right to apply for voter registration at each place that the public may apply for a driver's license, identification card, or vehicle registration.

Sec. 28.05.048. Sex offender registration.

The department shall display notice of the registration requirements of [AS 12.63.010](#) at a place where the public may apply for a driver's license, identification card, or vehicle registration.

Sec. 28.05.050. Publication of laws. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.051. Suspended or revoked documents.

(a) When the department suspends or revokes a vehicle registration, certificate of registration, registration plate, permit, or certificate of title or suspends, cancels, or revokes a license, the owner or person in possession of the document shall, immediately upon receiving notice of the suspension, revocation, or cancellation, mail or deliver the registration, certificate, plate, permit, or license to the department.

(b) The commissioner, officers and employees of the department designated by the commissioner, judges and employees of a court, and all peace officers, may take possession of a certificate of title, registration, or license issued by this jurisdiction that has been revoked, canceled, limited, or suspended, or is fictitious, stolen, or altered.

Sec. 28.05.060. School patrols. [Repealed, § 2 ch 68 SLA 1964.]

Sec. 28.05.061. Records of departments and certified copies of records.

(a) The Department of Administration shall file, maintain, and appropriately index records of

(1) vehicle registrations under [AS 28.10.071](#)(a) — (c);

(2) stolen, converted, recovered, and unclaimed vehicles under [AS 28.10.071](#)(d);

(3) titles and documents creating and evidencing liens or encumbrances under [AS 28.10.381](#);

(4) abandoned vehicles under [AS 28.11.030](#)(c);

(5) driver's license and driving records under [AS 28.15.151](#);

(6) applications under [AS 28.10.262](#) for cancellation of a manufacturer's certificate of origin for a manufactured home;

(7) applications under [AS 28.10.263](#) for cancellation of a certificate of title to a manufactured home;

(8) applications under [AS 28.10.264](#) for confirmation of the nonapplication of [AS 28.10](#) to a manufactured home;

(9) applications under [AS 28.10.265](#) for a certificate of title to a severed manufactured home;

(10) manufacturer's certificates of origin accepted for cancellation by the department under [AS 28.10.262](#) for a manufactured home; and

(11) certificates of title accepted for cancellation by the department under [AS 28.10.263](#) for a manufactured home.

(b) The Department of Administration and the Department of Public Safety each may file and maintain any other records considered necessary for the respective department's administration of this title and regulations adopted by that department under it.

(c) Records maintained by the Department of Administration or the Department of Public Safety under this title or regulations adopted under this title may be stored in any reasonable manner,

including electronic data storage. The commissioner of each of those departments and officers and employees of those departments designated by the respective commissioner shall, upon request, prepare under the seal of the respective department and deliver, unless otherwise prohibited by law, a certified copy of any record of that department maintained under this title or regulations adopted under this title, charging a fee for each certified copy. A certified copy of the record stored under this section is admissible in an administrative proceeding or in a court in the same manner as the original document.

(d) If a copy of a motor vehicle record prepared or maintained by the Department of Administration is requested by the child support services agency created in [AS 25.27.010](#), or the child support enforcement agency of another state, the department shall provide the requesting agency with a certified copy of the record. If information is prepared or maintained by the department in an electronic data base, the department may give the requesting agency a copy of the electronic record and a statement certifying its contents. The agency receiving information under this subsection may use the information only for child support purposes authorized under law.

(e) For cancelled manufacturer's certificates of origin, cancelled certificates of title, or applications for confirmation filed under (a)(8), (10), or (11) of this section, the department's record must state

(1) the name of each owner of the manufactured home;

(2) the date the manufacturer's certificate of origin or the certificate of title was accepted for cancellation if the certificate was cancelled under (a)(10) or (11) of this section; and

(3) the recording information for the affixation affidavit required by [AS 28.10.266](#).

(f) For applications for certificates of title under (a)(9) of this section, the department's record must state the name of each owner of the manufactured home and the recording information for the severance affidavit recorded under [AS 40.17.125](#).

(g) In this section, "recording information" means the district where the affidavit was recorded and the date and serial numbers of the affidavit's recording in the recording district.

Sec. 28.05.065. Access to criminal justice information.

(a) For purposes of carrying out the provisions of [AS 28.05](#), [AS 28.15](#), [AS 28.33](#), and [AS 28.35](#), an employee of the department assigned to perform functions under those chapters may access criminal justice information about an adult or minor charged with or convicted of an offense.

(b) For purposes of obtaining access to criminal justice information maintained by the Department of Public Safety under [AS 12.62](#), the unit assigned motor vehicle functions in the Department of Administration is a criminal justice agency conducting a criminal justice activity.

(c) In this section,

(1) "criminal justice activity" has the meaning given in [AS 12.62.900](#);

(2) "criminal justice agency" has the meaning given in [AS 12.62.900](#).

Sec. 28.05.068. Prohibition on data sharing.

(a) If the department conveys, distributes, or communicates data to be used in a database, index, pointer system, or any other system managed by an entity other than the department, including the American Association of Motor Vehicle Administrators, to comply with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005), the department may not convey, distribute, or communicate to that entity any data not required to be conveyed, distributed, or communicated for the state to be certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005).

(b) Notwithstanding (a) of this section, the department may not convey, distribute, or communicate to a private entity any scanned or stored documents collected in order to carry out the provisions of [AS 28.15](#).

(c) The department shall take all steps available to obtain from the entity an agreement that the state need not convey, distribute, or communicate social security numbers, in whole or in part, to participate in the database, index, pointer system, or other system.

(d) The department shall take all steps available to work with other states, the United States Department of Homeland Security, and any multistate entities in which the state participates to secure a means of compliance with P.L. 109-13, Division B (REAL ID Act of 2005), including through an interstate compact, that does not involve the storage or sharing of social security numbers, in whole or in part, with an interstate database, index, pointer system, or other system.

(e) If the department has complied with (c) and (d) of this section and has been unable to secure a means of compliance with P.L. 109-13, Division B (REAL ID Act of 2005) that does not involve the storage or sharing of social security numbers, in whole or in part, the department shall take all steps necessary to minimize the number of digits of a social security number required to be stored or shared.

(f) The department may share only the least number of digits of a person's social security number necessary to comply with federal law that requires the department to determine whether a person has been issued a driver's license in another state.

(g) [Repealed, § 18 ch. 8 SLA 2017]

Sec. 28.05.070. Subpoenas; witnesses and documents. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.071. Change of name or address.

(a) A person who has applied for or been issued a certificate, registration, title, license, permit, or other form under this title, and who changes the person's name or moves from the address shown on the records or forms of the Department of Administration or the Department of Public Safety, shall notify the appropriate department of the change in name or address within 30 days

(1) on a form or in a format specified by the appropriate department; and

(2) in a manner prescribed in regulations adopted by the appropriate department.

(b) A person convicted of a violation of (a) of this section is guilty of an infraction punishable by a fine not to exceed \$25.

Secs. 28.05.072 — 28.05.080. Notice, hearing, and offense disposition. [Repealed, § 6 ch 178 SLA 1978.]

Article 2. Vehicle Equipment Standards and Seat Belts.

Sec. 28.05.081. Approval of vehicle equipment.

(a) When the commissioner has reason to believe that vehicle equipment being sold commercially in the state does not comply with the requirements of this title or regulations adopted under this title or other statutes and regulations, the commissioner may, after giving 30 days notice to the person holding the certificate of approval for the equipment in this state, conduct a hearing upon the question of compliance of the equipment. After the hearing, the commissioner shall determine whether the equipment is in compliance. If the equipment is not in compliance with the law, the commissioner shall give notice of that fact to the person holding the certificate of approval for the equipment in this state.

(b) If, at the end of 90 days after the notice of noncompliance given under (a) of this section, the person holding the certificate of approval for the vehicle equipment has failed to satisfy the commissioner that the equipment as sold after the 90 days is in compliance with the law, the commissioner shall suspend or revoke the approval issued for the equipment until the equipment is resubmitted to, and retested by, a testing agency approved by the commissioner and is found to be in compliance with the law. The commissioner may, at the time of retest, purchase in the open market and submit to the testing agency one or more sets of the equipment. If the equipment upon retest fails to comply with the law, the commissioner may refuse to renew the certificate of approval of the equipment.

(c) After January 1, 1978, a motorcycle helmet may not be manufactured or sold in this state that does not conform to standards established in regulations adopted by the commissioner. These regulations must provide for helmets that allow normal peripheral vision and hearing and minimize neck injuries to the wearer potentially caused by the helmet. For the purposes of this section and [AS 28.05.011](#)(a)(2), a motorcycle helmet is considered to be vehicle equipment.

(d) In this section, “commissioner” means the commissioner of public safety.

Sec. 28.05.090. Citation form. [Repealed, § 6 ch 178 SLA 1978.]

Sec. 28.05.091. Impoundment of unlawful vehicles.

A motor vehicle that is driven on a highway or vehicular way or area, and that has been determined to be defective in equipment so as to be unsafe for driving, or on which the vehicle identification number has been removed, defaced, or otherwise altered, is an unlawful vehicle and may be impounded by a peace officer or an employee of the Department of Public Safety officially designated for that purpose. The owner or person in lawful possession of a vehicle that is driven on a highway or vehicular way or area and that is so defective in equipment as to be unsafe for driving shall pay the necessary costs of impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

(1) the correction of a defect in the equipment;

(2) dismantling or wrecking; or

(3) storage without repair.

Sec. 28.05.095. Use of seat belts and child safety devices required.

(a) Except as provided in (c) of this section, a person

(1) 16 years of age or older may not occupy a motor vehicle while being driven on a highway unless restrained by a safety belt; and

(2) may not drive a motor vehicle on a highway unless restrained by a safety belt.

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. A child

(1) less than one year of age or a child one year of age or older who weighs less than 20 pounds shall be properly secured in a rear-facing child safety seat that meets or exceeds standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(2) one or more years of age but less than four years of age who weighs 20 pounds or more shall be properly secured in a child restraint device that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(3) over four years of age but less than eight years of age who is less than 57 inches in height and weighs 20 or more pounds but less than 65 pounds shall be properly secured in a booster seat that is secured by a seat belt system or by another child passenger restraint system that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(4) over four years of age who exceeds the height or weight requirements in (3) of this subsection shall be properly secured in a seat belt;

(5) eight years of age but less than 16 years of age who does not exceed the height and weight requirements in (3) of this subsection shall be properly secured in a child safety device approved for a child of that size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child as determined solely by the driver.

(c) Subsections (a) and (b) of this section do not apply to

(1) passengers in a school bus, unless the school bus is required to be equipped with seat belts by the United States Department of Transportation, or an emergency vehicle;

(2) a vehicle operator acting in the course of employment delivering mail or newspapers from inside the vehicle to roadside mail or newspaper boxes;

(3) a person or class of persons exempted by regulation under [AS 28.05.096](#);

(4) a person required to be restrained by safety belts under (a) or (b) of this section if the motor vehicle is not equipped with safety belts; or

(5) operators or passengers of motorcycles, motor-driven cycles, off-highway vehicles, electric personal mobility vehicles, snowmobiles, and similar vehicles not designed to be operated on a highway.

(d) A person may not remove a safety belt from a vehicle solely to be exempted under (c)(4) of this section.

(e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle.

(f) In a prosecution under (a) of this section, the prosecution must prove that the peace officer stopping or detaining the vehicle personally observed the violation of (a) of this section before stopping or detaining the vehicle or otherwise had probable cause to stop or detain the vehicle.

Sec. 28.05.096. Exemptions and alternative safety devices.

(a) The commissioner of public safety may adopt regulations to exempt a person or a class of persons from the requirements of [AS 28.05.095](#) if the commissioner determines that the use of a safety belt or child safety device is impractical because of physical or medical conditions of the person or class of persons.

(b) The commissioner of public safety shall specify alternative means of protection for children exempted under this section.

Sec. 28.05.097. Child safety device loan program. [Repealed, E.O. No. 101, § 5 (2000). For current law, see [AS 19.05.043](#).]

Sec. 28.05.098. Sale of child safety devices.

A person may not sell, offer for sale, or install in any motor vehicle a child safety device that does not conform to all applicable federal standards for the device on the date of the sale, offering, or installation.

Sec. 28.05.099. Penalty.

(a) A person convicted of a violation of [AS 28.05.095](#)(a) or (d) is guilty of an infraction and may be fined up to \$15 or the court may waive the fine if the person convicted donates \$15 to the emergency medical services entity providing services in the area in which the violation occurred.

(b) A person convicted of a violation of [AS 28.05.095](#)(b) is guilty of an infraction, and may be fined up to \$50. The person may also be assessed demerit points as determined by regulations of the department, notwithstanding the provisions of [AS 28.15.231](#)(b). A person who violates [AS 28.05.095](#)(b) by failing to provide a child safety device or safety belt may provide a peace officer, including a village safety officer, proof of purchase or acquisition, and installation, of an approved child safety device or safety belt. If the proof is provided within 30 days after the issuance of a citation for the infraction, the court shall dismiss the citation and no points shall be assessed under this subsection unless the person has

(1) been convicted previously for violating [AS 28.05.095](#) by failing to provide a child safety device or safety belt;

(2) been cited for failure to provide a child safety device or safety belt and has forfeited the bail required by the citation; or

(3) provided proof under this subsection on a prior occasion.

Sec. 28.05.104. School buses. [Repealed, § 2 ch 51 SLA 1999.]

Sec. 28.05.106. Custom collector vehicle equipment.

(a) A custom collector vehicle shall be equipped with

(1) hydraulic service brakes on all wheels;

(2) sealed beam or halogen headlights;

(3) safety belts for all occupants;

(4) turn signals and turn signaling switch;

(5) safety glass or lexan;

(6) electric or vacuum windshield wiper located in front of the driver;

(7) standard or blue-dot taillights; and

(8) a parking brake that operates on at least two wheels on the same axle.

(b) Notwithstanding any other provisions of this title or regulations adopted under this title, the Department of Public Safety may not require a custom collector vehicle to be equipped with a bumper, hood, or fenders.

(c) A custom collector vehicle shall be equipped in a manner that while in motion and functional on the vehicle's four rims on a flat surface, the suspension, steering, or chassis does not contact the highway, vehicular way, or area.

Article 3. Subpoenas, Notices, and Hearings.

Sec. 28.05.111. Subpoenas of witnesses and documents.

(a) The commissioner of public safety and officers and employees of the Department of Public Safety designated by that commissioner, and the commissioner of administration and officers and employees of the Department of Administration designated by that commissioner, may, for good cause, subpoena witnesses to give testimony under oath or to give written deposition upon a matter under the jurisdiction of the appropriate department with respect to this title and regulations adopted under this title. A subpoena issued under this section may require the production of relevant books, papers, documents, records, or other tangible things designated in the subpoena.

(b) A subpoena issued under this section shall be served at least five days before the return date, either by personal service made by a peace officer or another person who is not less than 18 years of age or by registered or certified mail. Return acknowledgment is required to prove service by mail. The fees for the attendance and travel of witnesses are the same as for witnesses appearing before the district court.

(c) A subpoena issued under this section may be enforced by the district court.

Sec. 28.05.121. Giving of notice.

When the Department of Public Safety or the Department of Administration is authorized or required to give notice under this title or regulations adopted under this title, unless a different method of giving notice is otherwise expressly provided, notice shall be given by a qualified person, either by personal delivery to the person to be notified or by registered or certified mail, return receipt requested, addressed to the person at the address of the person as shown in the records of the appropriate department. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed. Proof of the giving of notice in either manner may be made by the affidavit of the person giving the notice by personal delivery or by mail, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

Sec. 28.05.131. Opportunity for hearing required.

(a) Unless otherwise specifically provided, or unless immediate action in suspending, revoking, canceling, limiting, restricting, denying, or impounding is necessary for the protection of the health, safety, or welfare of the public, the Department of Public Safety or the Department of Administration, as appropriate, shall give notice of the opportunity for an administrative hearing before a license, registration, title, permit, or privilege issued or allowed under this title or regulations adopted under this title is suspended, revoked, cancelled, limited, restricted, or denied or a vehicle is impounded by that department. If action is required under this section and prior opportunity for a hearing cannot be afforded, the appropriate department shall promptly give notice of the opportunity for a hearing as soon after the action as possible to the parties concerned.

(b) The notice under this section must state the reasons for the proposed action of the Department of Public Safety or of the Department of Administration, and must provide for a reasonable attendance date of not less than 10 days after service of the notice. If there is no request for a hearing by the attendance date specified in the notice, the hearing is considered to have been waived.

Sec. 28.05.141. Hearings and appeals.

(a) Unless otherwise specifically provided, all hearings required under this title or regulations adopted under this title shall be conducted by the Department of Public Safety or the Department of Administration, as appropriate, under regulations adopted by the appropriate commissioner governing practice and procedure and consistent with due process of law. Hearings must be informal, and technical rules of evidence do not apply. A person who requests a hearing may retain an attorney. The hearing officer shall be appointed by the appropriate commissioner and may be appointed from the department conducting the hearing. A hearing officer need not be an attorney, but must be impartial and may not have participated in the decision that is under review. The hearing officer does not have to file a full opinion or make formal findings of fact or conclusions of law, but the hearing officer must state the reasons for the determination and indicate the evidence relied upon. The proceedings at the hearing shall be recorded.

(b) A hearing ordered under (a) of this section must be held by telephone unless the hearing officer finds that a telephonic hearing would substantially prejudice the rights of the person involved in the hearing or that an in-person hearing is necessary to decide the issues to be presented in the hearing. An in-person hearing must be held at the office of the Department of Public Safety or of the Department of Administration nearest to the residence of the person involved in the hearing unless the appropriate department and the person agree that the hearing is to be held elsewhere. The appropriate department shall grant a hearing delay if the person presents good cause for the delay. If a person fails to attend or appear for the hearing at the time

and place stated by the appropriate department and if a hearing delay has not been granted, the person's failure to attend or appear is considered a waiver of the hearing and the appropriate department may take appropriate action with respect to the person.

(c) If at a hearing conducted by the Department of Administration under (a) of this section it appears that the record of the person sustains suspension, revocation, limitation, denial, or other remedial action, the hearing officer shall so order and the Department of Administration may suspend, revoke, limit, deny, or take other remedial action against that person's license, registration, or title and, if appropriate, the department shall adjust the person's point total accumulated under [AS 28.15.231](#).

(d) A person aggrieved by the decision of the hearing officer may, within 30 days after a decision is mailed or delivered to the person, file an appeal in superior court for judicial review of the hearing officer's decision. The judicial review shall be on the record. The court may reverse the determination of the Department of Public Safety or of the Department of Administration if the court finds that the department making the determination misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record. The respective department's decision suspending, revoking, canceling, limiting, restricting, or denying a license, registration, title, permit, or privilege is stayed and does not take effect during the pendency of an appeal.

Article 4. Disposition of Certain Vehicle and Traffic Offenses.

Sec. 28.05.151. Citations for scheduled vehicle and traffic offenses.

(a) The supreme court shall determine by rule or order those motor vehicle and traffic offenses, except for offenses subject to a scheduled municipal fine, that are amenable to disposition without court appearance and shall establish a scheduled amount of bail, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance the municipal motor vehicle and traffic offenses that may be disposed of without court appearance and shall establish a fine schedule for each offense.

(b) The supreme court shall establish a scheduled amount of bail allowing disposition of a citation for a violation of [AS 28.05.095](#) and [AS 28.35.161](#) that is punishable as a violation without court appearance.

(c) The supreme court shall require as a condition of the disposition of an offense without appearance that a person charged with any offense for which a bail forfeiture amount has been adopted shall pay the surcharge prescribed in [AS 12.55.039](#) in addition to the bail forfeiture amount established by the supreme court. The surcharge required to be paid under this subsection shall be deposited into the general fund and accounted for under [AS 37.05.142](#).

(d) The supreme court, in establishing scheduled amounts of bail under this section, and each municipality that establishes or has established a fine schedule under this section shall provide that the scheduled amount of bail or fine, as applicable, for a motor vehicle or traffic offense that is committed in a highway work zone or traffic safety corridor shall be double the amount of the bail or fine for the offense if it had not been committed in a highway work zone or traffic safety corridor.

(e) The supreme court, in establishing scheduled amounts of bail under this section, and each municipality that establishes or has established a fine schedule under this section may not allow for the disposition of an offense without court appearance for a person who is cited for violation of the traffic laws in connection with a motor vehicle accident if the accident resulted in the death

of a person. In this subsection, “traffic laws” has the meaning given in [AS 28.15.261](#).

Sec. 28.05.155. Court and collection costs.

If a person's permanent fund dividend is attached to pay the bail or fine for an offense involving a moving motor vehicle, the court shall increase the bail or fine of that person by at least

(1) \$25 for court costs; and

(2) \$10 for collection costs.

Chapter 10. Vehicle Registration, Liens, and Title.

Article 1. Registration.

Sec. 28.10.010. Administration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.011. Vehicles subject to registration.

Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

(1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;

(2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in [AS 28.10.031](#) and 28.10.181(j);

(3) special mobile equipment as defined by regulation;

(4) owned by the United States;

(5) moved by human or animal power;

(6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);

(7) driven or parked only on private property;

(8) the vehicle of a nonresident as provided under [AS 28.10.121](#);

(9) transported under a special permit under [AS 28.10.151](#);

(10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system; or

(B) a highway or vehicular way with an average daily traffic volume greater than 499;

(11) an implement of husbandry operated in accordance with the provisions of [AS 19.10.065](#);

(12) an electric personal motor vehicle.

Sec. 28.10.020. Powers and duties. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.021. Application for registration.

(a) The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under [AS 28.05.041](#). Before the issuance of a certificate of registration by the department, the owner shall

(1) pay all registration fees and taxes required under this chapter and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954);

(2) unless the owner qualifies as a self-insurer under [AS 28.20.400](#) or is exempted from obtaining liability insurance under [AS 28.22.011](#), certify to the department the existence of a motor vehicle liability policy that complies with [AS 28.22.011](#) for the vehicle being registered; in this paragraph, “certify” means to indicate by check-off on the vehicle registration form prescribed by the department the existence of a policy of insurance, if a policy is required at that time, and the intention to continue the policy or obtain a policy as required by this subsection; and

(3) comply with other applicable statutes and regulations.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law.

(c) An employee of the department who processes an application for registration or renewal of registration, other than an application received by mail or an application for registration under [AS 28.10.152](#), shall ask the applicant orally whether the applicant wishes to execute an anatomical gift. The department shall make known to all applicants the procedure for executing an anatomical gift under [AS 13.52](#) (Health Care Decisions Act) by displaying posters in the offices in which applications are taken, by providing a brochure or other written information to each person who applies in person or by mail, and, if requested, by providing oral advice. The department shall inform each applicant in writing that, if the applicant executes a gift under [AS 13.52](#) and if the gift is made with the registration application, the department will transmit the information on the registration to a donor registry created under [AS 13.50.110](#). The department shall also direct the applicant to notify a procurement organization or the department under [AS 13.50.140](#) if the registration is destroyed or mutilated or the gift is revoked under [AS 13.52.183](#). The department shall carry out the requirements of [AS 13.50.100](#) — 13.50.190.

Sec. 28.10.030. Unregistered vehicles. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.031. Temporary permits.

(a) When application, accompanied by the proper fee and tax, has been made for the registration of a vehicle, the vehicle may be driven pending the issuance of a certificate of registration by displaying a temporary permit issued by the department.

(b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by the dealer a temporary permit to drive the vehicle. A permit is effective for a period not to exceed 60 days. The commissioner shall adopt regulations governing the issuance of permits under this section.

(c) A person may not operate a vehicle under an expired permit issued under this section.

Sec. 28.10.040. Registration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.041. Grounds for refusing registration.

(a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in the state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien on the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of the state;
- (7) the required fees or taxes have not been paid;
- (8) the vehicle or applicant fails to comply with this chapter or regulations implementing this section;
- (9) the vehicle is without a certificate of inspection required under [AS 19.10.310](#);
- (10) except for a vehicle to be registered under [AS 28.10.152](#), the vehicle is subject to a state-approved emission inspection program adopted under [AS 46.14.400](#) or 46.14.510, and the vehicle does not meet the standards of that program;
- (11) the applicant fails to certify to the department the existence of a motor vehicle liability policy that complies with [AS 28.22.101](#) for the vehicle being registered unless the owner of the vehicle qualifies as a self-insurer under [AS 28.20.400](#) or is exempted from obtaining liability insurance under [AS 28.22.011](#);
- (12) the applicant is a commercial motor carrier prohibited from operating by a federal agency.

(b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under [AS 28.05.131](#) — 28.05.141.

(c) Except for a vehicle to be registered under [AS 28.10.152](#), the department shall refuse to register a vehicle subject to the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails to furnish proof, in the form prescribed by the United States Secretary of the Treasury, that the tax has been paid.

(d) The department shall refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's full first, middle, and last name or a business name.

Sec. 28.10.050. Application. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.051. Department may suspend or revoke registration.

(a) The department may suspend or revoke the registration of a vehicle, the certificate of registration or registration plates for a vehicle, or a special permit when

(1) the department determines that the registration or certificate, plate, or permit was fraudulently procured or erroneously issued;

(2) the department determines that a registered vehicle is mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state and the vehicle has been seized or impounded under [AS 28.05.091](#);

(3) a registered vehicle has been scrapped, dismantled, or destroyed beyond repair;

(4) the department determines that a required fee or tax has not been paid and the fee or tax is not paid upon reasonable notice and demand;

(5) a registration plate, permit, or certificate is knowingly displayed on a vehicle other than the vehicle for which issued;

(6) the department determines that the owner of a vehicle has committed an offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;

(7) the vehicle has been reported to the department as stolen or unlawfully converted;

(8) the department is otherwise required to do so under the laws of this state;

(9) the department determines that the vehicle owner has violated the requirements of [AS 28.10.146](#) or 28.10.147;

(10) the department determines that a repair to a commercial motor vehicle, ordered by the Department of Transportation and Public Facilities or the Department of Public Safety under regulations adopted under [AS 19](#), was not completed after the owner or operator represented to the Department of Transportation and Public Facilities, the Department of Public Safety, or the Department of Administration that the repair had been completed;

(11) the owner or operator of a commercial motor vehicle has placed a commercial motor vehicle back in service after it has been placed out of service by the Department of Transportation and Public Facilities or the Department of Public Safety without having it reinspected as required under regulations adopted under [AS 19](#);

(12) the owner or operator is a commercial motor carrier prohibited from operating by a federal agency; or

(13) the commercial motor vehicle is subject to an out-of-service order issued by a state or federal agency.

(b) Unless the owner qualifies as a self-insurer under [AS 28.20.400](#), or is exempted from obtaining liability insurance under [AS 28.22.011](#), the department may suspend or revoke the registration of a vehicle that is not insured by a motor vehicle liability policy that complies with [AS 28.22.101](#).

Sec. 28.10.060. Vehicles registered elsewhere. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.061. Registration of vehicles with altered or missing identification number.

When the vehicle identification number required to be registered under this chapter has been altered, removed, or defaced, or is not on the vehicle, the owner shall, immediately upon discovery, apply to the department for replacement of the identification number and for a new registration. The department shall search all available sources to determine the identification number originally assigned and, if the number is determined, shall replace it. If efforts to determine the original identification number fail, the owner shall furnish information to show that the owner is entitled to ownership of the vehicle and have it inspected by the department. The department, when satisfied as to the ownership of the vehicle, shall assign an identification number to the vehicle and have the number placed upon the vehicle to which it is assigned. The vehicle shall then be registered under the replaced or assigned identification number.

Sec. 28.10.065. Custom collector vehicle registration and identification.

When the department is satisfied as to the ownership of a replica of a custom collector vehicle and the vehicle does not have an identification number, the department shall assign a vehicle identification number to the vehicle and have the number stamped on the vehicle. A custom collector replica vehicle shall be registered as a vehicle constructed during the period represented by the replica.

Sec. 28.10.070. Taxes. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.071. Registration records and statistics; stolen vehicles.

(a) The department shall review each application for registration received and, when satisfied that it is correct, register the vehicle and keep a record of the registration in suitable books, index cards, or electronic or photographic recording and storage media, or in any combination of them. The vehicles are referred to as “registered vehicles.” The department may compile a record of the number and types of vehicles registered in this state and may make statistical data available to the public for a fee as prescribed in regulations adopted by the commissioner. The department may also provide vehicle registration lists to the public for a fee as an electronic service or product under [AS 40.25.115](#). The commissioner may prescribe, by regulation, fees relating to the provision of vehicle registration lists.

(b) Records under this section shall be maintained

(1) by a distinctive registration number assigned to the vehicle;

(2) by the vehicle identification number, including but not limited to a record of identification numbers replaced or assigned under [AS 28.10.061](#);

(3) by the name and residence and mailing address of the owner; and

(4) as otherwise required by the department.

(c) The department shall keep a record of the registrations of vehicles used in law enforcement work when secrecy is necessary. This record is separate from the record required by (a) of this section and may be disclosed only to and upon the request of the chief peace officer of a municipality, a state trooper district commander, the chief federal law enforcement officer assigned to the state, or to a court upon an appropriate order.

(d) The department shall maintain and appropriately index cumulative records of stolen, converted, recovered, and unclaimed vehicles reported to it. The department may make and distribute weekly lists of these vehicles to peace officers and to other departments upon their request without charge and to the public for a reasonable fee as prescribed by the department.

Sec. 28.10.080. False statements. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.10.081. Issuance of certificate of registration; certificate to be signed, carried, and displayed.

(a) The department shall mail or deliver the certificate of registration to the owner. The certificate of registration must contain the assigned registration number, the name, the residence and mailing addresses of the owner, the vehicle identification number, the fees paid, and as much of the vehicle description appearing on the title as the commissioner considers necessary.

(b) Every certificate of registration shall, except when used to apply for renewal of registration or to transfer the registration, be carried in the vehicle to which it refers. The driver of a vehicle shall display the original certificate of registration or a legible photocopy if the original is on file at the address shown on the certificate of registration to a peace officer or an officer or employee of the department acting in an official capacity upon the request of that officer or employee.

Sec. 28.10.090. New vehicles. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.091. Lost or mutilated certificates of registration or registration plates.

If a certificate of registration or a registration plate is lost, stolen, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the certificate or plate was issued as shown by the records of the department shall, immediately upon discovering the fact, apply for a duplicate or substitute certificate of registration or registration plate and shall return to the department all parts of the original certificate of registration or registration plates that the applicant possesses.

Sec. 28.10.100. Grounds for refusal. [Repealed, § 7 ch 178 SLA 1978.]

Secs. 28.10.101 — 28.10.107. Expiration of registration; staggered registration. [Repealed, § 37 ch 21 SLA 1985. For current law, see [AS 28.10.108](#).]

Sec. 28.10.108. Registration procedures.

(a) Except for a vehicle registered under [AS 28.10.152](#) or 28.10.155, a vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.

(b) [Repealed, § 29 ch 6 FSSLA 1996.]

(c) [Repealed, § 29 ch 6 FSSLA 1996.]

(d) A registered vehicle retains the same biennial expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow biennial registration to occur in the month of the owner's choice, except that registration may not extend beyond the expiration of an emissions inspection and maintenance certificate required for the vehicle. Notwithstanding the other provisions of this chapter, upon request of the owner, payment of the annual fee set out in [AS 28.10.421\(h\)](#), payment of any annual vehicle registration tax due under [AS 28.10.431\(l\)](#), and, if applicable, payment of one-half of the biennial emission control inspection program fee imposed under [AS 28.10.423](#), the

department shall register a vehicle used for commercial purposes for a one-year period.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, one registration plate, tabs, and a registration form displaying the month and year in which the registration expires.

(h) The department shall mail or deliver notice of registration expiration to the registered owner of record at the owner's mailing address or electronic mail address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle on the department's Internet website or by returning the notice form, together with appropriate fees, to the department by mail postmarked not later than the fifth day of the registration renewal period shown on the vehicle's current registration or notice form. Upon receipt of a timely registration renewal application and the appropriate fees and taxes, the department shall renew the registration and mail the current registration card and registration plate or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

(1) the dealer is registered with the state; and

(2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section.

(l) Notwithstanding the other provisions of this section, the following vehicles are not required to be registered biennially and shall be registered one time only:

(1) a vehicle qualifying for registration under [AS 28.10.181\(d\)](#); or

(2) a vehicle owned by a person who is 65 years of age or older; this paragraph applies to only one vehicle owned by the person who is 65 years of age or older.

Sec. 28.10.110. Registration card. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.111. Renewal of registration.

(a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the biennial registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for a longer registration period; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner.

Sec. 28.10.120. Plates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.121. Vehicles of nonresidents.

(a) A nonresident owner of a noncommercial vehicle registered outside the state is exempt from the registration provisions of this chapter for 60 days after entry into the state if the vehicle at all times when driven in this state is registered in and has displayed upon it a currently valid registration plate issued for it by another jurisdiction. However, if the person becomes gainfully employed in the state or takes action that indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 10 days of commencement of employment or of taking action that indicates the person's intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must be registered when its commercial use begins except as provided in [AS 28.10.011](#), 28.10.131(c), and 28.10.152.

(b) A vehicle owned by a nonresident and of a type subject to registration under this chapter, that is leased or rented to a person having an established place of business, a residence, or employment in this state, is subject to registration under this chapter either by the owner or lessee.

(c) A vehicle under (a) of this section that is owned and driven by a full-time student pursuing a course of study beyond the high school level and upon which current, valid registration by another jurisdiction is maintained need not be registered in this state unless the student establishes residence or accepts full-time employment in the state. This exemption applies only to the extent that the jurisdiction in which the vehicle is registered grants the same exemptions and privileges to a vehicle registered in this state.

(d) It is the responsibility of the person claiming exemption under this section to provide proof of qualification for the exemption.

Secs. 28.10.125 — 28.10.130. Historic vehicles, occasional users; plates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.131. Vehicles previously registered in another jurisdiction.

(a) Except for a vehicle to be registered under [AS 28.10.152](#), if a vehicle to be registered under this chapter is previously registered outside the state, the jurisdiction of registry shall be stated in the application, and the owner shall surrender to the department all evidence of out-of-state registration in the owner's possession or control except as provided in this section, and the department may require verification of the vehicle identification number.

(b) If the owner is unable to provide the necessary evidence of ownership, the department, when satisfied that the applicant is the lawfully registered owner of the vehicle, may register the vehicle without issuing a title and shall type or stamp on the face of the State of Alaska certificate of registration "No Title Issued." The issuance of the Alaska certificate of title shall be withheld until the registered or legal owner provides for the surrender of the out-of-state title, or in the case of a nontitle state, documents that satisfy the department of ownership and any liens on the vehicle, or until the posting of a vehicle surety bond equal to the market value of the vehicle, which bond shall be maintained for two years.

(c) Except as provided in [AS 28.10.152](#), if the owner of a commercial vehicle desires to maintain title in another jurisdiction, the department, when satisfied that the applicant is temporarily operating in-state and is the lawfully registered owner of the commercial vehicle, may register the commercial vehicle without issuing a title and shall type or stamp on the face of the State of

Alaska certificate of registration “No Title Issued.”

Secs. 28.10.135 , 28.10.140. Reflective plates; attachment. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.141. Interstate use of vehicles. [Repealed, § 21, ch 48 SLA 1998.]

Sec. 28.10.146. Registration of interstate rental trucks.

(a) Notwithstanding any other registration requirement of this chapter, a fleet rental truck owner or authorized representative shall register a percentage of the total fleet as determined under this subsection, and shall pay the fees and taxes required by this chapter. The percentage of fleet rental trucks required to be registered is equal to the total number of miles that all trucks in the rental fleet were driven in this state during a calendar year or other period established by the department by regulation, divided by the total number of miles that all trucks in the rental fleet were driven in all states and the District of Columbia during that period.

(b) When applying for registration under (a) of this section, the fleet rental owner or authorized representative shall file with the department a certified report containing verifiable data, reporting

(1) the total number of miles operated by all of the trucks in the rental fleet in all states and the District of Columbia during the preceding calendar year or other period specified by the department;

(2) the total number of miles operated in this state by all of the trucks in the rental fleet during the preceding calendar year or other period specified by the department; and

(3) other fleet rental truck registration information that the department may require.

(c) A fleet rental owner or authorized representative whose application for registration under this section has been accepted by the department shall preserve records of the period on which the application was based for four years. Upon request of the department, the fleet rental owner or authorized representative shall

(1) provide records preserved under this subsection to the department for audit; or

(2) pay the cost of an audit conducted by a representative of the department at the office of the owner.

(d) After compliance with this section, all trucks identified as part of the rental fleet, and currently registered in any state or in the District of Columbia, may operate in this state.

(e) If the department determines that the fleet rental owner or authorized representative has not registered fleet rental trucks as required by this section, the department may suspend or revoke a registration previously issued, and may deny future fleet rental registration under (a) of this section, until the owner or authorized representative has complied with this section. If registration under (a) of this section has been suspended, revoked, or denied, all the owner's fleet rental trucks present in the state must be registered under applicable state law.

(f) A fee or tax paid as a result of registration required under this section does not satisfy or offset other fees or taxes levied by the state or a political subdivision in connection with the ownership or operation of fleet rental trucks.

(g) In this section, “fleet” means a fleet of 10 or more rental trucks that are rented or offered for rent without a driver.

Sec. 28.10.147. Registration of interstate rental trailers.

(a) Notwithstanding any other registration requirement of this chapter, a fleet rental trailer owner or authorized representative shall register the average number of trailers present in this state as calculated under this subsection, and shall pay the fees and taxes required by this chapter. The average number of trailers is equal to the total number of trailers in the fleet that were present at any time in the state during a calendar year or other period established by the department by regulation, divided by the number of calendar months in the period.

(b) When applying for registration of trailers as required under (a) of this section, the fleet rental owner or authorized representative shall file with the department a certified report containing verifiable data as to the average number of trailers that were present at any time in the state for the previous calendar year or other period specified by the department.

(c) A fleet rental owner or authorized representative whose application for registration under this section has been accepted by the department shall preserve records of the period on which the application was based for four years. Upon request of the department, the fleet rental owner or authorized representative shall

(1) provide records preserved under this subsection, to the department at its office for audit; or

(2) pay the cost of an audit conducted by a representative of the department at the office of the owner.

(d) After compliance with this section, all trailers identified as part of the rental fleet, and currently registered in any state or in the District of Columbia, may operate in this state.

(e) If the department determines that the fleet rental owner or authorized representative has not registered fleet rental trailers as required by this section, the department may suspend or revoke a registration previously issued, and may deny future registration under (a) of this section, until the owner has complied with this section. If registration under (a) of this section has been suspended, revoked, or denied, all the owner's fleet rental trailers present in the state must be registered under applicable state law.

(f) A fee or tax paid as a result of registration required under this section does not satisfy or offset other fees or taxes levied by the state or a political subdivision in connection with the ownership or operation of fleet rental trailers.

(g) In this section, "fleet" means a fleet of 10 or more rental trailers that are rented or offered for rent for personal use, not for the transportation of persons or property for hire or other commercial use, and includes a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, or travel trailer.

Sec. 28.10.150. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.151. Vehicles transported under special permits.

(a) When moved or driven under a special permit to be designed and issued by the department, the registration required by this chapter is not required of

(1) a vehicle under construction and that is not completed;

(2) a vehicle while being moved from one place to another for the purpose of inspection, weighing, or meeting other requirements of the department;

(3) a vehicle while being moved or driven from one location to another for the purpose of rebuilding, dismantling, or permanently removing the vehicle from the highways and vehicular ways and areas of the state; or

(4) an unladen commercial vehicle making a single continuous trip by a noncircular route for a period of time not exceeding 10 days.

(b) A special permit issued under this section shall be prominently displayed.

Sec. 28.10.152. Certificates of temporary registration for certain commercial vehicles.

(a) If a commercial vehicle registered outside the state enters the state and is not to be registered under [AS 28.10.121](#), 28.10.131, or another provision of this chapter, it must be temporarily registered under the provisions of this section.

(b) For a commercial vehicle to be registered under this section, the operator of the vehicle must provide proof of valid registration of the vehicle in another jurisdiction and any other documentation required by the department by regulation. Upon receipt of the proof of registration, any other required documentation, and payment of the applicable fee under (d) of this section, the department or the department's designee may issue a certificate of temporary registration, valid for 30 days, for the commercial vehicle. The certificate of temporary registration must state the date of issuance and the expiration date.

(c) A certificate of temporary registration under this section may be issued for a commercial vehicle even if a certificate of temporary registration has previously been issued for the vehicle and has expired.

(d) The fee for a certificate of temporary registration under this section is

(1) for a truck or a truck tractor, \$350;

(2) for a commercial bus, \$350;

(3) for all other commercial vehicles, including a trailer or a semi-trailer, \$10.

(e) Fees collected under this section may be appropriated by the legislature to the Department of Transportation and Public Facilities for programs related to commercial vehicles, including the administration and operation of weigh stations and commercial vehicle safety programs.

Sec. 28.10.155. Permanent motor vehicle registration.

(a) The owner of a motor vehicle, other than a commercial motor vehicle, that is required to be registered under this chapter may elect to register the motor vehicle permanently in lieu of registration under [AS 28.10.108](#) if the vehicle is at least eight years old and the owner resides in the unorganized borough or in a municipality that elects, by passage of an appropriate ordinance, to allow the permanent registration of motor vehicles. The permanent registration expires when the owner transfers or assigns the owner's title or interest in the vehicle. A permanent registration may not be renewed. Upon receiving the proper application and fees, the department shall issue to the registered owner one registration plate, tabs, and a permanent registration form.

(b) The fees for permanent registration must equal the fees that would be applicable if the motor vehicle were registered under [AS 28.10.108](#), plus a permanent registration fee of \$25. The motor vehicle registration tax for a permanently registered vehicle is the rate established for permanent motor vehicle registration under [AS 28.10.431\(j\)](#). If a municipality has not established a tax for a permanently registered motor vehicle, the biennial rate established in [AS 28.10.431\(b\)](#) or (j), if any, is levied upon the vehicle and is payable only once at the time a motor vehicle is permanently registered. Except as provided in [AS 28.10.423\(b\)](#), the owner of a permanently registered motor vehicle is not required to pay other registration fees or taxes under this chapter.

Sec. 28.10.160. Transfers. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.161. Registration plates to be furnished by department.

(a) Except for a vehicle registered under [AS 28.10.152](#), the department, upon registering a vehicle, shall issue the owner one fully reflectorized registration plate for the vehicle. Except as specifically provided in [AS 28.10.181](#), the plate must remain with the vehicle as long as the vehicle is subject to registration under this chapter.

(b) Every passenger vehicle registration plate, except as specifically provided in [AS 28.10.181](#), shall have displayed on it

(1) one of the following designs:

(A) the Alaska flag design, consisting of the Alaska flag, the traditional colors of yellow-gold and blue, and the slogan “The Last Frontier”;

(B) the bear design, consisting of a standing grizzly bear in the center of the plate; the bear design shall be modeled after the 1976 bicentennial plate without the bicentennial symbol; or

(C) the design celebrating the arts chosen by the commissioner through consultation with the Alaska State Council on the Arts; the commissioner shall choose a new design for the plates celebrating the arts every four years and discontinue issuance of the previous design;

(2) the registration number assigned to the vehicle for which it is issued;

(3) the name of this state, which may be abbreviated; and

(4) the registration year number or expiration date for which time it is validated; the registration year number or expiration date may be part of the license plate or contained on a suitable sticker or tab device issued by the department; however, only one sticker or tab device may be issued for each plate or pair of plates, and the sticker or tab device must be affixed to the

(A) rear plate for noncommercial vehicles; or

(B) front plate for commercial vehicles.

(c) The department may not adopt a new or altered passenger vehicle registration plate, except as specifically provided in [AS 28.10.181](#), unless it substantially embodies the specifications of this section.

(d) The department shall produce registration plates in each of the designs described in (b)(1) of this section. Upon registering a passenger vehicle, the owner shall select the plate design described in (b)(1) of this section that is to be issued by the department for the vehicle.

(e) A person or organization owning a vehicle that is issued two registration plates by the department may elect to return one registration plate to the department. The registration plate that

is not returned to the department shall be attached to the

(1) rear of the vehicle for which it is issued for a noncommercial vehicle; or

(2) front of the vehicle for which it is issued if the vehicle is a commercial vehicle.

Sec. 28.10.165. Souvenir winter olympics plate. [Repealed, § 9 ch 20 SLA 1990.]

Sec. 28.10.170. Expiration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.171. Display of registration plates.

(a) When two registration plates are issued for a vehicle, they shall be attached to the vehicle for which issued, one in front and the other in the rear. When one registration plate is issued, it shall be attached to the

(1) rear of the vehicle for which issued for a noncommercial vehicle; or

(2) front of the vehicle for which issued if the vehicle is a commercial vehicle; in this paragraph, “commercial vehicle” has the meaning given to “commercial motor vehicle” in [AS 19.10.399](#).

(b) Every registration plate issued under this chapter shall be securely fastened to the vehicle to which it is assigned, with the upper edge of the plate horizontal, at a height of not less than 12 inches from the ground measuring from the bottom of the plate, and maintained in a location and condition so as to be clearly legible. However, when considered necessary to insure legibility, the commissioner may provide by regulation for another method of installation.

Secs. 28.10.172 , 28.10.180. Staggered registration; renewal. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes; special registration plates.

(a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in [AS 28.10.421](#)(d), 28.10.431, and 28.10.441. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle that the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of a historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and (1) issue one permanent registration plate of distinctive design and color bearing no date; a vehicle qualifying for registration under this paragraph shall be issued a registration plate numbered in a separate numerical series beginning with “Historic Vehicle No. 1”; or (2) allow the vehicle to use a registration plate of this state supplied by the vehicle owner that corresponds to the year the vehicle was manufactured if the vehicle was manufactured 30 or more years before the year of application. A registration plate issued under this subsection

remains with the vehicle as long as the vehicle is registered under this subsection.

(c) Special request plates. Upon application by the owner of a motor vehicle, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) Vehicles owned by veterans with disabilities, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one motor vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; (B) the international symbol of accessibility (the wheelchair logo); and (C) if the applicant is a veteran, the Alaska and United States flags and red, white, and blue colors. A person who is not otherwise qualified under this subsection, but who meets the qualifications of a disabled veteran under [AS 29.45.030\(i\)](#), may register one motor vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the international symbol of accessibility and does not carry with it special parking privileges. A disabled veteran who otherwise qualifies for a registration plate under this subsection may elect to receive a plate under (p) or (q) of this section for which the person is otherwise qualified that does not display the international symbol of accessibility and does not carry with it special parking privileges. A disabled person who otherwise qualifies for a registration plate under (2)(B) of this subsection may elect to receive a plate under another provision of this section for which the person is otherwise qualified that does not display the international symbol of accessibility and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a speech-language pathologist under [AS 08.11](#), as a chiropractor under [AS 08.20](#), as a physician or physician assistant under [AS 08.64](#), as an advanced practice registered nurse under [AS 08.68](#), or as a physical therapist or occupational therapist under [AS 08.84](#).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality, or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality, or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality, or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific, or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on motor vehicles owned and driven by the official except that the plates may not be displayed on a vehicle that is visually identifiable as a commercial vehicle. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this

subsection may remain on the vehicle only during the official's term of office.

(g) [Repealed, § 9 ch 20 SLA 1990.]

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 20,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and that is used exclusively to transport (1) the person's own ranch, farm, or dairy products, or greenhouse or nursery products, including vegetables, plants, grass seed, sod, or tree seedlings, to and from the market, or (2) supplies, commodities, or equipment to be used on the person's ranch, farm, or dairy, or in the person's greenhouse or nursery, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates must be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for a dealer registration plate. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. A vehicle permitted to have a dealer plate must be affixed with one plate issued under this subsection. If the dealer sells or transfers the vehicle, the dealer plate may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plate if it has reason to believe that the plate is being used to defeat the purposes of, or is in violation of, this chapter.

(k) [Repealed, § 3 ch 8 SLA 1993.]

(l) Vehicles owned by Pearl Harbor survivors, former prisoners of war, Medal of Honor recipients, and relatives of members of the United States armed forces killed in the line of duty. The department, upon receipt of written proof, shall issue without charge special registration plates for one noncommercial motor vehicle to a person who was on active military duty in Pearl Harbor on December 7, 1941, who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations, who is the recipient of the Medal of Honor awarded by the President of the United States in the name of the United States Congress, or the spouse, parent, guardian, brother, sister, or dependent of a member of the United States armed forces killed in the line of duty. The design and color of the Pearl Harbor survivor, prisoner of war, Medal of Honor awarded by the President of the United States in the name of the United States Congress recipient, or relative of a member of the United States armed forces killed in the line of duty plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a motor vehicle who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard.

(n) [Repealed, § 9 ch 20 SLA 1990.]

(o) Special request university plates. Upon application by the owner of a motor vehicle, the

department may design and issue registration plates representing the University of Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast, or Prince William Sound Community College. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(p) Vehicles owned by veterans. The department, upon receipt of written proof that the veteran is a sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who is a veteran or retired veteran of the armed forces of the United States. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the veteran or retired veteran plates.

(q) Vehicles owned by recipients of the Purple Heart. The department, upon receipt of written proof that the person is the sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who has received the Purple Heart medal awarded for wounds suffered in action against an armed enemy or as a result of the hostile action of an armed enemy. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the Purple Heart medal recipient plates.

(r) Special request custom collector plates. Upon application by the owner of a custom collector vehicle, the department may design and issue registration plates appropriate for custom collector vehicles. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(s) Special request dog mushing plates. Upon application by the owner of a motor vehicle, the department may design and issue registration plates representing the sport of dog mushing in the state. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(t) Special request Alaska children's trust plates. Upon application by the owner of a motor vehicle, the department may design and issue registration plates representing the Alaska children's trust under [AS 37.14.200](#). The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(u) [Repealed, § 8 ch 70 SLA 2018.]

(v) [Repealed, § 4 ch 11 SLA 2002.]

(w) Special request plates commemorating Alaska veterans. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating Alaska veterans. The commissioner shall determine the design and color of plates commemorating Alaska veterans. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(x) Special request plates commemorating and supporting troops. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating and supporting troops. The commissioner, in consultation with Support Our Troops, Inc., shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration. "Support Our Troops" shall appear at the bottom of the plate and may be alternated with "Support Our Heroes" if Support Our Troops, Inc., approves the use of terms and agrees to be responsible for any costs incurred from lack of sale of plates.

(y) Special request Iditarod race finisher plates. Upon application by the owner of a motor

vehicle, the department may design and issue Iditarod race finisher registration plates to a person who has finished the Iditarod race. The owner shall supply written proof, verified by the Iditarod Trail Committee, that the owner has successfully finished the race. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(z) Special request firefighter and emergency medical service provider plates. On application by the owner of a motor vehicle, the department may issue registration plates for firefighters and emergency medical service providers. The commissioner shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration. To be eligible for a firefighter and emergency medical service provider plate, a person shall present satisfactory proof that the person is

(1) an active member of

(A) a fire department in this state and the fire department is recognized as a fire department by the state fire marshal; or

(B) an out-of-hospital emergency medical service certified by the Department of Health; or

(2) a former firefighter or emergency medical service provider who was an active member of

(A) a fire department in this state for a minimum of five years; or

(B) an out-of-hospital emergency medical service certified by the Department of Health for a minimum of five years.

(aa) Special request fraternal organization member plates. On the request of a fraternal organization, the department may design a registration plate for the members of that fraternal organization. On application by the owner of a motor vehicle who is a member of that fraternal organization, the department may issue the fraternal organization registration plates to the person. The commissioner shall determine the design and color of the fraternal organization plates in consultation with the fraternal organization. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration. To be eligible for a fraternal organization member registration plate, a person must present evidence satisfactory to the department of the person's membership in the fraternal organization. In this subsection, "fraternal organization" means a civic, service, or charitable organization in the state, except a college and high school fraternity, not for pecuniary profit, that is a branch, lodge, or chapter of a national organization and exists for the common business, brotherhood, or other interest of its members.

(bb) Special request United States flag "In God We Trust" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with a design incorporating the flag of the United States and the motto "In God We Trust" on the plate. The commissioner shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(cc) Special request Lao veteran plates. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the owner's service in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The commissioner shall determine the design and color of the Lao veteran plates in consultation with veterans' and Southeast Asian community organizations in the state. To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in military operations as required by this subsection. The department may disapprove the issuance of registration plates under this subsection when the

requested plates are a duplicate of an existing registration.

(dd) Special request plates commemorating the National Rifle Association. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the National Rifle Association. The commissioner, after consulting with representatives of the National Rifle Association in Alaska, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ee) Special request breast cancer awareness plates. Upon application by the owner of a motor vehicle, the department may issue breast cancer awareness registration plates. The commissioner, after consulting with the Alaska office of the American Cancer Society, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ff) Special request “Choose Life” plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase “Choose Life” on the plate. The commissioner, after consulting with Alaska Choose Life, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(gg) Special request “Pro-Family, Pro-Choice” plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase “Pro-Family, Pro-Choice” on the plate. The commissioner, after consulting with Planned Parenthood of the Great Northwest, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(hh) Experimental vehicles. A vehicle manufacturer or distributor may apply for experimental vehicle plates. A plate issued under this subsection may be used only on an experimental vehicle present in the state. The vehicle manufacturer shall certify to the department that, at the conclusion of the testing, the experimental vehicle was destroyed or removed from the state. Experimental vehicle plates issued under this subsection are valid for a 12-month period and may be renewed for additional 12-month periods, up to a maximum of 36 months, until the testing is complete. Notwithstanding [AS 28.10.201](#), an experimental vehicle may not be titled under this chapter. In this subsection, “experimental vehicle” means a vehicle in the developmental stage that has not yet reached production in the United States.

(ii) Special request plates commemorating the Blood Bank of Alaska. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the Blood Bank of Alaska. The commissioner, after consulting with representatives of the Blood Bank of Alaska, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(jj) Vehicles owned by recipients of the Bronze Star awarded for valor, Silver Star, Navy Cross, Distinguished Service Cross, Air Force Cross, or Coast Guard Cross. The department, upon receipt of written proof that the person is the sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who has received the Bronze Star Medal awarded for valor, Silver Star Medal, Navy Cross, Distinguished Service Cross, Air Force Cross, or Coast Guard Cross. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the Bronze Star awarded for valor recipient plates, Silver Star recipient plates, Navy Cross recipient plates, Distinguished Service Cross recipient plates, Air

Force Cross recipient plates, and Coast Guard Cross recipient plates.

(kk) Vehicles owned by recipients of awards reflecting valor issued by the armed forces of the United States. The department, upon written proof that the person is the sole or joint owner of a motor vehicle, may issue special registration plates for the motor vehicle to a requesting person who has received an award reflecting valor issued by the armed forces of the United States other than a Purple Heart, Bronze Star awarded for valor, Silver Star, Navy Cross, Distinguished Service Cross, Air Force Cross, or Coast Guard Cross. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the award recipient plates.

(ll) Special request specialty organization plates. The department shall adopt regulations to allow for the issuance of special request specialty organization registration plates sponsored by an organization that is based in this state and is tax exempt under 26 U.S.C. 501(c)(2) — (11), 12(B) — (J), (13), (17) — (22), (24), or (26) — (29), is an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c)(2) — (11), 12(B) — (J), (13), (17) — (22), (24), or (26) — (29), is a department of the state, or is a municipality of the state. The department shall determine a common design and color for the plates and provide for the placement of the logo of the organization and a short piece of descriptive text on the plate. If the department denies an application to create a specialty organization registration plate under this section, the department shall notify the commissioner of the denial. The commissioner may reverse the decision of the department and require issuance of the requested plate. The department may disapprove the issuance of registration plates under this subsection when the requested plates duplicate an existing registration. Regulations adopted under this subsection must

(1) (A) provide that the entity requesting the issuance of the plates (A) submit an application on a form provided by the department;

(B) pay an application fee set by the department for issuance of the new registration plates;

(C) pay the entire cost of developing and issuing the specialty plate;

(D) may not be offensive in purpose, nature, activity, or name;

(E) may charge a fee for issuance of a specialty registration plate in addition to any registration fees set by statute or regulation;

(2) provide for notice to the entity sponsoring the plate not later than six months before a proposed cancellation of the specialty organization plate;

(3) establish procedures for owners of vehicles to purchase specialty organization registration plates under this subsection.

(mm) Special request plates commemorating peace officers killed in the line of duty. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating peace officers killed in the line of duty. The commissioner, after consulting with representatives of peace officers killed in the line of duty, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration. In this subsection, "peace officer" means

(1) an officer of the state troopers;

(2) a member of the police force of a municipality;

(3) a correctional officer;

(4) a village public safety officer;

(5) an officer assigned to a court to serve warrants and court orders, provide court security and judicial protection, and transport prisoners; and

(6) any other public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders.

(nn) Vehicles owned by women veterans. The department, upon receipt of written proof that the woman veteran is a sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who is a woman veteran or retired woman veteran of the armed forces of the United States.

(oo) Special request plates for United States Space Force personnel. Upon application by the owner of a motor vehicle who presents satisfactory proof of current membership in the United States Space Force, the department may design and issue registration plates that identify the vehicle as registered to a member of the United States Space Force. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

Secs. 28.10.190 , 28.10.200. Transfer of special plates; annual tax. [Repealed, § 7 ch 178 SLA 1978.]

Article 2. Title.

Sec. 28.10.201. Mandatory and permissive vehicle titles.

(a) Except as otherwise provided in (b) of this section or in [AS 28.10.131](#), 28.10.152, and 28.10.181(hh), every owner of a vehicle subject to registration in this state shall apply for a certificate of title under this chapter.

(b) The owner of a vehicle described in [AS 28.10.011](#) as being exempt from registration and the owner of a snowmobile or off-highway vehicle may not apply for, nor may the department issue, a certificate of title for the vehicle. However, the department

(1) may issue a certificate of title to the owner of a vehicle exempt from registration under [AS 28.10.011](#)(3), (6), (7), or (10) only upon application by that owner; and

(2) except as provided in (e) of this section, shall issue a certificate of title to the owner of a manufactured home upon application, display of evidence of ownership satisfactory to the department, and payment of a fee of \$100 by the owner; a certificate of title issued under this paragraph must comply with [AS 28.10.231](#).

(c) The certificate of title issued may, when there is more than one owner, state the name of each owner in the conjunctive or in the disjunctive in order to indicate that the owners own the vehicle together or in the alternative.

(d) Except for vehicles registered under [AS 28.10.131](#)(b) or (c) or 28.10.152, the department may not register a vehicle unless the applicant for registration at the same time applies for and obtains a certificate of title under this chapter or presents satisfactory evidence that a certificate of title was previously issued to the applicant. The department may not accept the application for the original certificate of registration or title to a vehicle unless the vehicle is in the state at the time

of application. However, the department may accept an application for registration and certificate of title for a vehicle that is not in the state when the application is made by a registered and bonded dealer or by a resident of the state when the application is accompanied by a manufacturer's statement of origin or, in the case of a used vehicle, when the application is accompanied by a certificate of title issued in another jurisdiction.

(e) The department may not issue a certificate of title to a manufactured home if an application for the manufactured home has been filed under [AS 28.10.262](#) — 28.10.264.

Secs. 28.10.205 , 28.10.210. Personalized plates; tax exemptions. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.211. Application for title.

(a) The owner of a vehicle required to be titled under this chapter shall apply for title by properly completing and surrendering the forms prescribed by the commissioner and by complying with all applicable laws and regulations, after which the department shall issue a certificate of title.

(b) An application for title or transfer of title must contain

(1) the signature of the owner, or if there is more than one owner, the signature of at least one of the owners and the name of each owner stated in the conjunctive or in the disjunctive; and

(2) any other information reasonably required by the department.

(c) When an application for title refers to a new vehicle, the application must be accompanied by a “manufacturer's certificate of origin” and other information reasonably required by the department.

(d) An applicant for title to a vehicle transferred by court action on a lien or encumbrance shall surrender to the department a certified copy of the court order involuntarily transferring the vehicle.

(e) If a vehicle to be titled is a specially constructed or reconstructed vehicle, the fact shall be noted on the application for title. The department may require evidence of prior registration of, or issuance of title for, the vehicle and may require the applicant to furnish additional information as it considers necessary to establish ownership, including bills of sale, invoices for vehicle equipment, or a surety bond.

(f) The holder of a manufacturer's certificate of origin for a manufactured home may deliver the certificate to any person to facilitate conveying or encumbering the manufactured home, and a person who receives the manufacturer's certificate of origin holds it in trust for the person delivering it.

Sec. 28.10.215. Vehicles for disabled. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.216. Inadequate evidence of ownership.

(a) When the department is not satisfied as to the ownership of a vehicle or believes that there may be undisclosed security interests in it, the department may register the vehicle but shall either

(1) withhold issuance of a certificate of title until the applicant presents documents sufficient to satisfy the department

(A) as to the ownership of the vehicle by applicant; and

(B) that there are no undisclosed security interests in the vehicle; or

(2) require the applicant, as a condition of the issuance of a certificate of title, to file with the department either

(A) a bond in the form prescribed by the department and executed by the applicant; or

(B) a deposit of cash.

(b) A bond or cash deposit filed under (a)(2) of this section must be equal in amount to one and one-half times the value of the vehicle as determined by the department and be conditioned to indemnify former owners, secured parties, and subsequent purchasers of the vehicle and their successors against loss resulting from a defect in or undisclosed security interest on the title of the applicant. An injured party may sue on the bond for a breach of its conditions, but the liability of the surety or the department may not exceed the amount of the bond or deposit.

(c) The bond or deposit shall be returned (1) at the end of three years from its filing, or (2) when the vehicle is no longer registered in the state if (2) is earlier and if the certificate of title is surrendered to the department. Service on the department of notice that action is pending to recover on the bond or the deposit extends the periods established in this subsection until 45 days after a final decision in the action on the bond or on the deposit.

Sec. 28.10.220. Farm vehicles. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.221. Refusal, suspension, and revocation of title.

(a) The department may refuse to issue a certificate of title and may suspend or revoke a previously issued certificate of title when

(1) the certificate of title was fraudulently procured or erroneously issued or required information or fees have not been provided;

(2) the vehicle has been scrapped, dismantled, or destroyed beyond repair;

(3) the vehicle has been reported to the department as stolen or unlawfully converted, until the department learns of the recovery of the vehicle or that the report of its theft or conversion was false or erroneous; or

(4) authorized by any other provision of law.

(b) Suspension or revocation of a certificate of title under (a) of this section does not affect the rights of a lienholder named on the certificate.

(c) A certificate of title that is suspended or revoked shall be returned immediately to the department by the owner or other person lawfully entitled to possession of the certificate of title.

(d) Except as provided in [AS 28.10.263](#), the department may not suspend or revoke a certificate of title to a manufactured home based on the fact that the manufactured home is affixed in any manner to real property.

Sec. 28.10.230. Sunday school buses. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.231. Certificate of title contents.

(a) A certificate of title issued by the department must contain

(1) the date issued;

(2) the name and residence and mailing address of the owner;

(3) the name and address of the primary lienholder, if any;

(4) a description of the vehicle including its make, year of manufacture, identification number; and

(5) other information the department may reasonably require.

(b) The certificate of title must contain a space for the assignment and warranty of title by the owner or dealer selling the vehicle and a space for the assignment or release of the security interest of a lienholder, and may contain forms for application for title by a transferee, and for the naming of a primary lienholder.

(c) The department may not indicate on a certificate of title more than the primary lienholder and the primary registered owner when indicating lienholders and registered owners.

Sec. 28.10.240. Proration of tax. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.241. Delivery and judicial process against certificate of title.

(a) The department shall deliver the certificate of title to the primary lienholder named in the certificate. Otherwise, delivery shall be to the registered owner.

(b) A certificate of title for a vehicle is not subject to attachment, execution or other judicial process, but this section does not prevent a lawful levy upon the vehicle.

Sec. 28.10.250. Special dealer tax. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.251. Lost, stolen, or mutilated certificate of title.

(a) If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the title as shown by the records of the department shall apply for and obtain a duplicate title upon furnishing information satisfactory to the department and payment of the prescribed fee. The duplicate title must indicate that it is a duplicate title, and it shall be mailed or delivered to the first lienholder named in it or, if none, to the registered owner.

(b) A person who recovers an original title for which a duplicate has been issued shall immediately surrender the duplicate to the department.

Secs. 28.10.255 , 28.10.260. Annual tax; certificate of title. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.261. Evidence.

(a) In a civil or criminal proceeding, when the title or right to possession of a vehicle is involved, the record of registrations and certificates of title as they appear in the files and records of the

department are prima facie evidence of the ownership or right to possession. Proof of ownership or right to possession of a vehicle shall be made by a copy of the record certified by the department or by an original certificate of registration or title issued by the department.

(b) Lien information indicated upon the title shall be accepted as prima facie evidence of legal ownership and the filing of a lien.

(c) Notwithstanding another provision of law to the contrary, a certificate of title to a manufactured home issued by the department is prima facie evidence of the facts appearing on it, even if the manufactured home is affixed in any manner to real property.

Article 3. Manufactured Homes.

Sec. 28.10.262. Cancellation of manufacturer's certificate of origin for manufactured home.

(a) If a manufactured home is permanently affixed to real property under [AS 34.85.150](#), or if the owner intends to permanently affix the manufactured home to real property under [AS 34.85.150](#), the owner may submit to the department an application requesting that the department cancel the manufacturer's certificate of origin for a manufactured home and update the department's records under [AS 28.05.061](#).

(b) The application under (a) of this section must comply with [AS 28.10.266](#).

(c) Subject to [AS 28.05.041](#), if the department is satisfied that the application filed under (a) of this section complies with (b) of this section, the department shall cancel the manufacturer's certificate of origin for the manufactured home, update the department's records under [AS 28.05.061](#), and issue a written acknowledgment that the department has cancelled the certificate of origin under this section. The department shall deliver the written acknowledgment to the owner of the manufactured home and to a person identified under [AS 28.10.266](#)(12).

(d) When the department has cancelled the manufacturer's certificate of origin under (c) of this section, the manufactured home is not subject to this chapter.

Sec. 28.10.263. Cancellation of certificate of title to manufactured home.

(a) If a manufactured home is permanently affixed to real property under [AS 34.85.150](#), or if the owner intends to permanently affix the manufactured home to real property under [AS 34.85.150](#), the owner may submit to the department an application requesting that the department cancel the certificate of title to a manufactured home and update the department's records under [AS 28.05.061](#).

(b) The application under (a) of this section must comply with [AS 28.10.266](#).

(c) Subject to [AS 28.05.041](#), if the department is satisfied that the application filed under (a) of this section complies with (b) of this section and that there are no outstanding liens or encumbrances filed against the manufactured home under [AS 28.10.381](#), the department shall cancel the certificate of title to the manufactured home, update the department's records under [AS 28.05.061](#), and issue a written acknowledgment that the department has cancelled the certificate of title under this section. The department shall deliver the written acknowledgment to the owner of the manufactured home and to a person identified under [AS 28.10.266](#)(12).

(d) When the department has cancelled a certificate of title under (c) of this section, the manufactured home is not subject to this chapter.

Sec. 28.10.264. Confirmation of nonapplication of chapter.

(a) The owner of a manufactured home may submit an application to the department requesting that the department indicate on the department's records that the manufactured home is not subject to this chapter if

(1) the manufactured home is permanently affixed to real property under [AS 34.85.150](#), or the owner intends to permanently affix the manufactured home to real property under [AS 34.85.150](#); and

(2) the manufactured home

(A) is not covered by a manufacturer's certificate of origin or a certificate of title;

(B) is covered by a manufacturer's certificate of origin, but the owner of the manufactured home, after diligent search and inquiry, is unable to produce the certificate of origin; or

(C) is covered by a certificate of title, but the owner of the manufactured home, after diligent search and inquiry, is unable to produce the certificate of title.

(b) The application under (a) of this section must comply with [AS 28.10.266](#) and be accompanied by a bond or cash deposit described in (c) of this section.

(c) The bond that accompanies the application under (b) of this section must be in the form prescribed by the department and executed by the applicant. The amount of the bond or cash deposit that accompanies the application under (b) of this section must be equal to one and one-half times the value of the manufactured home as determined by the department and must be conditioned to indemnify former owners, secured parties, and subsequent purchasers of the manufactured home and their successors against loss resulting from a defect in or undisclosed security interest on the title of the applicant. An injured party may bring a court action against the bond or cash deposit for a breach of the conditions of the bond or cash deposit, but the liability of the bond surety or the department may not exceed the amount of the bond or cash deposit. The department shall return the bond or cash deposit at the end of three years after the submission under (b) of this section, except that service on the department of notice that an action is pending against the bond or cash deposit extends that period until 45 days after a final decision in the action on the bond or cash deposit.

(d) If the department is satisfied that the application filed under (a) of this section complies with (b) of this section, the department shall, subject to [AS 28.05.041](#), indicate under [AS 28.05.061](#) on the department's records that the manufactured home is not subject to this chapter and shall provide to the owner a written confirmation that the owner of the manufactured home has submitted an application that complies with (b) of this section and that the manufactured home is not subject to this chapter. The department shall deliver the written confirmation to the owner of the manufactured home and to a person identified under [AS 28.10.266](#)(12).

(e) When the department has provided a written confirmation under (d) of this section, the manufactured home is not subject to this chapter.

Sec. 28.10.265. Certificate of title to severed manufactured home.

(a) The owner of a manufactured home may submit an application to the department requesting that the department issue a certificate of title to a manufactured home and update the department's records under [AS 28.05.061](#) if

(1) the manufactured home was permanently affixed to real property under [AS 34.85.150](#);

(2) an affixation affidavit was recorded for the manufactured home under [AS 40.17.125](#); and

(3) after the occurrence of (1) and (2) of this subsection, the manufactured home was severed from the real property to which it was affixed.

(b) The application under (a) of this section must comply with [AS 28.10.266](#).

(c) Subject to [AS 28.05.041](#), if the department is satisfied that the application filed under (a) of this section complies with (b) of this section, the department shall issue a certificate of title to the manufactured home under [AS 28.10.231](#) — 28.10.241, update the department's records under [AS 28.05.061](#), and issue to the owner and to a person identified under [AS 28.10.266](#)(12) a written acknowledgment that the department has issued a certificate of title under this section.

(d) When the department has issued a certificate of title under (c) of this section, the manufactured home is subject to this chapter.

Sec. 28.10.266. Application provisions.

An application under [AS 28.10.262](#) — 28.10.265 must provide

(1) the name, residence, and mailing address of the owner of the manufactured home;

(2) a description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the manufacturer's serial number for the manufactured home, and other information required by the department about the manufactured home;

(3) whether the manufactured home is new or used;

(4) for an application under [AS 28.10.262](#) — 28.10.264, the date of purchase by the owner of the manufactured home and the name and address of the person from whom the home was acquired;

(5) for an application under [AS 28.10.262](#) — 28.10.264, the name and address of any person who holds a lien or an encumbrance against the manufactured home and the order of apparent priority;

(6) a statement signed by the owner, stating

(A) any facts or information known to the owner that could reasonably affect the validity of the title to the manufactured home or the existence or nonexistence of a lien or encumbrance on it; or

(B) that the owner does not know any facts or information that could reasonably affect the validity of the title to the manufactured home or the existence or nonexistence of a lien or encumbrance on the manufactured home;

(7) subject to [AS 28.10.268](#), for an application under [AS 28.10.262](#) — 28.10.264, a certified copy of an affixation affidavit that complies with [AS 34.85.060](#) and that has been recorded under

[AS 40.17.125](#) for the manufactured home;

(8) for an application under [AS 28.10.265](#), a certified copy of a severance affidavit that complies with [AS 34.85.120](#) and that has been recorded under [AS 40.17.125](#) for the manufactured home;

(9) for an application under [AS 28.10.262](#), the original manufacturer's certificate of origin;

(10) for an application under [AS 28.10.263](#), the original certificate of title;

(11) for an application under [AS 28.10.264](#) or 28.10.265, a declaration that complies with [AS 28.10.267](#);

(12) if desired by the applicant, the name and mailing address of one person, in addition to the owner, to receive a written acknowledgment from the department under [AS 28.10.262](#), 28.10.263, or 28.10.265 or a written confirmation under [AS 28.10.264](#); and

(13) other information and documents the department reasonably requires

(A) to identify the owner of the manufactured home;

(B) to determine the existence or nonexistence of liens or encumbrances on the manufactured home;

(C) for an application under [AS 28.10.262](#) — 28.10.264, to enable the department to determine whether the owner satisfied the applicable requirements of [AS 34.85.010](#); and

(D) for an application under [AS 28.10.265](#), to enable the department to determine whether the owner of the manufactured home is entitled to a certificate of title.

Sec. 28.10.267. Declaration.

(a) The declaration required by [AS 28.10.266](#)(11) must be made under oath or affirmation by an attorney authorized under [AS 08.08](#) to practice law in the state or an agent of a title insurance company entitled under [AS 21.66](#) to transact a title insurance business in this state.

(b) The declaration must state that the manufactured home is free and clear of all liens and encumbrances and

(1) any facts or information known to the attorney or agent that could reasonably affect the validity of the title to the manufactured home or the existence or nonexistence of a lien or encumbrance on the manufactured home; or

(2) that the attorney or agent does not know any facts or information that could reasonably affect the validity of the title to the manufactured home or the existence or nonexistence of a lien or encumbrance on the manufactured home.

Sec. 28.10.268. Time of satisfaction.

If a person delivers an application under [AS 28.10.262](#) — 28.10.264 for a manufactured home to the department within 30 days after an affixation affidavit for the manufactured home is recorded under [AS 40.17.125](#), and if the application is accepted by the department, the requirements of [AS](#)

[28.10.262](#) — 28.10.264 are considered to be satisfied on the date the affixation affidavit is recorded, and, if the manufactured home is conveyed or encumbered on and after that date, the manufactured home shall be conveyed and encumbered as real property.

Sec. 28.10.269. Definitions.

In [AS 28.10.201](#) — 28.10.269, unless the context indicates otherwise,

(1) “affixation affidavit” means an affixation affidavit under [AS 34.85.060](#);

(2) “severance affidavit” means a severance affidavit under [AS 34.85.120](#).

Sec. 28.10.270. Application. [Repealed, § 7 ch 178 SLA 1978.]

Article 4. Transfer of Vehicle.

Sec. 28.10.271. Transfer of vehicle by owner.

(a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in [AS 28.10.181](#).

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in [AS 28.10.291](#).

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under [AS 28.10.321](#) and 28.10.361. The notice form to be provided by the department must include the following information:

(1) name and address of owner;

(2) name and address of transferee;

(3) date of transfer or assignment; and

(4) description and license number of vehicle.

(d) An emissions inspection and maintenance certificate

(1) shall be obtained when ownership of a vehicle subject to registration under this chapter is transferred if the

(A) transferee resides in an area designated by the Department of Environmental Conservation as an emissions inspection and maintenance area;

(B) vehicle would be subject to an emissions inspection and maintenance program; and

(C) vehicle

(i) has not been inspected for emissions, or the existing emissions inspection occurred more than two years ago; or

(ii) has a certificate of inspection, but the certificate shows that the vehicle is not in compliance with program requirements;

(2) need not be obtained under (1) of this subsection if, when ownership of vehicle is

transferred,

(A) the transferor surrenders the vehicle's registration plates and all evidence of registration in the transferor's possession or control to the department; or

(B) the vehicle has a valid, existing emissions inspection and maintenance program seasonal waiver and the purchaser signs a seasonal waiver transfer acknowledgment form approved by the department.

Sec. 28.10.280. Title for vehicles of other state. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.281. Transfer to dealer.

(a) When the owner of a registered vehicle transfers or assigns the owner's title or interest to a vehicle dealer under [AS 28.10.271](#), the dealer is not required to present the certificates of registration and title to the department as provided in [AS 28.10.321](#) and 28.10.361 until the vehicle is transferred by the dealer.

(b) A vehicle transferred to a dealer may not be driven unless it is reregistered under this chapter or is driven under dealer registration plates issued under [AS 28.10.181](#)(j).

Sec. 28.10.290. Temporary permits. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.291. Transfer from dealer.

(a) A vehicle dealer, upon transferring a vehicle, shall execute an assignment and a warranty of title to the transferee as provided in [AS 28.10.271](#) and furnish proof of the sale of the vehicle to the transferee.

(b) The dealer shall, within 30 days of the transfer of the vehicle, forward to the department the transferee's completed application for new certificates of title and registration except as provided in (c) of this section. The application must contain the vehicle dealer's license number and must be accompanied by any required fees and taxes.

(c) If the transferee indicates in a sworn affidavit that the transferee does not intend to use the vehicle in a manner requiring registration in this state, the dealer may deliver the certificate of title to the transferee directly. The dealer shall mail or deliver the affidavit to the department within five days of the transfer.

Sec. 28.10.300. False statements. [Repealed, § 25, ch 144 SLA 1977.]

Sec. 28.10.301. Transfer of motor vehicle to minor.

(a) An agreement for the purchase of a motor vehicle by a minor who has not been emancipated is void unless a parent or guardian of the minor is also a party to the agreement.

(b) If a vehicle is improperly transferred to a minor, the title to and registration of the vehicle remains with the owner and does not transfer to the minor or the parent or guardian of the minor. However, if the certificate of title and registration for the vehicle has been delivered to the minor or the parent or guardian of the minor, that person shall immediately deliver the certificate of title and registration to the department. The department shall reissue title to the previous owner of record.

(c) In this section, “emancipated” means that a minor to whom the term refers is a resident of this state and is at least 16 years of age, is living separate and apart from the minor's parents or guardian, and is capable of self-support and of managing the minor's own financial affairs.

Sec. 28.10.310. Refusal. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.311. Transfer by operation of law.

(a) When the title to, or interest in, a registered vehicle passes to another person other than by a voluntary transfer, the registration of that vehicle expires.

(b) A person holding a certificate of title to a vehicle whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificates of title and registration to the department upon request of the department. The delivery of the certificates of title and registration to the department upon its request does not affect the rights of the person surrendering the certificate of title, and the action of the department in issuing a new certificate of title or registration as provided in this chapter is not conclusive upon the rights of an owner or lienholder named in the surrendered certificate of title.

Sec. 28.10.320. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.321. New owner to secure transfer of registration and new title.

(a) Except as provided under [AS 28.10.281](#) and 28.10.291, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration must be accompanied by any required registration fees and taxes, transfer of title and lien fees, and by the previous certificates of title and registration, if any.

Sec. 28.10.330. Delivery. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.331. Department to issue new certificates of title and registration.

The department, upon receipt of the certificate of title properly endorsed, the certificate of registration, the registration plates, if any, the application for new title and registration, and all required fees and taxes, shall issue a certificate of title and a certificate of registration to the transferee or the lienholder lawfully entitled to the certificates.

Sec. 28.10.340. Duplicates. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.341. Duty of lienholder in possession of title to transferred vehicle.

Upon request of an owner or transferee, a lienholder in possession of the certificate of title to a transferred vehicle shall, unless the transfer is in breach of a security agreement, deliver the certificate to the transferee. The delivery of the certificate of title does not affect the rights of the lienholder under the lienholder's security agreement.

Sec. 28.10.350. Transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.351. Dismantling or wrecking vehicle.

A person who dismantles, scraps, or destroys a registered vehicle shall immediately forward to the department the certificates of title and registration and the registration plates for the vehicle.

Secs. 28.10.355 , 28.10.360. Purchase by minor; duty of new owner. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.361. When transfer effective.

A transfer by an owner or dealer is not effective until all applicable provisions of this chapter have been complied with. However, an owner or dealer who has delivered possession of a vehicle to the transferee and has endorsed an assignment and warranty of title on the certificate of title and delivered the certificates of title and registration to the transferee or, in the case of a transfer from a dealer, delivered proof of the sale to the transferee, is not liable as the owner for any liabilities resulting from the driving or movement of the vehicle after the transfer.

Sec. 28.10.370. Issuance. [Repealed, § 7 ch 178 SLA 1978.]

Article 5. Filing Documents Evidencing Liens or Encumbrances.

Sec. 28.10.371. Filing documents evidencing liens or encumbrances.

(a) A conditional sales contract, chattel mortgage, or other lien or encumbrance or title retention document on a registered vehicle, other than a lien dependent upon possession, is not valid against a vehicle owner's creditor who acquires a lien dependent upon possession, or by levy or attachment, or against a subsequent purchaser or encumbrancer without notice, until the requirements of [AS 28.10.371](#) — 28.10.401 are satisfied.

(b) Notwithstanding (a) of this section, a lien on a manufactured home for the purchase of the manufactured home is valid against judicial lien creditors and execution creditors on and after the date the lien attaches under [AS 45.29](#) against the manufactured home.

(c) Notwithstanding (a) of this section, the holder of a lien on a manufactured home may deliver a lien release document to a person to facilitate conveying or encumbering the manufactured home. A person receiving the lien release document holds the document in trust for the lienholder.

Sec. 28.10.375. Effect of terminal rental adjustment clauses.

Notwithstanding other provisions of law, a transaction involving a motor vehicle or trailer does not create a sale or security interest merely because the transaction provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon the sale or other disposition of the motor vehicle or trailer.

Sec. 28.10.380. Dealer's transfer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.381. Filing a lien or encumbrance.

(a) A lien or other encumbrance on a vehicle may be filed by delivering to the department

(1) a manufacturer's certificate of origin or an existing certificate of title;

(2) an application for a new certificate of title, signed by the registered owner and containing the name and address of any lienholder and the date of the lienholder's interest;

(3) applicable filing fees required by law; and

(4) other documents or information required by the department.

(b) Upon approval of the application, the department shall send to the person holding a lien or other encumbrance a new certificate of title which displays the name of the owner and indicates the existence of the lien or other encumbrance.

(c) Except as otherwise provided in [AS 28.10.262](#), 28.10.263, and [AS 34.85](#), after a certificate of title to a manufactured home has been issued and while the manufactured home is subject to a lien or encumbrance under (a) of this section,

(1) the department may not cancel the manufacturer's certificate of origin for the manufactured home under [AS 28.10.262](#), or cancel the certificate of title to the manufactured home under [AS 28.10.263](#); and

(2) the validity and priority of the lien or encumbrance continues.

Sec. 28.10.390. Transfer to dealer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.391. Filing and date of notice.

(a) The filing of the application and documents under [AS 28.10.381](#) and the issuance of a new certificate of title are constructive notice of any liens or encumbrances against the vehicle described in the certificate to a creditor of the owner, or to a subsequent purchaser or encumbrancer. However, a mortgage, conditional sale contract, or similar lien or encumbrance on the vehicle is subordinate to a lien under [AS 28.10.502](#) and is subject to the procedure provided in that section. A lien or encumbrance on a vehicle for labor, material, transportation, storage, or similar activity, other than a lien under [AS 28.10.502](#), whether or not dependent on possession for its validity, is subordinate only to a mortgage, conditional sale contract, or similar lien or encumbrance on the vehicle properly filed on or before the time that the vehicle is subject to, or comes into possession of, the lien or encumbrance claimant for the labor, material, transportation, storage, or similar activity.

(b) If the documents referred to in [AS 28.10.371](#) — 28.10.401 are received and filed in the central office of the department within 10 days after the date that the documents were executed, the constructive notice dates from the time of the execution of the documents. Otherwise, constructive notice dates from the time of receipt and filing of the documents by the department as shown in its endorsement on the documents.

(c) Filing as provided in [AS 28.10.371](#) — 28.10.401 is the exclusive method of giving constructive notice of a lien or encumbrance on a registered vehicle, except as to a lien dependent upon possession.

(d) A lien or encumbrance or a document creating and evidencing a lien or encumbrance is exempt from the other provisions of law that require or relate to the recording or filing of a document creating and evidencing a lien or encumbrance upon a vehicle of a type subject to registration under this chapter.

(e) Notwithstanding another provision of this section, the creation or termination of a lien or encumbrance with respect to a manufactured home that has been converted to real property under [AS 34.85.010](#) is governed by the laws that apply to real property.

Sec. 28.10.400. Transfer by dealer. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.401. Assignment or release by lienholder.

(a) A person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign that person's title to or interest in the vehicle to a person other than the owner without the consent of the owner and without affecting the interest of the owner or the registration of the vehicle. The person assigning the interest shall give written notice of the assignment to the owner. Upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown on the certificate and the name and address of the assignee, accompanied by the title fee required under [AS 28.10.441](#), the department shall issue a new certificate of title.

(b) A person holding a lien or encumbrance upon a vehicle, as shown on a certificate of title, may release the lien or encumbrance or assign that person's interest to the owner of the vehicle without affecting the registration of the vehicle. Upon receiving a certificate of title upon which a lienholder has released or assigned the lienholder's interest to the owner, or upon receipt of a certificate not endorsed but accompanied by a legal release from a lienholder of the lienholder's interest to a vehicle, and upon payment of the title fee required under [AS 28.10.441](#), the department shall issue a new certificate of title.

Sec. 28.10.410. Transfer by operation of law. [Repealed, § 7 ch 178 SLA 1978.]

Article 6. Fees and Charges.

Sec. 28.10.411. Registration fees levied.

(a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each biennial renewal of registration after that time.

(b) [Repealed, 1983 Initiative Proposal No. 2, § 6.]

(c) [Repealed, § 6 ch 70 SLA 1986.]

(d) [Repealed, § 41 ch 37 SLA 1986.]

(e) [Repealed, § 3 ch 89 SLA 1987.]

(f) A resident 65 years of age or older on the date the registration fee is due or a resident with a disability that limits or impairs the ability to walk and who provides proof of that disability as provided in 23 C.F.R. 1235.2 is entitled to an exemption from the registration fee required under this section for one vehicle subject to registration under [AS 28.10.421](#)(b)(1)(A), (b)(2), (b)(4), or (j). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

(g) A person who presents satisfactory proof of current membership in the Alaska National Guard is entitled to an exemption from the registration fee required under this section for one vehicle subject to registration under [AS 28.10.421](#)(b)(1)(A), (b)(2), or (b)(4). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

Sec. 28.10.420. Assignment. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.421. Registration fee rates.

(a) Unless otherwise provided by law,

(1) the fees prescribed in this section shall be paid to the department at the times provided under [AS 28.10.108](#) and 28.10.111;

(2) an additional fee of \$10 shall be added to the registration fee set out in this section for

registration not conducted by mail, on the department's Internet website, or at an emissions inspection station or contract office offering vehicle registration services; the department may waive this additional fee for a good cause based on criteria established in regulations adopted by the department; and

(3) an additional fee in an amount not to exceed \$50 shall be added to the registration fee set out in this section for a vehicle registration plate celebrating the arts under [AS 28.10.161](#)(b)(1)(C); the Alaska State Council on the Arts shall determine the fee required under this paragraph in regulation; the additional fee shall be collected only on the first issuance of the special request plates; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing the vehicle registration plate celebrating the arts may be appropriated by the legislature to the arts and cultural investment fund established in [AS 44.27.059](#).

(b) The biennial registration fees under this subsection are imposed within the following classifications for

(1) a vehicle not exceeding 10,000 pounds unladen weight as established by the manufacturer's advertised weight or on the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative that is a

(A) passenger vehicle, low-speed vehicle, pick-up truck, truck, or van not used or maintained for the transportation of persons or property for hire or for other commercial use and not registered in the name of a company or business \$100;

(B) taxicab \$160;

(2) a motor home not used or maintained for the transportation of persons or property for hire or for other commercial use and not registered in the name of a company or business \$100;

(3) a motor bus with a seating capacity of

(A) less than 20 persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$100;

(B) 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$300;

(4) a motorcycle or a motor-driven cycle \$60.

(c) The biennial registration fees under this subsection are imposed for a vehicle not subject to registration under (b) of this section and are based on the actual unladen weight as established by the manufacturer's advertised weight or on the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, as follows:

(1) up to and including 5,000 pounds \$180;

(2) more than 5,000 pounds to and including 12,000 pounds \$268;

(3) more than 12,000 pounds to and including 18,000 pounds \$516;

(4) more than 18,000 pounds \$662.

(d) The special registration fees under this subsection are imposed biennially, unless otherwise specified, for

(1) a historic vehicle registered under

(A) [AS 28.10.181](#)(b)(1) and that is driven or moved on a highway for the primary purpose

of historical exhibition or similar activity, one time only upon initial registration under [AS 28.10.181\(b\)](#) \$10;

(B) [AS 28.10.181\(b\)\(2\)](#) \$30 plus the fee required for that vehicle under (b) of this section, unless the historic vehicle is eligible for the fee described under (C) of this paragraph; the fee required by this subparagraph shall be collected only on the first issuance and on the replacement of the historic plates;

(C) [AS 28.10.181\(b\)\(2\)](#) and that is driven or moved on a highway for the primary purpose of historical exhibition or similar activity, one time only upon initial registration under [AS 28.10.181\(b\)](#) \$10;

(2) special request plates for

(A) Alaska National Guard or United States Space Force personnel \$30;

(B) veterans, retired veterans, women veterans, retired women veterans, or Lao veterans \$30;

(C) recipients of the Purple Heart none;

(D) recipients of the Bronze Star awarded for valor, Silver Star, Navy Cross, Distinguished Service Cross, Air Force Cross, Coast Guard Cross, or other award reflecting valor \$30;

(E) owners of custom collector vehicles \$50;

(F) Iditarod race finishers \$50;

(G) other special request plates \$30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

(3) a vehicle owned by a person with a disability and registered under [AS 28.10.181\(d\)](#), or by a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;

(4) a vehicle owned by the state none;

(5) a vehicle owned by an elected state official the fee required for that vehicle under (b), (c), (h), or (i) of this section;

(6) a vehicle owned by a rancher, farmer, or dairy-man and registered under [AS 28.10.181](#) \$68;

(7) a snowmobile or off-highway vehicle \$10;

(8) an amateur mobile radio station vehicle,

(A) with a transceiver capable of less than 5-band operation the fee required for that vehicle under (b) or (c) of this section;

(B) in recognition of service to the public a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit

may be removed from the car for service or dry storage none for a mobile amateur radio station vehicle included in (b)(1)(A) of this section;

(9) dealer registration plates

(A) the initial plate \$88;

(B) each subsequent plate \$50;

(10) a vehicle owned by a municipality or charitable organization meeting the requirements of [AS 28.10.181](#)(e) \$10;

(11) a vehicle owned by a Pearl Harbor survivor, a former prisoner of war, a recipient of the Medal of Honor awarded by the President of the United States in the name of the United States Congress, or the spouse, parent, guardian, brother, sister, or dependent of a member of the United States armed forces killed in the line of duty none;

(12) special request university plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner shall separately account by university campus designation for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the accounts that is in excess of the cost of issuing special request university plates may be appropriated by the legislature for the support of programs at each campus;

(13) special request dog mushing plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature for the support of programs benefiting dog mushing;

(14) special request Alaska children's trust plates \$100 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and the replacement of special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature into the Alaska children's trust grant account established in [AS 37.14.205](#);

(15) [Repealed, § 8 ch 70, SLA 2018.]

(16) special request plates commemorating Alaska veterans \$100 plus a fee of \$35 and the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$100 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the commemorative veterans' plates; the \$35 fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the Alaska veterans' cemetery fund created under [AS 37.05.600](#) and for the support of programs benefiting Alaska veterans;

(17) special request plates commemorating and supporting troops \$40 plus the fee required

for that vehicle under (b), (c), (h), or (i) of this section; the \$40 fee required by this paragraph shall be collected on issuance and biennial renewal in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the organization for which the specialty license plate was purchased for the benefit of Alaska troops and their families;

(18) special request plates for firefighter and emergency medical service provider \$30; plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates;

(19) special request fraternal organization member plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates;

(20) special request United States flag “In God We Trust” plates \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section;

(21) special request National Rifle Association plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; a \$30 fee shall be collected biennially there- after in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits into the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to establish and maintain a scholastic clay target program and for other youth shooting programs;

(22) special request breast cancer awareness plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits into the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to programs that provide screening for breast and cervical cancer;

(23) special request “Choose Life” plates \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account that is in excess of the cost of issuing special request “Choose Life” plates may be appropriated by the legislature to programs supporting or benefiting adoption;

(24) special request “Pro-Family, Pro-Choice” plates \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account that is in excess of the cost of issuing special request “Pro-Family, Pro-Choice” plates may be appropriated

to the Alaska Children's Trust ([AS 37.14.200](#));

(25) special request Blood Bank of Alaska plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the Blood Bank of Alaska.

(26) special request specialty organization plates under [AS 28.10.181](#)(II) \$100 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the Blood Bank of Alaska.

(27) special request plates commemorating peace officers killed in the line of duty \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the other applicable registration fee is paid.

(f) In addition to the fees imposed under (b) and (d) of this section, the following special biennial registration fee is imposed upon renewal of registration for a passenger vehicle, motor home, pick-up truck, or a van with special request Winter Olympics commemorative plates \$60.

(g) The fees collected by the department under this section shall be deposited in the general fund. The department shall separately account for three percent of the fees collected under this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations for administration of [AS 28.10.021](#)(a) and [AS 28.22](#) (Alaska Mandatory Automobile Insurance Act).

(h) The annual registration fees under this subsection for vehicles, including low-speed vehicles, used for commercial purposes are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, as follows:

(1) up to and including 5,000 pounds \$90;

(2) more than 5,000 pounds to and including 12,000 pounds \$134;

(3) more than 12,000 pounds to and including 18,000 pounds \$258;

(4) more than 18,000 pounds \$331.

(i) A one-time registration fee of \$20 is imposed upon initial registration for a trailer or semi-trailer used for commercial purposes.

(j) When a person registers a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or trailer rented or offered for rent, the person may choose to pay a biennial registration fee of \$30 or, if the person resides within the unorganized borough or in a municipality that elects, by passage of an appropriate ordinance, to allow the permanent registration of motor vehicles, to register the trailer permanently. If the person permanently registers the trailer, the person shall pay the biennial registration fee plus a permanent registration fee of \$25. If the person permanently registers the trailer, no additional registration fees are required if the same person who initially registered the trailer continues to own the trailer. A new owner of a trailer previously registered under this subsection shall register and pay the biennial registration fee or the permanent registration fee as provided in this subsection. The motor vehicle registration tax for a permanently registered trailer is the rate established for permanent trailer registration under [AS 28.10.431\(j\)](#). If a municipality has not established a tax for a permanently registered trailer, the biennial rate established in [AS 28.10.431\(b\)](#) or (j), if any, is levied upon the trailer and is payable only once at the time a trailer is permanently registered. If the person pays the registration tax as required by this subsection and [AS 28.10.431](#), no additional registration taxes are required if the same person who initially registered the trailer continues to own the trailer.

Sec. 28.10.423. Emission control inspection program fees.

(a) In addition to the biennial registration fee specified in [AS 28.10.421](#), a \$2 fee is imposed upon every vehicle required to be inspected under an emission control program established under [AS 46.14.400](#) or 46.14.510. This fee shall be collected at the same time and in the same manner as the registration fee.

(b) In addition to the permanent registration fee established in [AS 28.10.155](#), a \$2 fee is imposed on the owner of each permanently registered motor vehicle required to be inspected under an emission control program established in [AS 46.14.400](#) or 46.14.510. That fee shall be collected biennially.

Sec. 28.10.430. Release by lienholder. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.431. Biennial motor vehicle registration tax.

(a) There is levied a motor vehicle registration tax within each municipality that elects, by passage of an appropriate ordinance, to come under this section. A municipality shall file a written notice of election with the department and may not rescind the notice for a subsequent fiscal year. The notice must be filed on or before January 1 of the year preceding the year election under this section is to become effective. If a municipality has, before October 15, 1978, levied a motor vehicle registration or ad valorem tax that has been repealed by a vote of the people at any regular or special municipal election, then the election provided for in this subsection is not effective until the ordinance passed by the local governing body has been approved by the people at the next regularly scheduled general or special municipal election.

(b) The biennial tax is levied upon motor vehicles subject to the registration fee under [AS 28.10.411](#) and 28.10.421 and is based on the age of vehicles as determined by model year in the first year of the biennial period, according to the following schedule:

Tax According to Age of Vehicle Since Model Year:

1st2nd3rd4th5th6th7th8th or over

Motor Vehicle

(1) motorcycle\$ 17\$ 15\$ 13\$ 10\$ 7\$ 5\$ 4\$ 4

(2) vehicles specified

in [AS 28.10.421](#)

(b)(1)(A) or (3)(A)12199775539281916

(3) vehicles specified

in [AS 28.10.421](#)

(b)(1)(B)12199775539281916

(4) vehicles specified

in [AS 28.10.421](#)

(c)(1)-(4) 5,000 pounds or less12199775539281916

5,001-12,000 pounds1981541219977553322

12,001-18,000 pounds447392348304260227205194

18,001 pounds or over546469403348304260216194

(5) vehicles specified

in [AS 28.10.421](#)

(b)(3)(B)1981541219977553322

(6) vehicles specified

in [AS 28.10.421](#)(j)171513107544

(7) vehicles specified

in [AS 28.10.421](#)

(d)(8)12199775539281916

(8) vehicles eligible

for dealer

plates under

[AS 28.10.421](#)(d)(9)88.

(c) The registration tax shall be levied, collected, enforced, and otherwise administered in the same manner as provided for the registration fees in this chapter. Only one registration tax may be collected with respect to the same motor vehicle in the year for which the tax is paid.

(d) If a person has paid both the registration fee levied in [AS 28.10.411](#) and 28.10.421 and the registration tax levied in this section, and the department determines that the payor is entitled to a refund in whole or in part of the registration tax, the department shall make the refund to which the person is entitled. A refund may not be made unless application for a refund is filed with the department by December 31 of the year following the year for which the refund is claimed.

(e) The department shall refund money collected under this section, less eight percent as collection costs, to a municipality for which the money was collected, as determined by (1) the address of residence of an individual required to pay the tax, or (2) the situs of the vehicle if the vehicle is not owned by an individual; the tax situs is the location at which the motor vehicle is usually, normally, or regularly kept or used during the registration period. For the first year in which the tax is levied within a municipality, the department may retain actual costs of collection of the tax within the municipality as determined by the department.

(f) Money received by an organized borough under this section shall be allocated by the borough by ordinance for city, area outside city, and service area purposes within the borough.

(g) Payment of the registration tax is in lieu of all local use taxes and ad valorem taxes on motor vehicles subject to the tax. A municipality which elects to come under the provisions of this section may not levy use or ad valorem taxes on motor vehicles subject to the registration tax

during a fiscal year in which the election is in effect.

(h) A vehicle owned by a former prisoner of war exempted from registration fees under [AS 28.10.421](#)(d)(11) is subject to a motor vehicle registration tax under this section.

(i) [Repealed, § 28 ch 90 SLA 1991.]

(j) A municipality that imposes a motor vehicle registration tax as described under (a) of this section may also, by passage of an appropriate ordinance, increase the scheduled amount of tax described under (b) or (l) of this section, establish a tax for a motor vehicle that is permanently registered under [AS 28.10.155](#), or establish a tax for a trailer that is permanently registered under [AS 28.10.421](#)(j). A municipality that chooses to change the tax imposed under (b) or (l) of this section or establishes a tax for permanently registered motor vehicles or trailers shall file a written notice of the change with the department by January 1 of the year preceding the year in which the change in tax is to take effect. A municipality may not change the amount of the tax imposed under this section more than once every two years. The department may charge a municipality a one-time fee to cover the cost to the department of implementing a change under this subsection.

(k) A vehicle registration application and renewal application for vehicles subject to a municipal vehicle registration tax shall itemize the total amount due in a manner that separately shows the amount of vehicle registration tax imposed by the municipality.

(l) Notwithstanding (b) of this section, an annual tax is levied upon vehicles specified in [AS 28.10.421](#)(c) and subject to the registration fee under [AS 28.10.411](#) and 28.10.421 if the owner elects to register the vehicle annually as allowed under [AS 28.10.108](#)(f). The tax is based on the age of the vehicle as determined by model year according to the following schedule:

Tax According to Age of Vehicle Since Model Year:

1st 2nd 3rd 4th 5th 6th 7th 8th or over

Motor Vehicle

5,000 pounds or less \$66 \$55 \$44 \$33 \$22 \$17 \$11 \$8

5,001-12,000 pounds 110 88 66 55 44 33 22 11

12,001-18,000 pounds 240 207 185 163 141 119 107 97

18,001 pounds or over 295 251 218 185 161 141 119 97.

Sec. 28.10.440. Dismantled vehicle. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.441. Schedule of other fees and charges.

The following fees and charges are imposed by the department for the stated services that it provides:

(1) title fee, including transfer of title \$15;

(2) lien filing fee \$15;

(3) replacement of any registration plate, including a special request plate \$5;

(4) duplicate of original certificate of title \$15;

(5) duplicate of certificate of registration \$2;

(6) temporary preregistration permit issued under [AS 28.10.031](#) none;

(7) special transport permit issued under [AS 28.10.151](#) \$5;

(8) special permit for vehicle used for transport of a person with a disability issued under [AS 28.10.495](#) none.

Article 7. Registration and Title Violations.

Sec. 28.10.450. Failure to endorse and deliver. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.451. Unlawful to violate provisions requiring registration and title.

A person may not wilfully attempt to defeat the provisions of this chapter or wilfully fail to title or register a vehicle as required by this chapter, or otherwise wilfully fail to comply with the requirements of this chapter.

Sec. 28.10.460. Required insurance. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.461. Driving vehicle without evidence of registration.

Except as otherwise expressly permitted in this chapter, a person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle required to be registered under this chapter unless valid registration plates, decals, or permits for the current registration period are attached to and displayed on the vehicle in the manner required by this chapter, and unless a valid certificate of registration for the current registration period is carried, as required by this chapter, in the vehicle and is available for inspection by a peace officer or an authorized representative of the Department of Public Safety.

Sec. 28.10.470. Filing liens. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.471. Driving vehicle when registration suspended or revoked or permit expired.

A person may not drive or move, nor may an owner knowingly permit to be driven or moved, on a highway or vehicular way or area, a vehicle for which the registration or permit has been suspended or revoked or has expired.

Sec. 28.10.480. Filing provisions. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.481. Improper use of evidence of registration or certificate of title.

A person may not lend to another, or knowingly permit the use by another of, a certificate of registration or title, registration plate, decal, special plate, or permit issued under this chapter if the person to whom it is loaned or whose use is permitted is not entitled to its use, nor may a person display in or upon a vehicle a certificate of registration, registration plate, decal, special plate, or permit not issued for that vehicle or not otherwise lawfully used on that vehicle.

Sec. 28.10.490. New certificate. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.491. Felonies relating to title, registration, identification number, and removal and representation of vehicles.

(a) Upon conviction, a person is guilty of a felony who

(1) alters, forges, or counterfeits a certificate of title or registration, or a registration plate, decal, tab, or sticker of this or another jurisdiction;

(2) alters or forges an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title of this or another jurisdiction or on a form the department prescribes;

(3) has possession of or uses a certificate of title or registration, registration plate, decal, tab, or sticker of this or another jurisdiction knowing it to have been altered, forged, or counterfeited;

(4) wilfully removes or falsifies a vehicle identification number;

(5) wilfully conceals or misrepresents the identity of a vehicle or vehicle equipment;

(6) buys, receives, possesses, sells, or disposes of a vehicle or vehicle equipment, knowing that a vehicle identification number or equipment has been unlawfully removed or falsified;

(7) removes from the state a vehicle that is the subject of a security interest created under [AS 28.01](#) — 28.35 or under [AS 45.01](#) — 45.08, [AS 45.12](#), [AS 45.14](#), and [AS 45.29](#) without the written consent of the secured party, and with intent to defraud the secured party or the state;

(8) represents a motor vehicle or house trailer to be a new vehicle and who sells or procures the sale of that motor vehicle as a new vehicle without presenting a “manufacturer's statement of origin”; or

(9) makes a false statement or otherwise conceals or withholds a material fact in an application for registration or certificate of title or falsely affirms with respect to a matter required to be sworn to, affirmed, or furnished under this chapter or regulations adopted under this chapter; except that a person who with criminal negligence as defined in [AS 11.81.900](#), falsely certifies to the department the existence of a motor vehicle liability insurance policy under [AS 28.10.021](#)(a)(2), is guilty of a class A misdemeanor.

(b) A person convicted of an offense under this section is punishable by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both.

Sec. 28.10.493. Misdemeanors relating to transfers.

(a) The owner of a vehicle who transfers a vehicle and fails to comply with the requirements of [AS 28.10.271](#) is guilty of a class B misdemeanor.

(b) A vehicle dealer who transfers a vehicle and fails to comply with the requirements of [AS 28.10.291](#) is guilty of a class B misdemeanor.

Article 8. General Provisions.

Sec. 28.10.495. Parking permit for vehicle transporting a person with a disability.

(a) Upon application by a person with a disability, or by an organization that transports persons with disabilities, the department or a person authorized by the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a person with a disability.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a person with a disability. Upon the death of a person with a disability to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting persons with disabilities, or ceases operating, it shall return the special permit to the department.

(c) Proof of disability, for the purpose of this section, shall be the same as that required for the purposes of [AS 28.10.181](#)(d).

Sec. 28.10.500. Index of liens. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.501. [Renumbered as [AS 28.10.661](#).]

Sec. 28.10.502. Towing, transporting, and storage lien.

(a) A person engaged in the business of towing motor vehicles, who tows, transports, or stores a motor vehicle, has a possessory lien on the vehicle. This lien attaches when the person acts under a contract with the owner or at the direction of a public officer acting lawfully or a person entitled to possession of the property upon which the motor vehicle is parked without consent. The lien remains in effect while the motor vehicle is in the possession of the person, and the vehicle may be sold, as provided in (c) of this section, to pay the charges for towing, transportation or storage.

(b) A lien under this section is limited to towing and storage charges and associated mailing fees. Unless a vehicle has already been reclaimed by the owner, the person possessing the vehicle under this section shall notify the registered owner and primary lienholder, if any, of the towing, transporting, or storage of the vehicle, by certified letter, return receipt requested, mailed to the registered owner and primary lienholder, if any, within seven working days after the initial towing, transporting, or storage of the vehicle. The letter shall be sent to the addresses of record of the registered owner and primary lienholder, if any, on file with the department or the corresponding office in another jurisdiction in which the title to the motor vehicle and the lien on it are recorded. Storage charges cease to be part of the lien after 60 days unless the registered owner or primary lienholder, if any, has been given actual notice of the possessory lien within that time or unless the certified letter has been mailed within the time required in this subsection.

(c) If the motor vehicle remains unclaimed for a period of 30 days in the possession of the person who performed the towing, transportation or storage, it shall be sold on giving 20 days notice of the sale. The notice shall be delivered to the proper officer and personally served on the registered owner and all lienholders, if any, of the motor vehicle in the same manner as provided by law for service of summons. If either of these persons cannot be located and served personally, notice of the sale shall be forwarded to the registered owner and all lienholders, if any, at their last known address by certified mail, return receipt requested. This notice must contain a description of the motor vehicle, including its registration plate number and vehicle identification number, together with the time and place of sale, a statement of the amount due, and the name and address of the person to whom the charges are due.

(d) 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 to be distributed to the registered and legal owner or lienholder entitled to the remaining proceeds. A purchaser in good faith of a titled motor vehicle sold under this section takes the motor vehicle free of any rights of prior lien.

Sec. 28.10.505. Disclosure of personal information contained in motor vehicle records.

(a) Notwithstanding [AS 40.25.300](#) and except as provided in this section, the department may not disclose personal information contained in motor vehicle records maintained by the department under this chapter.

(b) Personal information shall be disclosed for use in connection with matters of motor vehicle or driver safety or theft; motor vehicle emissions; motor vehicle product alterations, recalls, or

advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers as required by federal law.

(c) Personal information may be disclosed if the requesting person demonstrates, in a form and manner the department prescribes, that the requesting person has obtained the written consent of the person who is the subject of the information.

(d) Personal information may be disclosed by the department upon proof of the identity of the person requesting a record and representation by the requesting person that the use of the personal information is strictly limited to one or more of the following uses:

(1) for use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a government agency in carrying out its functions;

(2) for use in the normal course of business by a legitimate business or an agent, employee, or contractor of the business, but only

(A) to verify the accuracy of personal information submitted by an individual to the business or an agent, employee, or contractor of the business; and

(B) if the information submitted is not correct, to obtain the correct information, but only for the purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, an individual;

(3) for use in connection with a civil, criminal, administrative, or arbitration proceeding in a court or government agency or before a self-regulatory body, including service of process and the execution or enforcement of a judgment or court order;

(4) for use in research activities, or in producing statistical reports, if the personal information is not published, redisclosed, or used to contact an individual;

(5) for use by an insurer or insurance support organization, or by a self-insured entity, or an agent, employee, or contractor of an insurer, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

(6) for use in providing notice to the owners of towed or impounded vehicles;

(7) for use by an employer or an agent or insurer of an employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. 31101 — 31162 (Commercial Motor Vehicle Safety Act);

(8) for use in connection with the operation of private toll transportation facilities;

(9) for use in connection with a legitimate business operating under a contract with the department;

(10) for bulk distribution for surveys, marketing, or solicitations if the person who is the subject of the information has provided written consent to the release; and

(11) for any other purpose specifically authorized by law that is related to the operation of a motor vehicle or related to public safety.

(e) Personal information contained in an individual record may be disclosed, without regard to the intended use of the personal information, if the person who is the subject of the information

has provided written consent to the release.

(f) In this section,

(1) “disclose” means to engage in a practice or conduct that makes available or makes known personal information contained in records of the department about a person to another person, organization, or entity by any means of communication;

(2) “individual record” means a record containing personal information about a designated person who is the subject of the record, as identified in a request for information;

(3) “personal information” means information that identifies a person, including a name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving- or equipment-related violations, driver's license or registration status, or a zip code.

Secs. 28.10.510 — 28.10.540. Liens; nonresident owners. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.550. Notice of changes. [Repealed, § 20 ch 241 SLA 1976.]

Secs. 28.10.560 , 28.10.570. Evidence; enforcement. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.580. Lists of vehicles. [Repealed, § 29 ch 214 SLA 1975.]

Secs. 28.10.590 — 28.10.660. Miscellaneous offenses; general provisions. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.661. Definitions.

In this chapter and in regulations adopted under this chapter, unless the context requires otherwise,

(1) “dealer” means a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter and who maintains a place of business or by word of mouth, advertising, or in any other manner represents to be in the business of buying, selling, or exchanging vehicles;

(2) “manufactured home” has the meaning given in [AS 45.29.102](#);

(3) “vehicle” includes mobile homes for the purposes of provisions relating to certificates of title; in this paragraph, “mobile home” means a manufactured home.

Chapter 11. Abandoned Vehicles.

Sec. 28.11.010. Abandonment unlawful.

(a) A person may not abandon a vehicle upon a highway or vehicular way or area.

(b) A person may not abandon a vehicle upon public property or upon private property without the consent of the owner or person in lawful possession or control of the property.

(c) A person who abandons a vehicle in a place specified in (a) or (b) of this section is considered responsible for the abandonment of the vehicle and is liable for the cost of its removal and disposition.

(d) Except as otherwise provided in (b) of this section, the lawful owner of a vehicle, as shown

by the records of the department, whether or not the owner has complied with the provisions of [AS 28.10.271](#), is considered responsible for the abandonment of the vehicle and is liable for the cost of removal and disposition of the abandoned vehicle unless

(1) the vehicle was abandoned by a person driving the vehicle without the permission of the owner; or

(2) the identity of the person abandoning the vehicle is established and the abandonment was without the consent of the owner.

Sec. 28.11.020. Presumption of abandonment.

(a) A vehicle registered or titled as required under [AS 28.10](#) that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 48 hours, or a vehicle registered or titled as required under [AS 28.10](#) that reasonably appears to have been left standing or parked on private property in excess of 24 hours or upon other public property for more than 30 days, without the consent of the owner or person in charge of the property, notwithstanding other statutory provisions, may be removed under [AS 28.11.030](#) and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before removal occurs under [AS 28.11.030](#). The department for good cause may make provisions for parking of vehicles on state property other than specified in this section and under the provisions of [AS 44.62](#).

(b) Notwithstanding other provisions of law, a wrecked or junk vehicle that reasonably appears to have been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway or vehicular way or area in excess of 24 hours, or a wrecked or junk vehicle that reasonably appears to have been left standing or parked on private property or other public property in excess of 24 hours and without the consent of the owner or person in charge of the property, may be removed under [AS 28.11.030](#) and treated as an abandoned vehicle, unless the vehicle is reclaimed and removed before removal occurs under [AS 28.11.030](#).

(c) In this section,

(1) “junk vehicle” means a vehicle that

(A) is not currently registered under [AS 28.10](#), except for a vehicle not currently registered under [AS 28.10](#) and used exclusively for competitive racing;

(B) is stripped, wrecked, or otherwise inoperable due to mechanical failure;

(C) has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or

(D) is in a condition that exhibits more than one of the following elements:

(i) broken glass;

(ii) missing wheels or tires;

(iii) missing body panels or parts; or

(iv) missing drive train parts.

(2) “wrecked vehicle” means a vehicle that is disabled and cannot be used as a vehicle without substantial repair or reconstruction.

Sec. 28.11.025. Claim of ownership by private property owner.

(a) In addition to removal of an abandoned vehicle under [AS 28.11.020](#), a vehicle that is left standing or parked on private property without the consent of the private property owner and for a period of 30 days is presumed to be an abandoned vehicle and title to the vehicle may be transferred to the private property owner as provided under this section. A person who claims ownership of an abandoned vehicle under this section shall provide notice of the claim to the vehicle owner of record and to lienholders in the manner prescribed for giving notice by the department under [AS 28.05.121](#). The notice must state the location of the vehicle and the period of abandonment. If the vehicle is not registered in this state or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice shall be given by publication in the manner prescribed in the rules of the court for service of process by publication.

(b) If an abandoned vehicle is not reclaimed within 30 days after notice is given as required under (a) of this section, the title to the vehicle vests with the owner of the private property on which the vehicle is located. Upon application, the department shall issue a new certificate of title to a vehicle whose ownership is transferred under this section.

(c) In this section, “vehicle” means a

(1) passenger car, motor home, bus, truck, truck-tractor, motorcycle, motorbike, or similar motor vehicle that is designed for use primarily to transport a person or to transport or draw property on a highway or vehicular way; and

(2) snowmobile, three-wheeler, four-wheeler, or a similar off-highway motor vehicle designed or adapted for cross-country operation over unimproved terrain, ice, or snow and that has been declared by its owner at the time of registration and determined by the Department of Public Safety to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title, but not including implements of husbandry or special mobile equipment, such as construction machinery or earthmoving equipment.

Sec. 28.11.030. Removal of abandoned vehicles.

(a) A peace officer or an employee authorized by the state or a municipality may remove or have removed to a place for storage a vehicle abandoned on a highway, on a vehicular way or area, or on private property.

(b) Removal of an abandoned vehicle from private property shall be upon the written request of the owner or person in lawful possession or control of the property, and on a form prescribed by the department.

(c) A written report of the removal shall be made by the peace officer or employee who removes or has removed a vehicle under this section, and the report shall be sent immediately to the department and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle.

Sec. 28.11.040. Notice to owners and lienholders.

The person or company who stores an abandoned vehicle at the direction of a peace officer or an employee under [AS 28.11.030](#) shall within 30 days give notice, in the manner prescribed for the giving of notice by the department under [AS 28.05.121](#), to the vehicle owner of record and to lienholders of record, stating the grounds for removal and the location of the place of impoundment of the vehicle. If the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained, notice shall be given by publication in the manner prescribed in the rules of the court for service of process by publication.

Sec. 28.11.050. Vesting of title.

Title to an impounded vehicle not reclaimed by the registered owner, a lienholder, or other person entitled to possession of the vehicle within 15 days from the notice given under [AS 28.11.040](#) vests with the state or, if a municipal ordinance is adopted under [AS 28.11.100](#), with the municipality, as appropriate. However, nothing in this section prohibits a lien under [AS 28.11.090](#).

Sec. 28.11.060. Redemption.

A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter at any time before an auction under [AS 28.11.070](#)(a) by paying the charges of towing, storage, notice, other cost of impoundment, and any applicable penalty imposed by law.

Sec. 28.11.070. Disposal of abandoned vehicles.

(a) Upon satisfaction of the notice and reporting requirements prescribed in this chapter, a vehicle may be disposed of by removal to a scrap processing yard or auto wrecker for disposal or by public auction 20 days after notice of the auction is published in a newspaper of general circulation in the area or municipality in which the vehicle was found and presumed abandoned. The notice of auction must describe the vehicle and specify the place, date, and time at which it will be sold. A copy of the notice of auction shall be conveyed to the department.

(b) A vehicle disposed of under this section by public auction must be titled under [AS 28.10](#), and may not be subsequently sold without a certificate of title issued by the department.

(c) Notwithstanding the provisions of this section, a person who disposes of an abandoned vehicle under this section may initiate a civil action against a person named in [AS 28.11.010](#), if liable, for costs exceeding receipts for the disposal of the vehicle.

Sec. 28.11.080. Disposal facilities.

(a) The department may negotiate with an appropriate state or municipal agency in an effort to designate and acquire land for the temporary storage of vehicles before sale under [AS 28.11.070](#), or for the final disposal of unsold abandoned vehicles.

(b) A municipality that adopts an ordinance under [AS 28.11.100](#) shall designate appropriate areas within its jurisdiction for the disposal of abandoned vehicles.

Sec. 28.11.090. Towing and storage lien on abandoned vehicle.

A person authorized by contract or other official order to remove an abandoned vehicle has a lien upon a vehicle towed, moved, or stored by and in the possession of the person in accordance with [AS 28.10.502](#).

Sec. 28.11.100. Municipal abatement procedure.

A municipality may adopt an ordinance establishing procedures for the abatement and removal from private or public property, as a public nuisance or a health or safety hazard, a wrecked, dismantled, or inoperative vehicle or a vehicle otherwise presumed to be abandoned. An ordinance adopted under this section must contain provisions for (1) notice to owners and lienholders of record and persons known to be lawfully entitled to possession of the vehicles, of their right to a hearing which shall be conducted by the municipality in the manner provided for by municipal ordinance; (2) notice to owners and lienholders as provided in [AS 28.11.040](#); and (3) disposal of abandoned vehicles as provided in [AS 28.11.070](#).

Sec. 28.11.110. Abandoned motor vehicle fund.

(a) There is created in the department an abandoned motor vehicle fund, to be composed of appropriations by the legislature and proceeds from the sale of abandoned motor vehicles.

(b) The proceeds from the sale of an abandoned motor vehicle under this chapter, after deducting the cost of impounding, advertising, and selling the vehicle, shall be deposited in the fund set out in (a) of this section.

(c) Money in the fund shall be disbursed to the department and to each of the municipalities bound by the provisions of this chapter upon presentation of a voucher for payment of services rendered in compliance with this chapter.

Chapter 15. Drivers' Licenses.

Article 1. Issuance, Expiration, and Renewal of Licenses.

Sec. 28.15.010. License required. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.011. Drivers must be licensed.

(a) A person may not be denied the privilege to drive a motor vehicle upon a highway in this state, except as prescribed by law.

(b) Every person exercising the person's privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in the possession of the person a valid Alaska driver's license issued under the provisions of this chapter for the type or class of vehicle driven, unless expressly exempted by law from this requirement.

(c) A person licensed under the provisions of this chapter may exercise in this state the privilege to drive a motor vehicle and is subject to the restrictions prescribed by this chapter. A municipality may not require a person to obtain any other driver's license to drive or operate a motor vehicle in this state.

(d) Violation of (b) of this section is an infraction.

Secs. 28.15.015 , 28.15.020. Medical exams; exemptions. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.021. Persons exempt from driver licensing.

The following persons are exempt from driver licensing under this chapter:

(1) an employee of the United States government while operating a motor vehicle owned by or leased to the United States government and being operated on official business, unless the employee is required by the United States government or an agency of that government to have a state driver's license;

(2) a nonresident who is at least 16 years of age and who has a valid driver's license issued by another jurisdiction; however, an Alaska driver's license must be obtained by the end of a 90-day period after entry into the state;

(3) a member of the armed forces of the United States or, if the member's spouse is 18 years of age or older, the spouse of a member of the armed forces of the United States who has a valid driver's license issued by another jurisdiction when the permanent residence of the member or spouse is maintained in that jurisdiction;

(4) a person when driving an implement of husbandry, as defined by regulation, that is only temporarily driven or moved on a highway;

(5) a person when driving or operating an off-highway vehicle, watercraft, aircraft, or other vehicle not designed for highway use as specified by the department by regulation;

(6) a person who is at least 16 years of age with a valid driver's license from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an Alaska driver's license for driving a motor-driven cycle must be obtained by the end of a 90-day period after entering the state;

(7) a person when operating an electric personal motor vehicle;

(8) certain drivers in the United States military service who are operating commercial motor vehicles for military purposes; in this paragraph, "certain drivers in the United States military service"

(A) means

(i) a member of the United States active duty military, including active duty United States Coast Guard;

(ii) a member of the United States military reserves;

(iii) a member of the Alaska National Guard or the national guard of another state on active duty in this state, including a member on part-time Alaska National Guard training; and

(iv) an individual who serves as an Alaska National Guard military technician; in this sub-subparagraph, "Alaska National Guard military technician" means an individual who is not a member of the military, but is required to wear a military uniform;

(B) does not include an individual who serves as a United States Military Reserve technician;

(9) drivers employed by a municipality or established village, as that term is defined in [AS 04.21.080](#), with a population of 3,000 or less operating snow removal equipment in this state

within the boundaries of the municipality or established village if

(A) the employee who is properly licensed in this state and ordinarily operates the equipment is unavailable; or

(B) the municipality or established village determines that an emergency exists that requires additional assistance;

(10) a nonresident who holds a valid commercial driver's license issued by another jurisdiction when the permanent residence of the commercial driver is maintained in that jurisdiction.

Sec. 28.15.030. Persons not to be licensed. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.031. Persons not to be licensed.

(a) The department may not issue a driver's license to a person who is

(1) under the age of 16 years, except that the department may issue a permit under [AS 28.15.051](#) or a restricted license under [AS 28.15.121](#); or

(2) at least 16 years of age but not yet 18 years of age unless the person meets the requirements of [AS 28.15.057](#).

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended, revoked, canceled, or withdrawn in this or any other jurisdiction except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver, or traffic offense when the person's appearance is required by statute, regulation, or court rule;

(3) who is a habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(5) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(6) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(7) who is required under [AS 28.20](#) to furnish proof of financial responsibility and who has not done so.

(c) The department may not issue an original or duplicate commercial driver's license to, nor renew or reinstate the commercial driver's license of, a person who is disqualified from operating commercial motor vehicles in this or any other jurisdiction.

(d) In this section, "disqualified" has the meaning given in [AS 28.33.190](#).

Sec. 28.15.040. Instruction permits and temporary licenses. [Repealed, § 19 ch 178 SLA 1978.]
Sec. 28.15.041. Classification of drivers' licenses.

(a) The commissioner shall provide by regulation for the classification of drivers' licenses. The regulations must specify license classifications that are reasonably necessary for the safe operation of the various types, sizes, and combinations of motor vehicles. The regulations must also establish medical standards, standards of driving conduct and proficiency, and other standards governing the issuance, renewal, or denial of these licenses. The department may examine each applicant to determine the applicant's qualifications according to the class of license applied for, and upon issuing a driver's license the department shall indicate on the license the classification for which an applicant for a license has qualified by examination. The regulations and any subsequent modifications under this section become effective only if approved by a concurrent resolution adopted by a majority vote of each house of the legislature.

(b) [Repealed, § 5 ch 53 SLA 1990.]

(c) [Repealed, § 5 ch 53 SLA 1990.]

(d) The commissioner shall adopt regulations for the issuance of drivers' licenses that are federally compliant. For drivers' licenses that are federally compliant, the department

(1) shall copy, scan, or retain only the minimum number of documents required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state or federal law, for issuance of a driver's license that is federally compliant;

(2) shall destroy, regularly and as close as practicable to 15 years after the date of application unless otherwise required by another applicable state or federal law, any documents retained under (1) of this subsection; and

(3) may not copy, scan, or retain in any form a document that is not required to be retained under (1) of this subsection.

(e) The department shall continue to issue drivers' licenses that are not federally compliant. Nothing in this section or regulations adopted under this section requires a driver to be issued a driver's license that is federally compliant. An applicant must clearly request a driver's license that is federally compliant to obtain one. The state or a municipal government may not require a person to possess or use a driver's license that is federally compliant unless the person is a state or municipal employee and the duties of the person's job require the use of a driver's license that is federally compliant. The state or a municipal government shall otherwise treat a driver's license that is not federally compliant the same as a driver's license that is federally compliant. For a driver's license that is not federally compliant, the department

(1) shall retain an image of the face on the license for not more than 15 years after the date of application; if an applicant does not receive a driver's license, the department may not retain an image of the applicant's face;

(2) shall scan and retain only the minimum documents necessary for issuance of the driver's license; the department shall destroy any documents retained one year after the driver's license expires.

(f) The department shall provide public information about the differences between drivers' licenses and drivers' licenses that are federally compliant. The department shall also provide the information to applicants for new and renewal drivers' licenses at the time of application. At a minimum, the information must include a description of

(1) each type of driver's license;

(2) the storage and sharing process for an applicant's information for a driver's license and a driver's license that is federally compliant; and

(3) the official purpose and limitations on the use of each type of driver's license, including a description of the purposes for which a driver's license that is federally compliant may be required and a description of alternatives to using a driver's license that is federally compliant to serve those purposes.

Sec. 28.15.046. Licensing of school bus drivers.

(a) In addition to the requirements of [AS 28.15.041](#)(a), a person may not drive a school bus transporting school children to or from a public school to enable them to participate in class or a school activity, or a bus transporting school children to or from a public school for classroom studies until the person has applied for and has been issued a license for that purpose under this section. This subsection does not apply to a person or motor vehicle exempted under regulations adopted by the commissioner. In this subsection "classroom studies" means curriculum studies that take place in a public school building.

(b) The department may not issue a license under this section unless the applicant

(1) is at least 21 years of age;

(2) has had a license to operate a motor vehicle at least three years before the date of application;

(3) has successfully completed all required driving, written, and physical examinations;

(4) has submitted the applicant's fingerprints, the fees required by the Department of Public Safety under [AS 12.62.160](#) for criminal justice information and a national criminal history record check, and other information sufficient to complete a background check consisting of a fingerprint check of national criminal records and state criminal records of the state or states in which the applicant has resided for the past 10 years; the department shall submit the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under [AS 12.62](#) and a national criminal history record check under [AS 12.62.400](#);

(5) has completed a state approved school bus driver training course established under [AS 14.07.020](#)(a)(14) or has for the previous two years been licensed by the state to operate a school bus.

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to commit a violation, of [AS 11.41.100](#) — 11.41.220, 11.41.260 — 11.41.320, 11.41.360 — 11.41.370, 11.41.410 — 11.41.470, or 11.41.500 — 11.41.530;

(B) a felony violation of endangering the welfare of a child in the first degree under [AS 11.51.100](#);

(C) felony indecent viewing or production of a picture under [AS 11.61.123](#);

(D) distribution of child sexual abuse material under [AS 11.61.125](#);

(E) possession of child sexual abuse material under [AS 11.61.127](#);

- (F) distribution of indecent material to minors under [AS 11.61.128](#);
 - (G) patron of a victim of sex trafficking under [AS 11.66.137](#);
 - (H) sex trafficking in the first, second, or third degree under [AS 11.66.110](#) — 11.66.130;
 - (I) a felony involving distribution of a controlled substance under [AS 11.71](#) or imitation controlled substance under [AS 11.73](#);
 - (J) a felony violation under [AS 28.35.030](#)(n) or 28.35.032(p); or
- (2) who has been convicted of any of the following offenses and less than two years have elapsed since the applicant's date of conviction for the offense:
- (A) assault in the fourth degree under [AS 11.41.230](#);
 - (B) reckless endangerment under [AS 11.41.250](#);
 - (C) contributing to the delinquency of a minor under [AS 11.51.130](#);
 - (D) misdemeanor prostitution under [AS 11.66.100](#)(a)(2);
 - (E) a misdemeanor violation of endangering the welfare of a child in the first degree under [AS 11.51.100](#).
- (d) The department may not issue a license under this section if, at the time of application
- (1) and under circumstances other than those described in (2) of this subsection, less than two years have elapsed from the date of the applicant's first conviction of either driving while under the influence of an alcoholic beverage, inhalant, or controlled substance under [AS 28.35.030](#) or refusal to submit to a chemical test under [AS 28.35.032](#);
 - (2) less than 10 years have elapsed from the date of the applicant's conviction for
 - (A) refusal to submit to a chemical test under [AS 28.35.032](#) if the offense occurred while driving a commercial motor vehicle; or
 - (B) an offense described in [AS 28.33.140](#)(a)(1), (4), (5), or (10);
- (3) the applicant has been convicted two or more times of misdemeanor driving while under the influence of an alcoholic beverage, inhalant, or controlled substance under [AS 28.35.030](#) or misdemeanor refusal to submit to a chemical test under [AS 28.35.032](#), or a combination of those offenses.
- (e) For purposes of determining whether an applicant has been convicted of an offense listed under (c) or (d) of this section, a conviction under prior state law or in another jurisdiction of an offense having elements similar to those of the offenses listed in (c) or (d) of this section is considered a conviction.
- (f) Costs of conducting the background check required under (b)(4) of this section shall be paid by the applicant. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee.
- (g) Conviction of an offense described in (c) or (d) of this section is grounds for the immediate cancellation of a license issued under this section.

(h) To qualify for a license, an applicant who has been convicted of an offense described in (c)(2) or (d) of this section shall supply proof that is acceptable to the department of the date of the applicant's conviction for the offense.

(i) A license issued under this section expires unless renewed within five years after the date of its issuance. A person may renew a license under this section within one year before its expiration upon proper application, payment of the required fee, and the completion of a background check under (b)(4) of this section.

(j) The holder of a school bus driver's license under this section shall, at the time of renewal, report, on a form provided by the department, a conviction for an offense listed in (c), (d), or (e) of this section.

(k) Notwithstanding (c) or (d) of this section, the department may, under standards set by regulation, issue a license to a person who

(1) may otherwise not be issued a license under (d)(3) of this section if, in the 10-year period immediately preceding the application under this subsection, the person has not been convicted of a violation of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance under [AS 28.35.030](#) or refusal to submit to a chemical test under [AS 28.35.032](#);

(2) has been convicted of an offense listed under (c)(2)(A) — (D) of this section if less than two years have elapsed since the date of conviction and the offense was not against a child.

(l) In this section, the date of conviction is the date that sentence is imposed for the offense.

Sec. 28.15.050. Applications. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.051. Instruction permits, temporary drivers' licenses, and special drivers' permits and licenses.

(a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for a noncommercial instruction permit. The department may, after the applicant has successfully passed all parts of the examination under [AS 28.15.081](#) other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified noncommercial type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed one time. Once a license is issued to drive a specified type or class of motor vehicle, a driver is not eligible to obtain an instructional permit for that specified type or class of motor vehicle unless five years have passed since the expiration of the license.

(b) The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program that includes practice driving and is approved by the department. The restricted instruction permit allows the permittee, when the permittee has the permit in the permittee's immediate possession, to drive a specified type or class of motor vehicle; however, an approved instructor must occupy a seat beside the permittee or, if the permittee is driving a motorcycle, the permittee must be accompanied by and under the immediate supervision of an approved instructor.

(c) The department may issue a temporary driver's license to an applicant for a driver's license permitting the applicant to drive a specified type or class of motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's eligibility to receive a driver's license. The temporary license must be in the applicant's immediate possession while the applicant is driving a motor vehicle. A temporary driver's license is invalid when the applicant's license has been issued or has been refused for good cause.

(d) The department may issue a special driver's permit to a person who is at least 14 years of age with the consent of the person's parents, guardians, or spouse who is 18 years of age or older, for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality that by ordinance prohibits the driving of a motor-driven cycle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under [AS 29.35.300](#) — 29.35.330 or former [AS 29.33.250](#) — 29.33.290.

(e) Notwithstanding other provisions of this chapter, the department may issue a special driver's license to a person who is under the age of 16 years because of the circumstances of hardship. Special licenses to be issued because of hardship shall be determined on an individual basis by the commissioner.

(f) A person who is at least 18 years of age may apply to the department for a domiciled commercial instruction permit. The department may, after the applicant has successfully passed all parts of the examination under [AS 28.15.081](#) other than the driving test, issue to the applicant a domiciled commercial instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified commercial type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed 180 days. The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the wheel, and who occupies a seat beside the driver. A domiciled commercial instruction permit may be renewed one time for a period of 180 days. Once a license is issued to drive a specified type or class of motor vehicle, a driver is not eligible to obtain a domiciled commercial instruction permit for that specified type or class of motor vehicle unless

(1) five years have passed since the expiration of the previous license; or

(2) the domiciled commercial instruction permit is obtained for the purpose of adding an endorsement to a current class of commercial license.

(g) A person who is at least 18 years of age may apply to the department for a non-domiciled commercial instruction permit. The department may, after the applicant has successfully passed all parts of the examination under [AS 28.15.081](#) other than the driving test, issue to the applicant a non-domiciled commercial instruction permit if the applicant is domiciled in a foreign jurisdiction or another state, the department determines that the commercial motor vehicle testing and licensing standards of the other jurisdiction meet the requirements of federal law, and the applicant satisfies the requirements of [AS 28.33.100\(a\)\(2\)\(B\)](#) — (D). The permit allows a person, while having the permit in the person's immediate possession, to drive a specified commercial type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed one year. The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the wheel, and who occupies a seat beside the driver. A non-domiciled commercial instruction permit must be marked with “non-domiciled” on the face of the document. A non-domiciled commercial instruction permit expires on the earlier of the expiration date determined by the United States Department of Homeland Security that is stated on the form required for the applicant under [AS 28.33.100\(a\)\(2\)\(B\)](#) or one year from the date of issuance.

Once a license is issued to drive a specified type or class of motor vehicle, a driver is not eligible to obtain a non-domiciled commercial instruction permit for that specified type or class of motor vehicle unless

(1) five years have passed since the expiration of the previous license; or

(2) the non-domiciled commercial instruction permit is obtained for the purpose of adding an endorsement to a current class of commercial license.

Sec. 28.15.055. Provisional driver's license.

Upon application, the department may issue a provisional driver's license to a person who is at least 16 years of age but not yet 18 years of age if the

(1) person has been licensed under an instruction permit issued under [AS 28.15.051](#) or under the law of another state with substantially similar requirements for at least six months;

(2) person's parent, legal guardian, or employer provides proof satisfactory to the department that the applicant has at least 40 hours of driving experience, including at least 10 hours of driving in progressively challenging circumstances, such as driving in inclement weather and nighttime driving; and

(3) person has not been convicted of a violation of a traffic law within the six months before the application is filed; in this paragraph, "traffic law" has the meaning given to "traffic laws" in [AS 28.15.261](#).

Sec. 28.15.057. Restrictions on driver's license issued to a person under 18.

(a) Except as provided under [AS 28.15.051](#), a person who is at least 16 years of age but not yet 18 years of age may not be issued a driver's license unless the person has

(1) been licensed under an instruction permit issued under [AS 28.15.051](#) or under the law of another state with substantially similar requirements for at least six months;

(2) held a valid provisional driver's license issued under [AS 28.15.055](#) for at least six months; and

(3) not been convicted of violating a traffic law during the six months before applying for a driver's license; in this paragraph, "traffic law" has the meaning given to "traffic laws" in [AS 28.15.261](#).

(b) A person authorized to drive a motor vehicle under a provisional driver's license issued under [AS 28.15.055](#) may not

(1) operate a motor vehicle that is carrying any passengers

(A) except a passenger who is a parent, legal guardian, sibling, or a person at least 21 years of age; or

(B) unless at least one of the passengers is a parent, legal guardian, or person at least 21 years of age; or

(2) operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m., except when the person is

(A) accompanied by a parent, legal guardian, or a person at least 21 years of age who is

licensed to drive the type or class of vehicle being used; or

(B) driving to or from the person's place of employment or within the scope of the person's employment and the driving is along the most direct available route.

(c) This section does not apply to restricted licenses issued to persons to operate motor vehicles in areas of the state off the road system when operating motor vehicles in those areas.

(d) A person who violates this section is guilty of an infraction.

Sec. 28.15.060. Applications of minors. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.061. Application for driver's license or instruction permit; notice of anatomical gift and living will procedure.

(a) Application for an instruction permit or for a driver's license must be made on a form furnished by the department and must be accompanied by the fee required under [AS 28.15.271](#).

(b) An application under (a) of this section must

(1) contain the applicant's full legal name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed in the past 10 years as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(4) contain the applicant's social security number; the requirement of this paragraph only applies to an applicant who has been issued a social security number;

(5) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility; and

(6) require that the applicant indicate

(A) that the applicant understands the options for drivers' licenses available at the time of issuance; and

(B) the type of driver's license that the applicant selects.

(c) When an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the applicant's driving record from the other jurisdiction. Upon receipt of that record by the department, it becomes a part of the driver's record in this state with the same effect as if the record originated in this state.

(d) An employee of the department who processes a driver's license application, other than an application received by mail, shall ask the applicant orally whether the applicant wishes to execute an anatomical gift. The department shall make known to all applicants the procedure for executing an anatomical gift under [AS 13.52](#) (Health Care Decisions Act) by displaying posters in the offices in which applications are taken, by providing a brochure or other written information to each person who applies in person or by mail, and, if requested, by providing oral advice. The department shall inform each applicant in writing that, if the applicant executes a gift

under [AS 13.52](#) and if the gift is made with the driver's license application, the department will transmit the information on the license to a donor registry created under [AS 13.50.110](#). The department shall also direct the applicant to notify a procurement organization or the department under [AS 13.50.140](#) if the license is destroyed or mutilated or the gift is revoked under [AS 13.52.183](#). The department shall carry out the requirements of [AS 13.50.100](#) — 13.50.190.

(e) [Repealed, § 17 ch 70 SLA 1984.]

(f) At the time of application for a driver's license or an instruction permit, or renewal of a driver's license or an instruction permit, the department shall provide the applicant written information explaining the state's financial responsibility and mandatory motor vehicle insurance laws and potential penalties for failure to comply with those laws.

(g) Upon request, the department shall provide a social security number provided under this section to the child support services agency created in [AS 25.27.010](#), or the child support agency of another state, for child support purposes authorized by law.

Sec. 28.15.070. Examination. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.071. Application of minors.

(a) The application of a person under the age of 18 years for an instruction permit or driver's license must be signed by the father, mother, guardian, or spouse who is 18 years of age or older, or if there is no parent, guardian, or spouse, then by another responsible adult who is willing to assume the obligation imposed under this section upon a person signing the application. The application must be signed and verified before a person authorized to administer oaths, or be signed in the presence of an authorized representative of the department.

(b) Any negligence or wilful misconduct of a person under the age of 18 years when driving a motor vehicle in this state is imputed to the person who signed the application of the person for a permit or license, and that person is jointly and severally liable for damage caused by the negligence or wilful misconduct of the person under the age of 18 years, except as provided in (c) of this section.

(c) If a minor deposits, or there is deposited on behalf of the minor, proof of financial responsibility for the minor's driving of a motor vehicle, in the form and amount required in [AS 28.20](#), then the department may accept the application of the minor signed as required under (a) of this section, and, while proof of financial responsibility is maintained, the parent, guardian, spouse, or other responsible adult is not subject to the liability imposed under (b) of this section.

(d) A person who signs the application of a minor for a driver's license may file with the department a verified written request that the license of the minor be canceled. When the license is canceled, the person who signed the application is relieved from liability under (b) of this section.

(e) This section does not apply to a person under 18 years of age who is legally emancipated under [AS 09.55.590](#) or a similar law in another jurisdiction.

Sec. 28.15.080. Issuance. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.081. Examination of applicants.

(a) The department shall examine every applicant for a driver's license. The examination must

include a test of the applicant's (1) eyesight, (2) ability to read and understand official traffic control devices, (3) knowledge of safe driving practices, (4) knowledge of the effects of alcohol and drugs on drivers and the dangers of driving under the influence of alcohol or drugs, (5) knowledge of the laws on driving while under the influence of an alcoholic beverage, inhalant, or controlled substance, (6) knowledge of the laws on financial responsibility and mandatory motor vehicle liability insurance, and (7) knowledge of the traffic laws and regulations of the state. The examination may include a demonstration of ability to exercise ordinary and reasonable control in the driving of a motor vehicle of the type and general class of vehicles for which the applicant seeks a license. However, an applicant who has not been previously issued a driver's license by this or another jurisdiction shall demonstrate ability and shall present medical information that the department reasonably requires to determine fitness to safely drive a motor vehicle of the type and general class of vehicles for which the applicant seeks a license.

(b) The commissioner shall adopt regulations under the procedures established by [AS 44.62](#) necessary to implement this section and the department may obtain the services of, and consult with, medical authorities whose specialties relate to driving abilities for the purpose of making the medical determinations necessary under this section or [AS 28.15.091](#) or 28.15.101. Regulations adopted under this section must be approved by a concurrent resolution adopted by majority vote of each house of the legislature before becoming effective. The requirements of the eyesight test under this section may also be satisfied by presenting the current certification of a licensed physician or optometrist that the applicant's vision meets or exceeds the standards established by the department. The commissioner shall request and receive assistance from the commissioner of health in implementing this section.

(c) A requirement for a medical examination under this chapter is satisfied if the applicant is the holder of a current and valid first- or second-class medical certificate issued under federal aviation regulations and has satisfied any applicable requirement of the Department of Education and Early Development relating to tests for tuberculosis if applicable.

(d) The department may enter into agreements with other state agencies, municipalities, or qualified persons for the purpose of conducting the examinations required under this chapter.

Sec. 28.15.085. Alcohol and drug awareness and safety examination of applicants.

Notwithstanding another provision of this chapter and in addition to other requirements, a person applying for a new license after expiration of the person's license on reaching 21 years of age under [AS 28.15.099](#) must pass a test developed and administered by the department regarding alcohol and drug awareness and safety and the laws relating to alcohol, drugs, and driving before the license may be issued or renewed.

Sec. 28.15.090. Access to license. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.091. Department may require re-examination.

If the department has good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, it may upon written notice of at least 10 days to the licensee require the licensee to submit to an examination. Upon conclusion of the examination, the department shall take action as may be appropriate and may cancel the license of the person, or may issue a restricted license under [AS 28.15.121](#), or restrict the type or class of vehicles that the person may drive. If the licensee refuses or neglects to submit to examination, the department may suspend the driver's license until the licensee complies with the requirements of re-examination.

Sec. 28.15.099. Expiration and renewal of license issued to person under 21 years of age. Notwithstanding another provision of this chapter, a driver's license issued to a person under 21 years of age expires 90 days after the person reaches 21 years of age.

Sec. 28.15.100. Duplicates. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.101. Expiration and renewal of driver's license.

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the eighth year following the issuance of a new license or on the expiration date of a license being renewed. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions that the department shall prescribe by regulation.

(c) A driver's license may be renewed by mail or on the department's Internet website if the licensee complies with (a) of this section, except that a license may not be renewed by mail or on the department's Internet website if

(1) the most recent renewal of the applicant's license was by mail or on the department's Internet website; or

(2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

(d) Under regulations adopted by the department, the department may issue to a person a driver's license with a duration of less than eight years if the person is authorized to stay in the United States for less than eight years or the period of authorized stay is indefinite. The department shall issue the license for the period of the authorized stay. If the period of authorized stay is indefinite, the department shall issue the license with a validity of up to eight years.

Sec. 28.15.110. Restrictions. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.111. Licenses issued to drivers; anatomical gift and living will document.

(a) Upon successful completion of the application and all required examinations, and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license indicating the type or general class of vehicles that the licensee may drive. The license must (1) display a distinguishing number assigned to the license; (2) display the licensee's full name, address, date of birth, brief physical description, and photograph; (3) display either a facsimile of the signature of the licensee or a space upon which the licensee must write the licensee's usual signature with pen and ink; (4) display physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; (5) display, for a qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to the extent the department is able, be designed to allow the electronic reading and electronic display of the information described under (2) of this subsection and the electronic reading and display and a physical display on the license that the person is restricted from purchasing alcoholic beverages under [AS 04.16.160](#). A license may not display the licensee's social security number and is not valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph."

(b) The department shall provide a method, at the time that an operator's license is issued, by

which the owner of a license may make an anatomical gift under [AS 13.52](#). The method must provide a means by which the owner may cancel the anatomical gift. The department shall inform each applicant in writing that, if the applicant executes a gift under [AS 13.52](#) and if the gift is made with the license, the department will transmit the information on the license to a donor registry created under [AS 13.50.110](#). The department shall also direct the applicant to notify a procurement organization or the department under [AS 13.50.140](#) if the license is destroyed or mutilated or the gift is revoked under [AS 13.52.183](#). The department shall carry out the requirements of [AS 13.50.100](#) — 13.50.190.

(c) At the request of an applicant, the department shall provide a veteran designation and United States flag replica on a license identifying the driver as a retired veteran, a veteran of the armed forces of the United States discharged under honorable conditions, or a Hmong veteran or Lao veteran who served in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The department may not charge a fee solely for the designation. To receive a veteran designation, the driver shall make available proof of veteran status that shows that the person is retired, was discharged under honorable conditions, or is a Hmong veteran or Lao veteran. The department shall consult with the Department of Military and Veterans' Affairs to determine the proof necessary to show that a person is a Hmong veteran or Lao veteran. With the approval of the applicant, the department shall make available to the Department of Military and Veterans' Affairs the name and address of a driver receiving a veteran designation under this subsection. The department may charge a fee of \$5 for replacement of a valid driver's license with a new license with a veteran designation. A replacement license with a veteran designation issued for \$5 under this subsection shall retain the expiration date of the license it replaces.

(d) The department shall provide a method, at the time that a driver's license is issued, by which the owner of a license may voluntarily designate on the license that the owner has a disability, including a cognitive, mental, neurological, or physical disability, or a combination of those disabilities. The department shall create a discreet symbol to place on the driver's license of a person requesting the designation. The method must provide a means by which the owner may cancel the designation. The department may not charge a fee solely for the designation. To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician assistant under [AS 08.64](#), as a naturopath under [AS 08.45](#), as an advanced practice nurse under [AS 08.68](#), or as a licensed psychologist under [AS 08.86](#). The department may charge a fee of \$5 for replacement of a valid driver's license with a new driver's license with a disability designation and may charge a fee of \$5 for replacement of a driver's license with a disability designation with a new driver's license without a disability designation.

(e) The department may not engage in bulk sharing of facial images captured as a result of an application for a driver's license with a database, other than a database established by the state, regardless of whether the applicant applied for a driver's license that is federally compliant or a driver's license that is not federally compliant. The prohibition in this subsection does not apply to a commercial driver's license.

(f) A commercial driver's license must be federally compliant.

Sec. 28.15.120. Expiration. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.121. Restricted driver's license.

(a) The department, upon issuing a driver's license, may for good cause impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle that the licensee drives. The department may impose other

restrictions applicable to the licensee that it determines to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may issue a special restricted license or may set out restrictions on the usual license form.

(c) The department may, upon receiving satisfactory evidence of a violation of the restrictions on a license restricted or issued under this section, suspend the restricted license for a period not to exceed 30 days.

(d) A person may not drive a motor vehicle in violation of the restrictions imposed on a restricted license.

Sec. 28.15.130. School bus drivers. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.131. License to be carried and exhibited on demand.

(a) A licensee shall have the licensee's driver's license in immediate possession at all times when driving a motor vehicle, and shall present the license for inspection upon the demand of a peace officer or other authorized representative of the Department of Public Safety identified as such to the licensee by the officer or representative. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer, a driver's license previously issued to the person that was valid at the time of the person's arrest or citation.

(b) Violation of this section is an infraction.

Sec. 28.15.140. Change of name. [Repealed, § 25 ch 144 SLA 1977.]

Sec. 28.15.141. Duplicate driver's license.

If a valid driver's license issued under this chapter is lost or destroyed, the person to whom the license was issued may, upon payment of the required fee, obtain a duplicate license. A person who recovers an original license for which a duplicate has been issued shall immediately surrender the duplicate to the department.

Sec. 28.15.150. Records. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.151. Records to be kept by the department.

(a) The department shall maintain a file of

(1) every driver's license application, license or permit, and duplicate driver's license issued by it;

(2) every license that has been suspended, revoked, canceled, limited, restricted, or denied, and the reasons for those actions;

(3) all accident reports required to be forwarded to the department under this title; and

(4) every disqualification of an individual from operating a commercial motor vehicle.

(b) The department shall also maintain and update within 10 days after receipt by the department a file of all accident reports, abstracts of court records of convictions of vehicle, driver, and traffic

offenses, and other information that the department considers necessary to carry out the purposes of this chapter.

(c) The department shall, upon request, subject to the applicable provisions of [AS 12.62](#) and (f) of this section and without charging a fee, furnish (1) a municipal, state, or federal administrative or judicial agency with a certified abstract of the driving record of a driver within 10 days after receipt of the request by the department; and (2) a parent, foster parent, or guardian of a driver who is under 18 years of age and not an emancipated minor an abstract of the driving record of that driver; the department may refuse to release the driver's address to the parent, foster parent, or guardian if the department determines that the release of the driver's address poses a threat to the health or safety of the driver. The abstract must include a listing of accidents in which the driver has been determined by the department or a court of competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic offenses, any actions taken upon the driver's license, and information relating to financial responsibility.

(d) The department shall, upon request and payment of a fee determined by the commissioner, furnish a driver or a person designated by the driver with an abstract or the original copy of the computer printed record of the driver's record as provided in (c) of this section.

(e) [Repealed, § 2 ch 144 SLA 1980.]

(f) Except as provided otherwise in this section and in [AS 15.07.195](#), information and records under this section are declared confidential and private.

Sec. 28.15.160. Court reports. [Repealed, § 19 ch 178 SLA 1978.]

Article 2. Cancellation, Suspension, Revocation, or Limitation of Drivers' Licenses.

Sec. 28.15.161. Cancellation of driver's license.

(a) The department shall cancel a driver's license upon determination that

(1) the licensee is not medically or otherwise entitled to the issuance or retention of the license, or has been adjudged incompetent to drive a motor vehicle;

(2) there is an error or defect in the license;

(3) the licensee failed to give the required or correct information in the licensee's application;

(4) the license was obtained fraudulently;

(5) the licensee is restricted from purchasing alcoholic beverages under [AS 04.16.160](#); if a license is cancelled under this paragraph, when a new license is issued, it must reflect that restriction and the requirements of [AS 28.15.111](#) if the period of restriction under [AS 04.16.160](#) is still in effect;

(6) the licensee has a license issued under [AS 28.15.046](#) and has been convicted of an offense described in [AS 28.15.046\(c\)](#) or (d) that would disqualify the licensee from obtaining a license under that section; or

(7) the licensee owes \$1,000 or more in unpaid fines for offenses involving a moving motor vehicle and failed to

(A) pay the fines in full as required by the court; or

(B) make payments in good faith on the unpaid balance of the fines under a payment plan established by the department.

(b) The licensee may apply for a new license at any time after cancellation upon removal of the cause for the cancellation.

Sec. 28.15.165. Administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

(a) A law enforcement officer shall read a notice, and deliver a copy of it, to a person operating a motor vehicle, commercial motor vehicle, or aircraft, if a chemical test administered under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) produces a result described in [AS 28.35.030](#)(a)(2); a chemical test administered under [AS 28.33.031](#)(a) produces a result described in [AS 28.33.030](#)(a)(2); or the person refuses to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g). The notice must advise that

(1) the department intends to revoke the person's driver's license, privilege to drive, or privilege to obtain a license, refuse to issue an original license to the person, or disqualify the person;

(2) the person has the right to administrative review of the action taken against the person's license or determination not to issue an original license;

(3) if the person has a driver's license or a nonresident privilege to drive, the notice itself is a temporary driver's license that expires seven days after it is delivered to the person, except that if the person was operating a commercial motor vehicle the person will be ordered out of service for 24 hours under [AS 28.33.130](#);

(4) revocation of the person's driver's license, privilege to drive, or privilege to obtain a license, a determination not to issue an original license, or a disqualification of the person, takes effect seven days after delivery of the notice to the person unless the person, within seven days, requests an administrative review.

(b) After reading the notice under (a) of this section, the law enforcement officer shall seize the person's driver's license if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized. If the person was operating a commercial motor vehicle, the officer shall order the person out of service under [AS 28.33.130](#).

(c) Unless the person has obtained a temporary permit or stay of a departmental action under [AS 28.15.166](#), if the chemical test administered under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) produced a result described in [AS 28.35.030](#)(a)(2) or the person refused to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g), the department shall revoke the person's license, privilege to drive, or privilege to obtain a license, shall refuse to issue an original license, and, if the chemical test administered under [AS 28.33.031](#)(a) produced a result described in [AS 28.33.030](#)(a)(2) or the person refused to submit to a chemical test authorized under [AS 28.33.031](#)(a), shall disqualify the person. The department's action takes effect seven days after delivery to the person of the notice required under (a) of this section, and after receipt of a sworn report of a law enforcement officer

(1) that a chemical test administered under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) produced a result described in [AS 28.35.030](#)(a)(2), that a chemical test administered under [AS 28.33.031](#)(a) produced a result described in [AS 28.33.030](#)(a)(2), or that a person refused to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g);

(2) that notice under (a) of this section was provided to the person; and

(3) describing the

(A) circumstances surrounding the arrest and the grounds for the officer's belief that the person operated a motor vehicle, commercial motor vehicle, or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.33.030](#) or [AS 28.35.030](#); or

(B) grounds for the officer's belief that the person operated a motor vehicle or commercial motor vehicle that was involved in an accident causing death or serious physical injury to another person.

(d) The period of revocation of a driver's license, privilege to drive, privilege to obtain a license, refusal to issue an original license, or disqualification shall be for the appropriate minimum period for court revocations under [AS 28.15.181](#)(c) or court disqualifications under [AS 28.33.140](#). A department hearing officer may grant limited license privileges in accordance with the standards set out in [AS 28.15.201](#) to a person whose driver's license or nonresident privilege to drive was revoked under this section. The department may terminate a revocation imposed under this section and issue a driver's license to the person, if the license, privilege to drive, or privilege to obtain a license was revoked for an offense described in [AS 28.15.181](#)(a)(5) or (8) and the person meets the conditions set out for termination of a revocation by the court under [AS 28.15.181](#)(f).

(e) A person whose driver's license, privilege to drive, or privilege to obtain a license has been revoked under this section as a result of a refusal to submit to a chemical test authorized under [AS 28.35.031](#)(a) or (g) or a similar municipal ordinance or a chemical test administered under [AS 28.35.031](#)(a) or (g) or a similar municipal ordinance in which the test produced a result described in [AS 28.35.030](#)(a)(2) may request that the department rescind the revocation. The department shall rescind a revocation under this subsection if the department finds that the person has supplied proof in a form satisfactory to the department that

(1) the person has been acquitted of driving while under the influence under [AS 28.35.030](#), refusal to submit to a chemical test under [AS 28.35.032](#), or a similar municipal ordinance for the incident on which the revocation was based; or

(2) all criminal charges against the person for driving while under the influence under [AS 28.35.030](#) or a similar municipal ordinance and refusing to submit to a chemical test under [AS 28.35.032](#) or a similar municipal ordinance in relation to the incident on which the revocation is based have been dismissed.

Sec. 28.15.166. Administrative review of revocation.

(a) A person who has received a notice under [AS 28.15.165](#)(a) may make a written request for administrative review of the department's action under [AS 28.15.165](#)(c) or for limited license privileges under [AS 28.15.165](#)(d). If the person's driver's license has not been previously surrendered to the department, it shall be surrendered to the department at the time the request for review is made.

(b) A request for review of the department's action under [AS 28.15.165](#) shall be made within seven days after receipt of the notice under [AS 28.15.165](#) or the right to review is waived and the action of the department under [AS 28.15.165](#)(c) is final. If a written request for a review is made after expiration of the seven-day period, and if it is accompanied by the applicant's verified statement explaining the failure to make a timely request for a review, the department shall receive and consider the request. If the department finds that the person was unable to make a

timely request because of lack of actual notice of the department's action or because of factors of physical incapacity such as hospitalization or incarceration, the department shall waive the period of limitation, reopen the matter, and grant the review request. An initial request for limited license privileges may be made at any time. Subsequent requests for limited license privileges may not be made unless the applicant demonstrates a significant change in circumstances.

(c) Upon receipt of a request for review, if it appears that the person holds a valid driver's license and that the driver's license has been surrendered, the department shall issue a temporary driver's permit that is valid until the scheduled date for the review. A person who has requested a review under this section may request, and the department may grant for good cause, a delay in the date of the hearing. If necessary, the department may issue additional temporary permits to stay the effective date of its action under [AS 28.15.165](#)(c) until the final order after the review is issued.

(d) A person who has requested a hearing under this section and who fails to attend or appear at the hearing, for reasons other than lack of actual notice of the hearing or physical incapacity such as hospitalization or incarceration, waives the right to a hearing. The determination of the department that is based upon the enforcement officer's report becomes final.

(e) The hearing under this section must be held by telephone unless the hearing officer finds that a telephonic hearing would substantially prejudice the rights of the person involved in the hearing or that an in-person hearing is necessary to decide the issues to be presented in the hearing. An in-person hearing must be held at the office of the department nearest to the residence of the person involved in the hearing unless the department and the person agree that the hearing is to be held elsewhere.

(f) A review under this section shall be held before a hearing officer designated by the commissioner. The hearing officer has authority to

- (1) administer oaths and affirmations;
- (2) examine witnesses and take testimony;
- (3) receive relevant evidence;
- (4) issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
- (5) regulate the course and conduct of the hearing;
- (6) make a final ruling on the issue.

(g) The hearing for review of action by the department under [AS 28.15.165](#) shall be limited to the issues of whether the law enforcement officer had probable cause to believe that the person was operating a motor vehicle or commercial motor vehicle that was involved in an accident causing death or serious physical injury to another, or that the person was operating a motor vehicle, commercial motor vehicle, or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.33.030](#) or [AS 28.35.030](#) and whether

(1) the person refused to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) after being advised that refusal would result in disqualification or the suspension, revocation, or denial of the person's license, privilege to drive, or privilege to obtain a license, and that the refusal is a misdemeanor;

(2) the chemical test administered under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) produced a result described in [AS 28.35.030](#)(a)(2); or

(3) the chemical test administered under [AS 28.33.031](#)(a) produced a result described in [AS](#)

[28.33.030](#)(a)(2).

(h) The determination of the hearing officer may be based upon the sworn report of a law enforcement officer. The law enforcement officer need not be present at the hearing unless either the person requesting the hearing or the hearing officer requests in writing before the hearing that the officer be present. If in the course of the hearing it becomes apparent that the testimony of the law enforcement officer is necessary to enable the hearing officer to resolve disputed issues of fact, the hearing may be continued to allow the attendance of the law enforcement officer.

(i) Testimony given by the person at the hearing is not admissible against the person in a criminal trial unless the person's testimony at the trial is inconsistent with that given at the hearing.

(j) If the issues set out in (g) of this section are determined in the affirmative by a preponderance of the evidence, the hearing officer shall sustain the action of the department. If one or more of the issues is determined in the negative, the department's action shall be rescinded.

(k) If the action of the department in revoking a nonresident's privilege to drive a motor vehicle is not administratively contested by the nonresident driver or if the departmental action is sustained by the hearing officer, the department shall give written notice of action taken to the motor vehicle administrator of the state of the person's residence and to any state in which that person has a driver's license.

(l) [Repealed, § 34 ch 119 SLA 1990.]

(m) Within 30 days of the issuance of the final determination of the department, a person aggrieved by the determination may file an appeal in superior court for judicial review of the hearing officer's determination. The judicial review shall be on the record, without taking additional testimony. The court may reverse the department's determination if the court finds that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record.

(n) The filing of an appeal under (m) of this section or a petition for review does not automatically stay the department's order or revocation. The court may grant a stay of the order or revocation only upon a motion and hearing, and upon a finding that there is a reasonable probability that the petitioner will prevail on the merits, that the petitioner will suffer irreparable harm if the order is not stayed, and in a case where the petitioner operates a commercial motor vehicle that the public can be adequately protected by conditions imposed by the court.

Sec. 28.15.170. Cancellation. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.171. Suspending privileges of a person licensed in another jurisdiction; reporting convictions, suspensions, disqualifications, and revocations.

(a) The privilege of driving a motor vehicle on a highway or vehicular way or area of this state given to a person licensed in another jurisdiction is subject to suspension, revocation, disqualification, or limitation by the department or a court in the same manner and for the same reasons as a driver's license issued under this chapter.

(b) The department shall, upon receiving the record of a conviction of a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this state, or upon suspending or revoking the person's driving privilege, forward a copy of the record or suspension or revocation to the motor vehicle administrator for the jurisdiction in which the person convicted is licensed.

(c) If a person licensed to operate a commercial motor vehicle in another jurisdiction is convicted

in this state of a traffic offense, whether or not involving a commercial motor vehicle, or if the person is disqualified by this state for a period of 60 days or more, the department shall, within 10 days after notification of the conviction or the disqualification, notify appropriate authorities in the state that issued the license. Within the 10-day period the department shall also notify the United States Department of Transportation if the disqualification is for 60 days or more.

Sec. 28.15.176. Administrative revocation of license to drive for consumption or possession of alcohol or drugs.

Sec. 28.15.180. Suspending privileges of nonresidents. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.181. Court suspensions, revocations, and limitations.

(a) Conviction of any of the following offenses is grounds for the immediate revocation of a driver's license, privilege to drive, or privilege to obtain a license:

- (1) manslaughter or negligent homicide resulting from driving a motor vehicle;
- (2) a felony in the commission of which a motor vehicle is used;
- (3) failure to stop and give aid as required by law when a motor vehicle accident results in the death or personal injury of another;
- (4) perjury or making a false affidavit or statement under oath to the department under a law relating to motor vehicles;
- (5) operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance;
- (6) reckless driving;
- (7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;
- (8) refusal to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) while under arrest for operating a motor vehicle, commercial motor vehicle, or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, or authorized under [AS 28.35.031](#)(g);
- (9) driving while license, privilege to drive, or privilege to obtain a license, canceled, suspended, or revoked, or in violation of a limitation;
- (10) vehicle theft in the first degree in violation of [AS 11.46.360](#) or vehicle theft in the second degree in violation of [AS 11.46.365](#).

(b) A court convicting a person of an offense described in (a)(1) — (4), (6), (7), or (10) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under [AS 28.15.201](#) can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public. If a court limits a person's license under this subsection, it shall do so for not less than 60 days. Upon a subsequent conviction of a person for any offense described in (a)(1) — (4), (6), (7), or (10) of this section occurring within 10 years after a prior conviction, the court shall revoke the person's license, privilege to drive, or privilege to obtain a license and may not grant the person limited license privileges for the following periods:

(1) not less than one year for the second conviction; and

(2) not less than three years for a third or subsequent conviction.

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commercial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under [AS 28.15.165](#). The court may not, except as provided in [AS 28.15.201](#), grant limited license privileges during the minimum period of revocation. Except as provided under [AS 28.35.030](#)(n)(3) and 28.35.032(p)(3), the minimum periods of revocation are

(1) not less than 90 days if the person has not been previously convicted;

(2) not less than one year if the person has been previously convicted once;

(3) not less than 3 years if the person has been previously convicted twice;

(4) not less than 5 years if the person has been previously convicted more than twice.

(d) A court convicting a person of an offense described in (a)(9) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than the minimum period under [AS 28.15.291](#)(b)(4).

(e) [Repealed, § 34 ch 119 SLA 1990.]

(f) The court may terminate a revocation for an offense described in (a)(5) or (8) of this section if

(1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in (c) of this section; and

(2) the person complies with the provisions of [AS 28.15.211](#)(d) and (e).

(g) The court may suspend the driver's license, privilege to drive, or privilege to obtain a license of a person who fails to appear in court as required by a citation for an offense involving a moving motor vehicle, or who fails to pay a fine as required by the court for an offense involving a moving motor vehicle. If the court suspends a driver's license under this subsection, the court shall also provide notice of the suspension to the department. A suspension imposed under this subsection remains in effect until the person appears in court as required by the citation, or pays the fine as required by the court. When the person appears in court or pays the required fine, the court shall terminate the suspension imposed under this subsection and provide the department and the person with written notice of the termination.

(h) [Repealed, § 22 ch 32 SLA 2016.]

(i) In this section, "previously convicted" has the meaning given in [AS 28.35.030](#).

Sec. 28.15.182. Court revocation of license for accident causing death.

(a) A court convicting a person for a violation of the traffic laws may revoke the driver's license, privilege to drive, or privilege to obtain a license of a person if the court finds by clear and convincing evidence that

(1) the person was operating a motor vehicle or commercial motor vehicle that was involved in an accident;

(2) the accident caused the death of another person; and

(3) the violation of traffic laws by the person was a significant contributing cause of the accident.

(b) The license revocation imposed under (a) of this section may be for a period of up to three years. This period is concurrent with any other period of revocation under [AS 28.15.165](#) or 28.15.181, or any other action imposed by the department or court in connection with the accident.

(c) A court revoking a person's driver's license, privilege to drive, or privilege to obtain a license under (a) of this section may consider a request for a limited license by the person. A court may not grant a limited license if another statute prohibits a limited license for violation of its provisions. A court shall require a certification of employment to prove any claim based on the person's employment and a certification of need by a licensed health care practitioner to prove a claim based on care for another person. After a review has been made of the person's driving record and other relevant information, the court may grant limited license privileges for all or part of the period of revocation if the court finds that a limitation can be placed on the license that will enable the person to drive without danger to the public and that, without a limited license,

(1) the person's ability to earn a livelihood would be severely impaired; or

(2) the person would be severely impaired in acting as the primary caregiver for someone with a debilitating physical or mental condition.

(d) When imposing a limitation under (c) of this section, the court shall

(1) require the surrender of the driver's license; and

(2) issue to the person a certificate valid for the duration of the limitation specifying the terms of the limited license.

(e) A representative of the family of a person who died under circumstances as described in (a) of this section may testify at a hearing addressing a driver's license revocation under (a) of this section or a request for a limited license under (c) of this section.

(f) In this section, "traffic laws" has the meaning given in [AS 28.15.261](#).

Sec. 28.15.183. Administrative revocation of license to drive.

(a) If a peace officer has probable cause to believe that a person who is at least 14 years of age but not yet 21 years of age has operated a vehicle after consuming alcohol in violation of [AS 28.35.280](#), or refused to submit to a chemical test under [AS 28.35.285](#), and the peace officer has cited the person or arrested the person for the offense, the peace officer shall read a notice and deliver a copy to the person. The notice must advise that

(1) the department intends to revoke the person's driver's license or permit, privilege to drive, or privilege to obtain a license or permit;

(2) the person has the right to administrative review of the revocation;

(3) if the person has a driver's license or permit, the notice itself is a temporary driver's license or permit that expires 10 days after it is delivered to the person;

(4) revocation of the person's driver's license or permit, privilege to drive, or privilege to obtain a license or permit, takes effect 10 days after delivery of the notice to the person unless the

person, within 10 days, requests an administrative review;

(5) if the person has been cited under [AS 28.35.280](#) or under [AS 28.35.285](#), that person, under [AS 28.35.290](#), may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation.

(b) After reading the notice under (a) of this section, the peace officer shall seize the person's driver's license or permit if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized.

(c) Unless the person has requested an administrative review, the department shall revoke the person's driver's license or permit, privilege to drive, or privilege to obtain a license or permit, effective 10 days after delivery to the person of the notice required under (a) of this section, upon receipt of a sworn report of a peace officer

(1) that the officer had probable cause to believe that the person is at least 14 years of age but not yet 21 years of age and has violated one of the offenses described in (a) of this section;

(2) that the peace officer has cited or arrested the person for a violation of [AS 28.35.280](#) or 28.35.285 or a municipal ordinance with substantially similar elements;

(3) that notice under (a) of this section was provided to the person; and

(4) describing the circumstances surrounding the offense.

(d) The department shall impose the revocation required under this section

(1) for a first revocation, for a period of 30 days;

(2) for a second revocation, for a period of 60 days;

(3) for a third revocation, for a period of 90 days; or

(4) for a fourth or subsequent revocation, for a period of one year.

(e) Notwithstanding the provisions of [AS 28.20.240](#) and 28.20.250, the department may not require proof of financial responsibility before restoring a driver's license, permit, or privilege that is revoked under this section.

(f) A revocation imposed under this section shall be consecutive to a revocation imposed under another provision of law, except that (1) a revocation imposed under this section shall be concurrent with a prior revocation imposed under this section; and (2) a revocation imposed under this section for an offense for which a revocation is required under [AS 28.15.185](#) shall be concurrent with a revocation imposed under [AS 28.15.185](#) that is based on the same incident. A person whose driver's license, permit, or privilege was revoked for a period of at least 60 days under this section may apply for limited license privileges under [AS 28.15.201](#)(d). A person whose driver's license, permit, or privilege to drive was revoked for a period of more than one year under this section may apply for reinstatement as provided under (i) of this section.

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person, if required to participate in a juvenile alcohol safety action program, as defined in [AS 04.21.080](#), has successfully completed any education or treatment recommended.

(h) The department may waive the provisions of (g) of this section if a person who is required to

obtain drug or alcoholism treatment resides in an area where drug rehabilitation or alcoholism treatment is unavailable.

(i) A person whose driver's license, permit, or privilege to drive was revoked under this section may apply for reinstatement of the person's driver's license as provided in this subsection. A person may apply to the department for reinstatement by filing a written request for review of the revocation imposed under this section with the department. The department shall issue a new license or reissue the person's driver's license as provided under [AS 28.15.211](#)(d) if the department finds that

(1) the application for reinstatement is filed at least one year after the person's license, permit, or privilege was revoked;

(2) the person complies with (g) of this section; and

(3) the person has not violated a provision of this title or a regulation of the department since the revocation.

(j) In this section, "peace officer" does not include a person employed by the Department of Corrections.

Sec. 28.15.184. Administrative review of revocation of a minor's license.

(a) A person who has received a notice under [AS 28.15.183](#)(a) may make a written request for administrative review of the department's action. If the person's driver's license or permit has not been previously surrendered to the department, it shall be surrendered to the department at the time the request for review is made.

(b) A request for review of the department's revocation under [AS 28.15.183](#) shall be made within 10 days after receipt of the notice under [AS 28.15.183](#) or the right to review is waived and the action of the department under [AS 28.15.183](#)(c) is final. If a written request for a review is made after expiration of the 10-day period, and if it is accompanied by the applicant's verified statement explaining the failure to make a timely request for a review, the department shall receive and consider the request. If the department finds that the person was unable to make a timely request because of lack of actual notice of the revocation or because of factors of physical incapacity such as hospitalization or incarceration, the department shall waive the period of limitation, reopen the matter, and grant the review request.

(c) Upon receipt of a request for review, if it appears that the person holds a valid driver's license or permit and that the driver's license or permit has been surrendered, the department shall issue a temporary driver's permit that is valid until the scheduled date for the review. A person who has requested a review under this section may request, and the department may grant for good cause, a delay in the date of the hearing. If necessary, the department may issue additional temporary permits to stay the effective date of its action under [AS 28.15.183](#)(c) until the final order after the review is issued.

(d) A person who has requested a hearing under this section and who fails to appear at the hearing, for reasons other than lack of actual notice of the hearing or physical incapacity such as hospitalization or incarceration, waives the right to a hearing. The determination of the department that is based upon the officer's report becomes final.

(e) Notwithstanding [AS 28.05.141](#)(b), the hearing under this section may be held telephonically at the discretion of the hearing officer.

(f) A review under this section shall be held before a hearing officer designated by the commissioner. The hearing officer may

- (1) administer oaths and affirmations;
- (2) examine witnesses and take testimony;
- (3) receive relevant evidence;
- (4) issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
- (5) regulate the course and conduct of the hearing;
- (6) make a final ruling on the issue.

(g) The hearing for review of a revocation by the department under [AS 28.15.183](#) shall be limited to the issues of whether the person was at least 14 years of age but not yet 21 years of age and whether the person operated a vehicle after consuming alcohol in violation of [AS 28.35.280](#) or refused to submit to a chemical test of breath in violation of [AS 28.35.285](#).

(h) The determination of the hearing officer may be based upon the sworn report of a peace officer, if the sworn report is supported by probable cause based on personal observations as required under [AS 28.15.183\(a\)](#). The peace officer need not be present at the hearing unless either the person requesting the hearing or the hearing officer requests in writing before the hearing that the officer be present. If in the course of the hearing it becomes apparent that the testimony of the peace officer is necessary to enable the hearing officer to resolve disputed issues of fact, the hearing shall be continued to allow the attendance of the peace officer.

(i) Testimony given at the hearing is not admissible in a criminal trial unless the testimony given at the trial is inconsistent with testimony given at the hearing.

(j) If the issues set out in (g) of this section are determined in the affirmative by a preponderance of the evidence, the hearing officer shall sustain the action of the department. If one or more of the issues is determined in the negative, the department's revocation action shall be rescinded.

(k) If the action of the department in revoking a nonresident's privilege to drive a motor vehicle is not administratively contested by the nonresident driver or if the departmental action is sustained by the hearing officer, the department shall give written notice of action taken to the motor vehicle administrator of the state of the person's residence and to any state in which that person has a driver's license.

(l) Within 30 days of the issuance of the final determination of the department, a person aggrieved by the determination may file an appeal in superior court for judicial review of the hearing officer's determination. The judicial review shall be on the record without taking additional testimony. The court may reverse the department's determination if the court finds that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record.

(m) The filing of an appeal under (l) of this section or a petition for review does not automatically stay the department's order or revocation. The court may grant a stay of the order or revocation under the applicable rules of court, after a motion and hearing, and upon a finding that there is a reasonable probability that the petitioner will prevail on the merits and that the petitioner will suffer irreparable harm if the order is not stayed.

Sec. 28.15.185. Court revocation of a minor's license to drive.

(a) A person is subject to revocation, under (b) of this section, of the person's driver's license or permit, privilege to drive, or privilege to obtain a license if the person

(1) is at least 13 years of age but not yet 21 years of age and is convicted of or is adjudicated a delinquent minor by a court for misconduct involving a controlled substance under [AS 11.71](#) or a municipal ordinance with substantially similar elements; or

(2) is at least 13 years of age but not yet 18 years of age and is convicted of or is adjudicated a delinquent minor by a court for an offense involving the illegal use or possession of a firearm that is punishable under [AS 11](#) or a municipal ordinance with substantially similar elements.

(b) The court shall impose the revocation for an offense described in (a) of this section as follows:

(1) for a first conviction or adjudication, the revocation may be for a period not to exceed 90 days;

(2) for a second or subsequent conviction or adjudication, the revocation may be for a period not to exceed one year.

(c) When a person described in (a) of this section has been convicted of or adjudicated a delinquent minor for an offense listed in (a) of this section, the court may, upon petition of the person, review the revocation and may restore the driver's license, except a court may not restore the driver's license until

(1) at least one-half of the period of revocation imposed under this section has expired; and

(2) the person has taken and successfully completed a state approved program of drug education or rehabilitation if convicted or adjudicated of misconduct involving a controlled substance under [AS 11.71](#) or a municipal ordinance with substantially similar elements; however, this paragraph does not apply to a person who resides in an area that does not offer a state approved drug education or rehabilitation program or a person that the court determines does not need drug education or rehabilitation.

(d) Notwithstanding the provisions of [AS 28.20.240](#) and 28.20.250, upon conviction of an offense specified in (a) of this section, the department may not require proof of financial responsibility before restoring or issuing the person's driver's license.

(e) [Repealed, § 22 ch 32 SLA 2016.]

Sec. 28.15.187. Administrative revocation of a license to drive for use of false identification.

(a) If a peace officer has probable cause based on personal observation that a person has used a driver's license as fraudulent or false identification as prohibited by [AS 04.16.060](#)(d), the peace officer shall read a notice and deliver a copy to the person. The notice must advise that

(1) the department intends to revoke the person's driver's license, privilege to drive, or privilege to obtain a license, or refuse to issue an original license to the person;

(2) the person has the right to administrative review of the revocation or determination not to issue an original license;

(3) if the person has a driver's license or a nonresident privilege to drive, the notice itself is a temporary driver's license that expires seven days after it is delivered to the person;

(4) revocation of the person's driver's license, privilege to drive, or privilege to obtain a license, or a determination not to issue an original license takes effect seven days after delivery of the notice to the person unless the person, within seven days, requests an administrative review.

(b) After reading the notice under (a) of this section, the peace officer shall seize the person's driver's license if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized.

(c) Unless the person has requested an administrative review, the department shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license, or refuse to issue an original license, effective seven days after delivery to the person of the notice required under (a) of this section, upon receipt of a sworn report of a peace officer

(1) that the officer had probable cause based on personal observations that the person used a driver's license as fraudulent or false identification as prohibited by [AS 04.16.060](#)(d);

(2) that notice under (a) of this section was provided to the person; and

(3) describing the circumstances surrounding the violation of [AS 04.16.060](#)(d).

(d) The department shall impose the revocation required under this section

(1) for a period of 60 days for a first revocation under this section; and

(2) for a second or subsequent revocation under this section for a period of 12 months.

(e) Notwithstanding the provisions of [AS 28.20.240](#) and 28.20.250, the department may not require proof of financial responsibility before restoring a driver's license or privilege that is revoked under this section.

(f) A license revocation imposed under this section shall be consecutive to a license revocation imposed under another provision of law.

Sec. 28.15.189. Administrative review of revocation of license for use of false identification.

(a) A person who has received a notice under [AS 28.15.187](#)(a) may make a written request for administrative review of the department's action. If the person's driver's license has not been previously surrendered to the department, it shall be surrendered to the department at the time the request for review is made.

(b) A request for review of the department's revocation under [AS 28.15.187](#) shall be made within seven days after receipt of the notice under [AS 28.15.187](#) or the right to review is waived and the action of the department under [AS 28.15.187](#)(c) is final. If a written request for a review is made after expiration of the seven-day period, and if it is accompanied by the applicant's verified statement explaining the failure to make a timely request for a review, the department shall receive and consider the request. If the department finds that the person was unable to make a timely request because of lack of actual notice of the revocation or because of factors of physical incapacity such as hospitalization or incarceration, the department shall waive the period of limitation, reopen the matter, and grant the review request.

(c) Upon receipt of a request for review, if it appears that the person holds a valid driver's license

and that the driver's license has been surrendered, the department shall issue a temporary driver's permit that is valid until the scheduled date for the review. A person who has requested a review under this section may request, and the department may grant for good cause, a delay in the date of the hearing. If necessary, the department may issue additional temporary permits to stay the effective date of its action under [AS 28.15.187\(c\)](#) until the final order after the review is issued.

(d) A person who has requested a hearing under this section and who fails to appear at the hearing, for reasons other than lack of actual notice of the hearing or physical incapacity such as hospitalization or incarceration, waives the right to a hearing. The determination of the department that is based upon the officer's report becomes final.

(e) Notwithstanding [AS 28.05.141\(b\)](#), the hearing under this section shall be held telephonically unless the person requesting the hearing requests in writing that the hearing not be held telephonically.

(f) A review under this section shall be held before a hearing officer designated by the commissioner. The hearing officer shall have authority to

- (1) administer oaths and affirmations;
- (2) examine witnesses and take testimony;
- (3) receive relevant evidence;
- (4) issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
- (5) regulate the course and conduct of the hearing;
- (6) make a final ruling on the issue.

(g) The hearing for review of a revocation by the department under [AS 28.15.187](#) shall be limited to the issue of whether the person used a driver's license as fraudulent or false identification as prohibited by [AS 04.16.060\(d\)](#).

(h) The determination of the hearing officer may be based upon the sworn report of a peace officer, if the sworn report is supported by probable cause based on personal observations as required under [AS 28.15.187\(a\)](#). The peace officer need not be present at the hearing unless either the person requesting the hearing or the hearing officer requests in writing before the hearing that the officer be present. If in the course of the hearing it becomes apparent that the testimony of the peace officer is necessary to enable the hearing officer to resolve disputed issues of fact, the hearing shall be continued to allow the attendance of the peace officer.

(i) Upon written request of the person requesting the hearing, the hearing officer shall stay the hearing until the conclusion of related criminal proceedings. If the person requesting the hearing does not request a stay, testimony given by the person at the hearing is admissible against the person in a criminal trial.

(j) If the issue set out in (g) of this section is determined in the affirmative by a preponderance of the evidence, the hearing officer shall sustain the action of the department. If the issue is determined in the negative, the department's revocation action shall be rescinded.

(k) If the action of the department in revoking a nonresident's privilege to drive a motor vehicle is not administratively contested by the nonresident driver or if the departmental action is sustained by the hearing officer, the department shall give written notice of action taken to the motor vehicle administrator of the state of the person's residence and to any state in which that

person has a driver's license.

(l) Within 30 days of the issuance of the final determination of the department, a person aggrieved by the determination may file an appeal in superior court for judicial review of the hearing officer's determination. The judicial review shall be on the record without taking additional testimony. The court may reverse the department's determination if the court finds that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record.

(m) The filing of an appeal under (l) of this section or a petition for review does not automatically stay the department's order or revocation. The court may grant a stay of the order or revocation under the applicable rules of court, after a motion and hearing, and upon a finding that there is a reasonable probability that the petitioner will prevail on the merits and that the petitioner will suffer irreparable harm if the order is not stayed.

Sec. 28.15.190. Forwarding surrendered license. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.191. Court and parole board reports to department; surrender of license or identification card.

(a) A court that convicts a person of an offense under this title or a regulation adopted under this title, or another law or regulation of this state or a municipal ordinance that regulates the driving of vehicles shall forward a record of the conviction to the department within five working days. A conviction of a standing or parking offense need not be reported.

(b) A conviction on a plea of nolo contendere accepted by the court or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court that has not been vacated is equivalent to a conviction for purposes of this chapter.

(c) A court that suspends, revokes, or limits a driver's license shall require the surrender of the license, and shall immediately forward it to the department with the record of conviction and notification of the effective date of the suspension, revocation, or limitation as determined under [AS 28.15.211](#)(b).

(d) A court that limits a driver's license, in addition to the actions required under (c) of this section, shall issue to the licensee a form specifying the court's limitations imposed upon a person's driver's license, and shall immediately forward to the department a copy of the limitations imposed upon the license.

(e) A court shall report to the department every change of name authorized by it, and the name, address, age, description, and driver's license number if available, of every person adjudged to be afflicted with or suffering from a mental disability or disease, or to be a habitual user of alcohol or another drug. The department shall prescribe and furnish the forms for making these reports.

(f) A municipality that accepts a fine payment after a plea of no contest to a charge of a violation of a municipal ordinance for which a scheduled fine has been established shall forward a record of the payment to the department; however, a conviction for a standing or parking offense need not be reported.

(g) A court that has ordered a person to refrain from consuming alcoholic beverages as part of a sentence for conviction of a crime under [AS 28.35.030](#), 28.35.032, or a similar municipal ordinance or as a condition of probation or parole following a conviction under those sections or a similar municipal ordinance, or as a condition of probation or parole for any other crime shall

(1) require the surrender of the person's license and identification card and forward the license and identification card to the department;

(2) report the order to the department within two days; and

(3) inform the person that the person's license and identification card are subject to cancellation under [AS 28.15.161](#) and [AS 18.65.310](#) and, if the person is otherwise qualified to receive a license or identification card, when the person obtains a new license or identification card, the license or identification card must list the restriction imposed by [AS 04.16.160](#) for the period of probation or parole.

(h) The board of parole shall notify the department within two days whenever a person has been ordered to refrain from consuming alcoholic beverages as a condition of parole, shall require the person to surrender the person's license and identification card, and shall inform the person that the person's license and identification card are subject to cancellation under [AS 28.15.161](#) and [AS 18.65.310](#), and that, if the person is otherwise qualified to receive a license or identification card, when the person obtains a new license or identification card, the license or identification card must list the restriction imposed by [AS 04.16.160](#).

Sec. 28.15.200. Suspending license upon conviction in another jurisdiction. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.201. Limitation of driver's license.

(a) A court of competent jurisdiction revoking a person's driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.181](#)(b) may, for good cause, impose limitations upon the driver's license of a person that will enable the person to earn a livelihood without excessive risk or danger to the public. A limitation may not be placed upon a driver's license until after a review has been made of the person's driving record and other relevant information, and a limitation may not be imposed when a statute specifically prohibits the limitation of a license for a violation of its provisions.

(b) A court imposing a limitation under (a) of this section shall

(1) require certification of employment;

(2) require proof of enrollment in and compliance with or completion of an alcoholism treatment program when appropriate;

(3) require the surrender of the driver's license; and

(4) issue to the licensee a certificate valid for the duration of the limitation.

(c) After the termination of a limitation as shown on the certificate issued under (b) of this section, the license of a person on whom a limitation was imposed is revoked until the person receives a new license meeting the requirements set out in [AS 28.15.211](#).

(d) A court revoking a driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.181](#)(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.165](#)(c), may grant limited license privileges if

(1) the revocation was for a misdemeanor conviction under [AS 28.35.030](#) or a similar municipal ordinance and not for a violation of [AS 28.35.032](#);

(2) the person

(A) has not been previously convicted and the limited license is not granted during the first 30 days of the period of revocation; or

(B) has been previously convicted and the limited license is not granted during the first 90 days of the period of revocation;

(3) the court or department requires the person to use an ignition interlock device during the period of the limited license whenever the person operates a motor vehicle in a community not included in the list published by the department under [AS 28.22.011](#)(b) and, when applicable,

(A) the person provides proof of installation of the ignition interlock device on every vehicle the person operates;

(B) the person signs an affidavit acknowledging that

(i) operation by the person of a vehicle that is not equipped with an ignition interlock device is subject to penalties for driving with a revoked license;

(ii) circumventing or tampering with the ignition interlock device is a class A misdemeanor; and

(iii) the person is required to maintain the ignition interlock device throughout the period of the limited license, to keep up-to-date records in each vehicle showing that any required service and calibration is current, and to produce those records immediately on request;

(4) the person is enrolled in and is in compliance with or has successfully completed the alcoholism screening, evaluation, referral, and program requirements of the Department of Health under [AS 28.35.030](#)(h);

(5) the person provides proof of insurance as required by [AS 28.20.230](#) and 28.20.240; and

(6) the person has not previously been convicted of violating the limitations of an ignition interlock limited license or been convicted of violating the provisions of [AS 28.35.030](#) or 28.35.032 while on probation for a violation of those sections.

(e) If a person is required to use an ignition interlock device as a condition of a limited license under this section and the device prevents a vehicle from being operated, the person has not violated the requirements of the limited license by attempting to operate the vehicle.

(f) In (d)(2) of this section, “previously convicted” has the meaning given in [AS 28.35.030](#) and also includes convictions under laws presuming that the person was under the influence of intoxicating liquor if there was 0.08 percent or more by weight of alcohol in the person's blood.

(g) Notwithstanding (d) of this section, a court revoking a driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.181](#)(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.165](#)(c), may grant limited license privileges if

(1) the revocation was for a felony conviction under [AS 28.35.030](#);

(2) the person is participating in and has successfully participated for at least six months in, or has successfully completed, a court-ordered treatment program under [AS 28.35.028](#), and submits verification acceptable to the department;

(3) the person provides proof of insurance as required by [AS 28.20.230](#) and 28.20.240;

(4) the person is required to use an ignition interlock device during the period of the limited

license whenever the person operates a motor vehicle in a community not included in the list published by the department under [AS 28.22.011](#)(b) and, when applicable,

(A) the person provides proof of installation of the ignition interlock device on every vehicle the person operates;

(B) the person signs an affidavit acknowledging that

(i) operation by the person of a vehicle that is not equipped with an ignition interlock device is subject to penalties for driving with a revoked license;

(ii) circumventing or tampering with the ignition interlock device is a class A misdemeanor; and

(iii) the person is required to maintain the ignition interlock device throughout the period of the limited license, to keep up-to-date records in each vehicle showing that any required service and calibration is current, and to produce those records immediately on request;

(5) the person has not previously been granted a limited license under this section and had the license revoked under (j) of this section.

(h) Notwithstanding (g)(2) of this section, if a person resides in a community where a court-ordered treatment program under [AS 28.35.028](#) is not available, the person shall

(1) provide proof to the court that the person has successfully completed a rehabilitative treatment program appropriate for the person's alcohol or substance abuse condition; the program must

(A) include planning and treatment for alcohol or drug addiction;

(B) include emphasis on personal responsibility;

(C) require payment of restitution to victims and completion of community work service;

(D) include physician-approved treatment of physical addiction and treatment of the psychological causes of addiction; and

(E) include a monitoring program and physical placement or housing in communities where the court finds that a monitoring program and placement or housing is available;

(2) provide proof by clear and convincing evidence to the court that the person is currently sober and has maintained sobriety for a period of at least 18 months; and

(3) provide written notice to the district attorney's office of the person's request for a limited license under this section.

(i) A person is not entitled to court-appointed counsel under (h) of this section.

(j) The court or the department may immediately revoke a limited license granted under (g) of this section if the person is convicted of a violation of [AS 28.35.030](#) or 28.35.032 or a similar law or ordinance of this or another jurisdiction or if the person is not in compliance with a court-ordered treatment program under [AS 28.35.028](#) or a rehabilitative treatment program under (h) of this section.

Sec. 28.15.211. Periods of limitation, suspension, revocation, or disqualification; opportunity for hearing and surrender of license.

(a) Except for a point system suspension or revocation under [AS 28.15.221](#) — 28.15.241 and unless provided otherwise by law, and unless the suspension or revocation was for a cause that has been removed, a person whose driver's license, privilege to drive, or privilege to obtain a license has been suspended or revoked may not apply for a new license, and the person's driving privilege may not be restored, until the expiration of

(1) 30 days from the date on which the license, privilege to drive, or privilege to obtain a license was suspended or revoked for a first conviction of the particular offense from which the suspension or revocation resulted;

(2) 90 days from the date on which the license, privilege to drive, or privilege to obtain a license was suspended or revoked for a second conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted;

(3) one year from the date on which the license, privilege to drive, or privilege to obtain a license was suspended or revoked for a third or subsequent conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted.

(b) A limitation, suspension, or revocation of a driver's license, privilege to drive, or privilege to obtain a license or a disqualification imposed by a court or the department takes effect on the date of final judgment, except that if another court or department limitation, suspension, disqualification, or revocation is in effect on the date of final judgment, the effective date of the last imposed limitation, suspension, disqualification, or revocation is at the end of the last day of the previous limitation, suspension, disqualification, or revocation unless the court or department specifies otherwise.

(c) At the end of a period of suspension or limitation, when that limitation follows a suspension, the person whose license has been suspended or limited may apply to the department and, upon payment of the proper fees, including a reinstatement fee, be issued a duplicate driver's license if the person is otherwise entitled to the license under this title.

(d) At the end of a period of revocation or limitation following a revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination, pay all required fees including a reinstatement fee, and, if the license was revoked under [AS 28.15.181](#)(a)(5) or (8), submit proof to the court or the department that the person has met the alcoholism screening, evaluation, referral, and program requirements of the Department of Health under [AS 28.35.030](#)(h).

(e) At the end of a period of limitation, suspension, or revocation under this chapter, the department may not issue a driver's license or a duplicate driver's license to the licensee until the licensee has complied with [AS 28.20](#) relating to proof of financial responsibility.

(f) Unless otherwise provided by law, periods of limitation shall be made at the discretion of the court.

(g) Except as provided under [AS 28.15.183](#)(h), the department may not issue a new license or reissue a license to a person whose driver's license has been revoked under [AS 28.15.183](#) or 28.15.185 unless the person, if required to participate in a juvenile alcohol safety action program, has successfully completed any education or treatment recommended. In this subsection, "juvenile alcohol safety action program" has the meaning given in [AS 04.21.080](#).

Sec. 28.15.219. Definitions.

In [AS 28.15.161](#) — 28.15.219,

(1) “disqualification” has the meaning given in [AS 28.33.190](#);

(2) “disqualified” has the meaning given in [AS 28.33.190](#);

(3) “disqualify” means that a person's privilege to drive a commercial motor vehicle is withdrawn.

Sec. 28.15.220. Discretionary suspension, etc. [Repealed, § 19 ch 178 SLA 1978.]

Article 3. Point System and Driver Improvement.

Sec. 28.15.221. Point system.

(a) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, the commissioner shall adopt regulations establishing a uniform system for the suspension, revocation, limitation, or denial of a driver's license, privilege to drive, or privilege to obtain a license by assigning demerit points for convictions for violations of traffic laws that are required to be reported to the department under [AS 28.15.191](#) and [AS 28.37.130](#).

(b) The regulations adopted under (a) of this section shall include a designated level of point accumulation which identifies drivers who are habitually reckless or negligent or who are habitual or frequent violators of traffic laws, so as to show a disrespect for traffic laws and a disregard for the safety of other persons. In formulating the point system authorized by this section, the commissioner shall, in the interest of interstate uniformity, provide for suspension, revocation or denial of a driver's license, privilege to drive, or privilege to obtain a license for an accumulation of 12 or more points as a result of offenses committed during any consecutive 12-month period or 18 or more points as a result of offenses committed during any 24-month period.

(c) The regulations adopted under (a) of this section shall include a two-point addition to a licensee's assessed total if the licensee, while in a designated traffic safety corridor, overtakes and passes another vehicle in a zone designated by a safety control device that prohibits passing.

Sec. 28.15.225. Limited license. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.230. Right of appeal. [Repealed, § 13 ch 17 SLA 1964.]

Sec. 28.15.231. Assessment of points; driver improvement interview.

(a) Notice of each assessment of points may be given, but notice shall be given when the point accumulation reaches 50 percent of the number at which suspension, revocation, or denial is required under [AS 28.15.221](#)(b), and a driver who has reached that level of point accumulation shall be identified as a problem driver. The department may require a problem driver to appear for a driver improvement interview. The purpose of that interview is to assist the person who is identified as a problem driver in overcoming substandard driving habits. An interview under this subsection is to be conducted in an informal manner. A driver shall comply with any reasonable recommendations designed to improve the driver's driving abilities that are made to the driver during the interview.

(b) Points may not be assessed for violating a provision of a state law or regulation or a municipal ordinance regulating standing, parking, equipment, size, or weight; nor may points be assessed for violations by pedestrians, passengers, or bicycle riders, or for violations of

provisions relating to the preservation of the condition of traffic-control devices on the highways. Points shall be assessed for violations of oversize or overweight permits relating only to restrictions upon speed or hours of operation.

(c) If a licensee is convicted of two or more traffic violations committed on a single occasion, the licensee shall be assessed points for one offense only, and if the offenses involved have different point values, the licensee shall be assessed for the offense having the greater point value.

(d) The time periods provided for in this section for the accumulation of points shall be based upon the date of violation, but points may not be assessed until after conviction, either upon a plea of guilty, nolo contendere, or a forfeiture of bail, or as a result of a trial, for violation of the traffic laws.

(e) The points assessed and the application of them against the licensee by the department under this section are in addition to, and not in substitution for, other provisions of this chapter and are not a substitute for any penalty imposed by a court.

(f) The notice required under (a) of this section may be given by first class mail.

Sec. 28.15.240. Suspending licenses of juveniles. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.241. Reduction of points.

(a) Two points shall be deducted from a licensee's assessed total if the licensee has not been convicted of a violation of traffic laws that occurred during the 12-month period after the date of the last violation of which the licensee was convicted.

(b) In addition to (a) of this section, two points shall be deducted from the assessed total upon the driver's furnishing to the department adequate proof of successful completion, within 12 months of the date of the driver's last violation, of a driver improvement course approved by the department or an alcohol information course approved by the Department of Health, except that

(1) not more than one driver improvement or one alcohol information course may be used to obtain a reduction in points in any 12-month period; and

(2) a driver improvement course for a person under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization.

(c) One point shall accumulate to the driver's benefit for each 12 consecutive months of licensed, violation-free driving within the five-year period preceding the point calculation.

Sec. 28.15.250. Reexamination. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.251. Suspension, revocation, limitation, or denial of driver's license.

(a) The department shall suspend, revoke, limit, deny, or initiate other remedial action against the driver's license of a person, upon the person's failure to

(1) appear for a driver improvement interview under [AS 28.15.231\(a\)](#); or

(2) comply with reasonable recommendations designed to improve the person's driving abilities that are made to the person during the driver improvement interview.

(b) The department shall suspend, revoke, or deny a driver's license of a person who has been identified through the person's point accumulation as a habitual or frequent violator under [AS 28.15.221](#).

(c) A suspension, revocation, limitation, or denial of, or other action against, a driver's license under [AS 28.15.221](#) — 28.15.261 may not be for more than one year.

(d) If a driver's license is suspended or revoked upon the accumulation of the number of points that requires that action under [AS 28.15.221](#) — 28.15.261 and regulations adopted under those sections, a limited license may not be issued to that person during the period of suspension or revocation.

(e) Except for immediate action under [AS 28.15.181](#), when the department proposes to take action against a driver's license under (b) of this section, it shall notify the licensee that the proposed action shall become effective 30 days from the date of the notice, except that the licensee shall have the right, within the 30-day period, to make an oral or written answer or statement in which the licensee may controvert any point or issue and the licensee may present evidence and arguments for the consideration of the department pertinent to the action to be taken or the grounds for the action.

(f) Upon receipt of an oral or written answer or statement from the licensee, the department shall make findings on the matter under consideration and shall notify the person involved of its decision in writing by registered mail. If the department's decision is to sustain an action against the licensee's driver's license, the department shall notify the licensee of the opportunity for a hearing under [AS 28.05.121](#) — 28.05.141.

Sec. 28.15.253. Driver improvement or alcohol information courses.

Upon conviction of a violation of a traffic law that results in a driver accumulating six or more points from offenses committed during any consecutive 12-month period or nine or more points from offenses committed during any 24-month period, (1) on request of the department, the court may, in addition to any other penalty authorized by law, require the driver to successfully complete a driver improvement course approved by the department or an alcohol information course approved by the Department of Health within a period of time prescribed by the court; and (2) the department shall require a person licensed under a provisional license to complete a driver improvement course approved by the department within a time period prescribed by the department. A driver improvement course approved under this section for a person who is under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization. The department may suspend, revoke, or deny the driver's license of a person who fails to successfully complete the driver improvement course or the alcohol information course required by the court under this section within the prescribed time period.

Sec. 28.15.255. Proof of financial responsibility.

(a) The department may not reinstate a driver's license that has been revoked or suspended under [AS 28.15.221](#) — 28.15.261 until the person whose license has been revoked or suspended provides proof of financial responsibility for the future.

(b) If a driver accumulates six or more points under [AS 28.15.221](#) — 28.15.261 during a 12-month period, the department may require the driver to provide proof of financial responsibility for the future as a condition of retaining a driver's license, and may suspend the driver's license

until proof of financial responsibility is provided.

(c) In this section, the term “proof of financial responsibility” has the meaning given in [AS 28.20.630](#) and may be established as provided in [AS 28.20](#).

Sec. 28.15.260. Period of suspension. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.261. Definitions for [AS 28.15.221](#) — 28.15.261.

In [AS 28.15.221](#) — 28.15.261,

(1) “licensee” includes an applicant for a new driver's license if the applicant's license was revoked under [AS 28.15.221](#) — 28.15.261;

(2) “traffic laws” means statutes, regulations, and municipal ordinances governing the driving or movement of vehicles.

Sec. 28.15.270. Surrender of license. [Repealed, § 19 ch 178 SLA 1978.]

Article 4. Fees.

Sec. 28.15.271. Fees.

(a) The fees for drivers' licenses and permits, including renewals, and all related driver skills tests are as follows:

(1) all noncommercial vehicles and motor-driven cycles

(A) each license fee \$20;

(B) each driver skills test \$15;

(2) all commercial motor vehicles

(A) each license fee \$100;

(B) each driver skills test \$25;

(3) instruction permit \$15;

(4) duplicate of driver's license or instruction permit \$15;

(5) temporary license and renewal of permit \$5;

(6) school bus driver's endorsement renewal \$5.

(b) In addition to the fees under (a) of this section,

(1) a person who renews a driver's license by mail shall pay a fee of \$1;

(2) a person who applies for a limited driver's license under [AS 28.15.201](#) shall pay a fee of \$100;

(3) a person who applies for reinstatement of a driver's license under [AS 28.15.211](#) shall pay a fee of

(A) \$100 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (C) of this paragraph, only once;

(B) \$250 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (D) of this paragraph, two or more times;

(C) \$200 if the person's driver's license has, within the 10 years preceding the application, been revoked under [AS 28.35.030](#) or 28.35.032 only once; or

(D) \$500 if the person's driver's license has, within the 10 years preceding the application, been revoked under [AS 28.35.030](#) or 28.35.032 two or more times; and

(4) a person who applies for a driver's license that is federally compliant shall pay a fee of \$20.

(c) The fee for a driver skills test must be paid at the time an appointment for the skills test is made or before the skills test is given, whichever is earlier. The department may not refund a driver skills test fee if the applicant cancels the appointment, fails to appear at the appointed day and time, or fails to pass the skills test.

(d) [Repealed, § 28 ch 90 SLA 1991.]

(e) The department shall charge \$50 for issuance of a new license to replace a license cancelled under [AS 28.15.161](#)(a)(5) because the person is restricted from purchasing alcoholic beverages under [AS 04.16.160](#).

Article 5. Driver License Violations.

Sec. 28.15.280. Use of foreign license. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.281. Unlawful use of license; permitting unauthorized person to drive.

(a) A person may not

(1) display, cause or permit to be displayed, or have in the person's possession a canceled, suspended, revoked, fictitious, or unlawfully altered driver's license;

(2) display or represent as the person's own a driver's license not issued to the person;

(3) display or present a driver's license other than an Alaska driver's license to a peace officer or to the department when that person has been licensed under this chapter; or

(4) lend the person's driver's license to another person or knowingly permit the use of the license by another.

(b) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the control of the person to be driven in this state by a person who is not validly licensed.

Secs. 28.15.282 — 28.15.290. Point system; unlawful use of license. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.291. Driving while license canceled, suspended, revoked, or in violation of a limitation.

(a) A person commits the crime of driving while license canceled, suspended, revoked, or in violation of a limitation if the person drives

(1) a motor vehicle on a highway or vehicular way or area at a time when that person's driver's

license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances described in [AS 28.15.181](#) or 28.15.182 or a similar law in another jurisdiction;

(2) a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances other than those described in (1) of this subsection; or

(3) in violation of a limitation placed on that person's license or privilege to drive in this or another jurisdiction.

(b) Driving while license canceled, suspended, revoked, or in violation of a limitation is

(1) a class A misdemeanor if the person

(A) violates (a)(1) of this section; upon conviction, the court shall impose a minimum sentence of imprisonment of not less than 10 days

(i) with 10 days suspended if the person has not been previously convicted under (a)(1) of this section or a similar law of another jurisdiction; or

(ii) if the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction; or

(B) violates (a)(2) or (3) of this section and the person has been previously convicted under (a) of this section;

(2) an infraction if the person violates (a)(2) or (3) of this section.

(c) It is an affirmative defense to a prosecution under (a) of this section that the person's license was suspended under [AS 28.22.041](#) and the person provides proof of liability insurance meeting the requirements of [AS 28.22](#) and proof that the insurance was in effect at the time of the accident that led to the suspension.

(d) In this section, "previously convicted" means having been convicted in this or another jurisdiction, within 10 years preceding the date of the present offense, of a violation of this section, of [AS 28.33.150](#), or another law or ordinance with substantially similar elements.

Secs. 28.15.300 — 28.15.320. Miscellaneous offenses. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.330. Making false statement. [Repealed, § 20 ch 241 SLA 1976.]

Secs. 28.15.340 — 28.15.360. Fees; definitions. [Repealed, § 19 ch 178 SLA 1978.]

Chapter 17. Commercial Driver Training Schools.

Sec. 28.17.010. Regulatory and enforcement duty of commissioner of public safety. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.011. License required.

A person may not operate a commercial driver training school or act as an instructor of a commercial driver training school unless licensed by the department as provided in this chapter.

Sec. 28.17.020. Driver training school licenses. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.021. Exemptions.

A driver education course or training that is approved by the department or the Department of

Education and Early Development with the concurrence of the department, or is taught at an accredited college or university, is exempt from the provisions of this chapter, but an instructor employed by such a school or institution is exempt only to the extent that the instructor's activities are as an agent of the school or institution.

Sec. 28.17.030. Instructor licenses. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.031. Issuance and expiration of licenses; fees.

(a) The department shall issue a school or instructor license to an applicant who has complied with the provisions of this chapter and regulations adopted under this chapter. All licenses issued under this section expire on the last day of each calendar year.

(b) Every application for an original or renewed school license must be accompanied by a fee of \$25, and each application for an original or renewed instructor license must be accompanied by a fee of \$5. Fees specified in this section may not be refunded if a license is refused, suspended, or revoked.

(c) The department shall require an applicant for a license under this chapter to submit the applicant's fingerprints and the fees required by the Department of Public Safety under [AS 12.62.160](#) for criminal justice information and a national criminal history record check. The department shall submit the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under [AS 12.62](#) and a national criminal history record check under [AS 12.62.400](#).

Sec. 28.17.040. License renewal and fees. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.041. Regulations.

(a) The commissioner of administration shall adopt regulations necessary to carry out the provisions of this chapter, and may call upon the commissioner of education and early development for assistance in formulating these regulations.

(b) Regulations adopted under this section must state the requirements for a school license, including requirements concerning manner and form of application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, vehicle equipment and condition, inspection during reasonable business hours, insurance or bonds in the sum and with the provisions the commissioner considers necessary, and other matters the commissioner may prescribe for the protection of the public. Regulations regarding courses and standards of instruction for

(1) noncommercial motor vehicles must be consistent with standards adopted by the commissioner; and

(2) commercial motor vehicles must meet or exceed the model curriculum for training tractor-trailer drivers adopted by the United States Department of Transportation.

(c) Regulations adopted under this section must state the requirements for an instructor's license, including requirements concerning manner and form of application, moral character, reputation, physical condition, knowledge of the courses of instruction and traffic laws and safety principles and practices, driving record, driving ability, previous personal and employment record, and other matters the commissioner may prescribe for the protection of the public.

Sec. 28.17.050. License suspension or revocation. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.051. Refusal, suspension, or revocation of license.

(a) The department may refuse to issue or renew or may suspend or revoke a license issued under this chapter when it finds that the applicant or licensee has violated or failed to comply with a provision of this chapter or a regulation adopted under this chapter.

(b) A suspension, revocation, or denial of a license under this chapter is subject to the notice and hearing requirements of [AS 28.05.131](#) and 28.05.141.

(c) A suspended or revoked license shall be returned immediately to the department by the licensee.

Sec. 28.17.060. Exemptions. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.061. Civil penalty.

(a) If the department determines a person has violated a provision of this chapter, or a regulation adopted under this chapter, the department may impose a civil penalty not to exceed \$5,000. In determining the amount of a civil penalty imposed under this section, the department shall consider the economic benefit resulting from the violation, the person's prior violations under this section, and the seriousness of the violation.

(b) Before imposing a civil penalty under this section, the department shall provide notice of the civil penalty and an opportunity to request an administrative hearing. If a hearing is not requested within 30 days after notice of the civil penalty is received, the right to a hearing is considered waived. If a hearing is requested, the hearing shall be conducted as provided under [AS 28.05.141](#).

(c) If a person fails to pay a civil penalty imposed under this section within 30 days after the civil penalty is imposed by the department, or if the civil penalty is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the department, the department shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the civil penalty.

Sec. 28.17.070. Penalties. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.17.071. Definitions.

In this chapter and regulations adopted under this chapter, unless the context otherwise requires,

(1) “commercial driver training school” or “school” means a business or nonprofit enterprise for the education and training of persons, either practically or theoretically, or both, in the driving of motor vehicles, for which a consideration or tuition is charged;

(2) “instructor” means a person, whether acting personally as operator of a school or acting for a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons in the driving of motor vehicles.

Sec. 28.17.080. Definitions. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.20.010. Declaration of purpose.

The legislature is concerned over the rising toll of motor vehicle accidents and the suffering and loss inflicted by them. The legislature determines that it is a matter of grave concern that motorists be financially responsible for their negligent acts so that innocent victims of motor vehicle accidents may be recompensed for the injury and financial loss inflicted upon them. The legislature finds and declares that the public interest can best be served by the requirements that the operator of a motor vehicle involved in an accident respond for damages and show proof of financial ability to respond for damages in future accidents as a prerequisite to the person's exercise of the privilege of operating a motor vehicle in the state.

Sec. 28.20.020. Administration.

(a) The department shall administer and enforce this chapter and may adopt regulations necessary for its administration.

(b) The department shall receive and consider any pertinent information upon request of persons aggrieved by its orders or acts under this chapter.

(c) The department shall prescribe and provide suitable forms requisite or considered necessary to carry out this chapter.

Sec. 28.20.030. Court review. [Repealed, § 4 ch 140 SLA 1977.]

Sec. 28.20.040. Department to furnish operating record. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.20.050. Application of chapter.

(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 that 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 \$501.

(b) Not less than 20 days after receipt of a report of such accident, the department shall determine the amount of security that it considers sufficient to satisfy any judgments for damages resulting from the accident that may be recovered against each driver or owner. The determination may not be made with respect to a driver or owner who is exempt from the requirements as to security and suspension.

(c) The department shall determine the amount of security deposit required upon the basis of the reports or other information submitted. If a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of the person's injuries or the damage to the person's property within 30 days after the accident, and the department does not have sufficient information on which to base an evaluation of injuries or damage, then the department after reasonable notice to the person, if it is possible to give notice, otherwise without notice, may not require a deposit of security for the benefit or protection of the person.

(d) Within 30 days after receipt of report of an accident and upon determining the amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident, the department shall give to every person written notice of the amount of security required to be deposited by the person and stating that an order of suspension will be made upon the expiration of 10 days after the notice is sent unless within that time security is deposited as required. A license may not be suspended unless the licensee is

afforded a hearing by the department at which it is determined that there is a reasonable possibility of a judgment being rendered holding the licensee liable.

(e) A peace officer investigating an accident that results in bodily injury to or the death of a person or damage to the property of a person exceeding \$501 shall inform persons involved in the accident in writing of the requirements of this chapter as they apply to suspension of an operator's license or driving privileges.

Sec. 28.20.060. Exceptions to requirement of security.

The requirements as to security and suspension in this chapter do not apply to

(1) the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver is not exempt if at the time of the accident the vehicle was operated without the owner's express or implied permission;

(2) the driver who is not the owner if there was in effect at the time of the accident an automobile liability policy or bond with respect to the person's driving of vehicles not owned by the driver;

(3) a driver or owner whose liability for damages resulting from the accident is, in the judgment of the department, covered by another form of liability insurance policy or bond;

(4) a person qualifying as a self-insurer under [AS 28.20.400](#) or to a person operating a vehicle for a self-insurer;

(5) the driver or owner of a vehicle involved in an accident in which no injury or damage was caused to the person or property of anyone other than the driver or owner;

(6) the driver or owner of a vehicle that at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited by a law or ordinance;

(7) the owner of a vehicle if at the time of the accident the vehicle was operated without the owner's express or implied permission or was parked by a person who had been operating the vehicle without the owner's permission;

(8) the owner of a vehicle or the driver of a vehicle operating it with permission if at the time of the accident the vehicle was owned or leased to the United States, this state or a political subdivision of this state or a municipality of the state; or

(9) the driver or the owner of a vehicle if at the time of the accident the vehicle was operated by or under the direction of a police officer who, in the performance of official duties, assumed custody of the vehicle.

Sec. 28.20.070. Requirements as to policy or bond.

(a) A policy or bond is not effective under [AS 28.20.060](#) unless it is issued by an insurance company or surety company authorized to do business in this state, except as provided in (b) of this section, and if the accident resulted in bodily injury or death, unless the policy or bond is

subject to a limit, exclusive of interest and costs, of not less than \$50,000 because of bodily injury to or death of one person in any one accident and, subject to the same limit for one person, to a limit of not less than \$100,000 because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than \$25,000 because of injury to or destruction of property of others in any one accident.

(b) A policy or bond is not effective under [AS 28.20.060](#) with respect to a vehicle not registered in this state or a vehicle that 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.

(c) The department may rely upon the information in an accident report as to the existence of insurance or a bond unless the department has reason to believe that the information is erroneous.

Sec. 28.20.080. Form and amount of security.

(a) The security required by this chapter must be in the form and amount the department requires, but in no case in excess of the limits specified in [AS 28.20.070](#) for the acceptable limits of a policy or bond.

(b) Every depositor of security shall designate in writing the person in whose name the deposit is made and may at any time change the designation, but a single deposit of security applies only on behalf of a person required to furnish security because of the same accident.

Sec. 28.20.090. Suspension for failure to deposit security.

(a) If a person required to deposit security under this chapter fails to deposit security within 10 days after the department sends notice, the department shall suspend

(1) the license of each driver involved in the accident;

(2) the privilege of operating a vehicle subject to registration if the driver is a nonresident;

(3) the privilege of the owner to operate or permit the operation within this state of a vehicle subject to registration if the owner is a nonresident.

(b) Suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security, except as otherwise provided under succeeding sections of this chapter.

Sec. 28.20.100. Release from liability.

(a) A person is relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident if the person is released from liability by the other person.

(b) A covenant not to sue relieves the parties to it as to each other from the security requirements of this chapter.

(c) If the department evaluates the injuries or damage to a minor in an amount not more than \$501, the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a parent or legal guardian on behalf of the minor without court approval.

Sec. 28.20.110. Adjudication of nonliability.

A person is relieved from the requirement for deposit of security for a claim for injury or damage arising out of the accident if the person is finally adjudicated not to be liable for the claim.

Sec. 28.20.120. Agreements for payment of damages.

(a) Two or more persons involved in or affected by an accident as described in [AS 28.20.050](#) may at any time enter into a written agreement for the payment of an agreed amount with respect to their claims because of bodily injury, death, or property damage arising from the accident. The agreement may provide for payment in installments. The parties may file a signed copy of the agreement with the department.

(b) If proof of financial responsibility is provided and to the extent provided by the written agreement filed with it, the department may not require the deposit of security and shall terminate a previous order of suspension, or if security was deposited, the department shall immediately return the security to the depositor or the personal representative of the depositor.

(c) If there is a default in a payment under the agreement, upon notice of default the department shall take action suspending the license of the person in default as is appropriate in case of failure of the person to deposit security when required under this chapter.

(d) The suspension remains in effect and the license may not be restored until

(1) security is deposited as required under this chapter in the amount the department determines; or

(2) when, following default and suspension, the person in default pays the balance of the agreed amount; or

(3) one year elapses following the effective date of the suspension and evidence satisfactory to the department is filed with it that during the period no action at law upon the agreement is pending.

Sec. 28.20.130. Payment upon judgment.

The payment of a judgment arising out of an accident, or the payment upon judgment of an amount equal to the maximum amount that could be required for deposit under this chapter, for the purposes of this chapter, releases the judgment debtor from the liability evidenced by the judgment.

Sec. 28.20.140. Termination of security requirement.

If satisfied as to the existence of a fact that under [AS 28.20.100](#) — 28.20.130 entitles a person to

be relieved from the security requirements, the department may not require the deposit of security and shall terminate a previous order of suspension in respect to the person, and shall immediately return the deposit to the person or the personal representative of the person.

Sec. 28.20.150. Duration of suspension.

(a) Unless a suspension is terminated under other provisions of this chapter, an order of suspension by the department remains in effect until terminated and a license may not be renewed or issued to a person whose license is suspended until proof of financial responsibility for the future is provided and

(1) the person deposits or there is deposited on behalf of the person the security required under this chapter; or

(2) three years elapse following the date of suspension.

(b) [Repealed, § 9 ch 78 SLA 1982.]

Sec. 28.20.160. Application to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.

(a) If a driver or owner of a vehicle subject to registration under the laws of this state involved in an accident in this state does not have a license or registration in this state, then the driver may not be licensed, nor may the owner register a vehicle in this state until the person complies with the requirements of this chapter to the extent necessary if, at the time of the accident, the person had held a license or been the owner of a vehicle registered in this state.

(b) When a nonresident's operating privilege is suspended under [AS 28.20.090](#) the department shall send a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action similar to that provided for in (c) of this section.

(c) Upon receiving certification that the operating privilege of a resident of this state has been suspended or revoked in another state under a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of an accident under circumstances that would require the department to suspend a nonresident's operating privilege if the accident had occurred in this state, the department shall suspend the license of the resident. The suspension continues until the resident furnishes evidence of compliance with the law of the other state relating to the deposit of security.

Sec. 28.20.170. Authority of department to decrease amount of security.

The department may reduce the amount of security ordered within six months after the date of the accident if in its judgment the amount is excessive. If the security originally ordered is on deposit, the excess deposit over the reduced amount ordered shall be returned immediately to the depositor or the personal representative of the depositor.

Sec. 28.20.180. Correction of action of department.

If the department takes action or fails to take action under this chapter due to erroneous information or no information, upon receiving correct information within one year after the date

of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. However, this section does not require the department to re-evaluate the amount of a deposit required.

Sec. 28.20.190. Custody of security.

The department shall place security deposited with it in the custody of the Department of Revenue.

Sec. 28.20.200. Disposition of security.

(a) The security deposited is available only for

(1) the payment of a settlement agreement covering a claim arising out of the accident upon instruction of the person who made the deposit, or

(2) the payment of a judgment given against the person required to make the deposit for damages arising out of the accident in an action at law begun not later than one year after the deposit of security, or within one year after the date of deposit of security following failure to make payments under an agreement to pay.

(b) Every distribution of funds from a security deposit is subject to the limits of the department's evaluation on behalf of a claimant.

Sec. 28.20.210. Return of deposit.

(a) Upon the expiration of two years from the date of deposit of security, the security remaining on deposit shall be returned to the person who made the deposit or the person's personal representative if an affidavit or other evidence satisfactory to the department is filed with it showing that

(1) no action for damages arising out of the accident for which deposit was made is pending against the person on whose behalf the deposit was made, and

(2) there does not exist any unpaid judgment against the person in an action.

(b) This section does not limit the return of a deposit of security under any other provision of this chapter authorizing return.

Sec. 28.20.220. Matters not to be evidence in civil suits.

The report required after an accident, the action taken by the department under this chapter, the findings, if any, of the department upon which its action is based, and the security filed may not be referred to, and may not be evidence of the negligence or due care of either party, at the trial of an action to recover damages.

Sec. 28.20.230. Proof of financial responsibility for the future.

(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 [AS 28.10](#), are involved in an accident in this state that results in bodily injury to or death of a

person or damage to the property of any one person exceeding \$501.

(b) [Repealed, § 30 ch 108 SLA 1989.]

(c) Notwithstanding any other provisions of this chapter, a person convicted of driving under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.35.030](#), or convicted of refusal to submit to a chemical test of breath under [AS 28.35.032](#), shall maintain proof of financial responsibility for the future for (1) five years if the person has not been previously convicted; (2) 10 years if the person has been previously convicted once; (3) 20 years if the person has been previously convicted twice; (4) for as long as the person is licensed to drive under [AS 28.15](#) if the person has been previously convicted three or more times. In this subsection, “previously convicted” has the meaning given in [AS 28.35.030](#).

Sec. 28.20.240. Proof required when driving privilege is restricted.

Whenever under a law of this state the license of a person is suspended, revoked, limited under [AS 28.15.201](#), or canceled for any reason, the department may not issue to that person a new or renewal of license until permitted to do so under the motor vehicle laws of this state. A period of suspension, revocation, or cancellation continues until proof of financial responsibility for the future is provided. Upon expiration of a period of limitation, the license remains revoked until proof of financial responsibility for the future is provided.

Sec. 28.20.250. Action in respect to unlicensed person.

(a) If a person does not have a license, but by final order or judgment is convicted of, or forfeits bail or collateral deposited to secure an appearance for trial for an offense requiring the suspension or revocation of license, or for driving a motor vehicle upon the highways without being licensed to do so, or for driving an unregistered vehicle upon the highways, a license may not be issued to the person unless the person gives and thereafter maintains proof of financial responsibility for the future.

(b) Whenever the department suspends or revokes a nonresident's operating privilege for conviction or forfeiture of bail, the privilege remains suspended or revoked unless the person has previously given or immediately gives proof of financial responsibility for the future.

Sec. 28.20.260. When proof required after accidents.

(a) Upon receipt by the department of the report of an accident resulting in bodily injury to or death of a person, or damage to the property of any one person exceeding \$501, 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 [AS 28.20.060](#); and

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

(b) This section does not apply to an owner or operator with respect to an accident in which a judgment in the owner's or operator's favor is given on a cause of action arising out of the accident that establishes the owner's or operator's freedom from fault.

Sec. 28.20.270. Suspension for nonpayment of judgments.

Upon receipt of a certified copy of a judgment and a certificate of facts relative to the judgment, the department shall immediately suspend the license or nonresident's operating privilege of a person against whom the judgment is given except as otherwise provided in this chapter.

Sec. 28.20.280. When courts to report nonpayment of judgments.

If a person fails within 30 days to satisfy a judgment arising out of a motor vehicle accident, the clerk of the court, or the judge if there is no clerk, in which the judgment is given, shall forward to the department a certified copy of the judgment and a certificate of facts relative to the judgment.

Sec. 28.20.290. Further action with respect to nonresidents.

If the defendant named in a certified copy of a judgment reported to the department is a nonresident, the department shall send a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

Sec. 28.20.300. Exception for government vehicles.

[AS 28.20.260](#) and 28.20.270 do not apply to an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state, or a political subdivision or municipality of this state.

Sec. 28.20.310. Exception when consent granted by judgment creditor.

If the judgment creditor consents in writing in a form prescribed by the department to the issuance of a license or nonresident's operating privilege to the judgment debtor, the department may allow it for six months from the date of such consent and thereafter until the consent is revoked in writing, if the judgment debtor furnishes proof of financial responsibility notwithstanding default in the payment of judgment, or of an installment of the judgment prescribed in [AS 28.20.270](#).

Sec. 28.20.320. Exceptions when insurer liable.

A license or nonresident's operating privilege may not be suspended under this chapter if the department finds that an insurer is obligated to pay the judgment upon which suspension is based at least to the extent and for the amounts required in this chapter, but has not paid the judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment is not binding upon the insurer and has no legal effect except for the purpose of administering this section. If in a judicial proceeding it is determined by a final judgment, decree, or order that an insurer is not obligated to pay a judgment, the department, notwithstanding any contrary finding made by it, shall immediately suspend the license or nonresident's operating privilege of a person against whom the judgment is given, as provided in [AS 28.20.270](#).

Sec. 28.20.325. Exemption for certain employee-drivers; applicability to employer.

If the driver at the time of an accident was driving, in the course and scope of employment, a vehicle owned, operated, or leased by the driver's employer, the security deposit, proof of future responsibility, and suspension provisions of this chapter apply to the employer and to the vehicles owned by the employer or registered under the employer's name and do not apply to the driver.

Sec. 28.20.330. Suspension to continue until judgments paid and proof given.

(a) If there is an unsatisfied judgment against a person requiring suspension under [AS 28.20.270](#), the person's license or nonresident's operating privilege shall remain suspended and shall not be renewed, nor shall a license or registration be issued in the name of the person, including a person not previously licensed, until the judgment is stayed or satisfied and until the person gives proof of financial responsibility subject to the exceptions in [AS 28.20.310](#), 28.20.320, and 28.20.370.

(b) The proof required by (a) of this section shall be maintained during the period the person has a license or nonresident's operating privilege.

Sec. 28.20.340. Driving while license cancelled, suspended, or revoked.

Upon receiving a record of the conviction of a person for driving a vehicle while the person's license was suspended, the department shall immediately suspend the registration of every vehicle registered in the person's name until the person gives proof of financial responsibility for the future for each vehicle registered in the person's name.

Sec. 28.20.350. Discharge in bankruptcy. [Repealed, § 42 ch 53 SLA 1973.]

Sec. 28.20.360. Payments sufficient to satisfy requirements.

(a) In this chapter, a judgment is satisfied when

(1) \$50,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) subject to the limit of \$50,000 because of bodily injury to or death of one person, the sum of \$100,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) \$25,000 is credited upon a judgment given in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(b) However, payments made in settlement of a claim because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

Sec. 28.20.370. Installment payment of judgments; default.

(a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying the judgment in installments and the court, without prejudice at any other legal remedy, may order and fix the amount and time of payment of the installments.

(b) The department may not suspend a license or nonresident's operating privilege, and shall restore a license or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments.

(c) If the judgment debtor fails to pay an installment specified by the court order, upon notice of default, the department shall immediately suspend the license or nonresident's operating privilege

of the judgment debtor until the judgment is satisfied as provided in this chapter.

Sec. 28.20.380. Registration and operator's rights limited by extent of proof.

(a) When a certificate is filed showing that a policy is issued covering a motor vehicle owned by the insured, but not insuring the person when operating a motor vehicle not owned by the person, the restriction may be removed upon the filing of a certificate showing an operator's policy issued to the person.

(b) If the department receives evidence of the violation of the restriction on the license, it may suspend the license until a certificate is filed showing an operator's policy issued to the holder of the license.

Sec. 28.20.390. Proof by persons who do not own a vehicle.

Proof of financial responsibility for a person who is not the owner of a vehicle may be given by filing

(1) a certificate of insurance as provided in [AS 28.20.410](#) or 28.20.420;

(2) a bond as provided in [AS 28.20.470](#); or

(3) a certificate of self-insurance as provided in [AS 28.20.400](#), supplemented by an agreement by the self-insurer that, for accidents occurring while the certificate is in force, the self-insurer will pay the same amount that an insurer would be obligated to pay under an owner's motor vehicle liability policy if it had issued a policy to the self-insurer.

Sec. 28.20.400. Self-insurers.

(a) A person in whose name more than 25 vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in (b) of this section. A person in whose name 25 or fewer vehicles are registered qualifies as a self-insurer and shall be issued a certificate of self-insurance if the person provides proof satisfactory to the department that the person has and will continue to have the ability to pay a judgment for property damage, bodily injury, or both, in the amount of at least \$125,000.

(b) The department may issue a certificate of self-insurance when it is satisfied that the person has and will continue to have ability to pay judgments obtained against the person. The certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both, or within the limits the department prescribes.

(c) Upon not less than 10 days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay a judgment within 30 days after judgment becomes final is a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 28.20.410. Certificate of insurance as proof.

Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of an insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate must give the effective date of the motor vehicle liability policy, which must be the same as the effective date of the certificate, and must designate by description or appropriate reference all vehicles covered by it, unless the policy is issued to a person who is not the owner of a motor vehicle.

Sec. 28.20.420. Certificate furnished by nonresident as proof.

(a) A nonresident may give proof of financial responsibility by filing with the department a written certificate of an insurance carrier authorized to transact business in the state in which the vehicle described in the certificate is registered, or if the nonresident does not own a vehicle, then in the state in which the nonresident resides, if the certificate otherwise conforms with this chapter; the department shall accept it upon condition that the insurance carrier complies with (b) and (c) of this section.

(b) The insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in an action arising out of a motor vehicle accident in this state.

(c) The insurance carrier shall agree in writing that the policy shall conform with the laws of this state relating to the terms of motor vehicle liability policies issued in this state.

Sec. 28.20.430. Default by nonresident insurer.

If an insurance carrier not authorized to transact business in this state, but qualified to furnish proof of financial responsibility in this state, defaults in an undertaking or agreement, the department may not accept as proof a certificate of the carrier whether previously filed or thereafter tendered as proof, so long as the default continues.

Sec. 28.20.440. Motor vehicle liability policy defined; required provisions.

(a) In this chapter, “motor vehicle liability policy” means an “owner policy” or an “operator's policy” containing an agreement or endorsement as provided in this section, or certified as provided in [AS 28.20.410](#) or 28.20.420 as proof of financial responsibility for the future, and issued, except as otherwise provided in [AS 28.20.420](#), by an insurance carrier authorized to transact business in this state, to or for the benefit of the person named as insured.

(b) The owner's policy of liability insurance must

(1) designate by description or appropriate reference all vehicles that it covers;

(2) insure the person named and every other person using the vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the vehicle within the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, as follows: \$50,000 because of bodily injury to or death of one person in any one accident, and, subject to the same limit for one person, \$100,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property of others in any one accident;

(3) contain coverage in not less than the amounts set out in (2) of this subsection for the protection of the persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury or death, or damage to or destruction of property arising out of the ownership, maintenance or use of the uninsured or underinsured motor vehicle; this coverage must comply with the provisions of [AS 28.20.445](#).

(c) The operator's policy of liability insurance must insure the person named as insured against loss from the liability imposed upon the person by law for damages arising out of the use by the person of any motor vehicle not owned by the person, within the same territorial limits and subject to the same limits of liability as are required for an owner's policy of liability insurance.

(d) The motor vehicle liability policy must state the name and address of the named insured, the coverage, the premium charges, the policy period, and the limits of liability, and must contain an agreement or an endorsement that insurance is provided in accordance with the coverage defined in this chapter for bodily injury and death or property damage, or both, and is subject to all the provisions of [AS 28.20.010](#) — 28.20.640.

(e) The motor vehicle liability policy need not insure liability under a workers' compensation law nor liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy is subject to the following provisions but these provisions need not be contained in the policy.

(1) The liability of the insurance carrier becomes absolute whenever injury or damage covered by the policy occurs; the policy may not be cancelled or annulled as to this liability after the occurrence of the injury or damage; no statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(2) The satisfaction by the insured of a judgment for injury or damages is not a condition precedent to the right or duty of the insurance carrier to make payment on account of injury or damage.

(3) The insurance carrier may settle a claim covered by the policy, and if settlement is made in good faith, the amount of settlement is deductible from the limits of liability specified in (b) of this section.

(4) The policy, the written application for the policy, if any, and every rider or endorsement that does not conflict with the provisions of this chapter constitute the entire contract between the parties.

(g) A policy that grants the coverage required for a motor vehicle liability policy may also grant lawful coverage in excess of or in addition to the coverage specified for a policy and the excess or additional coverage is not subject to the provisions of this chapter. With respect to a policy that grants excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage that is required by this section.

(h) A motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(i) A motor vehicle liability policy may provide for proration of the insurance with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers that together meet the requirements.

(k) A binder issued pending the issuance of a motor vehicle liability policy fulfills the requirements for a policy.

(l) Notwithstanding any other provisions of law, a person who resides in the same household as the person named as insured or a person who is a relative of the person named as insured shall be excluded from coverage under a motor vehicle liability policy if the person named as insured requests that that person be excluded from coverage.

Sec. 28.20.445. Uninsured and underinsured motorists coverage.

(a) The maximum liability of the insurance carrier under the uninsured and underinsured motorists coverage required to be offered under [AS 28.20.440](#) shall be the lesser of

(1) the difference between the amount of the covered person's damages for bodily injury and property damage and the amount paid to the covered person by or for a person who is or may be held legally liable for the damages; and

(2) the applicable limit of liability of the uninsured and underinsured motorist coverage.

(b) An amount payable under the uninsured and underinsured motorist coverage shall be excess to an amount payable under automobile bodily injury, death, or medical payments coverage, or as workers' compensation benefits and may not duplicate amounts paid or payable under valid and collectible automobile bodily injury, death, or medical payments coverage, or as workers' compensation benefits.

(c) If a person is entitled to uninsured or underinsured motorists coverage under more than one coverage when two or more vehicles are insured under one policy, the maximum amount payable may not exceed the highest limit of any one coverage under the policy. If a person is entitled to uninsured or underinsured motorists coverage under more than one motor vehicle policy issued by the same insurer in the same household, the maximum amount payable may be limited to the highest limit of any one coverage under the policies. If a person is entitled to uninsured or underinsured motorists coverage under more than one policy providing motor vehicle liability coverage, payments will be made in the following order of priority, subject to the limit of liability of each applicable policy or coverage:

(1) a policy or coverage covering a motor vehicle occupied by the injured person or a policy or coverage covering a pedestrian as a named insured;

(2) a policy or coverage covering a motor vehicle occupied by the injured person as an insured other than as a named insured;

(3) a policy or coverage not covering a motor vehicle occupied by the injured person but covering the injured person as a named insured;

(4) a policy or coverage not covering a motor vehicle occupied by the injured person but covering the injured person as an insured other than as a named insured;

(5) a policy or coverage covering, as excess, umbrella, or similar insurance, a motor vehicle occupied by the injured person or a policy or coverage covering, as excess, umbrella, or similar insurance, a pedestrian as a named insured;

(6) a policy or coverage covering, as excess, umbrella, or similar insurance, a motor vehicle occupied by the injured person or a policy or coverage covering, as excess, umbrella, or similar insurance, a pedestrian as an insured other than as a named insured;

(7) a policy or coverage not covering a motor vehicle occupied by the injured person but covering, as excess, umbrella, or similar insurance, the injured person as a named insured;

(8) a policy or coverage not covering a motor vehicle occupied by the injured person but covering, as excess, umbrella, or similar insurance, the injured person as an insured other than as a named insured.

(d) Uninsured and underinsured motorists coverage does not apply to bodily injury or death or damage to or destruction of property of an insured

(1) while occupying a motor vehicle owned by, but not insured by, the named insured or the insured's spouse or relative residing in the same household; or

(2) through being struck by a vehicle owned by the named insured or the insured's spouse or relative residing in the same household.

(e) Uninsured and underinsured motorists coverage

(1) may not apply to bodily injury, sickness, disease, or death of an insured or damage to or destruction of property of an insured until the limits of liability of all bodily injury and property damage liability bonds and policies that apply have been used up by payments, judgments or settlements;

(2) shall be a single combined coverage;

(3) may be rejected by the insured in writing; if the insured has rejected the coverage, the coverage shall not be included in any supplemental, renewal, or replacement policy unless the insured subsequently requests the coverage in writing; and

(4) need not provide coverage for punitive damages that might otherwise be recoverable from an uninsured or underinsured person.

(f) If both the owner and operator of the uninsured vehicle are unknown, payment under the uninsured and underinsured motorists coverage shall be made only where direct physical contact between the insured and uninsured or underinsured motor vehicles has occurred. A vehicle that has left the scene of the accident with an insured vehicle is presumed to be uninsured if the person insured reports the accident to the appropriate authorities within 24 hours.

(g) The uninsured and underinsured motorists coverage for damage to or destruction of property is subject to a deductible of \$250 in any one accident, but the insurer may offer a deductible other than \$250. This coverage shall be limited to damage to or destruction of the insured motor vehicle. It may not include loss of use of the vehicle.

(h) [Repealed, § 115 ch 81 SLA 1997.]

(i) The director of the division of insurance shall ensure that policies that provide the uninsured and underinsured motorists coverage required under this chapter clearly state that the uninsured and underinsured motorists coverage provides coverage for the insured for injuries sustained as a pedestrian or bicyclist by a motor vehicle.

Sec. 28.20.450. Notice of cancellation or termination of certified policy.

When an insurance carrier certifies a motor vehicle liability policy under [AS 28.20.410](#) or 28.20.420 the insurance certified may not be cancelled or terminated until at least 10 days after a notice of cancellation or termination of the insurance is filed with the department, except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate for the purpose of this chapter the insurance previously certified for a vehicle designated in both certificates.

Sec. 28.20.460. Chapter not to affect other policies.

(a) This chapter does not apply to or affect a policy of automobile insurance against liability that may now or hereafter be required by any other law of this state, except that the policy, if it contains an agreement or is endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(b) This chapter does not apply to or affect a policy insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on behalf of the insured of vehicles not owned by the insured.

Sec. 28.20.470. Bond as proof.

Proof of financial responsibility may be evidenced by the bond of a surety company authorized to transact business in this state. The bond shall be conditioned for payment of the amounts specified in [AS 28.20.230](#). The bond shall be filed with the department and may not be cancellable except after 10 days' written notice to the department.

Sec. 28.20.480. Action on bond.

If a judgment given against the principal on a bond is not satisfied within 30 days after it becomes final, the judgment creditor may, for the use and benefit and at the sole expense of the judgment creditor, bring an action in the name of the state against the company executing the bond.

Sec. 28.20.490. Money or securities as proof. [Repealed, § 15 ch 70 SLA 1984.]

Sec. 28.20.500. Owner may give proof for others.

(a) The owner of a motor vehicle may give proof of financial responsibility on behalf of the owner's employee or a member of the owner's immediate family or household. The furnishing of proof in this manner permits the person for whom it is given to operate a motor vehicle covered by the proof. The department shall endorse appropriate restrictions on the face of the license held by a person for whom proof is given by another, or may issue a new license containing these restrictions.

(b) The department, upon receiving satisfactory evidence of the violation of a restriction, may suspend the license until a certificate is filed showing a policy issued to the driver that covers the driver as operator or owner of the vehicle operated in violation of the restriction.

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. 28.20.520. Other proof may be required.

Whenever proof of financial responsibility filed under this chapter no longer fulfills the purpose for which it is required, the department shall require other proof as required by this chapter and shall suspend the license pending the filing of other proof.

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. 28.20.540. Duration, cancellation, and return of proof.

(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 that 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 the person's license to the department.

(b) The department may not consent to the cancellation of a bond or the return of money or securities if an action for damages upon a liability covered by the proof is pending or a judgment upon the liability is unsatisfied, or if the person who filed the bond or deposited money or securities has within one year immediately preceding the request been involved as a driver or owner in a motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of these facts, or that the applicant is released from all of this liability, or has been finally adjudicated not to be liable for the injury or damage is sufficient evidence in the absence of evidence to the contrary in the records of the department.

(c) Whenever a person whose proof has been cancelled or returned under (a)(3) of this section applies for a license within a period of three years from the date proof was originally required, the application shall be refused unless the applicant reestablishes the proof for the remainder of the three-year period.

Sec. 28.20.550. Transfer of registration to defeat purpose of chapter prohibited.

(a) If an owner's registration is suspended under this chapter, the registration may not be

transferred nor the vehicle registered in any other name until the department is satisfied that the transfer or registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(b) This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of the vehicle registered in the name of another as owner who becomes subject to this chapter.

(c) The department shall suspend the registration of a vehicle transferred in violation of this section.

Sec. 28.20.560. Surrender of license and registration, and false affidavits.

(a) A person whose license or registration is suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, is canceled or terminated, shall immediately return the person's license or registration to the department. If a person fails to return the license or registration to the department, the department, through the commissioner of public safety, shall immediately direct a peace officer to obtain possession of it and to return it to the department.

(b) A person who wilfully fails to return a license or registration as required in (a) of this section or who knowingly gives an affidavit required by this chapter that is false is punishable by a fine of not more than \$500, or by imprisonment for not more than 30 days, or by both.

Sec. 28.20.570. Forged proof.

A person who forges or, without authority, signs any evidence of proof of financial responsibility for the future, or who files or offers for filing evidence of proof of financial responsibility for the future, knowing or having reason to believe that it is forged or signed without authority, is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

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, except a reciprocal insurer formed by and only insuring a group of municipalities or nonprofit utilities under [AS 21.75](#), or a reciprocal insurer formed under [AS 21.75](#) to provide marine insurance. 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, community, 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. 28.20.585. Reinstatement fee. [Repealed, § 15 ch 70 SLA 1984.]

Sec. 28.20.590. Past application of chapter.

This chapter does not apply to an accident or judgment arising from an accident or violation of

the motor vehicle laws of this state, occurring before September 1, 1959.

Sec. 28.20.600. Chapter does not prevent other process.

This chapter does not prevent the plaintiff in an action from relying for relief upon other processes provided by law.

Sec. 28.20.610. Provisions of chapter apply throughout state.

The provisions of this chapter apply upon highways and elsewhere throughout the state.

Sec. 28.20.620. Application of Administrative Procedure Act. [Repealed, § 4 ch 140 SLA 1977.]

Sec. 28.20.630. Definitions.

In this chapter, unless the context otherwise requires,

(1) “judgment” means a judgment that is final by expiration without appeal of the time within which an appeal may be taken, or final by affirmation on appeal, given by a court of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages;

(2) “proof of financial responsibility” means an owner's motor vehicle liability policy that covers all vehicles owned by the person that are subject to registration in this state, or if the person does not own a vehicle, proof required under [AS 28.20.390](#).

Sec. 28.20.640. Short title.

This chapter may be cited as the Motor Vehicle Safety Responsibility Act.

Chapter 22. Mandatory Motor Vehicle Insurance.

Article 1. Insurance Required.

Sec. 28.22.010. Motor vehicle liability policy. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.011. Motor vehicle liability insurance required; exemptions.

(a) The operator or owner of a motor vehicle subject to registration under [AS 28.10.011](#) when driven on a highway, vehicular way or area, or on other public property in the state, shall be insured under a motor vehicle liability policy that complies with this chapter or a certificate of self-insurance that complies with [AS 28.20.400](#) unless

(1) the motor vehicle is being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system, or

(B) a highway or vehicular way with an average daily traffic volume greater than 499; and

(2) the operator has not been cited within the preceding five years for a traffic law violation with a demerit point value of six or more on the point schedule determined under regulations adopted by the department under [AS 28.15.221](#).

(b) The department shall annually publish a list of areas that meet the requirements of (a)(1) of this section. This list shall be available for public inspection at each office of the department.

(c) In this section, “operator” does not include

(1) an employee who operates, during the course and within the scope of employment, a motor vehicle that is owned or leased by the operator's employer; or

(2) an emergency service volunteer who operates, during the course and within the scope of responding to an emergency, a motor vehicle not owned by the volunteer.

Sec. 28.22.019. Proof of insurance to be exhibited on demand; penalty.

(a) A person shall have proof of motor vehicle liability insurance in the person's immediate possession at all times when driving a motor vehicle, and shall present the proof for inspection upon the demand of a peace officer or other authorized representative of the Department of Public Safety. A person may display the proof on a mobile electronic device. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer proof of motor vehicle liability insurance previously issued to the person that was valid at the time of the person's arrest or citation.

(b) A municipality may adopt an ordinance

(1) requiring a person to display a decal on the person's motor vehicle indicating compliance with (a) of this section; or

(2) that is substantially similar to (a) of this section and may impose a penalty for violating the ordinance as provided under [AS 29.25.070](#).

(c) A person convicted under this section is guilty of an infraction and shall be sentenced to pay a mandatory fine of \$500.

(d) Displaying proof of motor vehicle liability insurance on a mobile electronic device under this section does not constitute consent for a peace officer or other authorized representative of the Department of Public Safety to access other contents of the mobile electronic device.

(e) In this section, “proof” means

(1) a copy of the insurance policy or certificate of self-insurance that is in effect;

(2) a printed card or electronic certification from an insurance company, insurance agent, insurance broker, or surplus lines broker that a policy that complies with [AS 28.22.011](#) is in effect; or

(3) the display on a mobile electronic device of verification from an insurance company, insurance agent, insurance broker, or surplus lines broker that a policy that complies with [AS 28.22.011](#) is in effect.

Sec. 28.22.020. Policy provisions that are implied. [Repealed, § 17, ch 70 SLA 1984.]

Sec. 28.22.021. Requirement of proof of motor vehicle liability insurance.

The owner or operator of a motor vehicle required to have motor vehicle liability insurance that complies with this chapter or a certificate of self-insurance that complies with [AS 28.20.400](#),

shall show proof of this insurance when that person is involved in an accident that results in bodily injury to or death of a person, or damage to the property of a person exceeding \$501.

Sec. 28.22.030. Excess or additional coverage. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.031. Method of proof of motor vehicle liability insurance.

(a) A person involved in an accident who is required under [AS 28.22.021](#) to prove that a motor vehicle liability policy or a certificate of self-insurance was in effect shall, within 15 days after the accident,

(1) present a copy of the insurance policy, certificate, bond, or insurance binder that was in effect at the time of the accident to the department for inspection;

(2) provide the department with written certification from an insurance company, insurance agent, insurance broker or surplus lines broker confirming that a valid motor vehicle liability policy issued in conformity with this chapter was in effect at the time of the accident; or

(3) advise the department in writing that a certificate of self-insurance was in effect at the time of the accident.

(b) The department shall develop and implement a program to check the veracity of the documents filed for proof under this section.

(c) The department shall review all accident reports and shall request proof of insurance from a vehicle owner or operator in each case in which evidence of motor vehicle liability insurance that complies with this chapter is not present.

Sec. 28.22.040. Proration. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.041. Administrative suspension of drivers' licenses.

(a) Except as provided in (h) of this section, if a person fails to provide proof required under [AS 28.22.021](#) and 28.22.031, the department shall suspend the driver's license of that person for the following periods:

(1) not less than 90 days if, within the preceding 10 years, the person has not had a driver's license suspended for violation of [AS 28.22.011](#) or former [AS 28.22.200](#);

(2) not less than one year if, within the preceding 10 years, the person has had a driver's license suspended one or more times for violation of [AS 28.22.011](#) or former [AS 28.22.200](#).

(b) The suspension shall be consecutive to any other suspension required by law or imposed by a court.

(c) The department may grant limited license privileges only for medical care or for work purposes to a person whose license has been suspended under this section if

(1) the person has filed proof of financial responsibility for the future as required by [AS 28.22.061](#);

(2) the person's license has not been suspended two or more times under this section or former [AS 28.22.240](#) in the preceding 10 years;

(3) the department determines that the person's or the person's dependent's medical care needs cannot be met without severe hardship or the person's ability to earn a livelihood would be severely impaired unless a limited license privilege is granted; and

(4) the department determines that a limitation can be placed on the license that will enable the person or the person's dependent to receive medical care or the person to earn a livelihood without excessive danger to the public.

(d) When imposing a limitation under this section the department shall

(1) require the surrender of the driver's license; and

(2) issue to the licensee a certificate valid for the duration of the limitation.

(e) After the termination of a limitation as shown on the certificate issued under (d) of this section, the license of a person on whom a limitation was imposed is suspended until the person receives a new license under [AS 28.15.211\(c\)](#).

(f) The department shall notify the licensee that the suspension becomes effective 30 days from the date of the notice and that the licensee has the right, within the 30-day period, to make an oral or written answer controverting any point or issue, or to present evidence and arguments for the consideration of the department. Notwithstanding [AS 28.05.121](#), the department shall provide this notice to the address that appears to be the most recently provided from among the following:

(1) the address the department has for the person;

(2) the address shown on the report of the accident.

(g) Upon receipt of an oral or written answer from the licensee the department shall make findings on the matter under consideration within 15 days and shall notify the person involved of its decision in writing by certified or registered mail. If the department's decision is to sustain an action against the licensee's driver's license, the department shall notify the licensee of the opportunity for a hearing under [AS 28.05.121](#) — 28.05.141. Suspension of a person's license is stayed until final disposition of the hearing under this section.

(h) Subsection (a) does not apply to a person who is required to provide proof under [AS 28.22.021](#) if the person

(1) is involved in an accident that results in property damage of less than \$2,000 and the damage occurs only to the property of the person required to show proof of insurance;

(2) not later than 15 days after the accident, provides proof of motor vehicle liability insurance that complies with this chapter or a certificate of self-insurance that complies with [AS 28.20.400](#) to the department; and

(3) establishes by a preponderance of the evidence that the failure to have in effect motor vehicle liability insurance or to self-insure as required by this chapter at the time of the accident was due to circumstances beyond the control of the person.

Sec. 28.22.050. Requirements of policy. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.051. Falsification of information.

A person who, with criminal negligence as defined in [AS 11.81.900](#), provides false information required under [AS 28.22.021](#) — 28.22.041 is guilty of a class A misdemeanor.

Sec. 28.22.061. Proof for the future.

(a) A person whose license is suspended under [AS 28.22.041](#) shall file proof of financial

responsibility for the future under [AS 28.20](#) before full driving privileges may be restored or limited license privileges are granted under [AS 28.22.041](#)(c).

(b) A filing of proof of financial responsibility under [AS 28.20](#) shall be required for a period of three years following expiration of the suspension of license under [AS 28.22.041](#).

Article 2. General Policy Provisions.

Sec. 28.22.100. General policy provisions. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.101. General coverage requirements; policy limits.

(a) An owner's motor vehicle liability policy must designate by description or appropriate reference the motor vehicles that it covers and insure the person named against loss from the liability imposed by law for damages that arise from the ownership, maintenance, or use of a designated motor vehicle.

(b) An operator's motor vehicle liability policy must insure the person named as insured against loss from the liability imposed by law for damages that arise from the use by the operator of a motor vehicle not owned by the operator.

(c) A personal motor vehicle liability policy must insure the person named as insured against loss from liability imposed by law for damages that arise from the ownership, maintenance, or use by the named person of a motor vehicle whether owned or not owned by the person.

(d) A motor vehicle liability policy must provide coverage in the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, as follows:

(1) \$50,000 because of bodily injury to or death of one person in one accident, and, subject to the same limit for one person, \$100,000 because of bodily injury to or death of two or more persons in one accident; and

(2) \$25,000 because of injury to or destruction of property of others in one accident.

(e) A motor vehicle liability policy must provide coverage under [AS 28.22.201](#) — 28.22.231 in the amounts set out in (d) of this section for the protection of the persons insured under the policy who are legally entitled to recover damages from the owner or operator of an uninsured or underinsured motor vehicle because of bodily injury or death, or damage to or destruction of property arising out of the ownership, maintenance, or use of the uninsured or underinsured motor vehicle. This subsection does not require coverage for punitive damages that might otherwise be recoverable from an uninsured or underinsured person.

(f) A motor vehicle liability policy must state the name and address of the named insured and meet the requirements of [AS 21.42.160](#) — 21.42.170. In the absence of specific contract language or endorsement, the motor vehicle liability policy issued for a person in this state is presumed to meet the minimum requirements of (d) of this section.

Sec. 28.22.110. Maximum liability of carrier. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.111. Policy provisions that are implied.

A motor vehicle liability policy is subject to the following provisions which do not need to be set out in the policy:

(1) satisfaction by the insured of a judgment for injury or damages is not a condition precedent

to the right or duty of the insurance carrier to make payment on account of injury or damage;

(2) the insurance carrier may settle a claim covered by the policy, and if settlement is made in good faith, the amount of settlement is deductible from the limits of liability specified in [AS 28.22.101](#);

(3) the policy, the written application for the policy, if any, and every rider or endorsement that does not conflict with the provisions of this chapter constitute the entire contract between the parties.

Sec. 28.22.120. Policy coverage and priorities. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.121. Excess of additional coverage.

(a) A policy that grants the coverage required for a motor vehicle liability policy may also grant lawful coverage in excess of or in addition to the coverage specified for a policy and the excess or additional coverage is not subject to the provisions of this chapter. With respect to a policy that grants excess or additional coverage, the term “motor vehicle liability policy” applies only to that part of the coverage that is required by this chapter.

(b) A policy is excluded from the application of this chapter if the automobile or motor vehicle liability coverage is provided only on an excess or umbrella basis.

Sec. 28.22.130. Policy coverage exclusions. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.131. Proration.

A motor vehicle liability policy may provide for proration of the insurance with other valid and collectible insurance.

Sec. 28.22.141. Other requirements of policy.

(a) A policy is not effective under [AS 28.22.101](#) unless it is issued by an insurance company or surety company authorized to do business in this state, except as provided in (b) of this section.

(b) A policy is not effective under [AS 28.22.101](#) with respect to a vehicle not registered in the state or a vehicle that was registered in another jurisdiction on the effective date of the policy or the most recent renewal of it, unless the insurance or surety company issuing the policy is authorized to do business in the state, or if the company is not authorized to do business in the state, unless it executes a power of attorney authorizing the director of the division of insurance to accept service of process on its behalf in an action upon the policy arising out of the accident.

(c) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers that together meet the requirements.

(d) A binder issued pending the issuance of a motor vehicle liability policy fulfills the requirements for a policy.

Article 3. Uninsured and Underinsured Motorists Coverage.

Sec. 28.22.200. Motor vehicle liability insurance required: Exemptions. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.201. Uninsured and underinsured motorists coverage.

(a) The uninsured and underinsured motorists coverage required under this chapter

(1) does not apply to bodily injury, sickness, disease, or death of an insured or damage to or destruction of property of an insured until the limits of liability bonds and policies that apply have been used up by payments or judgments or settlements;

(2) must be a single combined coverage; and

(3) may be rejected by the insured in writing; if the insured has rejected uninsured or underinsured coverage, the coverage may not be included in a supplemental, renewal, or replacement policy unless the insured subsequently requests uninsured or underinsured coverage in writing.

(b) If both the owner and operator of a vehicle are unknown, payment under the uninsured and underinsured motorists coverage may be made only where direct contact between the motor vehicles has occurred. A vehicle and operator that have left the scene of an accident with another vehicle are presumed to be uninsured if the insured person reports the accident to the appropriate authorities within 24 hours.

(c) The uninsured and underinsured motorists coverage for damage to or destruction of property is subject to a deductible of \$250 in any one accident, but the insurer may offer a deductible other than \$250. This coverage shall be limited to damage to or destruction of the covered motor vehicle. It may not include loss of use of such vehicle.

Sec. 28.22.210. Requirement of proof of motor vehicle liability. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.211. Maximum liability of carrier. [Repealed, § 115 ch 81 SLA 1997.]

Sec. 28.22.220. Method of proof following an accident. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.221. Uninsured and underinsured motorists policy coverage and priorities.

If a person is entitled to uninsured or underinsured motorists coverage under more than one coverage when two or more vehicles are insured under one policy, the maximum amount payable may not exceed the highest limit of any one coverage under the policy. If a person is entitled to uninsured or underinsured motorists coverage under more than one motor vehicle policy issued by the same insurer in the same household, the maximum amount payable may be limited to the highest limit of any one coverage under the policies. If a person is entitled to uninsured or underinsured motorists coverage under more than one policy providing motor vehicle liability coverage, payments will be made in the following order of priority, subject to the limit of liability of each applicable policy or coverage:

(1) a policy or coverage covering a motor vehicle occupied by the injured person or a policy or coverage covering a pedestrian as a named insured;

(2) a policy or coverage covering a motor vehicle occupied by the injured person as an insured other than as a named insured;

(3) a policy or coverage not covering a motor vehicle occupied by the injured person but covering the injured person as a named insured;

(4) a policy or coverage not covering a motor vehicle occupied by the injured person but covering the injured person as an insured other than as a named insured;

(5) a policy or coverage covering, as excess, umbrella, or similar insurance, a motor vehicle occupied by the injured person or a policy or coverage covering, as excess, umbrella, or similar insurance, a pedestrian as a named insured;

(6) a policy or coverage covering, as excess, umbrella, or similar insurance, a motor vehicle occupied by the injured person or a policy or coverage covering, as excess, umbrella, or similar insurance, a pedestrian as an insured other than as a named insured;

(7) a policy or coverage not covering a motor vehicle occupied by the injured person but covering, as excess, umbrella, or similar insurance, the injured person as a named insured;

(8) a policy or coverage not covering a motor vehicle occupied by the injured person but covering, as excess, umbrella, or similar insurance, the injured person as an insured other than as a named insured.

Sec. 28.22.230. Method of proof following a charge of a moving traffic violation. [Repealed, § 17 ch 70 SLA 1984.]

Sec. 28.22.231. Policy coverage exclusions.

The uninsured and underinsured motorists coverage required under this chapter does not apply to bodily injury or death or damage to or destruction of property of an insured

(1) while occupying a motor vehicle owned by, but not insured by, the named insured or the insured's spouse or relative residing in the same household; or

(2) through being struck by a vehicle owned by the named insured or the insured's spouse or relative residing in the same household.

Secs. 28.22.240 — 28.22.260. Administrative suspension of drivers' licenses; falsification of information; proof for the future. [Repealed, § 17 ch 70 SLA 1984.]

Article 4. General Provisions.

Sec. 28.22.301. Policy interpretation.

A provision in this chapter may not be interpreted to prohibit a motor vehicle liability policy from including limitations, conditions, exceptions, exclusions, or other provisions that do not violate the requirements of this chapter or other applicable laws.

Sec. 28.22.311. Definition.

In this chapter, “motor vehicle liability policy” means an owner's policy, an operator's policy, or a personal policy that

(1) meets the requirements of [AS 28.22.101](#); and

(2) is issued by an insurance carrier authorized to transact business in the state to or for the benefit of the person named as insured.

Sec. 28.22.321. Short title.

This chapter may be cited as the Alaska Mandatory Automobile Insurance Act.

Secs. 28.22.500 — 28.22.600. Miscellaneous provisions. [Repealed, § 17 ch 70 SLA 1984.]

Chapter 23. Transportation Network Companies and Drivers.

Sec. 28.23.010. Not other carriers.

A transportation network company or driver is not a common carrier, contract carrier, or motor carrier, and may not provide taxicab or for-hire vehicle service. The state or a municipality may not require a transportation network company driver to register the personal vehicle the driver uses to provide prearranged rides as a commercial or for-hire vehicle.

Sec. 28.23.020. Fare collected for services.

A transportation network company may charge a fare to a transportation network company rider. Before a fare is collected from a rider, the transportation network company shall disclose to the rider, on the company's Internet website or in the company's software application, the transportation network company's fare or fare calculation method. The transportation network company shall provide riders the option of receiving an estimated fare before the rider enters the personal vehicle of a transportation network company driver.

Sec. 28.23.030. Identification of transportation network company vehicles and drivers.

Before a rider enters the personal vehicle of a transportation network company driver, the transportation network company shall display on the company's Internet website or in the company's software application a picture of the transportation network company driver and the license plate number of the personal vehicle providing the prearranged ride.

Sec. 28.23.040. Electronic receipt.

Within a reasonable period following the completion of a trip, the transportation network company shall transmit to the rider, on behalf of the transportation network company driver, an electronic receipt showing the origin and destination of the trip and itemizing the fare paid, if any.

Sec. 28.23.050. Financial responsibility of transportation network companies.

(a) A transportation network company driver, or transportation network company on behalf of the driver, shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and that covers the driver while the driver is logged onto the digital network of a transportation network company or while the driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged onto the digital network of a transportation network company and is available to receive transportation requests but is not engaged in a prearranged ride:

(1) primary automobile liability insurance in the amount of at least \$50,000 for death and bodily injury for each person, \$100,000 for death and bodily injury for each incident, and \$25,000 for property damage;

(2) uninsured or underinsured motor vehicle coverage as required under [AS 21.96.020](#) and [AS 28.20.440](#);

- (3) the coverage requirements of this subsection may be satisfied by
- (A) automobile insurance maintained by the transportation network company driver;
 - (B) automobile insurance maintained by the transportation network company; or
 - (C) any combination of (A) and (B) of this paragraph.

(c) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

(1) primary automobile liability insurance that provides at least \$1,000,000 for death, bodily injury, and property damage;

(2) uninsured or underinsured motor vehicle coverage as required under [AS 21.96.020](#) and [AS 28.20.440](#);

- (3) the coverage requirements of this subsection may be satisfied by
- (A) automobile insurance maintained by the transportation network company driver;
 - (B) automobile insurance maintained by the transportation network company; or
 - (C) a combination of (A) and (B) of this paragraph.

(d) If insurance maintained by a driver under (b) or (c) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company must provide the coverage required by this section beginning with the first dollar of a claim, and the transportation network company insurer has the duty to defend that claim.

(e) Coverage under an automobile insurance policy maintained by the transportation network company may not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required first to deny a claim.

(f) Insurance required by this section may be placed with an insurer licensed under [AS 21.09.060](#) or with a surplus lines insurer eligible under [AS 21.34](#) that has a credit rating not lower than A- from A.M. Best or a similar rating from another rating agency recognized by the division of insurance.

(g) Insurance satisfying the requirements of this section shall be considered to satisfy the financial responsibility requirement for a motor vehicle under [AS 28.20](#).

(h) A transportation network company driver shall carry proof of coverage under (b) and (c) of this section with the driver at all times during the driver's use of a vehicle in connection with a digital network of a transportation network company. In the event of an accident, a transportation network company driver shall provide the insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers upon request under [AS 28.22.019](#). Upon that request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether the driver was logged onto the digital network of a transportation network company or on a prearranged ride at the time of an accident.

(i) If the insurance carrier for the transportation network company makes a payment for a claim for physical damage to a personal vehicle that is subject to a lien, the insurance carrier shall pay the claim jointly to the owner of the personal vehicle and the primary lienholder or directly to the business repairing the personal vehicle.

Sec. 28.23.060. Transportation network company automobile insurance disclosures.

A transportation network company shall disclose in writing to transportation network company drivers the following before the drivers are allowed to accept a request for a prearranged ride on the digital network of the transportation network company:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network;

(2) that the automobile insurance policy of the transportation network company driver might not provide any coverage while the driver is logged onto the digital network of a transportation network company and is available to receive transportation requests or is engaged in a prearranged ride, depending on the terms of the automobile insurance policy of the driver; and

(3) that, if the personal vehicle the transportation network company driver uses to provide transportation network services has a lien against it, using the motor vehicle for transportation network services without physical damage coverage may violate the terms of the contract with the lienholder.

Sec. 28.23.070. Certificate of insurance.

A transportation network company shall file a written certificate of insurance with the director of the division of insurance demonstrating that the transportation network company has satisfied the requirements of [AS 28.23.050](#). The certificate of insurance must state that the applicable insurance policy may not be cancelled unless written notice is provided to the division of insurance at least 30 days before cancellation.

Sec. 28.23.080. Limitations on transportation network companies.

(a) Except as provided in (b) of this section, a transportation network company is not an employer of transportation network company drivers under [AS 23.10.699](#), [AS 23.20.520](#), or [AS 23.30.395](#). A transportation network company driver is an independent contractor for all purposes and is not an employee of the transportation network company if the transportation network company

(1) does not unilaterally prescribe specific hours during which a driver shall be logged onto the digital network of the transportation network company;

(2) does not impose restrictions on the ability of the driver to use the digital network of other transportation network companies;

(3) does not restrict a driver from engaging in any other occupation or business; and

(4) enters into a written agreement with the driver stating that the driver is an independent contractor for the transportation network company.

(b) This section does not apply to [AS 23.20](#) if the transportation network company is owned or operated by the state, a municipality, a federally recognized tribe, or an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code).

Sec. 28.23.090. Zero tolerance for drug or alcohol use.

The transportation network company shall implement a zero-tolerance policy prohibiting drug and alcohol use while a driver is providing a prearranged ride or is logged onto the digital network of the transportation network company but not providing a prearranged ride. The transportation network company shall post on the company's Internet website the company's zero-tolerance policy prohibiting drug and alcohol use.

Sec. 28.23.100. Transportation network company driver requirements.

(a) Before a transportation network company allows an individual to accept trip requests through the transportation network company's digital network, the transportation network company, or a third party, shall

(1) require the individual to submit to the transportation network company an application that includes the individual's address, age, and driver's license number, the motor vehicle registration and automobile liability insurance information for the individual's personal vehicle, and other information required by the transportation network company;

(2) conduct a local and national criminal background check for each applicant that reviews
(A) a multi-state or multi-jurisdiction criminal records locator or a similar commercial nationwide database with validation; and

(B) the United States Department of Justice National Sex Offender Public Website; and

(3) obtain and review a driving history research report for the individual.

(b) A transportation network company may not allow a driver to accept trip requests through the transportation network company's digital network if the driver

(1) has, in the past three years,

(A) been convicted of or forfeited bail for a third or subsequent moving traffic violation;

(B) been convicted of

(i) driving while license canceled, suspended, revoked, or in violation of a limitation under [AS 28.15.291](#);

(ii) failure to stop at the direction of a peace officer under [AS 28.35.182](#);

(iii) reckless or negligent driving under [AS 28.35.400](#) or 28.35.410; or

(iv) a law or ordinance of another jurisdiction having similar elements to an offense listed in (i) — (iii) of this subparagraph;

(2) has, in the past seven years, been convicted of

(A) any offense that is an unclassified, class A, or class B felony in this or another jurisdiction; or

(B) a felony or misdemeanor involving

(i) a crime under [AS 28.33.030](#), [AS 28.35.030](#), or 28.35.032;

(ii) a crime under [AS 28.35.050](#) or 28.35.060;

(iii) a crime against a person under [AS 11.41](#); or

(iv) a law or ordinance of another jurisdiction having similar elements to an offense listed in (i) — (iii) of this subparagraph;

(3) is listed on the United States Department of Justice National Sex Offender Public Website; or

(4) is under 21 years of age.

(c) A transportation network company driver may not

(1) provide a prearranged ride unless the transportation network company rider has been matched to the driver through the digital network of the transportation network company;

(2) solicit a ride or accept a street hail request for a ride; or

(3) solicit or accept cash payments for a fare from a rider.

Sec. 28.23.110. Transportation network company vehicles.

(a) Before a transportation network company allows an individual to accept trip requests through the transportation network company's digital network and before a personal vehicle may be used to provide transportation network company services, the transportation network company shall conduct, or confirm satisfactory completion of, a safety inspection of the individual's personal vehicle. The safety inspection required under this subsection must include an inspection of the following components of the personal vehicle:

(1) foot brakes;

(2) parking brakes;

(3) steering mechanism;

(4) windshield;

(5) rear window and other glass;

(6) windshield wipers;

(7) headlights;

(8) taillights;

(9) brake lights;

(10) front seat adjustment mechanism;

(11) doors;

(12) turn signal lights;

(13) horn;

- (14) speedometer;
- (15) bumpers;
- (16) muffler and exhaust system;
- (17) tires, including tread depth;
- (18) interior and exterior mirrors;
- (19) safety belts.

(b) A motor vehicle that is used by a transportation network company driver for transportation network company purposes may not be more than 12 years of age.

Sec. 28.23.120. Nondiscrimination and accessibility.

(a) The transportation network company shall adopt a policy prohibiting discrimination based on destination or a class or status protected under [AS 18.80.210](#) with respect to a rider or potential rider. The company shall inform drivers of the policy.

(b) A transportation network company driver shall comply with all applicable laws relating to accommodation of service animals.

(c) A transportation network company may not impose additional charges for providing services to riders with physical disabilities because of those disabilities.

Sec. 28.23.130. Records.

A transportation network company shall keep records

(1) maintained by the transportation network company for an individual prearranged ride for at least two years from the date of the prearranged ride; and

(2) maintained by individual transportation network company drivers for two years after the agreement between the transportation network company and driver entered into under [AS 28.23.080](#)(a)(4) ends.

Sec. 28.23.140. International airports.

The Department of Transportation and Public Facilities may, under [AS 02.15](#), enter into a contract, lease, or other arrangement with a transportation network company for use of an international airport owned or operated by the state. A contract, lease, or arrangement under [AS 02.15](#) must be consistent with this chapter.

Sec. 28.23.180. Definitions.

In this chapter,

- (1) “digital network” means any online-enabled application, software, website, or system

offered or used by a transportation network company that enables the prearrangement of rides with transportation network company drivers;

(2) “personal vehicle” means a motor vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the transportation network company driver; “personal vehicle” does not include a taxi, limousine, or other commercial motor vehicle for hire;

(3) “prearranged ride” means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle; “prearranged ride” does not include shared expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other commercial motor vehicle for hire;

(4) “transportation network company” means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides; a transportation network company may not be considered to control, direct, or manage the personal vehicles or transportation network company drivers that connect to the transportation network company's digital network, except where agreed to by written contract;

(5) “transportation network company driver” or “driver” means an individual who
(A) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee;

(6) “transportation network company rider” or “rider” means an individual or person who uses a digital network of a transportation network company to connect with a transportation network company driver who provides a prearranged ride to the rider in the driver's personal vehicle between points chosen by the rider.

Sec. 28.23.190. Short title.

This chapter may be cited as the Transportation Network Companies Act.

Chapter 25. Protection of Blind Persons.

[Repealed, § 1 ch 19 SLA 1972.]

Chapter 30. Abandoned Vehicles.

[Repealed, § 36 ch 127 SLA 1974.]

Chapter 31. Abandoned Motor Vehicles.

[Repealed, § 3 ch 61 SLA 1976. For current law, see [AS 28.11.](#)]

Chapter 32. Commercial Motor Vehicle Safety Citations.

Sec. 28.32.010. Commercial motor vehicle safety citations.

(a) [Repealed, § 16 E.O. 98 (1997). For current law, see [AS 19.10.310.](#)]

(b) A peace officer, or an employee of the Department of Public Safety who is authorized by the commissioner of that department to enforce both hazardous materials and commercial vehicle safety regulations, may issue a citation under [AS 12.25.175](#) — 12.25.230 to a person who violates a regulation adopted under [AS 28.05.011](#)(a)(2). An employee of the Department of Public Safety who is authorized by the commissioner of public safety to enforce both hazardous materials and commercial vehicle safety regulations may not take a person into custody under [AS 12.25.180](#)(b).

Sec. 28.32.020. Exemptions. [Repealed, § 3 ch 109 SLA 1990.]

Secs. 28.32.030 — 28.32.900. [Repealed, § 16 E.O. 98 (1997). For current law, see [AS 19.10.340](#) — 19.10.399.]

Chapter 33. Commercial Motor Vehicles.

Article 1. Operating Commercial Motor Vehicle While Under the Influence of an Alcoholic Beverage, Inhalant, or Controlled Substance.

Sec. 28.33.010. Financial responsibility. [Repealed, § 16 E.O. 98 (1997). For current law, see [AS 19.10.300.](#)]

Sec. 28.33.030. Operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance.

(a) A person commits the crime of operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance if the person operates a commercial motor vehicle

(1) while under the influence of an alcoholic beverage, inhalant, or any controlled substance;

(2) when, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.04 percent or more by weight of alcohol in the person's blood or 40 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.04 grams or more of alcohol per 210 liters of the person's breath; or

(3) while under the combined influence of an alcoholic beverage, inhalant, and a controlled substance.

(b) Operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor.

(c) The sentencing of a person convicted under this section shall be in accordance with the minimum periods of imprisonment, fines, rehabilitative treatment, and other provisions of [AS 28.35.030](#), as if the person had been convicted of a violation of [AS 28.35.030](#). For purposes of sentencing, convictions for operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance under this section, and for refusal to submit

to a chemical test under [AS 28.35.032](#), if arising out of a single transaction, are considered one previous conviction.

Sec. 28.33.031. Implied consent for operators of commercial motor vehicles.

(a) A person who operates a commercial motor vehicle in this state is considered to have given consent to a chemical test or tests

(1) of the person's breath if lawfully arrested for an offense arising out of acts alleged to have been committed when the person was operating the commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance; the test or tests may be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.33.030](#) or [AS 28.35.030](#);

(2) of the person's breath and blood for the purpose of determining the alcoholic content of the person's breath and blood and is considered to have given consent to a chemical test or tests of the person's blood and urine for the purpose of determining the presence of controlled substances in the person's blood and urine if the person is involved in a motor vehicle accident that causes death or serious physical injury to another person; the test or tests may be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating a commercial motor vehicle that was involved in an accident causing death or serious physical injury to another person.

(b) Refusal to submit to a chemical test authorized under this section is punishable under [AS 28.35.032](#). A chemical test may be administered without consent under [AS 28.35.035](#). A person who is disqualified as the result of department action under [AS 28.15.165](#), following a test administered under this section, can obtain review of that action under [AS 28.15.166](#).

(c) A person who operates a commercial motor vehicle is considered to have given consent to a preliminary breath test, at the direction of a law enforcement officer, for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test if the officer has probable cause to believe that the person's ability to operate a commercial motor vehicle is impaired by the ingestion of alcoholic beverages and that

(1) the commercial motor vehicle caused injury to person or property;

(2) the person violated the provisions of [AS 28.33.130](#)(a) or violated the terms of an out-of-service order issued under [AS 28.33.130](#); or

(3) the person unlawfully operated a commercial motor vehicle; in this paragraph, "unlawfully" means in violation of any federal, state, or municipal statute, regulation, or ordinance.

(d) Before administering a preliminary breath test under (c) of this section, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is a misdemeanor. If the person refuses to submit to the test, the test may not be administered.

(e) The result of the preliminary test under (c) of this section may be used by the law enforcement officer to determine whether the operator should be arrested. If an operator is arrested, the provisions of (a) of this section apply. The preliminary breath test authorized under (c) of this section is in addition to any chemical tests authorized under (a) of this section.

(f) Refusal to submit to a preliminary breath test at the request of a law enforcement officer is a class B misdemeanor.

Sec. 28.33.033. Presumptions and chemical analysis of breath or blood.

(a) Upon the trial of a civil or criminal action or proceedings arising out of acts alleged to have been committed by a person operating a commercial motor vehicle while under the influence of an alcoholic beverage in violation of [AS 28.33.030](#), the following rules apply with regard to the amount of alcohol in the person's blood or breath at the time alleged:

(1) if there was less than 0.04 percent by weight of alcohol in the person's blood, or less than 40 milligrams of alcohol per 100 milliliters of the person's blood, or less than 0.04 grams of alcohol per 210 liters of the person's breath, that fact does not give rise to a presumption that the person was or was not under the influence of an alcoholic beverage, but that fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage;

(2) if there was 0.04 percent or more by weight of alcohol in the person's blood, or 40 milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.04 grams or more of alcohol per 210 liters of the person's breath, it is presumed that the person was under the influence of an alcoholic beverage.

(b) For purposes of this chapter, percent by weight of alcohol in the blood is based upon milligrams of alcohol per 100 milliliters of blood.

(c) The provisions of (a) of this section may not be construed to limit the introduction of any other competent evidence bearing upon the question of whether the person was or was not under the influence of an alcoholic beverage.

(d) The person tested may have a physician, or a qualified technician, chemist, registered or advanced practice registered nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain an additional test, and failed or was unable to do so, is likewise admissible in evidence.

(e) Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test, including the results of it, shall be made available to the person or person's attorney.

Article 2. Commercial Vehicle Operators.

Sec. 28.33.100. License to drive commercial motor vehicle.

(a) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under [AS 28.15.041](#). The department may issue a

(1) domiciled license to drive a commercial motor vehicle only if the applicant

(A) is at least 18 years of age, to operate in intrastate commerce, or at least 21 years of age, to operate in interstate commerce, except as provided in (f) of this section;

(B) has successfully completed all required driving tests and written and physical examinations;

(C) either does not have a driver's license issued by another jurisdiction or surrenders all driver's licenses issued by other jurisdictions; and

(D) is domiciled in this state;

(2) non-domiciled license to drive a commercial motor vehicle if the applicant

(A) is domiciled in

(i) a foreign jurisdiction that meets the requirements set out in 49 C.F.R. 383.23(b)(1);
or

(ii) another state that meets the requirements set out in 49 C.F.R. 383.23(b)(2);

(B) meets the applicable requirements set out in this subsection and 49 C.F.R. 383.71;

(C) is at least 18 years of age, to operate in intrastate commerce, or at least 21 years of age, to operate in interstate commerce, except as provided in (f) of this section; and

(D) has successfully completed all required driving tests and written and physical examinations.

(b) In addition to the information required under [AS 28.15.111](#), a commercial driver's license shall include information determined by the United States Secretary of Transportation to be appropriate to identify the licensee.

(c) A person who has been a state resident for 30 days or longer may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(d) The licensing requirements of this section are in addition to the requirements imposed on a school bus driver under [AS 28.15.046](#).

(e) The department shall disqualify a person for a period of 60 consecutive days, and shall reevaluate the person's application or license to drive a commercial motor vehicle, if the department determines that the person knowingly provided false information required under

(1) this section or [AS 28.15](#) in an application to the department for a commercial driver's license; or

(2) [AS 28.33.110](#)(c) in an application for employment.

(f) The department may authorize a person who is at least 18 years of age but under 21 years of age to operate a commercial motor vehicle in interstate commerce if the person

(1) holds a valid commercial driver's license under (a) of this section; and

(2) is authorized to operate a commercial motor vehicle in interstate commerce under federal law.

(g) A non-domiciled commercial driver's license must be marked with “non-domiciled” on the face of the document.

(h) A non-domiciled commercial driver's license expires

(1) for an applicant under (a)(2)(A)(i) of this section, on the earlier of

(A) the expiration date determined by the United States Department of Homeland Security

that is stated on the form required for the applicant under 49 C.F.R. 383.71(f)(2)(i); or

(B) one year from the date of issuance;

(2) for an applicant under (a)(2)(A)(ii) of this section, one year from the date of issuance.

(i) In addition to the requirements under (a) of this section, the holder of a non-domiciled commercial driver's license shall notify the department of any adverse action taken by a foreign or domestic jurisdiction or governmental agency against the person's driving privileges as required by federal law.

Sec. 28.33.110. Notification requirements for drivers of commercial motor vehicles.

(a) A driver of a commercial motor vehicle holding a commercial driver's license issued by the state who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or another state, or a federal, provincial, territorial, or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the driver's employer, in writing, of the conviction within 30 days after the date of conviction.

(b) A driver whose operating privilege is suspended, revoked, or canceled by a state, who loses the privilege to operate a commercial motor vehicle in a state for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the driver's employer of that fact before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss, or disqualification.

(c) A person who applies for employment as a commercial motor vehicle driver shall

(1) provide the person's prospective employer, at the time of application for employment, with the following information for the 10 years preceding the date of application:

(A) a list of the names and addresses of employers for which the applicant was a driver of a commercial motor vehicle;

(B) the dates between which the applicant drove for each employer;

(C) the reason for leaving each employer;

(2) certify that the information provided under this subsection is true and complete; and

(3) provide additional information required by the employer.

Sec. 28.33.120. Responsibilities of employers of commercial motor vehicle driver.

An employer of a commercial motor vehicle driver

(1) shall require an applicant for employment to provide the information required under [AS 28.33.110\(c\)](#);

(2) may not knowingly allow, require, permit, assign, or authorize a driver to drive a commercial motor vehicle during a period in which

(A) the driver's license is suspended, revoked, or canceled by a state;

(B) the driver has lost the privilege to drive a commercial motor vehicle in a state;

- (C) the driver has been disqualified from driving a commercial motor vehicle;
- (D) the driver has more than one driver's license;
- (E) the driver is not licensed to drive a commercial motor vehicle; or

(3) may not knowingly allow, require, permit, assign, or authorize the driver to operate a commercial motor vehicle in violation of a federal or state statute or regulation, or a local law or ordinance, relating to railroad-highway grade crossings.

Sec. 28.33.130. Out-of-service orders.

(a) A person may not operate a commercial motor vehicle or be on duty

(1) if, within the preceding four hours, the person

(A) consumed or was under the influence of

(i) an alcoholic beverage;

(ii) a controlled substance not prescribed by a physician; or

(iii) a controlled substance prescribed by a physician that might impair a person's ability to operate a commercial motor vehicle; or

(B) had any measurable alcohol concentration within the blood or breath or any detectable presence of alcohol;

(2) while in possession of an alcoholic beverage or a controlled substance not prescribed by a physician unless

(A) the alcoholic beverage or controlled substance is manifested and documented as part of an authorized shipment of cargo; or

(B) under [AS 04](#), the alcoholic beverage may be legally served to passengers being carried for hire;

(3) after being placed out of service for violation of a regulation adopted under [AS 19.10.060](#)(c) or [AS 28.05.011](#); or

(4) with an invalid operator's or commercial operator's license.

(b) An employer, or a peace officer, who has reasonable grounds to believe that a person has violated (a) of this section, shall immediately give the person a written notice ordering the person out of service. If it is not possible to issue a written out of service order, a verbal order may be issued. An employer may not knowingly allow, require, permit, assign, or authorize a person to operate a commercial motor vehicle or be on duty during a period in which

(1) the person has been ordered out of service under this section; or

(2) the person has violated (a) of this section, even if an out-of-service order has not been issued.

(c) A person who is ordered out of service

(1) may not operate a commercial motor vehicle or be on duty for 24 hours following issuance of the out-of-service order; and

- (2) shall report that fact, in writing,
 - (A) within 24 hours to the person's employer; and

- (B) within 30 days to the department if the person possesses a commercial motor vehicle license.

(d) In this section, “on duty” means the period of time in which a person is

- (1) required by the person's employer to be ready to immediately operate a commercial motor vehicle, including time spent waiting to be assigned to operate a commercial motor vehicle;

- (2) inspecting, servicing, or conditioning a commercial motor vehicle;

- (3) in or upon a commercial motor vehicle, except time spent resting in a sleeper berth;

- (4) loading or unloading, or supervising the loading or unloading of, a commercial motor vehicle, or giving or receiving receipts for shipments loaded or unloaded;

- (5) taking action, as required by state or federal law, following an accident involving a commercial motor vehicle; or

- (6) repairing or obtaining assistance for a disabled commercial motor vehicle.

Sec. 28.33.140. Conviction resulting in disqualification from driving commercial vehicle.

(a) In addition to any court action or administrative action in this or any other jurisdiction, conviction of a person who holds or is required to have a commercial driver's license or commercial instruction permit of any of the following offenses is grounds for immediate disqualification from driving a commercial motor vehicle for the periods set out in this section:

- (1) operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.33.030](#);

- (2) refusal to submit to a chemical test in violation of [AS 28.35.032](#);

- (3) operating a motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of [AS 28.35.030](#);

- (4) leaving the scene of an accident in violation of [AS 28.35.060](#), or failing to file, or providing false information in, an accident report in violation of [AS 28.35.110](#);

- (5) a felony under state or federal law that was facilitated because the person used a motor vehicle;

- (6) a serious traffic violation;

- (7) taking one of the following actions in violation of regulations adopted under [AS 19.10.060](#)(c) or [AS 28.05.011](#):

- (A) driving after being placed out of service; or

- (B) operating a commercial vehicle that has been placed out of service;

- (8) operating a commercial motor vehicle in violation of a federal or state statute or regulation,

or a local law or ordinance, relating to railroad-highway grade crossings;

(9) operating a commercial motor vehicle while the driver's commercial motor vehicle license is suspended, revoked, or canceled, or the driver is disqualified;

(10) causing a fatality through the negligent operation, or operation in violation of a felony criminal law, of a commercial motor vehicle.

(b) [Repealed, § 31 ch 23 SLA 2007.]

(c) Upon a conviction by a court of a person of an offense described in (a)(6) of this section, the department shall disqualify that person from driving a commercial motor vehicle for not less than 60 days if the person has been previously convicted once, and 120 days if the person has been previously convicted more than once. The disqualification period under this subsection is in addition to any other previously imposed period of disqualification. As used in this subsection, "previously convicted" means having been convicted in this or another jurisdiction, within three years preceding the date of the present offense, of an offense described in (a)(6) of this section, or of another law or ordinance with substantially similar elements, arising out of a separate incident.

(d) Upon conviction by a court of a person of an offense described in (a)(1) — (5), (9), or (10) of this section, the department shall disqualify that person from driving a commercial motor vehicle for not less than one year for a first offense, except that, if the offense was

(1) facilitated by a commercial motor vehicle transporting a hazardous material that required that placards be placed on the vehicle under 49 U.S.C. 5101 — 5127, the period of disqualification is not less than three years;

(2) a felony offense that involved the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense, a controlled substance, the disqualification is for life and the license may not be reinstated under (g) of this section.

(e) Upon conviction by a court of a person of an offense described in (a)(1) — (5), (9), or (10) of this section, the department shall disqualify that person from driving a commercial motor vehicle for life if the person has been previously convicted. As used in this subsection, "previously convicted" means having been convicted in this or another jurisdiction of an offense described in (a)(1) — (5), (9), or (10) of this section, or of another law or ordinance with substantially similar elements.

(f) A person who is disqualified under this section may not obtain a limited license under [AS 28.15.201](#) to permit driving a commercial motor vehicle.

(g) A person disqualified for life under (e) of this section may apply to the department for reinstatement of a commercial driver's license if

(1) the person has successfully completed an appropriate rehabilitation program satisfactory to the department;

(2) the person has not committed a felony offense, or a misdemeanor offense involving operation of a motor vehicle, during the period of disqualification; and

(3) the person has undergone a minimum disqualification period of 10 years.

(h) A disqualified driver reinstated under (g) of this section who is subsequently convicted of a disqualifying offense described in (a)(1) — (5) of this section is permanently disqualified for life and is ineligible to again apply for reinstatement under (g) of this section.

(i) In addition to the requirements of [AS 28.15.191](#), a court that disqualifies a person from

driving a commercial motor vehicle shall require the surrender of the license, and shall immediately forward the license to the department with the record of conviction and notification of the effective date of the disqualification. If the disqualification occurs by administrative action as described in (a) of this section, the person disqualified from driving shall surrender the license to the department.

(j) Upon conviction by a court of a person of an offense described in (a)(7) of this section, the department shall disqualify that person from driving a commercial motor vehicle for the following periods: (1) if the person has not been previously convicted of violating an out-of-service order, not less than 180 days; (2) if the person has been previously convicted once of violating an out-of-service order, not less than two years; (3) if the person has been previously convicted more than once of violating an out-of-service order, not less than three years; (4) if the person operates a commercial motor vehicle transporting hazardous materials or a vehicle designed to transport 16 or more passengers, including the driver, in violation of an out-of-service order, not less than 180 days; (5) if the person has been previously convicted of operating a commercial motor vehicle transporting hazardous materials or a vehicle designed to transport 16 or more passengers, including the driver, in violation of an out-of-service order two or more times in separate incidents within a 10-year period, not less than three years. In this subsection, “previously convicted” means having been convicted in this or another jurisdiction of an offense described in (a)(7) of this section within 10 years preceding the date of the present offense.

(k) Upon conviction by a court of a person of an offense described in (a)(8) of this section, the department shall disqualify that person from operating a commercial motor vehicle for the following periods: (1) if the person has not been previously convicted of violating a federal or state statute or regulation, or a local law or ordinance, relating to railroad-highway grade crossings, not less than 60 days; (2) if the person has been previously convicted once of violating a federal or state statute or regulation, or a local law or ordinance, relating to railroad-highway grade crossings, not less than 120 days; (3) if the person has been previously convicted more than once of a violation of a federal or state statute or regulation, or a local law or ordinance, relating to railroad-highway grade crossings, not less than one year. In this subsection, “previously convicted” means having been convicted in this or another jurisdiction of an offense described in (a)(8) of this section within three years proceeding the date of the present offense.

(l) A person who operates a commercial motor vehicle whose driving is determined by the United States Department of Transportation to constitute an imminent hazard is subject to disqualification as specified by the department in regulation. The regulations adopted by the department under this subsection must be substantially similar to those set by the federal government.

(m) A person who violates the standards for operating a commercial motor vehicle or who knowingly operates a commercial motor vehicle that has been placed out of service as set out by the department in regulation is subject to civil penalties established by the department in regulation. An employer who knowingly allows an employee to drive in violation of an out-of-service order or in violation of a railroad-highway grade crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by the department in regulation. The department may adopt regulations under [AS 44.62](#) to implement this subsection. The regulations adopted under this subsection must be substantially similar to any applicable federal regulations. In this subsection, “knowingly” has the meaning given in [AS 11.81.900](#).

Sec. 28.33.150. Driving a commercial motor vehicle without being lawfully licensed.

(a) A person is guilty of a class A misdemeanor if the person drives a commercial motor vehicle

in this state

(1) without being licensed or privileged in this state to drive a commercial motor vehicle;

(2) during a period when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked, or the person has been disqualified, in this or another jurisdiction;

(3) in violation of a limitation placed upon that person's license or privilege to drive in this or another jurisdiction;

(4) during a period when that person has been disqualified from driving a commercial motor vehicle by a court or an administrative agency in this or another jurisdiction; or

(5) in violation of an out-of-service order issued under [AS 28.33.130](#) or under a law in another jurisdiction having substantially similar requirements.

(b) Upon conviction under (a)(2) — (5) of this section, the court

(1) shall impose a minimum sentence of imprisonment

(A) if the person has not been previously convicted, of not less than 20 days with 10 days suspended, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service; or

(B) if the person has been previously convicted, of not less than 60 days and a fine of \$1,000;

(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence; and

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges.

(c) In this section, “previously convicted” means having been convicted in this or another jurisdiction, within 10 years preceding the date of the present offense, of a violation of this section, [AS 28.15.291](#), or another law or ordinance with substantially similar elements.

Article 3. General Provisions.

Sec. 28.33.190. Definitions.

In this chapter,

(1) “alcoholic beverage” has the meaning given in [AS 04.21.080\(b\)](#);

(2) “commerce” means

(A) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of the United States; and

(B) trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation described in (A) of this paragraph;

(3) “commercial driver's license” means a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 C.F.R. Part 383, to an individual authorizing the individual to operate a class of a commercial motor vehicle;

(4) “commercial motor vehicle” has the meaning given in [AS 28.90.990](#);

(5) “controlled substance” means any substance listed as being controlled under [AS 11.71](#) or 21 U.S.C. 812 — 813, or determined under federal regulations to be controlled for purposes of 21 U.S.C. 801 — 813 (Controlled Substances Act);

(6) “conviction” means an unvacated adjudication or conviction of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative agency, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated;

(7) “disqualification” means a withdrawal of the privilege to drive a commercial motor vehicle;

(8) “disqualified” means that a person's privilege to drive a commercial motor vehicle has been withdrawn;

(9) “drive a commercial motor vehicle” means to affect the movement, attempt to affect the movement, or to be in actual physical control, of a commercial motor vehicle in motion, excluding slight motion incidental to loading, unloading, servicing, or inspecting the vehicle;

(10) “employer” means a person who

(A) provides compensation to a person who operates a commercial motor vehicle, including wages or other remuneration, whether through an employment relationship or by contract; or

(B) acts as an agent of someone who provides compensation to a person who operates a commercial motor vehicle, with authority to allow, require, permit, assign, or authorize the person being compensated to operate a commercial motor vehicle;

(11) “hazardous material” means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 48 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73;

(12) “imminent hazard” means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding by the United States Department of Transportation begun to lessen the risk of that death, illness, injury, or endangerment;

(13) “operating a commercial motor vehicle” means

(A) to drive a commercial motor vehicle; or

(B) whether or not the vehicle is in motion, or is capable of being moved, to be in actual

physical control, or to attempt to affect the movement, of a commercial motor vehicle;

(14) “out-of-service order” means an order issued under regulations adopted under [AS 19.10.060\(c\)](#) or [AS 28.05.011](#) that prohibits an owner or operator of a commercial motor vehicle from operating a commercial motor vehicle; and

(15) “serious traffic violation” means

(A) speeding 15 miles per hour or more above the posted limit;

(B) reckless or negligent driving, in violation of [AS 28.35.400](#) or 28.35.410 or an ordinance with substantially similar elements;

(C) violation of a provision of this title, or a regulation adopted under this title, relating to improper lane changes or following too closely, or an ordinance with substantially similar elements;

(D) violation of a law or ordinance relating to traffic control, which was determined by the court by a preponderance of the evidence to have been a factor in causing physical injury to a person;

(E) driving a commercial motor vehicle without obtaining a license to drive a commercial motor vehicle;

(F) driving a commercial motor vehicle without a license to drive a commercial motor vehicle in the driver's possession; however, if an individual provides proof to the department by the date that the individual was required to appear in court or pay any fine for that violation that the individual held a valid license to drive a commercial motor vehicle on the date the citation was issued, the driving may not be considered as a serious traffic violation under this paragraph;

(G) driving a commercial motor vehicle without the proper class of license to drive a commercial motor vehicle and any required endorsements for the specific vehicle group being operated, or for the passengers or type of cargo being transported; or

(H) driving a commercial motor vehicle in violation of [AS 28.35.161](#).

Chapter 35. Offenses and Accidents.

Article 1. Offenses Related to Alcohol, Inhalants, and Controlled Substances; Implied Consent.

Sec. 28.35.010. Driving a vehicle without owner's consent. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.360](#).]

Sec. 28.35.015. [Renumbered as [AS 28.35.300](#).]

Sec. 28.35.020. Conviction in larceny prosecution. [Repealed, § 21 ch 166 SLA 1978.]

Sec. 28.35.024. [Renumbered as [AS 28.35.310](#).]

Sec. 28.35.025. Obtaining rental vehicle with intent to defraud. [Repealed, § 25 ch 144 SLA 1977.]

Sec. 28.35.026. [Renumbered as [AS 28.35.320](#).]

Sec. 28.35.028. Court-ordered treatment.

(a) Notwithstanding another provision of law, with the consent of the state and the defendant, the court may elect to proceed in a criminal case under [AS 04.16.200\(b\)](#) or (e), [AS 28.35.030](#), or 28.35.032, including the case of a defendant charged with violating the terms of probation, under

the procedure provided in this section and order the defendant to complete a court-ordered treatment program. The state may not consent to a referral under this subsection unless the state has consulted with the victim and explained the process and consequences of the referral to the victim. A court may not elect to proceed under this section if the defendant has previously participated in a court-ordered treatment program under this section two or more times.

(b) Once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea to the offense or shall admit to a probation violation, as appropriate. The state and the defendant may enter into a plea agreement to determine the offense or offenses to which the defendant is required to plead. If the court accepts the agreement, the court shall enforce the terms of the agreement. The court shall enter a judgment of conviction for the offense or offenses for which the defendant has pleaded or an order finding that the defendant has violated probation, as appropriate. A judgment of conviction or an order finding a probation violation must set a schedule for payment of restitution owed by the defendant. In a judgment of conviction and on probation conditions that the court considers appropriate, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully. Imprisonment or a fine imposed by a court shall comply with [AS 12.55](#) or any mandatory minimum or other sentencing provision applicable to the offense. However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any other provision of law, the court, at any time after the period when a reduction of sentence is normally available, may consider and reduce the defendant's sentence, including imprisonment, fine, or license revocation, based on the defendant's compliance with the treatment plan; when reducing a sentence, the court (1) may not reduce the sentence below the mandatory minimum sentence for the offense unless the court finds that the defendant has successfully complied with and completed the treatment plan and that the treatment plan approximated the severity of the minimum period of imprisonment, and (2) may consider the defendant's compliance with the treatment plan as a mitigating factor allowing a reduction of a sentence under [AS 12.55.155](#)(a). A court entering an order finding the defendant has violated probation may withhold pronouncement of disposition to provide an incentive for the defendant to complete the recommended treatment successfully.

(c) If the defendant does not successfully complete the treatment plan imposed by the court under this section, the defendant's no contest or guilty plea or admission to a probation violation to the court shall stand, and the sentence previously imposed shall be executed or, if sentence has not yet been imposed, sentence shall be imposed by the court.

(d) Notwithstanding any other provision of law to the contrary, the judge, the state, the defendant, and the agencies involved in the defendant's treatment plan are entitled to information and reports bearing on the defendant's assessment, treatment, and progress. The victim is entitled to periodic reports on the defendant's progress and participation.

(e) In addition to other conditions authorized under [AS 12.30](#) or [AS 12.55](#), a court may impose the following conditions of bail or probation:

(1) require the defendant to submit to electronic monitoring;

(2) require the defendant to submit to house arrest.

(f) A court shall refer a defendant who is ordered to participate in a treatment program under this section to an alcohol safety action program developed and implemented or designated under [AS 47.37.040](#)(21) for screening, referral, and monitoring.

(g) In addition to other conditions authorized under [AS 12.30](#), a court may require the defendant to take a drug or combination of drugs intended to prevent substance abuse.

(h) In this section,

(1) “court-ordered treatment program” or “treatment plan” means a treatment program for a person who consumes alcohol or drugs and that

(A) requires participation for at least 18 consecutive months;

(B) includes planning and treatment for alcohol or drug addiction;

(C) includes emphasis on personal responsibility;

(D) provides in-court recognition of progress and sanctions for relapses;

(E) requires payment of restitution to victims and completion of community work service;

(F) includes physician-approved treatment of physical addiction and treatment of the psychological causes of addiction;

(G) includes a monitoring program and physical placement or housing; and

(H) requires adherence to conditions of probation;

(2) “sentence” or “sentencing” includes a suspended imposition of sentence as authorized under [AS 12.55.085](#).

Sec. 28.35.029. Open container.

(a) A person may not drive a motor vehicle on a highway or vehicular way or area, when there is an open bottle, can, or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle, except as provided in (b) of this section.

(b) Except as provided in [AS 28.33.130](#), a person may transport an open bottle, can, or other receptacle containing an alcoholic beverage

(1) in the trunk of a motor vehicle;

(2) on a motor driven cycle, or behind the last upright seat in a motor home, station wagon, hatchback, or similar trunkless vehicle, if the open bottle, can, or other receptacle is enclosed within another container;

(3) behind a solid partition that separates the vehicle driver from the area normally occupied by passengers; or

(4) if the open bottle, can, or other receptacle is in the possession of a passenger in a motor vehicle for which the owner receives direct monetary compensation and that has a capacity of 12 or more persons.

(c) In this section

(1) “alcoholic beverage” has the meaning given in [AS 04.21.080\(b\)](#);

(2) [Repealed, § 29 ch 3 SLA 1992.]

(3) “motor vehicle” means a vehicle for which a driver's license is required;

(4) “open” includes having a broken seal;

(5) “passenger compartment” means the area normally occupied by the driver and passengers and includes a utility or glove compartment accessible to the driver or a passenger while the motor vehicle is being operated.

(d) A person who violates (a) of this section is guilty of an infraction.

Sec. 28.35.030. Operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance.

(a) A person commits the crime of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance if the person operates or drives a motor vehicle or operates an aircraft or a watercraft

(1) while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination; or

(2) and if, as determined by a chemical test taken within four hours after the alleged operating or driving, there is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or if there is 0.08 grams or more of alcohol per 210 liters of the person's breath.

(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor. Upon conviction,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of six months, and impose a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 12 months, and impose a fine of not less than \$3,000 if the person has been previously convicted once;

(C) not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 18 months, and impose a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (n) of this section;

(D) not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 24 months, and impose a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (n) of this section;

(E) not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 30 months, and impose a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (n) of this section;

(F) not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 36 months, and impose a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (n) of this

section;

(2) the court may not

(A) suspend execution of sentence or grant probation except on condition that the person

- (i) serve the minimum imprisonment under (1) of this subsection;

- (ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device for a violation of (a)(1) of this section involving an alcoholic beverage or intoxicating liquor, singly or in combination, or a violation of (a)(2) of this section;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.181](#), and may order that the motor vehicle, aircraft, or watercraft that was used in commission of the offense be forfeited under [AS 28.35.036](#); and

(4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law.

(c) [Repealed, § 34 ch 119 SLA 1990.]

(d) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Information compiled under this subsection is confidential and may only be used in connection with court proceedings involving the defendant's treatment, including use by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a presentence report for the use of the court in sentencing a person convicted under this section.

(e) A person who is sentenced to imprisonment for 72 consecutive hours upon a first conviction under this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

- (1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

- (2) the additional period of confinement did not exceed 12 hours.

(f) [Repealed, § 34 ch 119 SLA 1990.]

(g) Notwithstanding (b) of this section, the court may reduce the fine required to be imposed under (b) of this section by the cost of the ignition interlock device.

(h) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an alcohol safety action program if such a program is available in the community where the person resides, or a private or public treatment facility approved by the Department of Health, under [AS 47.37](#) to make referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person is convicted under (n) of this section, the court shall order the person to be evaluated as required by this subsection before the court imposes sentence for the offense.

(i) A program of inpatient treatment may be required by the authorized agency under (h) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(j) If a person fails to satisfy the requirements of an authorized agency under (i) of this section, the court

(1) may impose any portion of a suspended sentence; however, if the person was convicted under (n) of this section, the court shall impose a part or all of the remaining portion of any suspended sentence;

(2) may punish the failure as contempt of the authority of the court under [AS 09.50.010](#) or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's driver's license, privilege to drive, and privilege to obtain a driver's license until the requirements are satisfied.

(k) Imprisonment required under (b)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under [AS 33.30.065](#). If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (b)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (b)(1)(B) — (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under [AS 33.30.065](#). The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under [AS 43.23.140](#). A person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(l) The commissioner of corrections shall determine and prescribe by regulation a uniform average cost of imprisonment for the purpose of determining the cost of imprisonment required to be paid under (k) of this section by a convicted person. The regulations must include the costs associated with electronic monitoring under [AS 33.30.065](#).

(m) If the act for which a person is convicted under this section contributes to a motor vehicle accident, the court shall order the person to pay the reasonable cost of any emergency services that responded to the accident, if the convicted person or the convicted person's insurer has not already paid the cost of the emergency services. If payment is required under this subsection, the payment shall be made directly to the emergency service and shall be equal to the actual cost of responding to the accident or the previous year's annual average cost of responding to a motor

vehicle accident, whichever is higher. In this subsection, “emergency service” includes a peace officer, fire department, ambulance service, emergency medical technician, or emergency trauma technician.

(n) A person is guilty of a class C felony if the person is convicted under (a) of this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under this subsection or under [AS 28.35.032](#)(p) was previously imposed within the last 10 years. For purposes of determining minimum sentences based on previous convictions, the provisions of (w)(4) of this section apply. Upon conviction, the court

(1) shall impose a fine of not less than \$10,000, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 60 months, and impose a minimum sentence of imprisonment of not less than

(A) 120 days if the person has been previously convicted twice;

(B) 240 days if the person has been previously convicted three times;

(C) 360 days if the person has been previously convicted four or more times;

(2) may not

(A) suspend execution of sentence or grant probation except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device for a violation of (a)(1) of this section involving an alcoholic beverage or intoxicating liquor, singly or in combination, or a violation of (a)(2) of this section;

(3) shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration of the license under (o) of this section;

(4) may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;

(5) shall order forfeiture under [AS 28.35.036](#) of the vehicle, watercraft, or aircraft used in the commission of the offense, subject to remission under [AS 28.35.037](#); and

(6) shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle or is registered as a co-owner under a business name, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection.

(o) Upon request, the department shall review a driver's license revocation imposed under (n)(3) of this section and, unless the revocation was ordered under (u) or (v) of this section or in a case in which the person was also convicted of a crime under [AS 11.41.100](#) — 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,

(1) may restore the driver's license if

(A) the license has been revoked for a period of at least 10 years;

(B) the person has not been convicted of a driving-related criminal offense or a felony in the 10 years preceding the request for restoration of the license; and

(C) the person provides proof of financial responsibility;

(2) shall restore the driver's license if

(A) the person has been granted limited license privileges under [AS 28.15.201\(g\)](#) and has successfully driven under that limited license for three years without having the limited license privileges revoked;

(B) the person has successfully completed a court-ordered treatment program under [AS 28.35.028](#) or a rehabilitative treatment program under [AS 28.15.201\(h\)](#);

(C) the person has not been convicted of a violation of [AS 28.35.030](#) or 28.35.032 or a similar law or ordinance of this or another jurisdiction since the license was revoked;

(D) the person is otherwise eligible to have the person's driving privileges restored as provided in [AS 28.15.211](#); in an application under this subsection, a person whose license was revoked for a violation of [AS 28.35.030\(n\)](#) or 28.35.032(p) is not required to submit compliance as required under [AS 28.35.030\(h\)](#) or 28.35.032(l); and

(E) the person provides proof of financial responsibility.

(p) [Repealed, § 7 ch 56 SLA 2006.]

(q) For purposes of this section, the director of the division within the department responsible for administration of this section or a person designated by the director may request and receive criminal justice information available under [AS 12.62](#). In this subsection, “criminal justice information” has the meaning given in [AS 12.62.900](#).

(r) [Repealed, § 12 ch 85 SLA 2010.]

(s) In a prosecution under (a) of this section, a person may introduce evidence on the amount of alcohol consumed before or after operating or driving the motor vehicle, aircraft, or watercraft to rebut or explain the results of a chemical test, but the consumption of alcohol before operating or driving may not be used as a defense that the chemical test did not measure the blood alcohol at the time of the operating or driving. Consumption of alcohol after operating or driving the motor vehicle, aircraft, or watercraft may be used to raise such a defense.

(t) Notwithstanding (b) or (n) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in a community included on the list published by the department under [AS 28.22.011\(b\)](#).

(u) In addition to the penalties imposed under (n) of this section, if a person is convicted under (n) of this section and has been convicted two or more times under (n) of this section or a similar law of another jurisdiction at any time preceding the date of the present offense, upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license.

(v) In addition to the penalties imposed under (b) of this section, if a person is convicted under (a) of this section and the person has previously had the person's driver's license restored under (o) of this section or under [AS 28.35.032\(q\)](#), upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license.

(w) In this section,

(1) “inhalant” has the meaning given to the phrase “hazardous volatile material or substance” in [AS 47.37.270](#);

(2) “operate an aircraft” means to navigate, pilot, or taxi an aircraft in the airspace over this state, or upon the land or water inside this state;

(3) “operate a watercraft” means to navigate a vessel used or capable of being used as a means of transportation on water for recreational or commercial purposes on all waters, fresh or salt, inland or coastal, inside the territorial limits or under the jurisdiction of the state;

(4) “previously convicted” means having been convicted in this or another jurisdiction within the 15 years preceding the date of the present offense of any of the following offenses; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

(A) operating a motor vehicle, aircraft, or watercraft in violation of this section or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under (a)(2) of this section;

(B) refusal to submit to a chemical test in violation of [AS 28.35.032](#) or in violation of another law or ordinance with similar elements; or

(C) operating a commercial motor vehicle in violation of [AS 28.33.030](#) or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under [AS 28.33.030\(a\)\(2\)](#).

Sec. 28.35.031. Implied consent.

(a) A person who operates or drives a motor vehicle in this state or who operates an aircraft as defined in [AS 28.35.030\(w\)](#) or who operates a watercraft as defined in [AS 28.35.030\(w\)](#) shall be considered to have given consent to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath if lawfully arrested for an offense arising out of acts alleged to have been committed while the person was operating or driving a motor vehicle or operating an aircraft or a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance or if lawfully arrested under [AS 28.35.280](#) for the offense of minor operating a vehicle after consuming alcohol. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating or driving a motor vehicle or operating an aircraft or a watercraft in this state while under the influence of an alcoholic beverage, inhalant, or controlled substance or that the person was a minor operating a vehicle after consuming alcohol.

(b) A person who operates or drives a motor vehicle in this state or who operates an aircraft or watercraft shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of the incident if the officer has probable cause to believe that a person's ability to operate a motor vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and that the person

(1) was operating or driving a motor vehicle, aircraft, or watercraft that is involved in an accident;

(2) committed a moving traffic violation or unlawfully operated an aircraft or watercraft; in

this paragraph, “unlawfully” means in violation of any federal, state, or municipal statute, regulation, or ordinance, except for violations that do not provide reason to believe that the operator's ability to operate the aircraft or watercraft was impaired by the ingestion of alcoholic beverages; or

(3) was operating or driving a motor vehicle in violation of [AS 28.35.029\(a\)](#).

(c) Before administering a preliminary breath test under (b) of this section, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is an infraction. If the person refuses to submit to the test, the test shall not be administered.

(d) The result of the test under (b) of this section may be used by the law enforcement officer to determine whether the driver or operator should be arrested.

(e) Refusal to submit to a preliminary breath test at the request of a law enforcement officer is an infraction.

(f) If a driver or operator is arrested, the provisions of (a) of this section apply. The preliminary breath test authorized in this section is in addition to any tests authorized under (a) of this section.

(g) A person who operates or drives a motor vehicle in this state shall be considered to have given consent to a chemical test or tests of the person's breath and blood for the purpose of determining the alcoholic content of the person's breath and blood and shall be considered to have given consent to a chemical test or tests of the person's blood and urine for the purpose of determining the presence of controlled substances in the person's blood and urine if the person is involved in a motor vehicle accident that causes death or serious physical injury to another person. The test or tests may be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating or driving a motor vehicle in this state that was involved in an accident causing death or serious physical injury to another person.

(h) Nothing in this section shall be construed to restrict searches or seizures under a warrant issued by a judicial officer, in addition to a test permitted under this section.

Sec. 28.35.032. Refusal to submit to chemical test.

(a) If a person under arrest for operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance refuses the request of a law enforcement officer to submit to a chemical test authorized under [AS 28.33.031\(a\)\(1\)](#) or [AS 28.35.031\(a\)](#), or if a person involved in a motor vehicle accident that causes death or serious physical injury to another person refuses the request of a law enforcement officer to submit to a chemical test authorized under [AS 28.33.031\(a\)\(2\)](#) or [AS 28.35.031\(g\)](#), after being advised by the officer that the refusal will result in the denial or revocation of the driver's license, privilege to drive, or privilege to obtain a license, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, and that the refusal is a crime, a chemical test may not be given, except as provided by [AS 28.35.035](#). If a person under arrest for operating a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance refuses the request of a law enforcement officer to submit to a chemical test authorized under [AS 28.35.031\(a\)](#), after being advised by the officer that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating

a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, and that the refusal is a crime, a chemical test may not be given, except as provided by [AS 28.35.035](#).

(b) [Repealed, § 25 ch 77 SLA 1983.]

(c) [Repealed, § 25 ch 77 SLA 1983.]

(d) [Repealed, § 25 ch 77 SLA 1983.]

(e) The refusal of a person to submit to a chemical test authorized under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating or driving a motor vehicle or operating an aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance.

(f) Except as provided under (p) of this section, refusal to submit to a chemical test authorized by [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) is a class A misdemeanor.

(g) Upon conviction under this section,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of six months, and impose a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 12 months, and impose a fine of not less than \$3,000 if the person has been previously convicted once;

(C) not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 18 months, and impose a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (p) of this section;

(D) not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 24 months, and impose a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (p) of this section;

(E) not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 30 months, and impose a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (p) of this section;

(F) not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 36 months, and impose a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (p) of this section;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under [AS 28.15.181](#), and may order that the motor vehicle, aircraft, or watercraft that was used in commission of the offense be forfeited under [AS 28.35.036](#);

(4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law; and

(5) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

(h) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Information compiled under this subsection is confidential and may only be used in connection with court proceedings involving the defendant's treatment, including use by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a pre-sentence report for the use of the court in sentencing a person convicted under this section.

(i) A person who is sentenced to imprisonment for 72 consecutive hours under (g) of this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(j) For purposes of this section, convictions under [AS 28.33.030](#) or [AS 28.35.030](#) and for refusal to submit to a chemical test under this section, if arising out of a single transaction and a single arrest, are considered one previous conviction.

(k) Notwithstanding (g) of this section, the court may reduce the fine required to be imposed under (g) of this section by the cost of the ignition interlock device.

(l) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an alcohol safety action program if such a program is available in the community where the person resides, or a private or public treatment facility approved by the Department of Health under [AS 47.37](#) to make referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person is convicted under (p) of this section, the court shall order the person to be evaluated as required by this subsection before the court imposes sentence for the offense.

(m) A program of inpatient treatment may be required by the authorized agency under (l) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall

specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(n) If a person fails to satisfy the requirements of an authorized agency under (m) of this section, the court

(1) may impose any portion of a suspended sentence; however, if the person was convicted under (p) of this section, the court shall impose a part or all of the remaining portion of any suspended sentence;

(2) may punish the failure as contempt of the authority of the court under [AS 09.50.010](#) or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's driver's license, privilege to drive, and privilege to obtain a driver's license until the requirements are satisfied.

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under [AS 33.30.065](#). If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (g)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (g)(1)(B) — (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under [AS 33.30.065](#). The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under [AS 43.23.140](#). A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, “appropriate place” means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(p) A person is guilty of a class C felony if the person is convicted under this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under this subsection or under [AS 28.35.030](#)(n) was previously imposed within the last 10 years. For purposes of determining minimum sentences based on previous convictions, the provisions of [AS 28.35.030](#)(w)(4) apply. Upon conviction,

(1) the court shall impose a fine of not less than \$10,000, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 60 months, and impose a minimum sentence of imprisonment of not less than

(A) 120 days if the person has been previously convicted twice;

(B) 240 days if the person has been previously convicted three times;

(C) 360 days if the person has been previously convicted four or more times;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirements for an ignition interlock device;

(3) the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration under (q) of this section;

(4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug, or combination of drugs intended to prevent consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;

(5) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person;

(6) the court shall order forfeiture under [AS 28.35.036](#), of the motor vehicle, aircraft, or watercraft used in the commission of the offense, subject to remission under [AS 28.35.037](#); and

(7) the court shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection.

(q) Upon request, the department shall review a driver's license revocation imposed under (p)(3) of this section and, unless the revocation was ordered in a case in which the person was also convicted of a crime under [AS 11.41.100](#) — 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction or the revocation was ordered under [AS 28.35.030](#)(u) or (v), may restore the driver's license if

(1) the license has been revoked for a period of at least 10 years;

(2) the person has not been convicted of a driving-related criminal offense or a felony in the 10 years preceding the request for restoration of the license; and

(3) the person provides proof of financial responsibility.

(r) [Repealed, § 7 ch 56 SLA 2006.]

(s) For purposes of this section, the director of the division within the department responsible for administration of this section or a person designated by the director may request and receive criminal justice information available under [AS 12.62](#).

(t) Notwithstanding (g) or (p) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in a community included on the list published by the department under [AS 28.22.011](#)(b).

(u) In this section,

(1) “cost of imprisonment” means the cost of imprisonment as determined under [AS 28.35.030](#)(1);

(2) “previously convicted” has the meaning given in [AS 28.35.030](#).

Sec. 28.35.033. Presumptions and chemical analysis of breath or blood.

(a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating or driving a motor vehicle or operating an aircraft or a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, the amount of alcohol in the person's blood or breath at the time alleged shall give rise to the following presumptions:

(1) If there was 0.04 percent or less by weight of alcohol in the person's blood, or 40 milligrams or less of alcohol per 100 milliliters of the person's blood, or 0.04 grams or less of alcohol per 210 liters of the person's breath, it shall be presumed that the person was not under the influence of an alcoholic beverage.

(2) If there was in excess of 0.04 percent but less than 0.08 percent by weight of alcohol in the person's blood, or in excess of 40 but less than 80 milligrams of alcohol per 100 milliliters of the person's blood, or in excess of 0.04 grams but less than 0.08 grams of alcohol per 210 liters of the person's breath, that fact does not give rise to any presumption that the person was or was not under the influence of an alcoholic beverage, but that fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage.

(3) If there was 0.08 percent or more by weight of alcohol in the person's blood, or 80 milligrams or more of alcohol per 100 milliliters of the person's blood, or 0.08 grams or more of alcohol per 210 liters of the person's breath, it shall be presumed that the person was under the influence of an alcoholic beverage.

(b) For purposes of this chapter, percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 milliliters of blood.

(c) Except as provided in [AS 28.35.030\(s\)](#), the provisions of (a) of this section may not be construed to limit the introduction of any other competent evidence bearing upon the question of whether the person was or was not under the influence of intoxicating liquor.

(d) To be considered valid under the provisions of this section the chemical analysis of the person's breath or blood shall have been performed according to methods approved by the Department of Public Safety. The Department of Public Safety is authorized to approve satisfactory techniques, methods, and standards of training necessary to ascertain the qualifications of individuals to conduct the analysis. If it is established at trial that a chemical analysis of breath or blood was performed according to approved methods by a person trained according to techniques, methods, and standards of training approved by the Department of Public Safety, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

(e) The person tested may have a physician, or a qualified technician, chemist, registered or advanced practice registered nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain such an additional test, and failed or was unable to do so, is likewise admissible in evidence. The person who administers the chemical test shall clearly and expressly inform the person tested of that person's right to an independent

test described under this subsection, and, if the person being tested requests an independent test, the department shall make reasonable and good-faith efforts to assist the person being tested in contacting a person qualified to perform an independent chemical test of the person's breath or blood.

(f) Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test, including the results of it, shall be made available to the person or the person's attorney.

Sec. 28.35.034. Surrender of license or permit.

A person whose license or permit to operate or drive a motor vehicle has been revoked under [AS 28.15.165](#) or 28.15.181 shall surrender the license or permit to the department on receipt of notice of the revocation. After the period of revocation has expired, the person may make application for a new license as provided by law.

Sec. 28.35.035. Administration of chemical tests without consent.

(a) If a person is under arrest for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, and that arrest results from an accident that causes death or physical injury to another person, a chemical test may be administered without the consent of the person arrested to determine the amount of alcohol in that person's breath or blood or to determine the presence of controlled substances in that person's blood and urine.

(b) A person who is unconscious or otherwise in a condition rendering that person incapable of refusal is considered not to have withdrawn the consent provided under [AS 28.33.031](#)(a) or [AS 28.35.031](#)(a) or (g) and a chemical test may be administered to determine the amount of alcohol in that person's breath or blood or to determine the presence of controlled substances in that person's blood and urine. A person who is unconscious or otherwise incapable of refusal need not be placed under arrest before a chemical test may be administered.

(c) If a chemical test is administered to a person under (a) or (b) of this section, that person is not subject to the penalties for refusal to submit to a chemical test provided by [AS 28.35.032](#).

Sec. 28.35.036. Forfeiture of vehicle, aircraft, or watercraft.

(a) After conviction of an offense under [AS 28.15.291](#)(b), [AS 28.35.030](#), or 28.35.032, a motor vehicle, aircraft, or watercraft involved in the commission of the offense is subject to forfeiture as provided under [AS 28.15.291](#)(b), [AS 28.35.030](#), and 28.35.032.

(b) Before forfeiture of a motor vehicle, aircraft, or watercraft, the court shall schedule a hearing on the matter and shall notify the state and the convicted person of the time and place set for the hearing. Except for a motor vehicle, aircraft, or watercraft that is required to be forfeited under [AS 28.35.030](#) or 28.35.032, the court may order the forfeiture of the motor vehicle if the court, sitting without a jury, determines, by a preponderance of the evidence, that the forfeiture of the motor vehicle, aircraft, or watercraft will serve one or more of the following purposes:

(1) deterrence of the convicted person from the commission of future offenses under [AS 28.15.291](#)(b), [AS 28.35.030](#), or 28.35.032;

(2) protection of the safety and welfare of the public;

(3) deterrence of other persons who are potential offenders under [AS 28.15.291\(b\)](#), [AS 28.35.030](#), or 28.35.032; or

(4) expression of public condemnation of the serious or aggravated nature of the convicted person's conduct.

(c) Upon forfeiture of a motor vehicle, aircraft, or watercraft, the court shall require the

(1) surrender of the registration and certificate of title of that motor vehicle; the registration and certificate of title shall be delivered to the department;

(2) convicted person to pay all administrative costs incurred by the state in forfeiting the motor vehicle, aircraft, or watercraft, including costs incurred by the department, law enforcement personnel, or the court system.

(d) If not released under [AS 28.35.037](#), a motor vehicle, aircraft, or watercraft forfeited under this section may be disposed of at the discretion of the Department of Public Safety.

(e) Disposal under this subsection includes

(1) sale, as a unit or in parts, including sale at an auction, and the proceeds deposited into the general fund;

(2) transfer to a state or municipal law enforcement agency;

(3) being declared surplus and transferred to the Department of Administration;

(4) being destroyed; or

(5) transfer to a charitable organization; in this paragraph, "charitable organization" means a charity that is exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code).

Sec. 28.35.037. Remission of forfeitures.

(a) Upon receiving notice from the court of the time and place set for a hearing under [AS 28.35.036](#), the state shall provide to every person who has an ascertainable ownership or security interest in the motor vehicle, aircraft, or watercraft written notice that includes

(1) a description of the motor vehicle, aircraft, or watercraft;

(2) the time and place of the forfeiture hearing;

(3) the legal authority under which the motor vehicle, aircraft, or watercraft, may be forfeited;

(4) notice of the right to intervene to protect the interest in the motor vehicle, aircraft, or watercraft.

(b) At the hearing, a person who claims an ownership or security interest in the motor vehicle, aircraft, or watercraft, must establish by a preponderance of the evidence that

(1) the petitioner has an interest in the motor vehicle, aircraft, or watercraft, acquired in good faith;

(2) a person other than the petitioner was convicted of the offense that resulted in the forfeiture; and

(3) before parting with the motor vehicle, aircraft, or watercraft, the petitioner did not know or have reasonable cause to believe that it would be used in the commission of an offense.

(c) If a person satisfies the requirements of (b) of this section, the court shall order that an amount equal to the value of the petitioner's interest in the motor vehicle, aircraft, or watercraft be paid to the petitioner, or the court shall order that the motor vehicle, aircraft, or watercraft be released to the petitioner together with title to the motor vehicle, aircraft or watercraft.

(d) Forfeiture of a motor vehicle, aircraft, or watercraft under [AS 28.35.036](#) is without prejudice to the rights and does not extinguish the claims of a creditor with an interest in the motor vehicle, aircraft, or watercraft.

Sec. 28.35.038. Municipal impoundment and forfeiture. [Repealed, § 55 ch 60 SLA 2002.]

Sec. 28.35.039. Definitions for [AS 28.35.029](#) — 28.35.039.

In [AS 28.35.029](#) — 28.35.039,

(1) “alcohol safety action program” means a program for alcohol and substance abuse screening, referral, and monitoring developed and implemented or approved by the Department of Health under [AS 47.37](#);

(2) “controlled substance” has the meaning given in [AS 28.33.190](#).

Sec. 28.35.040. [Renumbered as [AS 28.35.400](#).]

Sec. 28.35.045. [Renumbered as [AS 28.35.410](#).]

Article 2. Duties Following Accidents.

Sec. 28.35.050. Action of operator immediately after accident.

(a) An operator of a vehicle involved in an accident resulting in injury to or death of a person shall immediately stop the vehicle at the scene of the accident or as close to it as possible and return to, and remain at, the scene until the operator has fulfilled the requirements of [AS 28.35.060](#).

(b) The operator of a vehicle involved in an accident resulting only in damage to a vehicle driven or attended by a person shall immediately stop the vehicle at the scene of the accident or as close to it as possible and return to, and remain at, the scene of the accident until the operator has fulfilled the requirements of [AS 28.35.060](#).

(c) The operator of a vehicle involved in an accident resulting only in damage to a vehicle that is unattended shall immediately stop at the scene of the accident and undertake reasonable means and efforts to locate and notify the operator or owner of the damaged unattended vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle. If the operator or owner of the unattended vehicle cannot be located then the operator shall leave in a conspicuous place in or upon the unattended vehicle, a writing stating the name and address of the operator and of the owner of the vehicle that struck the unattended vehicle and setting forth a statement of the circumstances of the accident.

Sec. 28.35.060. Duty of operator to give information and render assistance.

(a) The operator of a vehicle involved in an accident resulting in injury to or death of a person or damage to a vehicle that is driven or attended by a person shall give the operator's name, address, and vehicle license number to the person struck or injured, or the operator or occupant, or the person attending, and the vehicle collided with and shall render to any person injured reasonable assistance, including making of arrangements for attendance upon the person by a physician and transportation, in a manner that will not cause further injury, to a hospital for medical treatment if it is apparent that treatment is desirable. Under no circumstances is the giving of assistance or other compliance with the provisions of this paragraph evidence of the liability of an operator for the accident.

(b) Except as provided in (c) of this section, a person who fails to comply with any of the requirements of this section is, upon conviction, punishable by imprisonment for not more than one year, or by a fine of not more than \$500, or by both. This provision does not apply to a person incapacitated by the accident to the extent that the person is physically incapable of complying with the requirement.

(c) A person who fails to comply with a requirement of this section regarding assisting an injured person is, upon conviction, punishable by imprisonment for not more than 10 years, or by a fine of not more than \$10,000, or by both. This provision does not apply to a person incapacitated by the accident to the extent that the person is physically incapable of complying with the requirement.

Sec. 28.35.070. Examination or impounding before repair.

A person may not make or have made repairs to damage or injury to a motor vehicle that could have been caused by collision with a person or property without first notifying the Department of Public Safety, chief of police, or in the absence of these, the nearest police officer or other peace officer, who shall immediately examine the vehicle and make a full report subscribed by the person in whose custody the vehicle then is. A copy of the report shall be mailed or delivered to the Department of Public Safety. If no official is within 10 miles of the place where the vehicle is brought for repair, then no notice or examination is required. If there is ground for suspecting that the vehicle was involved in a collision with a person, the vehicle shall be impounded at the expense of the owner, for which the custodian shall have a lien, and shall be accessible only to officers detailed to the investigation of the case until released. If, however, there is no reason to suspect that the damage to the motor vehicle was caused by collision with a person or property, the repair of the vehicle may be authorized by the officer in charge of the investigation at any time after the expiration of 24 hours thereafter.

Sec. 28.35.080. Immediate notice of accident.

(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 \$2,000 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 \$2,000 or more shall, within 10 days after the accident, forward a written or electronic report of the accident to the Department of Administration and to the local police department if the accident occurs within a municipality. A

report is not required under this subsection if the accident is investigated by a peace officer.

(c) The form of accident report required under (b) of this section can be obtained from the department's Internet website, any local police department, or the Department of Public Safety.

(d) The Department of Administration may require the driver of a vehicle involved in an accident of which a report must be made to file supplemental reports whenever the original report is insufficient in the opinion of that department.

(e) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident for which a report must be made, either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall, within 24 hours after completing the investigation, forward an electronic report of the accident to the Department of Administration. However, the law enforcement officer may submit a written report if the law enforcement agency employing the officer has received an exemption from the Department of Public Safety because the law enforcement agency does not have the technological capacity to submit reports of motor vehicle accidents electronically. The commissioner of public safety shall notify the Department of Administration of the exemption and the period for which the exemption was granted under this subsection.

(f) An accident report is not required under this section from a person who is physically incapable of making the report during the period of incapacity.

(g) The Department of Administration shall consider accident reports under this section to satisfy any requirements for reporting of motor vehicle crashes in the state.

Sec. 28.35.090. Rendering of report by others.

(a) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in [AS 28.35.080](#) and there was another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or give the notice not given by the driver.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in [AS 28.35.080](#) and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within five days after learning of the accident make the report not made by the driver.

Sec. 28.35.100. Form of reports.

(a) The Department of Public Safety shall prepare and upon request supply to police departments, coroners, local peace officers, garages, and other suitable agencies or individuals, forms for accident reports. The written reports by persons involved in accidents and by investigating officers shall require sufficiently detailed information to disclose the cause of the accident, conditions existing at the time of the accident, and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the Department of Public Safety and must contain all of the information required unless not available.

Sec. 28.35.110. Penalty for giving false information in report or failing to report.

(a) A person who gives information in reports as required in [AS 28.35.080](#) knowing or having reason to believe that the information is false is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

(b) The department shall suspend the license or permit to drive and the nonresident operating privileges of a person failing to report an accident as provided in [AS 28.35.080](#) until the report is filed. The department may extend the suspension by not more than 30 days. A person failing to make a report as required in [AS 28.35.080](#) is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200, or by imprisonment for not more than 90 days, or by both.

Sec. 28.35.120. Use of accident reports in evidence.

A report made in accordance with this chapter may not be used in evidence in a criminal or civil action arising out of the accident that is the subject of the report.

Sec. 28.35.130. False report or destruction of evidence involving a vehicle.

An officer or person who knowingly makes or subscribes a false report concerning an investigation of a vehicle or damage or injury caused by a vehicle, as provided in this chapter, is guilty of unsworn falsification in the second degree. A person who destroys, obliterates, conceals, or removes, or who aids, abets, or assists in the destruction, obliteration, concealment, or removal from a vehicle, of evidence showing or tending to show that the vehicle collided with a person or property, is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

Article 3. Miscellaneous Offenses.

Sec. 28.35.135. Unlawful to knowingly make false statement, application, or certification.

(a) A person may not knowingly make a false affidavit, statement, or representation, or affirm falsely with respect to a matter or fact required to be set out under this title, nor may the person use a name other than the person's true name. A person convicted of violating this section is guilty of unsworn falsification in the second degree and is punishable as prescribed by law.

(b) A person who has a certification, registration, title, license, or other form issued under this title, or who has applied for a certification, registration, license, or other form, and who changes the person's name or moves from the address shown on the department's records or forms, shall notify the department of the change in name or address within 30 days

(1) on a form or in a format specified by the department; and

(2) in a manner prescribed in regulations adopted by the department.

Sec. 28.35.140. Unlawful obstruction or blocking of traffic; duty to yield to following traffic.

(a) A person may not purposely obstruct or block traffic on any roadway by any means.

However, a service vehicle such as a bus, garbage truck, tow truck, or ambulance may make brief

stops on a roadway, which stops on the roadway are necessary in the performance of its services.

(b) A person operating a motor vehicle at any time on a two-lane roadway outside of an urban area shall pull the motor vehicle off the roadway at the first opportunity to pull over safely if there are five or more motor vehicles immediately following that motor vehicle. A person operating a motor vehicle who violates this subsection is guilty of an infraction as described in [AS 28.90.010](#)(d) and shall be punished by a fine of at least \$100.

Sec. 28.35.145. Overtaking and passing school bus.

(a) The driver of a vehicle that approaches from any direction a school bus stopped on a highway or vehicular way or area shall stop not less than 30 feet from the school bus before reaching it when there are in operation on the school bus flashing red lights as required by regulation. The driver may not proceed until the school bus proceeds and the flashing lights are no longer illuminated.

(b) When a school bus is stopped on a highway or vehicular way or area, whether or not there are in operation on the school bus flashing red lights as required by regulation, the driver of a vehicle shall yield the right-of-way to a person crossing a highway, vehicular way, or area to embark on or disembark from the school bus, whether or not the person is crossing within a marked crosswalk.

(c) The driver of a vehicle on a highway with separate roadways is not required to stop when meeting or passing a school bus that is on a different roadway or, if upon a controlled access highway, when a school bus is stopped off the highway in a loading zone that is part of, or adjacent to, the controlled access highway, and pedestrians are not permitted to cross the highway.

(d) A driver convicted under this section is guilty of a class B misdemeanor and, in addition to other penalties as provided by law, is subject to a mandatory assessment of six demerit points under [AS 28.15.221](#) — 28.15.261.

(e) A vehicle owner, or in the case of a leased vehicle a lessee, is guilty of an infraction as described in [AS 28.90.010](#)(d) and may be punished by a fine not to exceed \$100, if the vehicle owned or leased by the person is operated in violation of this section. The owner or lessee may not be penalized if the vehicle was stolen, or the driver of the vehicle is convicted under (d) of this section. This subsection does not apply to a lessor of a vehicle if the lessor keeps a record of the name and address of the lessee. A violation of this subsection may not result in the loss of a driver's license or privilege to drive and does not constitute grounds for assessment of demerit points under [AS 28.15.221](#) — 28.15.261. This subsection does not prohibit or limit the prosecution of a vehicle driver for violating (a) or (b) of this section.

Sec. 28.35.150. Unlawful to interfere with or destroy official traffic control device or highway construction; action by state for damages. [Repealed, § 25 ch 144 SLA 1977.]

Sec. 28.35.155. Operation of vehicle with certain tires prohibited.

(a) It is unlawful to operate a motor vehicle with studded tires or tires with chains attached on a paved highway or road from May 1 through September 15, inclusive, north of 60 North Latitude and from April 15 through September 30, inclusive, south of 60 North Latitude, except that at any latitude on a paved portion of the Sterling Highway a person may not operate a motor vehicle

with studded tires or tires with chains attached from May 1 through September 15, inclusive. The commissioner of public safety shall by emergency order provide for additional lawful operating periods based on unusual seasonal or weather conditions. An emergency order adopted under this section is not subject to [AS 44.62](#) (Administrative Procedure Act). Upon application, a special individual traction permit may be issued by the Department of Administration allowing the operation of a motor vehicle with studded tires or chains at any time at the discretion of the vehicle owner. The fee for the special individual permit is one-third of the biennial registration fee applicable to that class of vehicle under [AS 28.10.421](#). The department may provide an appropriate sticker or other device identifying the vehicle to which the permit applies.

(b) In this section, “studded tire” means a tire with metal studs or spikes imbedded in the periphery of the tire surface, and protruding not more than one-fourth inch from the tire surface.

Sec. 28.35.160. Unlawful injury to or destruction of traffic regulations or guidance device.
[Repealed, § 25 ch 144 SLA 1977.]

Sec. 28.35.161. Use of electronic devices while driving; unlawful installation of television, monitor, or similar device.

(a) A person commits the crime of driving while texting, while communicating on a computer, or while a screen device is operating if the person is driving a motor vehicle, and

(1) the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion, and the monitor or visual display is operating while the person is driving; or

(2) the person is reading or typing a text message or other nonvoice message or communication on a cellular telephone, personal data assistant, computer, or any other similar means capable of providing a visual display that is in the view of the driver in a normal driving position while the vehicle is in motion and while the person is driving.

(b) A person may not install or alter equipment described in (a) of this section that allows the images to be viewed by the driver in a normal driving position while the vehicle is in motion.

(c) Subsections (a) and (b) of this section do not apply to

(1) portable cellular telephones or personal data assistants being used for voice communication or displaying caller identification information;

(2) equipment that is displaying only

(A) audio equipment information, functions, and controls;

(B) vehicle information or controls related to speed, fuel level, battery charge, and other vehicle safety or equipment information;

(C) navigation or global positioning;

(D) maps;

(E) visual information to

(i) enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle; or

(ii) allow the driver to monitor vehicle occupants seated behind the driver;

(F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance;

(G) vehicle dispatching information for passenger transport or freight or package delivery;

(H) information for use in performing highway construction, maintenance, or repair or data acquisition by the Department of Transportation and Public Facilities or a municipality; or

(I) information for use in performing utility construction, maintenance, repair, or data acquisition by a public utility; in this subparagraph, “public utility” has the meaning given in [AS 42.05.990](#).

(d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle, whether removable or permanently installed, or to the viewing of authorized screen devices by police, fire, or emergency medical service personnel if the user of the equipment or device reasonably believes the information on the device is necessary to respond to a health, safety, or criminal matter. In this subsection, “emergency vehicle” means a police, fire, or emergency medical service vehicle.

(e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) of this section.

(f) A person who violates (a) of this section is guilty of

(1) a violation and shall be punished as provided in [AS 12.55](#), unless any of the circumstances described in (2) - (4) of this subsection apply;

(2) a class C felony if the person's driving causes physical injury to another person;

(3) a class B felony if the person's driving causes serious physical injury to another person;

(4) a class A felony if the person's driving causes the death of another person.

(g) A person who violates (b) of this section is guilty of a class A misdemeanor.

Sec. 28.35.170. Operation with more than three persons in driver's seat. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.35.175. Propane gas detector required.

A person may not sell a recreational motor vehicle manufactured after 1990 or rent a recreational motor vehicle to another if the vehicle is equipped with a propane stove or propane heating device unless the vehicle is also equipped with a propane gas detector.

Sec. 28.35.180. Disobedience to signals of officer regulating traffic prohibited.

A driver of a vehicle may not refuse to obey a lawful order or direction of a peace officer, firefighter, or authorized flagman regulating and directing traffic. A peace officer or firefighter regulating or directing traffic shall, upon request of a driver, produce evidence of authorization unless the officer or firefighter is wearing in view the badge or uniform of office.

Sec. 28.35.182. Failure to stop at direction of peace officer.

(a) A person commits the offense of failure to stop at the direction of a peace officer in the first degree if the person violates (b) of this section, and, during the commission of that offense,

(1) the person violates [AS 28.35.400](#);

(2) the person is committing vehicle theft in the first or second degree; or

(3) as a result of the person's operation or driving, an accident occurs or a person suffers serious physical injury; in this paragraph, "serious physical injury" has the meaning given in [AS 11.81.900](#).

(b) A person commits the offense of failure to stop at the direction of a peace officer in the second degree if the person, while driving or operating a vehicle or motor vehicle or while operating an aircraft or watercraft, knowingly fails to stop as soon as practical and in a reasonably safe manner under the circumstances when requested or signaled to do so by a peace officer.

(c) In a prosecution under this section, it is an affirmative defense, if the peace officer, when requesting or signaling the defendant to stop,

(1) was operating a vehicle, motor vehicle, aircraft, or watercraft, and the vehicle, motor vehicle, aircraft, or watercraft

(A) did not meet lighting and audible signaling requirements of law for law enforcement vehicles; and

(B) was not marked appropriately so that a reasonable person would recognize it as a law enforcement vehicle; or

(2) was not operating a vehicle, motor vehicle, aircraft, or watercraft, and the peace officer was not wearing the uniform of office or displaying a badge or other symbol of authority so as to be reasonably identifiable as a peace officer.

(d) In this section,

(1) "knowingly" has the meaning given in [AS 11.81.900](#);

(2) "signal" means a hand motion, audible mechanical or electronic noise device, visual light device, or combination of them, used in a manner that a reasonable person would understand to mean that the peace officer intends that the person stop.

(e) Failure to stop at the direction of a peace officer in the first degree is a class C felony punishable as provided in [AS 12.55](#). Failure to stop at the direction of a peace officer in the second degree is a class A misdemeanor.

Sec. 28.35.185. Overtaking and passing certain stationary vehicles.

(a) The driver of a vehicle that approaches a stationary emergency vehicle, fire vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, vehicle in the act of performing maintenance or road service work, or animal control vehicle being used to perform official duties, when the stationary vehicle is displaying flashing emergency lights on a highway or roadway

(1) with two or more lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall

(A) if possible in the existing safety and traffic conditions, vacate the lane closest to the emergency vehicle, fire vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, vehicle in the act of performing maintenance or road service work, or animal control

vehicle being used to perform official duties; or

(B) if a lane change under (A) of this paragraph would be impossible, prohibited by law, or unsafe, slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions;

(2) with fewer than two lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.

(b) A person who violates this section is guilty of

(1) a class A misdemeanor if personal injury results from the person's failure to vacate the lane or slow as required by this section;

(2) an infraction, under circumstances other than in (1) of this subsection.

Sec. 28.35.190. Penalty for violation of certain sections. [Repealed, § 47 ch 32 SLA 1971.]

Sec. 28.35.191. Failure to use headlights.

(a) A person commits the offense of failure to use headlights if the person operates a motor vehicle without the use of motor vehicle headlights

(1) between one half-hour after sunset and one half-hour before sunrise;

(2) at any other time when, because of insufficient light or other atmospheric conditions, persons or motor vehicles are not clearly discernible at a distance of 1,000 feet; or

(3) on a road that is a designated traffic safety corridor under [AS 19.10.075](#).

(b) A person operating a motor vehicle may not be required to use motor vehicle headlights except as required in (a) of this section.

(c) Failure to use headlights is an infraction.

Sec. 28.35.200. Unlawful operation of vehicles. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.35.210. Seizure of unsafe or defectively equipped vehicles. [Repealed by implication by [AS 28.05.091](#), enacted by § 6 ch 178 SLA 1978.]

Sec. 28.35.220. Action by state for damages. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.35.225. Enforcement.

All law enforcement officers in this state and employees of the Department of Public Safety designated by that department's commissioner shall enforce this title and regulations adopted under this title. The state troopers shall advise and instruct all other law enforcement officers in the state concerning the requirements of this title and regulations adopted under this title.

Sec. 28.35.230. [Renumbered as [AS 28.90.010](#).]

Sec. 28.35.235. Unauthorized use of parking reserved for persons with disabilities; penalties.

(a) A person may not park a motor vehicle in a parking place reserved for a person with a disability unless

(1) the person operating the vehicle has a special permit issued by the department under [AS](#)

[28.10.495](#);

(2) the person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a special permit issued by the department under [AS 28.10.495](#) and the person who has the special permit actually exits or enters the vehicle;

(3) the motor vehicle displays a special license plate issued to a person with a disability under [AS 28.10.181](#)(d) and is operated by or used for the purpose of transporting a person with a disability; or

(4) the motor vehicle displays a special license plate or permit issued to persons with disabilities by another state, province, territory, or country and is being operated by or used for the purpose of transporting a person with a disability.

(b) A municipality may enact ordinances necessary to enforce this section.

(c) A person who violates this section is guilty of an infraction. Upon conviction, the court shall impose a fine of not less than \$125, or, if the person has been previously convicted under this section, the court shall impose a fine of not less than \$250. However, a person who violates this section and who was, at the time of the violation, operating a vehicle displaying a special license plate issued under [AS 28.10.181](#)(d) or a special permit issued under [AS 28.10.495](#)(a) shall, upon conviction, pay a fine of \$250 or, if the person has been previously convicted under this section, pay a fine of \$500.

Sec. 28.35.240. Duty to obey school patrol. [Repealed, § 3 ch 68 SLA 1964.]

Sec. 28.35.245. Motorcycle helmet.

(a) A motorcycle helmet may not be manufactured or sold in the state unless the helmet conforms to standards established by regulation by the commissioner of public safety. The regulations must provide for helmets that allow normal peripheral vision and hearing and minimize neck injuries to the wearer potentially caused by the helmet. The regulations shall be adopted under the provisions of [AS 44.62](#) (Administrative Procedure Act).

(b) A person who is 18 years of age or older may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license or endorsement to operate a motorcycle.

Sec. 28.35.250. Application of law. [Repealed, § 20 ch 241 SLA 1976.]

Sec. 28.35.251. Failure to contain or confine a load.

(a) A person commits the crime of failure to contain or confine a load in the first degree if the person, with criminal negligence, violates (c) of this section and, as a result of that violation, causes serious physical injury to another person.

(b) A person commits the crime of failure to contain or confine a load in the second degree if the person, with criminal negligence, violates (c) of this section and damages the property of another person in an amount of \$5,000 or more.

(c) A person commits the offense of failure to contain or confine a load in the third degree if the person drives or moves a motor vehicle loaded with any material on a highway unless

- (1) the load is
 - (A) contained or confined to prevent the load from
 - (i) dropping, leaking, or escaping; or

- (ii) shifting on or within the vehicle to the extent that the motor vehicle's stability or maneuverability is adversely affected; and

- (B) subjected to treatment by methods, approved by the commissioner of public safety by regulation, designed to settle the load or remove loose material before the vehicle is driven or moved on the highway; and

- (2) at least six inches of freeboard is maintained around the entire perimeter of a load consisting of sand, gravel, dirt, rock, or similar materials or the load is covered and securely fastened to prevent the cover from becoming loose or detached or from being a hazard to other users of the highway.

(d) This section does not apply to

- (1) a vehicle that drops, sprinkles, or sprays sand, liquids, or other materials for the purpose of cleaning or maintaining the highway or providing or improving traction;

- (2) a commercial motor vehicle that is subject to the federal motor carrier cargo securement standards implemented through state or federal law;

- (3) the natural accumulation of snow, ice, mud, dirt, or similar materials on a motor vehicle;

- (4) a vehicle that is removing snow or hauling snow after removal; or

- (5) random litter; in this paragraph, “litter” includes plastic wrappers, empty plastic bags, leaves, paper, or similar soft materials.

(e) Failure to contain or confine a load in the

- (1) first degree is a class A misdemeanor punishable as provided in [AS 12.55](#);

- (2) second degree is a class B misdemeanor punishable as provided in [AS 12.55](#);

- (3) third degree is an infraction punishable by a fine of not more than

- (A) \$2,500 if the person has been previously convicted three or more times of a violation of this section;

- (B) \$1,500 if the person has been previously convicted twice of a violation of this section;

- (C) \$750 if the person has been previously convicted one time of a violation of this section;

or

- (D) \$300 if the person has not been previously convicted of a violation of this section.

(f) In this section, “criminal negligence” has the meaning given in [AS 11.81.900](#).

Sec. 28.35.253. Anti-spray devices required.

(a) A person may not drive a motor vehicle on a highway unless the vehicle is equipped with fenders, mud flaps, or other anti-spray devices adequate to prevent the vehicle from being a

hazard to other users of the highway.

(b) Violation of this section is an infraction.

Sec. 28.35.255. Penalty.

Sec. 28.35.260. [Renumbered as [AS 28.90.990.](#)]

Sec. 28.35.261. Operation of low-speed vehicles.

(a) The operator of a low-speed vehicle is subject to all the traffic and other laws applicable to operators of passenger vehicles.

(b) The operator of a low-speed vehicle may not operate that vehicle on a highway that has a maximum speed limit of more than 35 miles an hour. Notwithstanding this subsection, the operator of a low-speed vehicle may operate that vehicle

(1) on a highway with a maximum speed limit of 45 miles an hour if the highway is

(A) within a municipality that

(i) has a population of less than 35,000;

(ii) is not connected by road to Anchorage or Fairbanks; and

(iii) has passed an ordinance allowing for the operation of low-speed vehicles as provided for in this subparagraph; or

(B) within an area of the unorganized borough, outside of a city, that is not connected by road to Anchorage or Fairbanks;

(2) across an intersection with a highway that has a maximum speed limit greater than is permissible for low-speed vehicles under this subsection.

(c) Notwithstanding [AS 28.01.010](#), a municipality may, by ordinance, further restrict the operation of low-speed vehicles within its jurisdiction.

Sec. 28.35.270. [Renumbered as [AS 28.90.995.](#)]

Article 4. Certain Offenses Relating to Minors.

Sec. 28.35.280. Minor operating a vehicle after consuming alcohol.

(a) A person who is at least 14 years of age but not yet 21 years of age commits the offense of minor operating a vehicle after consuming alcohol if the person operates or drives a motor vehicle or operates an aircraft or a watercraft after having consumed any quantity of alcohol. A peace officer who has probable cause to believe that a person has committed the offense of minor operating a vehicle after consuming alcohol may

(1) place the person under arrest;

(2) request that the person submit to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath; and

(3) transport the person to a location at which a chemical or other test authorized under (2) of this subsection may be administered.

(b) If a chemical test under this section reveals any alcohol concentration within the person's blood or breath, the person shall be cited for violating this section and then released unless there is a lawful reason for further detention. A person who is 18 years of age or older shall be released on the person's own recognizance. A person who is under the age of 18 shall be released to a parent, guardian, or legal custodian.

(c) A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under [AS 28.35.290](#) for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.

(d) The offense of a minor operating a vehicle after consuming alcohol is an infraction, and, if the minor

(1) has not been previously convicted under this section, [AS 28.35.285](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$500; and

(B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, [AS 28.35.285](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, [AS 28.35.285](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

(e) In this section,

(1) "operate an aircraft" has the meaning given in [AS 28.35.030\(w\)](#);

(2) "operate a watercraft" has the meaning given in [AS 28.35.030\(w\)](#).

Sec. 28.35.285. Minor's refusal to submit to chemical test.

(a) If a person under arrest for minor operating a vehicle after consuming alcohol refuses the request of a peace officer to submit to a chemical test or tests of the person's breath authorized under [AS 28.35.031\(a\)](#) and 28.35.280(a), after being advised by the officer that the refusal will

result in the denial or revocation of the driver's license, privilege to drive, or privilege to obtain a license, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol, and that the refusal is a violation, a chemical test may not be given.

(b) A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under [AS 28.35.290](#) for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.

(c) The refusal of a minor to submit to a chemical test authorized under [AS 28.35.031\(a\)](#) and 28.35.280(a) is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol.

(d) Refusal to submit to a chemical test or tests of the person's breath requested under [AS 28.35.280](#) is an infraction, and, if the minor

(1) has not been previously convicted under this section, [AS 28.35.280](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$500; and

(B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, [AS 28.35.280](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, [AS 28.35.280](#), or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

Sec. 28.35.290. Driving during the 24 hours after being cited for alcohol or breath test offenses.

(a) A person who has been cited for minor operating a vehicle after consuming alcohol under [AS 28.35.280](#) or for refusal to submit to a chemical test of breath under [AS 28.35.285](#) may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation.

(b) Operating a motor vehicle during the 24 hours after being cited for minor operating a vehicle after consuming alcohol or for minor's refusal to submit to a chemical test is an infraction, and, if the minor

(1) has not been previously convicted under this section, [AS 28.35.280](#), or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$500; and

(B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, [AS 28.35.280](#), or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, [AS 28.35.280](#), or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

(c) In this section,

(1) "operate an aircraft" has the meaning given in [AS 28.35.030\(w\)](#);

(2) "operate a watercraft" has the meaning given in [AS 28.35.030\(w\)](#).

Article 5. Offenses Involving Property Rights.

Sec. 28.35.300. Tampering with or damaging a vehicle.

A person, without the right to do so, may not tamper with a vehicle, set or attempt to set a vehicle in motion, or damage a part or component of a vehicle.

Sec. 28.35.310. Renting a motor vehicle.

(a) A person may not rent a motor vehicle to a person unless the person renting the vehicle is properly licensed under this title or, if a nonresident, the person is properly licensed under the laws of the jurisdiction of a person's residence.

(b) A person may not rent a motor vehicle until the person has inspected the license of the person

to whom the vehicle is to be rented, and has verified the identification of the licensee.

(c) Every person renting a motor vehicle shall keep a record of the registration number of the vehicle rented, the name, address and license number of the person to whom the vehicle is rented, and the date and place when and where the license of the intended driver was issued. The record shall be open to inspection by a peace officer or employee of the Department of Public Safety acting in an official capacity.

(d) Every person renting a motor vehicle shall comply with the financial responsibility requirements of this title.

(e) A person who rents motor vehicles to others shall provide child safety devices in sufficient quantity that all persons to whom the vehicles are to be rented can comply with the requirements of [AS 28.05.095](#).

Sec. 28.35.320. Failure to return rental vehicle.

(a) A person in possession of a motor vehicle under an agreement in writing that requires the person 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 the person's 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.

(b) In this section, "wilfully neglects" means omits, fails, or forbears, with a conscious purpose to injure, or without regard for the rights of the owner, or with indifference whether a wrong is done the owner or not.

Article 6. Reckless and Negligent Driving.

Sec. 28.35.400. Reckless driving.

(a) A person who drives a motor vehicle in the state in a manner that creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless driving. A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

(b) A person convicted of reckless driving is guilty of a misdemeanor and is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both.

(c) Lawfully conducted automobile, snowmobile, motorcycle, or other motor vehicle racing or exhibition events are not subject to the provisions of this section.

Sec. 28.35.410. Negligent driving.

(a) A person who drives a motor vehicle in the state in a manner that creates an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property is guilty of negligent driving. An unjustifiable risk is a risk of

such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's driving,

(1) an accident occurred;

(2) a person, including the defendant, took evasive action to avoid an accident;

(3) a person, including the defendant, stopped or slowed down suddenly to avoid an accident;
or

(4) a person or property, including the defendant or the defendant's property, was otherwise endangered.

(b) The offense of negligent driving is a lesser offense than, and included in, the offense of reckless driving, and a person charged with reckless driving may be convicted of the lesser offense of negligent driving.

(c) A person convicted of negligent driving is guilty of an infraction as provided under [AS 28.90.010](#).

(d) Lawfully conducted automobile, snowmobile, motorcycle or other motor vehicle racing or exhibition events are not subject to the provisions of this section.

Chapter 37. Driver License Compact.

Article 1. General Provisions.

Sec. 28.37.010. Compact enacted.

The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining in it in the form substantially contained in [AS 28.37.110](#) — 28.37.190.

Sec. 28.37.020. Licensing authority.

In this chapter the term “licensing authority” with reference to this state means the entity in the Department of Administration that administers [AS 28.15.011](#) — 28.15.151. The department shall furnish to the appropriate authority of another party state the information or documents reasonably necessary to facilitate the administration of [AS 28.37.130](#) — 28.37.150.

Sec. 28.37.030. Expenses of administrator.

The compact administrator provided for in [AS 28.37.170](#) is not entitled to additional compensation on account of service as the administrator, but is entitled to expenses incurred in connection with the duties and responsibilities as the administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of the office or employment.

Sec. 28.37.040. Executive head.

In this chapter, with reference to this state, the term “executive head” means the governor.

Article 2. Compact Terms.

Sec. 28.37.110. Findings and policy statement.

(a) The party states find that

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) violation of a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property;

(3) the continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of the party states to

(1) promote compliance with the laws, ordinances, and administrative regulations relating to the operation of motor vehicles by their drivers in each of the jurisdictions where those drivers operate motor vehicles;

(2) make the reciprocal recognition of licenses to drive and eligibility for them more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative regulations as a condition precedent to the continuance or issuance of a license by reason of which the licensee is authorized or permitted to operate a motor vehicle in the party states.

Sec. 28.37.120. [Renumbered as [AS 28.37.199.](#)]

Sec. 28.37.130. Reports of convictions.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection with the conviction.

Sec. 28.37.140. Effect of conviction in party state.

(a) The licensing authority in the home state, for the purposes of suspending, revoking, or limiting the license to operate a motor vehicle, shall give the same effect to the conduct reported under [AS 28.37.130](#) as it would if the conduct had occurred in the home state, in the case of a conviction for

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to another conviction, reported under [AS 28.37.130](#), the licensing authority in the home state shall give the effect to the conduct that is provided by the laws of the home state if the offense constituting the conduct report under [AS 28.37.130](#) has elements similar to those of the home state as defined in the home state at the time the offense constituting the conduct report under [AS 28.37.130](#) was committed.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in (a) of this section, the party state shall construe the denominations and descriptions appearing in (a) of this section as being applicable to and identifying the offenses or violations of a substantially similar nature, and the laws of the party state shall contain the provisions necessary to ensure that full force and effect is given to this section.

Sec. 28.37.150. Grounds requiring refusal to issue license.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by another party state. The licensing authority in the state where application is made may not issue a license to drive to the applicant if

(1) the applicant has held a license, but the license has been suspended, revoked, or canceled, or the applicant has been disqualified from operating a commercial motor vehicle by reason, in whole or in part, of a violation, and the suspension period has not terminated;

(2) the applicant has held a license, but the license has been revoked by reason, in whole or in part, of a violation, and the revocation has not terminated; except that after the expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law; the licensing authority may refuse to issue a license to an applicant if, after investigation, the licensing authority determines that it will not be safe to grant to the person the privilege of driving a motor vehicle on the public highways;

(3) the applicant is the holder of a license to drive issued by another party state and currently in force, unless the applicant surrenders the license;

(4) the applicant has held a license, but has been disqualified from operating a commercial motor vehicle by reason, in whole or in part, of a violation, and the disqualification has not terminated; however, a person may make an application for a noncommercial driver's license if permitted by other law.

Sec. 28.37.160. Application of other state laws.

Except as expressly required by provisions of this chapter, nothing in this chapter shall be construed to affect the right of a party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Sec. 28.37.170. Administrator of compact.

(a) The head of the licensing authority of each party state shall be the administrator of the compact for that state. The administrators of all party states, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this

compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state the information or documents reasonably necessary to facilitate the administration of the compact.

Sec. 28.37.180. Compact as law; withdrawal procedure.

(a) The compact shall become effective as to any state in which the compact becomes effective as the law of that state.

(b) A party state may withdraw from the compact by enacting a statute repealing the compact as the law of the state, but a withdrawal may not take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. Withdrawal does not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring before the withdrawal.

Sec. 28.37.190. Construction and validity; severability.

The compact shall be liberally construed so as to effectuate its purposes. The provisions of the compact are severable and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to the constitution of any party state or of the United States or the applicability of it to a government, agency, person or circumstance is held invalid, the validity of the remainder of the compact and the applicability of it to any government, agency, person or circumstance shall not be affected by it. If the compact is held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 28.37.199. Compact definitions.

In this chapter,

(1) “conviction” means a conviction of an offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed an offense described in this paragraph, and that is required to be reported to the licensing authority under [AS 28.37.130](#);

(2) “home state” means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle;

(3) “state” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Chapter 39. Snowmobiles.

Sec. 28.39.010. Snowmobile registration.

(a) Except as provided in this subsection, a person may not operate a snowmobile within the state unless the snowmobile has been registered and numbered as required by this chapter. Registration under this subsection is not required for a snowmobile owned by the United States.

(b) A person who violates (a) of this section is guilty of an infraction and is subject to a \$300 fine under [AS 28.90.010\(c\)](#).

Sec. 28.39.020. Authority of department; registration agents; registration applications.

(a) The department is authorized to assign identification numbers and register snowmobiles.

(b) The department shall authorize agents, including snowmobile dealers, to register snowmobiles. The department may authorize a snowmobile dealer authorized as an agent for snowmobile registration to issue temporary and permanent registrations, and to renew registrations.

(c) A snowmobile dealer shall require a purchaser of a new or used snowmobile sold at retail to complete a registration application and pay the registration fee before the snowmobile leaves the dealer's premises unless the snowmobile is exempt from registration or a registration fee under this chapter.

(d) In a manner set out in this chapter and as may be prescribed by the department, an authorized agent shall accept a registration application and registration fee, issue a registration, and forward the application and registration fee to the department.

(e) The original and each renewal registration fee for a snowmobile is as provided under [AS 28.10.421](#), except that the fee shall be multiplied by two for a four-year registration and multiplied by three for a six-year registration.

Sec. 28.39.030. Proof of ownership for registration purposes.

The department may require proof of ownership of the snowmobile before registering a snowmobile under this chapter.

Sec. 28.39.040. Issuance of a certificate of registration and decals; inspection of registration; expiration of registration.

(a) Upon receipt of a completed application for registration of a snowmobile, the department shall record the registration of the snowmobile under a number assigned to the snowmobile by the department. A number assigned to a snowmobile at the time of the original registration must remain with the snowmobile until the snowmobile is destroyed, abandoned, or permanently removed from the state or until the registration number is changed or terminated by the department.

(b) The department shall issue a registration without the payment of a fee if the snowmobile is owned by a state agency, a political subdivision of the state, or another state. The department may, upon request, issue a registration without the payment of a fee if the snowmobile is owned

by the United States.

(c) The department shall, upon assignment of a registration number, issue and deliver to the owner a certificate of registration in a form prescribed by the department.

(d) At the issuance of the original certificate of registration and upon renewal, the department shall issue to the registrant a validation decal indicating the validity of the current registration and the expiration date. A validation decal must be affixed to the snowmobile in the manner prescribed by the department. A snowmobile is not validly registered under this chapter unless a validation decal and current registration have been issued as required by this section.

(e) A snowmobile shall display the registration number assigned to it at all times in the manner prescribed by the department.

(f) While operating a snowmobile that is required to be registered under this chapter, a person shall have in possession or carry in the snowmobile a valid registration. Upon demand by a peace officer authorized to enforce this chapter, a person operating a snowmobile shall produce for inspection the certificate of registration for the snowmobile and furnish to the peace officer any information necessary for the identification of the snowmobile and its owner.

(g) A snowmobile owner holding a certificate of registration shall notify the department in writing of a change of residence within 15 days after the change occurs.

(h) A snowmobile may be registered for two, four, or six years. A snowmobile registration expires at the end of the last season for which it is issued. An application for renewal of registration for the succeeding years must be made at a time and in a form prescribed by the department.

(i) The department may issue a replacement certificate of registration if the owner demonstrates to the department that the original certificate has been lost, mutilated, or destroyed.

Sec. 28.39.050. Change of ownership; used snowmobiles held for resale; termination of use.

(a) If there is a change of ownership of a snowmobile, the buyer shall promptly submit an application for registration to the department, and, if the application meets the requirements set out in this chapter and in regulation, the department shall issue a new certificate of registration to the new owner.

(b) This chapter does not require a snowmobile dealer to renew the registration of a used snowmobile held solely for purposes of resale until the snowmobile is resold.

(c) An owner of a snowmobile registered under this chapter shall notify the department in writing of the termination of use, destruction, or permanent removal of the snowmobile from the state within 15 days after the termination of use, destruction, or removal.

Sec. 28.39.060. Regulations authorized.

The commissioner shall adopt regulations governing the registration of snowmobiles and display of registration numbers on snowmobiles as may be necessary to carry out this chapter.

Sec. 28.39.250. Definitions.

In this chapter,

- (1) “commissioner” means the commissioner of administration;
- (2) “dealer” means a person engaged in the business of selling snowmobiles predominantly for purposes other than resale;
- (3) “department” means the Department of Administration;
- (4) “operate” means to ride in or on and control the operation of a snowmobile;
- (5) “operator” means a person who operates or is in actual physical control of a snowmobile;
- (6) “owner” means a person, other than a lienholder, having title to a snowmobile and who is entitled to the use or possession of the snowmobile;
- (7) “possession” means physical custody of a snowmobile by an owner of a snowmobile or by an owner of a motor vehicle or trailer on or in which a snowmobile is placed for the purpose of transport;
- (8) “retail” means the sale of a snowmobile for any purpose other than resale;
- (9) “season” means one calendar year beginning October 1 and ending September 30;
- (10) “snowmobile” means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats; “snowmobile” does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

Chapter 40. General Provisions.

Sec. 28.40.050. [Renumbered as [AS 28.90.010.](#)]
Sec. 28.40.060. [Renumbered as [AS 28.90.020.](#)]
Sec. 28.40.070. [Renumbered as [AS 28.90.030.](#)]
Sec. 28.40.072. [Renumbered as [AS 28.90.035.](#)]
Sec. 28.40.075. [Renumbered as [AS 28.90.040.](#)]
Sec. 28.40.100. [Renumbered as [AS 28.90.990.](#)]
Sec. 28.40.110. [Renumbered as [AS 28.90.995.](#)]

Chapter 90. General and Miscellaneous Provisions.

Article 1. Miscellaneous Provisions.

Sec. 28.90.010. Penalties for violations of law, regulations, and municipal ordinances.

(a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the

registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(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 28.15.221](#) — 28.15.261, 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.

(e) [Repealed, § 5 ch 85 SLA 1987.]

Sec. 28.90.020. Breath test result validity.

Except for an offense under [AS 28.35.280](#), if an offense described under this title requires that a chemical test of a person's breath produce a particular result, and the chemical test is administered by a properly calibrated instrument approved by the Department of Public Safety, the result described by statute is not affected by the instrument's working tolerance.

Sec. 28.90.030. Fines for offenses committed within highway work zones and traffic safety corridors doubled.

(a) Whenever a person violates a provision of this title or a regulation adopted under the authority of this title within a highway work zone or traffic safety corridor, notwithstanding the amount of the fine or the maximum fine set under this title, the fine, or maximum fine, is double the amount provided in this title.

(b) Fines imposed and collected under this section for offenses that are committed in a traffic safety corridor shall be separately accounted for under [AS 37.05.142](#).

(c) Notwithstanding the requirements of (b) of this section and [AS 37.05.142](#), the Alaska Court System shall deposit fines collected under this section for offenses committed in a traffic safety corridor in the general fund if the fine is collected at a court location where separate accounting for traffic safety corridor fines is not achievable.

(d) The administrative director of the Alaska Court System shall notify the Department of Administration

(1) of court locations where separate accounting under (b) of this section is not achievable; and

(2) when a court location identified under (1) of this subsection becomes able to separately account for fines under (b) of this section.

Sec. 28.90.035. Prohibition of damage claims regarding highway work zone signs.

A claim for damages may not be made against the state or its officers, employees, or agents for an

act or omission relating to the designation of and erection of signs regarding a highway work zone.

Sec. 28.90.040. Administration of highway safety program.

The governor may contract and do all other things necessary on behalf of this state under 23 U.S.C. 401 — 404 (Highway Safety Act of 1966), and may cooperate with interested persons and agencies to effectuate the purposes of that Act. Contracting under this section is governed by [AS 36.30](#) (State Procurement Code). The governor may designate a person to serve as the governor's highway safety representative; however, the governor is the official in this state having the ultimate responsibility for dealing with the federal government with respect to programs and activities under the Federal Highway Safety Act of 1966. The governor shall coordinate the activities relating to highway safety of state departments, agencies, and subdivisions.

Article 2. General Provisions.

Sec. 28.90.990. Definitions for title.

(a) Unless otherwise specifically defined or unless the context otherwise requires, in this title and in regulations adopted under this title

(1) “cancel” means to annul or terminate, by formal action of the department, a certification, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title, because of an error or defect in the document issued or the application for issuance or because the person holding the document is no longer entitled to it;

(2) “commercial driver's license” includes a non-domiciled commercial driver's license;

(3) “commercial instruction permit” includes a non-domiciled commercial instruction permit;

(4) “commercial motor carrier” means a person that provides transportation for compensation, or that provides a vehicle to a person or entity that provides transportation for compensation, including the person's agents, officers, representatives, employees responsible for hiring, supervising, training, assigning, or dispatching of drivers, and employees overseeing the safety, installation, inspection, and maintenance of motor vehicle equipment and accessories.

(5) “commercial motor vehicle” means a motor vehicle or a combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property;

(B) used upon a land highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 — 5127;

(D) except that the following vehicles meeting the criteria in (A) — (C) of this paragraph are not commercial vehicles:

(i) emergency or fire equipment that is necessary to the preservation of life or property;

(ii) farm vehicles that are controlled and operated by a farmer; used to transport

agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm; and

(iii) recreational vehicles used exclusively for purposes other than commercial purposes;

(6) “commercial purposes” means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but that are incidental to and done in furtherance of the person's business;

(7) “commissioner” means the commissioner of administration;

(8) “criminal justice information” has the meaning given in [AS 12.62.900](#);

(9) “custom collector vehicle” means a vehicle whose body and frame were manufactured before 1949 or a replica of a vehicle whose body and frame were manufactured before 1949 and that has been modified for safe road use; in this paragraph, “modified” includes a material alteration of the drive-train, suspension, brake system, or dimensions of the body;

(10) “department” means the Department of Administration;

(11) “driver” means a person who drives or is in actual physical control of a vehicle;

(12) “driver's license” or “license,” when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state whether or not a person holds a valid license issued in this or another jurisdiction;

(13) “driver's license that is federally compliant” means a driver's license issued by the state that has been certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005);

(14) “electric personal motor vehicle” means an electric personal assistive mobility device that is a self-balancing vehicle with two nontandem wheels, designed to transport only one person, has an electric propulsion system, and has a maximum speed of not more than 15 miles an hour;

(15) “gross combination weight rating” means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit;

(16) “gross vehicle weight rating” means the value specified by the manufacturer as the loaded weight of a single vehicle;

(17) “highway” means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(18) “highway work zone” means an area identified by advance signing where road construction, repair, or maintenance work is being done on or adjacent to a highway, whether or not work is actually being done at that time;

(19) “low-speed vehicle” means a motor vehicle that has four wheels, that was manufactured to be capable of propelling itself and achieving a minimum speed of 20 miles an hour and a maximum speed of 25 miles an hour, that has not been modified to have a maximum speed greater than 25 miles an hour, and that meets weight, equipment, and safety standards set by the department by regulation; weight, equipment, and safety standards shall be consistent with, and may not exceed, federal standards;

(20) “motor vehicle” means a vehicle which is self-propelled except a vehicle moved by human or animal power;

(21) “motorcycle” means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; the term does not include a tractor;

(22) “motor-driven cycle” means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement;

(23) “official traffic-control device” means a sign, signal, marking, or other device not inconsistent with this title, placed or erected by authority of a state or municipal agency or official having jurisdiction, for the purpose of traffic regulating, warning, and guiding;

(24) “owner” means a person, other than a lienholder, having the property in or title to a vehicle, including but not limited to a person entitled to the use and possession of a vehicle subject to a security interest in another person, but exclusive of a lessee under a lease not intended as security;

(25) “physical injury” has the meaning given in [AS 11.81.900](#);

(26) “revoke” means the termination, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certification, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title; the certification, registration, license, permit, or privilege may not be reissued, renewed, or restored during the time for which revoked; however, after that time, an application for a new certificate, registration, license, permit, or privilege may be made;

(27) “roadway” means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively;

(28) “serious physical injury” has the meaning given in [AS 11.81.900\(b\)](#);

(29) “suspend” means the temporary withdrawal, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certificate, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title, effective for a period of time which must be specifically designated by the appropriate department or by the court;

(30) “traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using a highway or vehicular way or area that is open to public use for purposes of travel;

(31) “traffic safety corridor” means a portion of a highway on which signs have been erected designating that portion as a traffic safety corridor under [AS 19.10.075](#);

(32) “underinsured motor vehicle” means a motor vehicle licensed for highway use with respect to ownership, operation, maintenance, or use for which there is a bodily injury or property damage insurance policy or a bond applicable at the time of an accident and the amount of insurance or bond is less than the amount the covered person is legally entitled to recover for bodily injury or property damage from the owner or operator of the underinsured motor vehicle;

(33) “vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; “vehicle” does not include

(A) devices used exclusively upon stationary rails or tracks;

(B) mobile homes;

(34) “vehicular way or area” means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.

(b) The commissioner of public safety or the commissioner of administration, as appropriate, shall adopt regulations to define other terms that are used in this title and in regulations adopted under this title.

Sec. 28.90.995. Short title.

This title and the regulations adopted under it may be cited as the Alaska Uniform Vehicle Code.