

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-6-06
IMMEDIATE RECONSIDERATION
FAILED 6-6-06

Submitted by: Assembly Member BAUER
Prepared by: Assembly Counsel
For reading: June 6, 2006

**ANCHORAGE, ALASKA
AO NO. 2006-89(S)**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 9.28.026, IMPOUNDMENT AND
3 FORFEITURE OF VEHICLE, TO MAKE IMPOUNDMENT OF A VEHICLE FOR
4 CITATION OR ARREST FOR CERTAIN SERIOUS TRAFFIC VIOLATIONS
5 MANDATORY EXCEPTING PROOF OF INSURANCE VIOLATIONS; AMENDING
6 AMC 9.28.030, INSURANCE OR OTHER SECURITY REQUIRED, TO CLARIFY THE
7 CRIMINAL OFFENSE AND PROVIDE A MINIMUM MONETARY PENALTY OF \$1,000
8 FOR EACH CONVICTION.
9

10
11 THE ANCHORAGE ASSEMBLY ORDAINS:

12
13 **Section 1.** Anchorage Municipal Code section 9.28,026, Impoundment and Forfeiture
14 of Vehicle, is hereby amended to read as follows:
15

16 **9.28.026 Impoundment and forfeiture of vehicle.**

17
18 A. Mandatory impound; discretionary impound.

19
20 1. A motor vehicle that is operated, driven or in the actual physical
21 control of an individual arrested for or charged with an alleged violation of
22 Section 9.28.019, pertaining to driving while license
23 suspended/revoked/cancelled, Section 9.28.020, pertaining to driving
24 while under the influence, an alleged violation of Section 9.28.022,
25 pertaining to refusal to submit to chemical tests, [SECTION 9.28.030,
26 PERTAINING TO FAILURE TO HAVE INSURANCE,] or Section 8.65.030,
27 pertaining to soliciting, **shall may** be impounded and may be forfeited to
28 the municipality in accordance with this section.
29

30 2. A motor vehicle that is operated, driven or in the actual physical
31 control of an individual arrested for or charged with an alleged violation of
32 Section 9.28.030B, pertaining to operating a motor vehicle without the
33 required security in effect at the time of operation, may be impounded
34 through a seizure of the vehicle incident to the citation or arrest, at the
35 discretion of the officer. ~~If the driver alleges that the required security~~
36 ~~is in effect and identifies an entity registered in the state to provide~~
37 ~~security, but the driver fails to provide the officer with the required~~

~~proof, the officer shall not seize the vehicle for impoundment without first making a reasonable attempt to contact the entity for telephonic verification.~~

D. Impoundment.

6. [A VEHICLE IMPOUNDED FOR A FIRST OFFENSE UNDER AMC 9.28.030B.1. OR B.2. MAY BE RELEASED TO THE OWNER UPON PAYMENT OF A \$200.00 ADMINISTRATIVE FEE, PLUS ANY FEES OWED TO THE TOWING AND STORAGE CONTRACTOR. THIS] Civil release of the vehicle does not affect or change the criminal proceedings incurred as a result of the violation.

(AO No. 82-205; AO No. 83-168, 10-17-83; AO No. 93-87(S-2), 1-1-94; AO No. 94-71(S), § 1, 4-26-94; AO No. 95-84(S-1), § 18, 4-27-95; AO No. 95-163(S), §§ 10--19, 8-8-95; AO No. 97-87, § 3, 6-3-97; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-72, § 1, 7-1-02; AO No. 2001-139, § 2, 7-1-02; AO No. 2001-150, § 6, 8-28-01; AO No. 2003-73, §§ 12--14, 4-22-03; AO No. 2003-106, §§ 7, 8, 7-1-03; AO No. 2003-152S, § 2, 1-1-04; AO No. 2003-155, § 2, 6-1-04; AO No. 2004-61, § 1, 3-2-04)

Section 2. Anchorage Municipal Code Section 9.28.030, Insurance or Other Security Required, is amended by repealing subsections B, C, and D, and adopting a new subsection B to read as follows:

9.28.030 Insurance or other security required.

A. The owner or operator of a motor vehicle shall have a current motor vehicle liability policy, or other security that complies with Alaska Statutes Title 28, when operating the vehicle within the municipality.

B. 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 police officer. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the municipal prosecutor proof of motor vehicle liability insurance previously issued to the person that was valid at the time of the person's arrest or citation.

[IT IS UNLAWFUL:

1. FOR ANY PERSON TO OPERATE A MOTOR VEHICLE WITHOUT PROOF OF THE REQUIRED SECURITY IN THE VEHICLE;
2. FOR ANY PERSON TO FAIL TO PRODUCE PROOF OF SECURITY TO A POLICE OFFICER UPON DEMAND; OR
3. FOR ANY PERSON TO OPERATE A MOTOR VEHICLE WITHOUT THE REQUIRED SECURITY IN EFFECT AT THE TIME OF OPERATION.]

[C]. [A PERSON CONVICTED OF VIOLATING SUBSECTIONS B.1. OR B.2. SHALL PAY A FINE OF \$100.00 UNLESS THE PERSON PRODUCES TO AN AUTHORIZED REPRESENTATIVE OF THE ANCHORAGE POLICE DEPARTMENT, OR AT TRIAL, PROOF OF THE REQUIRED SECURITY AND THE SECURITY HAD BEEN ISSUED TO THE PERSON PRIOR TO THE TIME OF THE OFFENSE AND WAS VALID AT THE TIME OF THE OFFENSE, IN WHICH INSTANCE THE FINE SHALL BE \$50.00.]

[D]. [UPON CONVICTION UNDER SUBSECTION B.3. OF THIS SECTION, THE COURT:

1. SHALL IMPOSE A MINIMUM JAIL SENTENCE OF:
 - a. NOT LESS THAN 72 CONSECUTIVE HOURS WITH 72 HOURS SUSPENDED AND A FINE OF NOT LESS THAN \$250.00 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED;
 - b. NOT LESS THAN 72 CONSECUTIVE HOURS AND A FINE OF NOT LESS THAN \$500.00 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED TWICE;
 - c. NOT LESS THAN 20 DAYS AND A FINE OF NOT LESS THAN \$1,000.00 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED THREE TIMES;
 - d. NOT LESS THAN 60 DAYS AND A FINE OF NOT LESS THAN \$1,000 IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED FOUR OR MORE TIMES.]

(CAC 9.12.010; AO No. 267-76; AO No. 78-72; AO No. 78-230(S); AO No. 83-168, 10-17-83; AO No. 89-52; AO No. 91-57(S); AO No. 2001-139, § 1, 7-1-02;

AO No. 2002-125, § 7, 8-20-02; AO No. 2002-175, § 1, 1-14-03; AO No. 2003-73, §§ 15, 16, 4-22-03; AO No. 2003-106, §§ 9, 10, 7-1-03; AO No. 2003-157, § 1, 12-17-03)

Section 3. Anchorage Municipal Code Section 9.48.010, Penalties, is amended by repealing and readopting subsection E to read as follows:

9.48.010 Penalties.

E. Other provisions of this section notwithstanding, the penalty for violation of Section 9.28.030 is a fine of \$1,000 for each offense and imprisonment of not more than 90 days. [ANY PERSON CONVICTED UNDER THE FOLLOWING SECTIONS SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BY A FINE OF NOT MORE THAN \$1,000.00, OR BY BOTH SUCH FINE AND IMPRISONMENT:]

[1.] [SECTION 9.28.030.]

(CAC 9.48.010; AO No. 267-76; AO No. 78-72; AO No. 82-126; AO No. 82-186(S); AIM 33-83; AO No. 83-168; AO No. 84-60; AO No. 89-52; AO No. 99-15, § 2, 2-9-99; AO No. 2003-73, § 17, 4-22-03; AO No. 2004-151, § 2, 1-1-05)

Section 4. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 6th day of June, 2006.

Daniel A. Sullivan
Chair

ATTEST:

Barbara E. Gruenke
Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2006-89(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	Impoundment and Forfeiture of Vehicle	6/6/06	
		Indicate Documents Attached	
		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Dan Sullivan, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Julia Tucker - Assembly Counsel	343-4419	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	Addendum _ New Public Hearings Item 14.I.		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	6/6/06		6/6/06

2006 JUL -2 PM 12:58
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