

MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY

Alaska has both Financial Responsibility and Mandatory Insurance laws. The purpose of these laws is to protect the motoring public from uninsured drivers on Alaska's streets and highways. These laws allow the Division of Motor Vehicles (DMV) to remove financially irresponsible drivers from the roads.

Vehicle owners or drivers who are at fault in a collision are required by the Financial Responsibility law to pay for any property damage or injury caused to another person.

If there is a reasonable possibility that you may be found liable in a civil court, your privilege to drive will be suspended for up to three years. You may end your suspension, at any time during the three year suspension period, by making a financial settlement with all other parties involved in the crash.

Additionally, upon receipt of an unsatisfied civil court judgment, the DMV is required to suspend a driver until the damages are paid in full. Drivers who fail to pay for damages ordered by a civil court must carry proof of financial responsibility (SR-22) for the future for as long as they are licensed.

The Mandatory Insurance law requires either the vehicle owner or driver to carry liability insurance. The minimum amount of liability insurance coverage is:

- \$25,000 property damage, and \$50,000/\$100,000 bodily injury or death

You must carry proof of liability insurance in your vehicle. Failure to provide proof of liability insurance to a law enforcement officer may result in a traffic citation and/or vehicle impoundment.

If you are involved in a crash that results in:

- bodily injury or death to a person, or
- property damage of more than \$501

you must provide to the DMV – within 15 days – proof of liability insurance in effect at the time of the crash

Proof of insurance is required from all drivers involved in the crash regardless of who was at fault. The requirement to notify DMV is in addition to any report given to the police or your insurance company. Normally, the officer investigating your crash will give a form to the drivers to complete and submit to DMV.

The certificate of insurance form is also available at any DMV office or at:

<http://doa.alaska.gov/dmv/forms/pdfs/466.pdf>

If you were uninsured, or failed to provide proof of insurance within 15 days to the DMV, your driver's license will be suspended for 90 days for a first occurrence or 1 year for a second occurrence.

The Alaska Statutes (AS) governing Mandatory Insurance and Financial Responsibility can be found at:

<http://www.legis.state.ak.us/basis/folio.asp>

Mandatory Insurance – AS 28.22

Financial Responsibility – AS 28.20

For questions, you may call 907-269-5551.

IMPLIED CONSENT

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](#) (u) or who operates a watercraft as defined in [AS 28.35.030](#) (u) 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.