

Alaska Statutes

Title 11. Criminal Law

Chapter 46. Offenses Against Property

11.46.360. Vehicle Theft in the First Degree.

(a) A person commits the crime of vehicle theft in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right, the person drives, tows away, or takes

(1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;

(2) the propelled vehicle of another and

(A) the vehicle or any other property of another is damaged in a total amount of \$500 or more;

(B) the owner incurs reasonable expenses as a result of the loss of use of the vehicle, in a total amount of \$500 or more; or

(C) the owner is deprived of the use of the vehicle for seven days or more;

(3) the propelled vehicle of another and the vehicle is marked as a police or emergency vehicle; or

(4) the propelled vehicle of another and, within the preceding seven years, the person was convicted under

(A) this section or AS 11.46.365 ;

(B) former AS 11.46.482 (a)(4) or (5);

(C) former AS 11.46.484 (a)(2);

(D) AS 11.46.120 - 11.46.140 of an offense involving the theft of a propelled vehicle; or

(E) a law or ordinance of this or another jurisdiction with elements substantially similar to those of an offense described in (A) - (D) of this paragraph.

(b) In this section,

(1) "aircraft" has the meaning given in AS 02.15.260 ;

(2) "all-terrain vehicle" means a propelled vehicle that has three or more wheels or two or more tracks or treads, is less than 75 inches in width, has a dry weight of 800 pounds or less, is equipped with low pressure tires or rubberized or metal tracks or treads, and is designed primarily for travel over unimproved terrain;

(3) "motorcycle" means a vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and having an engine with more than 50 cubic centimeters of displacement; "motorcycle" does not include a tractor or an "all-terrain vehicle";

(4) "watercraft" means a propelled vehicle used or capable of being used as a means of transportation, for recreational or commercial purposes, on water; in this paragraph, "watercraft" does not include a shallow draft propelled vehicle not more than 12 feet in length with an inboard motor powering a water jet pump as its primary means of propulsion that is designed to carry not more than two persons who sit, stand, or kneel on the vehicle.

(c) Vehicle theft in the first degree is a class C felony.

Alaska Administrative Code

Title 11-Natural Resources

Chapter 12. Public Use 11 AAC

12.020. Vehicle Control

(a) No person may fail to comply with a traffic or parking control sign in a state park.

(b) No person may place or operate a vehicle beyond the boundaries established by a traffic control device placed to control or prohibit access by a vehicle in a state park.

(c) No person may place or operate a vehicle in a state park except on a road or in a parking area, or as otherwise provided in 11 AAC 20.

(d) An officer may impound and remove to a place of safety a vehicle (1) that is found or operated in violation of (b) or (c) of this section, or (2) that is left unattended on or along a road or parking area in a state park for more than 10 consecutive days unless advance arrangements are made with a state park officer, or (3) that is in violation of a posted parking limit.

(e) When a vehicle is impounded and removed from a highway or elsewhere at the direction of a park officer, the vehicle shall be removed to a place of safety. The owner or driver may claim the vehicle by securing a written release for it from the division or other state agency which ordered the impound. A vehicle removed or impounded may not be released to the owner, nor may the owner secure its use until the release for it is certified by the officer or agency directing its removal, and the expense for the removal and storage has been paid by the owner or driver of the vehicle.

(f) If a vehicle is stopped, parked, or left standing in violation of this section, the department considers the registered owner of the vehicle to be the violator of this section unless the registered owner proves to the satisfaction of the department that the vehicle was being used without the owner's consent at the time of the violation.

(g) For the purposes of this section, "road" or "parking area" means the travelled portion of a vehicular way or area maintained by the state for the purpose of allowing access or parking by registered highway vehicles.

Authority: AS 41.21.020 AS 41.21.040 AS 41.21.950

11 AAC 12.110. Motor Vehicle Operations

A person under 14 years of age may not operate a vehicle in a state park unless accompanied by and under the direct supervision of a parent or person 21 years of age or older. Proof of age or a state identification card shall be presented at the request of a park officer if the officer suspects that the motor vehicle operator unaccompanied by a parent or person 21 years of age or older is younger than 14 years of age.

11 AAC 12.335. Closures and Use Management

(a) Upon a determination that the action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the director may

(1) establish, for all or a portion of a park, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park to all public use or to a specific use or activity;

(2) designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity; or

(3) terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under (1) or (2) of this subsection.

(b) A closure, designation, use or activity restriction or condition, or the termination or relaxation of one, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, will adversely affect the park's natural, aesthetic, scenic, or cultural values, or will require a long-term or significant modification in the resource management objectives of the unit, must be adopted as a regulation.

(c) Except in emergency situations, before implementing or terminating a restriction, condition, public use limit, or closure, the director shall prepare a written determination justifying the action. That determination must set out the reasons the restriction, condition, public use limit, or closure authorized under (a) of this section has been established, and an explanation of why less restrictive measures will not suffice, or, in the case of a termination of a restriction, condition, public use limit, or closure previously established under paragraph (a) of this section, a determination why the restriction is no

longer necessary and a finding that the termination will not adversely impact park resources. This determination will be available to the public upon request.

(d) To implement a public use limit, the director may establish a permit, registration, or reservation system. Permits must be issued in accordance with the criteria and procedures of 11 AAC 18.

(e) No person may violate a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit. When a permit is used to implement a public use limit, violation of the terms and conditions of the permit is prohibited and may result in the suspension or revocation of the permit.

Editor's Note:

The substance of 11 AAC 12.335, regarding park closures and public use management, was formerly contained in 11 AAC 12.010. The history of former 11 AAC 12.010 is reflected in the history note for 11 AAC 12.335.

11 AAC 12.340. Definitions

As used in this chapter,

(1) "assembly" means the gathering or meeting of a group of people for a common purpose;

- (2) repealed 5/11/85;
- (3) "campground" means an area developed and maintained by the division which contains one or more campsites as defined in (4) of this section;
- (4) "campsite" means any space designated for camping within a campground;
- (5) "director" means the director of the division of parks and outdoor recreation, Department of Natural Resources, or the director's authorized agent;
- (6) "division" means the division of parks and outdoor recreation, Department of Natural Resources;
- (7) "park officer" means a peace officer authorized by the commissioner under AS

41.21.955 (a), whose duties include responsibility for management, protection, and maintenance of a state park or state park facilities and enforcement of state laws and regulations;

- (8) repealed 12/25/91;
- (9) "snow vehicle" means a motor vehicle of 850 pounds or less gross vehicle weight, primarily designed to travel over ice or snow, and supported, in part, by skis, belts, cleats, or low-pressure tires;
- (10) repealed 7/1/89;
- (11) "state park" means any land or water managed by the division;
- (12) "vehicle" means a mechanical device for carrying persons or objects over land, water, or through the air, including automobiles, motorcycles, snowmachines, bicycles, off-road vehicles, motorized boats, and aircraft; "vehicle" does not include non-motorized sailboats, canoes, kayaks, rafts, sailboards, hang gliders, gliders, or parasails;
- (13) "firearm" includes a pistol, rifle, shotgun, revolver, mechanical, gas, or air-operated gun;
- (14) "weapon" includes a bow and arrow, slingshot, crossbow, or firearm;
- (15) "developed facility" includes a building, boat ramp, campground, picnic area, rest area, visitor information center, swim beach, trailhead, parking area, and a developed ski area;
- (16) "stationary gear" means gear set from or retrieved to the shore above mean low tide, or operated on the shore between mean low and high tide, including set gillnets and beach seines;
- (17) "service dog" means a dog specifically trained to aid disabled or handicapped persons;
- (18) "camp" and "camping" mean to use a vehicle, tent, or shelter, or to arrange bedding, or both, with the intent to stay overnight in a park;
- (19) "commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of state park land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the park;
- (20) "commercial fishing" means as defined in AS 16.05.940 (5);
- (21) "stationary gear" means all fishing gear left in park waters in contact with tideland,

submerged land, or upland for more than 24 hours at a time, except for legal fishing pots;

(22) "traffic control device" means any physical barrier, including a boulder, ditch, berm, railing, fence, post, or gate;

(23) "aircraft" means a motorized device that is used or intended for flight or movement of people or goods in the air;

(24) "natural resources" means any plants, trees, minerals, water, or land of a state park unit that offer habitat, scenic, aesthetic, or economic value, and that are managed by the division;

(25) "state park unit" means an individual or group of facilities, structures, or natural resources and lands that are managed by the division;

(26) "structure" means something constructed or built in, or transported to, a state park unit, including a dock, cabin, floatcamp, building, shanty, or facility used for residential or commercial purposes; it does not include a vessel with overnight berthing whose primary use is not as a domicile, but for commercial or sport fishing, general recreational boating, or transportation.

(27) "explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat; "explosive" includes dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly; "explosive" does not include salable fireworks as defined by AS 18.72.050 ;

(28) "firework" means an explosive device or combustible material used to produce lights, smoke, or noise for entertainment. Authority:

Chapter 20. State Park Land and Water

11 AAC 20.015. Off-Road Vehicles

(a) The use of off-road vehicles is allowed in Chugach State Park only on Eklutna Lakeside Trail and logging trails in Bird Creek Valley.

(b) A person may not operate an off-road vehicle from 12:01 a.m. Thursday through 11:59 p.m. Saturday on Eklutna Lakeside Trail, except as provided in this chapter.

11 AAC 20.465. Off-Road Vehicles

The use of off-road vehicles is allowed in the Chena River Recreation Area on trails officially designated and marked as open to off-road vehicles.

11 AAC 20.505. Off-Road Vehicles

The use of off-road vehicles is allowed in the Quartz Lake State Recreation Area on trails officially designated and marked as open to off-road vehicles.

11 AAC 20.951. Use of Off-Road Vehicles at Lower Chatanika State Recreation Area

The use of off-road vehicles is allowed in Lower Chatanika State Recreation Area on designated trails and in areas posted as open to off-road vehicles.