

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
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Anchorage, Alaska 99501  
907.269.7460  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Dave Donley, Department of Administration

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081 

**DATE:** December 1, 2021

**RE:** Filed Permanent Regulations: Department of Administration

Department of Administration, Division of Motor Vehicles regulations re: Addition of All-Purpose Vehicles to Class D Driver's License (2 AAC 90.210)

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Attorney General File: 2021200070

Regulation Filed: 12/1/2021

Effective Date: 1/1/2022

Print: 241, April 2022

cc with enclosures: Joseph Felkl, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF DEPARTMENT OF ADMINISTRATION

The attached one page of regulation, dealing with the definition of non-commercial Class D licenses, is adopted and certified to be a correct copy of the regulation changes that the Department of Administration adopts under the authority of AS 28.05.011 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Administration paid special attention to the cost to private persons of the regulatory action being taken

The regulation changes adopted under this order take effect on January 1, 2022, as provided in AS 44.62.180.

Date: 11/22/2021

**Paula Vrana**  
Digitally signed by Paula Vrana  
Date: 2021.11.22 12:37:34  
-09'00'

\_\_\_\_\_  
Paula Vrana, Commissioner

*April Simpson for*  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 1, 2021, at 1:05 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*Kevin Meyer*  
\_\_\_\_\_  
*for* Kevin Meyer, Lieutenant Governor

Effective: January 1, 2022.

Register: 241, April 2022.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.**



*Kevin Meyer*  
.....


**KEVIN MEYER  
LIEUTENANT GOVERNOR**


Register 241, April 2022 MOTOR VEHICLES

The introductory language of ~~((italic))~~


^ 2 AAC 90.210(b)(2)(A) is amended to read:

~~((Publishes: please retain eng written from original regulation))~~

(A) Class D  a motor vehicle, motor-driven cycle, autocycle, all-terrain vehicle (ATV), snowmachine, all-purpose vehicle, or combination of a motor vehicle and one or more other vehicles that is not

 (Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 10/10/2014, Register 212; am 1/12/2018, Register 225; am 2/23/2020, Register 233; am 1 / 1 / 2022, Register 241)

Authority: ~~AS 28.05.011~~ ~~AS 28.15.041~~

 Authority: AS 28.05.011 AS 28.15.046 [AS 28.33.100]  
AS 28.15.041 AS 28.15.101


~~((Publishes: Citations are from original regulation; edited to reflect that AS 28.15.100 has been repealed))~~

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** December 1, 2021

**From:** Rebecca C. Polizzotto   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**File No.:** 2021200070

**Tel. No.:** 907-465-3600

**Re:** Department of Administration,  
Division of Motor Vehicles  
amendment to 2 AAC 90.210;  
Addition of All-Purpose Vehicles to  
Class D Driver's License

The Department of Law has reviewed the attached regulation of the Department of Administration against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulation. The Department of Administration adopted the regulation after the close of the public comment period. This regulation amends 2 AAC 90.210(b)(2)(A) to update the definition for "Class D" driver's license to include all-purpose vehicles.

Please note that the Department of Administration adoption order sets a special effective date of January 1, 2022. Accordingly, we request that the regulations be filed on or before December 2, 2021.

Some minor technical edits are suggested to this regulation in accordance with AS 44.62.125 and the Drafting Manual for Administrative Regulations. None of the edits suggested are substantive in nature.

Both the March 12, 2021 public notice and November 22, 2021 adoption order state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

bws:RCP

cc w/ enclosures: Hon. Paula Vrana, Commissioner  
Department of Administration

Dave Donley, Deputy Commissioner  
Department of Administration

Jenna Wright, Deputy Director  
Division of Motor Vehicles  
Department of Administration

Jayson Whiteside, Regulations Contact  
Division of Motor Vehicles  
Department of Administration

Grace Y. Lee, Assistant Attorney General  
Labor & State Affairs Section  
Department of Law

## NOTICE OF PROPOSED CHANGES TO DEFINITION OF CLASS D LICENSES

### **BRIEF DESCRIPTION**

The Department of Administration proposes to change regulations in Title 2, Chapter 90, of the Alaska Administrative Code, dealing with the definition of non-commercial Class D licenses including the following:

- (1) 2 AAC 90.210 is proposed to be amended with the addition of all-purpose vehicles to a Class D (non-commercial) license definition

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jenna Wright at 3901 Old Seward Highway, Suite 101, Anchorage, Alaska 99503. Additionally, the Department of Administration will accept comments by electronic mail at [jenna.wright@alaska.gov](mailto:jenna.wright@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on April 15, 2021.

You may submit written questions relevant to the proposed action to Jenna Wright by email ([jenna.wright@alaska.gov](mailto:jenna.wright@alaska.gov)), or by mail at 3901 Old Seward Highway, Suite 101, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Administration will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Department of Administration website (<http://doa.alaska.gov/dmv/>). Written comments are public records subject to public inspection.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jenna Wright by email ([jenna.wright@alaska.gov](mailto:jenna.wright@alaska.gov)) or at 907-269-5566 not later than 3:00pm, April 15, 2021 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jenna Wright by email ([jenna.wright@alaska.gov](mailto:jenna.wright@alaska.gov)) or at 907-269-5566.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 3901 Old Seward Highway, Suite 101, Anchorage, Alaska 99503.

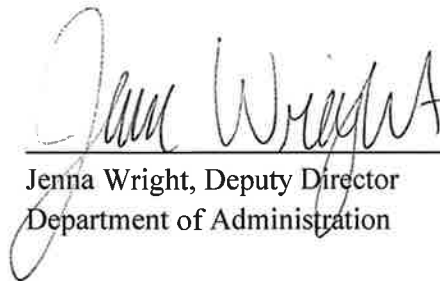
After the public comment period ends, the Department of Administration will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory authority:** AS 28.05.011; AS 28.15.041

**Statutes being implemented, interpreted, or made specific:** AS 28.05.011; AS 28.15.041

**Fiscal information:** The proposed regulation changes do not require an increased appropriation. The estimated annual cost to: a private person, other state agencies, and municipalities or boroughs to comply with the proposed regulations is zero.

Date: 3/8/2021



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Jenna Wright, Deputy Director  
Department of Administration

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Administration, Division of Motor Vehicles
2. General subject of regulation: Class D License Definition
3. Citation of regulation (may be grouped): 2 AAC 90
4. Department of Law file number, if any: 2021200070

5. Reason for the proposed action:

- Compliance with federal law or action (identify): \_\_\_\_\_
- Compliance with new or changed state statute: \_\_\_\_\_
- Compliance with federal or state court decision (identify): \_\_\_\_\_
- Development of program standards: \_\_\_\_\_
- Other (identify): Proposal of State agency staff

6. Appropriation/Allocation: \_\_\_\_\_

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00  
Another state agency: \$0.00  
A municipality: \$0.00

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2021	Subsequent Years
Operating Cost	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Capital Cost	<u>\$ 0.00</u>	<u>\$ 0.00</u>
1002 Federal receipts	<u>\$ _____</u>	<u>\$ _____</u>
1003 General fund match	<u>\$ _____</u>	<u>\$ _____</u>
1004 General fund	<u>\$ _____</u>	<u>\$ _____</u>
1005 General fund/ program	<u>\$ _____</u>	<u>\$ _____</u>
Other (identify)	<u>\$ _____</u>	<u>\$ _____</u>

9. The name of the contact person for the regulation:

Name: Jenna Wright  
Title: Deputy Director  
Address: 3901 Old Seward Highway Anchorage AK 99503  
Telephone: 907-269-5566  
E-mail address: jenna.wright@alaska.gov

10. The origin of the proposed action:

Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
 Other (identify): \_\_\_\_\_

11. Date: 03/08/2021

Prepared by: \_\_\_\_\_  
Name: Jenna Wright  
Title: Deputy Director, Division of Motor Vehicles  
Telephone: 907-269-5566

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jenna Wright, Deputy Director, of Division of Motor Vehicles, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 2 AAC 90.210, dealing with the definition of non-commercial Class D licenses, has been given by being:

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

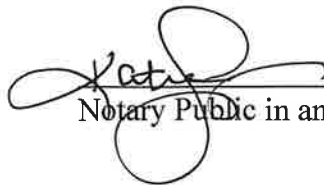
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 4/23/21

  
\_\_\_\_\_  
Jenna Wright, Deputy Director

Subscribed and sworn to before me at 3901 Old Seward Hwy #101, Anch, AK on 4/23/21

(date)

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jenna Wright, Deputy Director, of the Division of Motor Vehicles, being duly sworn, state the following:

The Division of Motor Vehicles has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Motor Vehicles regulation on changes to regulations in Title 2, Chapter 90, dealing with the definition of non-commercial Class D licenses.

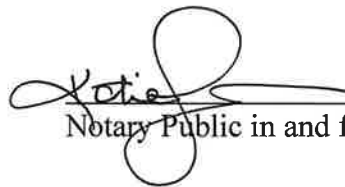
Date: 4/23/21

  
\_\_\_\_\_  
Jenna Wright, Deputy Director

Subscribed and sworn to before me at 3921 Old Seward Hwy #12, Anch, AK on 4/23/21.

(date)



  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 101030  
1300 W. BENSON BLVD, STE 400, anchorage, AK 99503

Order #: W0021141

Cost: \$368.56

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

03/12/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 16th day of March 2021.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/4/2021

### NOTICE OF PROPOSED CHANGES TO DEFINITION OF CLASS D LICENSES BRIEF DESCRIPTION

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(1) 2 AAC 90.210 is proposed to be amended with the addition of all-purpose vehicles to a Class D (non-commercial) license definition

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**Statutory authority:** AS 28.05.011; AS 28.15.041

**Statutes being implemented, interpreted, or made specific:** AS 28.05.011; AS 28.15.041

**Fiscal information:** The proposed regulation changes do not require an increased appropriation. The estimated annual cost to: a private person, other state agencies, and municipalities or boroughs to comply with the proposed regulations is zero.

Date: 3/8/2020

By: /s/ Jenna Wright, Deputy Director  
Department of Administration

Pub: March 12, 2021

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 101030  
1300 W. BENSON BLVD, STE 400, anchorage, AK 99503

Order #: W0021142

Cost: \$323.74

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

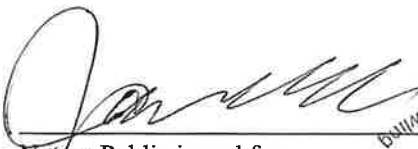
Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

03/12/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed 

Subscribed and sworn to before me  
this 16th day of March 2021.

  
Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

PUBLIC  
NOTARY  
STATE OF ALASKA

MY COMMISSION EXPIRES  
7/14/2021

**ADDITIONAL REGULATION NOTICE INFORMATION**  
(AS 44.62.190(d))

1. Adopting agency: Department of Administration, Division of Motor Vehicles
2. General subject of regulation: Class D License Definition
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  - ( ) Compliance with federal law or action (identify): \_\_\_\_\_
  - ( ) Compliance with new or changed state statute: \_\_\_\_\_
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  - ( ) Development of program standards: \_\_\_\_\_
  - (X) Other (identify): Proposal of State agency staff
6. Appropriation/Allocation: \_\_\_\_\_
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00  
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1002 Federal receipts	\$ _____	\$ _____
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Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Jenna Wright  
Title: Deputy Director  
Address: 3901 Old Seward Highway Anchorage AK 99503  
Telephone: 907-269-5566  
E-mail address: jenna.wright@alaska.gov

10. The origin of the proposed action:

- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other (identify): \_\_\_\_\_

11. Date: 03/08/2021

Prepared by: \_\_\_\_\_  
Name: Jenna Wright  
Title: Deputy Director, Division of Motor Vehicles  
Telephone: 907-269-5566

Pub: March 12, 2021