AN ACT

Relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to rights and responsibilities for drivers when encountering or being stopped by a peace officer; relating to a voluntary disability designation on a state identification card and a driver's license; relating to the implementation of the federal REAL ID Act of 2005; relating to issuance of identification cards and drivers' licenses; relating to data sharing by the Department of Administration; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to rights and responsibilities for drivers when encountering or being stopped by a peace officer; relating to a voluntary disability designation on a state identification card and a driver's license; relating to the implementation of the federal REAL ID Act of 2005; relating to issuance of identification cards and drivers' licenses; relating to data sharing by the Department of Administration; and providing for an effective date.

* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that the state continue to work with the Alaska delegation in Congress to amend provisions of P.L. 109-13, Division B (REAL ID Act of 2005) that compromise the rights of Alaskans to the privacy of their
personal information, while protecting the nation's efforts to combat terrorism.

* Sec. 2. AS 18.65.220 is amended to read:

Sec. 18.65.220. Powers. The council has the power to

(1) adopt regulations for the administration of AS 18.65.130 - 18.65.290;

(2) establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;

(3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers; the curriculum requirements established under this paragraph must include training in

(A) recognizing persons with disabilities;

(B) appropriate interactions with persons with disabilities;

(C) resources available to persons with disabilities and to those interacting with persons with disabilities; and

(D) the requirements of 42 U.S.C. 12131 - 12165 (Title II of the Americans with Disabilities Act of 1990);

(4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

(5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;

(6) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer
does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

(7) charge and collect a fee of $50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

* Sec. 3. AS 18.65.310(a) is amended to read:

(a) Upon payment of a $15 fee, the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only. *Upon request of a person and upon payment of an additional $20 fee, the department may issue an identification card under this section that is federally compliant.*

* Sec. 4. AS 18.65.310(b) is amended to read:

(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department. *The department shall include on the application for an identification card a requirement that the applicant indicate

(1) that the applicant understands the options for identification cards available at the time of issuance; and

(2) the type of identification card that the applicant selects.*

* Sec. 5. AS 18.65.310 is amended by adding new subsections to read:

(m) The department shall provide a method for a person to designate voluntarily on an identification card that the person 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 identification card of a person requesting the designation. The method must provide a means by which the person 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
registered nurse under AS 08.68, or as a licensed psychologist under AS 08.86.
Notwithstanding (a) of this section, the department may charge a fee of $5 for
replacement of a valid identification card with a new identification card with a
disability designation and may charge a fee of $5 for replacement of an identification
card with a disability designation with a new identification card without a disability
designation.

(n) The department shall adopt regulations for the issuance of identification
cards that are federally compliant. For identification cards 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 an identification card 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.

(o) The department shall continue to issue identification cards that are not
federally compliant. Nothing in this section or regulations adopted under this section
requires a person to be issued an identification card that is federally compliant. An
applicant must clearly request an identification card that is federally compliant to
obtain one. The state or a municipal government may not require a person to possess
or use an identification card 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 an
identification card that is federally compliant. The state or a municipal government
shall otherwise treat an identification card that is not federally compliant the same as
an identification card that is federally compliant. For an identification card that is not
federally compliant, the department

(1) shall retain an image of the face on the identification card for not
more than 15 years after the date of application; if an applicant does not receive an
identification card, 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 identification card; the department shall destroy any documents retained one year after the identification card expires.

(p) An identification card expires on the person's birthday in the eighth year following issuance of the identification card. An identification card may be renewed within one year of its expiration upon proper application and payment of the required fee. An identification card may be renewed by mail or on the department's Internet website, except that an identification card may not be renewed by mail or on the department's Internet website if the most recent renewal of the applicant's identification card was by mail or on the department's Internet website. Under regulations adopted by the department, the department may issue to a person an identification card 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 if the period of authorized stay is indefinite. The department shall issue the identification card for the period of the authorized stay. If the period of authorized stay is indefinite, the department shall issue the identification card with a validity of up to eight years.

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

(1) each type of identification card;

(2) the storage and sharing process for an applicant's information for an identification card and an identification card that is federally compliant; and

(3) the official purpose and limitations on the use of each type of identification card, including a description of the purposes for which an identification card that is federally compliant may be required and a description of alternatives to using an identification card that is federally compliant to serve those purposes.

(r) In this section, "identification card that is federally compliant" means an identification card 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).

* Sec. 6. AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for community, municipality, or corporation participation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. **If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(3).** The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

* Sec. 7. AS 28.05.011 is amended by adding a new subsection to read:

(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. 8. AS 28.05 is amended by adding a new section to read:

**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) The department shall submit an annual report on the results of the efforts required under (c) - (f) of this section to the senate secretary and chief clerk of the house of representatives on or before January 31 of each year and notify the legislature that the report is available.

* Sec. 9. AS 28.15.041 is amended by adding new subsections to read:

(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. 10. AS 28.15.061(b) is amended to read:

(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; [AND]

(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 driver's licenses available at the time of issuance; and

(B) the type of driver's license that the applicant selects.

* Sec. 11. AS 28.15.101(a) is amended to read:

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the eighth [FIFTH] year following issuance of the license. 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.

* Sec. 12. AS 28.15.101(d) is amended to read:

(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 [FIVE] years if the person
is authorized to stay in the United States for less than eight [FIVE] 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 [ONE YEAR. THE DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE].

* Sec. 13. AS 28.15.111(a) is amended to read:

(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 [COLOR] 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 [A HOLOGRAPHIC SYMBOL INTENDED TO PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (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."

* Sec. 14. AS 28.15.111 is amended by adding new subsections to read:

(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. 15. AS 28.15.271(b) is amended to read:

(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; [AND]

(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.

* Sec. 16. AS 28.90.990(a) is amended by adding a new paragraph to read:

(32) "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).

* Sec. 17. AS 44.99.040(a)(2) is repealed.

* Sec. 18. AS 28.05.068(g) is repealed June 30, 2021.

* Sec. 19. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSPORTER PROVISIONS: REGULATIONS. The Department of Administration may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* Sec. 20. Sections 17 and 19 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 21. Sections 1, 3, 4, 8 - 13, 15, and 16 of this Act, AS 18.65.310(n) - (r), enacted by sec. 5 of this Act, and AS 28.15.111(e) and (f), enacted by sec. 14 of this Act, take effect January 1, 2019.