SENATE BILL NO. 34

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/23/17
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

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

Section 1. AS 18.65.310(a) is amended to read:

(a) 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. The fee for a noncompliant identification card is $15 and the fee for a compliant identification card is $20. In this subsection, "noncompliant identification card" and "compliant identifications card" have the meanings given in (n) of this section.

Sec. 2. AS 18.65.310 is amended by adding new subsections to read:

(m) The commissioner shall adopt regulations for the issuance of
identification cards that comply with P.L. 109-13 (REAL ID Act of 2005) and that meet the standards of 6 CFR Part 37, as amended.

(n) The department shall continue to issue noncompliant identification cards. Nothing in this section or regulations adopted under this section shall require a person to be issued a compliant identification card. A person must clearly choose a compliant identification card. If the department cannot determine which type of identification card to issue a person, the department shall issue a noncompliant identification card. All state, borough, and city governments shall treat a noncompliant identification card the same as a compliant identification card. A noncompliant identification card must not cost more than a compliant identification card. In this subsection,

(1) "compliant identification card" 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);

(2) "noncompliant identification card" means an identification card issued by the state that is not 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. 3. AS 28.15.041 is amended by adding new subsections to read:

(b) The commissioner shall adopt regulations for the issuance of driver's licenses that comply with P.L. 109-13, Division B (REAL ID Act of 2005) and that meet the standards of 6 CFR Part 37, as amended.

(c) The department shall continue to issue noncompliant driver's licenses. Nothing in this section or regulations adopted under this section shall require a driver to be issued a compliant driver's license. A person must clearly choose a compliant driver's license. If the department cannot determine which type of license to issue a person, the department shall issue a noncompliant license. All state, borough, and city governments shall treat a noncompliant driver's license the same as a compliant driver's license. A noncompliant license must not cost more than a compliant license. In this subsection,

(1) "compliant driver's license" means a driver's license issued by the
state that has been certified by the United State Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005);

(2) "noncompliant driver's license" means a driver's license issued by the state that gives the holder the appropriate driving authority but is not 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. 4. 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. 5. 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 or state identification card 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 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. 6. 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) physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes [DISPLAY 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. 7. 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;

(4) a person who applies for a compliant driver's license shall pay a fee of $5; in this paragraph "compliant driver's license" has the meaning given in AS 28.15.041(c).

* Sec. 8. AS 44.99.040(a)(2) is repealed.

* Sec. 9. This Act takes effect immediately under AS 01.10.070(c).