

SENATE BILL NO. 206

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATORS MICCICHE, McGuire

Introduced: 2/26/14

Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to motor vehicle registration and fees; relating to licensing of school**
2 **bus drivers; relating to notice of an accident involving a motor vehicle; and providing**
3 **for an effective date."**

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

5 * **Section 1.** AS 28.10.108(h) is amended to read:

6 (h) The department shall mail or deliver notice of registration expiration to
7 the registered owner of record at the owner's mailing address or electronic mail
8 address as shown in the records of the department. An owner of a vehicle subject to
9 registration who has received notice under this subsection may renew registration of
10 the vehicle on the department's Internet website or by returning the notice form,
11 together with appropriate fees, to the department by mail postmarked not [NO] later
12 than the fifth day of the registration renewal period shown on [UPON] the vehicle's
13 current registration or notice form. Upon receipt of a timely [POSTMARKED]
14 registration renewal application and the appropriate fees and taxes, the department

1 shall renew the registration and mail the current registration card and registration
 2 plates or tabs to the owner at the owner's mailing address as shown in the department's
 3 records.

4 * **Sec. 2.** AS 28.10.421(a) is amended to read:

5 (a) Unless otherwise provided by law,

6 (1) the fees prescribed in this section shall be paid to the department at
 7 the times provided under AS 28.10.108 and 28.10.111; and

8 (2) an additional fee of \$10 shall be added to the registration fee set out
 9 in this section for registration not conducted by mail, on the department's Internet
 10 website, or [NOT CONDUCTED] at an emissions inspection station or contract office
 11 offering vehicle registration services; the department may waive this additional fee for
 12 a good cause based on criteria established in regulations adopted by the department.

13 * **Sec. 3.** AS 28.15.046(b) is amended to read:

14 (b) The department may not issue a license under this section unless the
 15 applicant

16 (1) is at least 21 years of age;

17 (2) has had a license to operate a motor vehicle at least three years
 18 before the date of application;

19 (3) has successfully completed all required driving, written, and
 20 physical examinations;

21 (4) has submitted the applicant's fingerprints, the fees required by the
 22 Department of Public Safety under AS 12.62.160 for criminal justice information and
 23 a national criminal history record check, and other information sufficient to complete a
 24 background check consisting of a fingerprint check of national criminal records and
 25 state criminal records of the state or states in which the applicant has resided for the
 26 past 10 [TWO] years; the department shall submit the fingerprints and fees to the
 27 Department of Public Safety for a report of criminal justice information under
 28 AS 12.62 and a national criminal history record check under AS 12.62.400;

29 (5) has completed a state approved school bus driver training course
 30 established under AS 14.07.020(a)(14) or has for the previous two years been licensed
 31 by the state to operate a school bus.

* **Sec. 4.** AS 28.15.046(c) is repealed and reenacted to read:

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to commit a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.530;

(B) a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) felony indecent viewing or photography under AS 11.61.123;

(E) distribution of child pornography under AS 11.61.125;

(F) possession of child pornography under AS 11.61.127;

(G) distribution of indecent material to minors under AS 11.61.128;

(H) felony prostitution under AS 11.66.100(c);

(I) sex trafficking in the first, second, or third degree under AS 11.66.110 - 11.66.130;

(J) a felony involving distribution of a controlled substance under AS 11.71 or imitation controlled substance under AS 11.73;

(K) a felony violation under AS 28.35.030(n) or 28.35.032(p);

or

(2) who has been convicted of any of the following offenses and less than two years have elapsed since the applicant's unconditional discharge from the offense:

(A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) misdemeanor prostitution under AS 11.66.100(a)(2);

(D) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

1 * **Sec. 5.** AS 28.15.046(d) is repealed and reenacted to read:

2 (d) The department may not issue a license under this section if, at the time of
3 application

4 (1) and under circumstances other than those described in (2) of this
5 subsection,

6 (A) less than two years have elapsed from unconditional
7 discharge from the applicant's first conviction of either driving while under the
8 influence of an alcoholic beverage, inhalant, or controlled substance under
9 AS 28.35.030 or refusal to submit to a chemical test under AS 28.35.032;

10 (B) less than five years have elapsed from unconditional
11 discharge from the applicant's second conviction of driving while under the
12 influence of an alcoholic beverage, inhalant, or controlled substance under
13 AS 28.35.030 or refusal to submit to a chemical test under AS 28.35.032, or
14 both, and less than 10 years have elapsed from unconditional discharge from
15 the first conviction of either offense;

16 (2) less than 10 years have elapsed from unconditional discharge from
17 the applicant's conviction for

18 (A) refusal to submit to a chemical test under AS 28.35.032 if
19 the offense occurred while driving a commercial motor vehicle; or

20 (B) an offense described in AS 28.33.140(a)(1), (4), (5), or
21 (10).

22 * **Sec. 6.** AS 28.15.046(e) is amended to read:

23 (e) For purposes of determining whether an applicant has been convicted of an
24 offense listed under (c) or (d) of this section, a conviction under prior state law or in
25 another jurisdiction of an offense having elements [SUBSTANTIALY] similar to
26 those of the offenses listed in (c) or (d) of this section is considered a conviction.

27 * **Sec. 7.** AS 28.15.046 is amended by adding new subsections to read:

28 (g) Conviction of an offense described in (c) and (d) of this section is grounds
29 for the immediate cancellation of a license issued under this section.

30 (h) To qualify for a license, an applicant who has been convicted of an offense
31 described in (c)(2) or (d) of this section shall supply proof that is acceptable to the

department of the date of the applicant's unconditional discharge from the offense.

(i) In this section, "unconditional discharge" has the meaning given in AS 12.55.185.

* **Sec. 8.** AS 28.15.101(c) is amended to read:

(c) A driver's license may be renewed by mail or on the department's Internet website if the licensee complies with (a) of this section, except that a license may not be renewed by mail or on the department's Internet website if

(1) the most recent renewal of the applicant's license was by mail or on the department's Internet website; or

(2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

* **Sec. 9.** AS 28.15.161(a) is amended to read:

(a) The department shall cancel a driver's license upon determination that

(1) the licensee is not medically or otherwise entitled to the issuance or retention of the license, or has been adjudged incompetent to drive a motor vehicle;

(2) there is an error or defect in the license;

(3) the licensee failed to give the required or correct information in the licensee's application;

(4) the license was obtained fraudulently; [OR]

(5) the licensee is restricted from purchasing alcoholic beverages under AS 04.16.160; if a license is cancelled under this paragraph, when a new license is issued, it must reflect that restriction and the requirements of AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect; or

(6) the licensee has a license issued under AS 28.15.046 and has been convicted of an offense described in AS 28.15.046(c) or (d) that would disqualify the licensee from obtaining a license under that section.

* **Sec. 10.** AS 28.35.080(b) is amended to read:

(b) The driver of a vehicle involved in an accident resulting in bodily injury to or death of a person or total property damage to an apparent extent of \$2,000 or more shall, within 10 days after the accident, forward a written or electronic report of the accident to the Department of Administration and to the local police department if the

1 accident occurs within a municipality. A report is not required under this subsection if
 2 the accident is investigated by a peace officer.

3 * **Sec. 11.** AS 28.35.080(c) is amended to read:

4 (c) The form of accident report required under (b) of this section can be
 5 obtained from the department's Internet website, any local police department, or the
 6 Department of Public Safety.

7 * **Sec. 12.** AS 28.35.080(e) is amended to read:

8 (e) Every law enforcement officer who, in the regular course of duty,
 9 investigates a motor vehicle accident for which a report must be made, either at the
 10 time of and at the scene of the accident or thereafter by interviewing the participants or
 11 witnesses, shall, within 24 hours after completing the investigation, forward an
 12 electronic [A WRITTEN] report of the accident to the Department of Administration.
 13 However, the law enforcement officer may submit a written report if the law
 14 enforcement agency employing the officer has received an exemption from the
 15 Department of Public Safety because the law enforcement agency does not have
 16 the technological capacity to submit reports of motor vehicle accidents
 17 electronically. The commissioner of public safety shall notify the Department of
 18 Administration of the exemption and the period for which the exemption was
 19 granted under this subsection.

20 * **Sec. 13.** AS 28.35.080 is amended by adding a new subsection to read:

21 (g) The Department of Administration shall consider accident reports under
 22 this section to satisfy any requirements for reporting of motor vehicle crashes in the
 23 state.

24 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 APPLICABILITY. Sections 4 - 7 of this Act apply to offenses committed before, on,
 27 or after the effective date of this Act.

28 * **Sec. 15.** This Act takes effect July 1, 2014.