

SB 206 - VEHICLE REGIS/LICENSING/ACCIDENT REPORTS

Sectional Analysis

***Section 1:** Amends AS 28.10.108(h)

Amended to permit the Division of Motor Vehicles (DMV) to use electronic mail as a method to provide notice of registration renewal to the registered owner of record.

***Section 2:** Amends AS 28.10.421(a)

Amends the statute to waive the \$10 service fee for vehicle registration renewals conducted online.

***Section 3:** Amends AS 28.15.046(b)

Amends the statute to require the applicant for a school bus license under AS 28.15.046(a) to submit a criminal background check with a 10 year history. The current statutory requirement only provides for a two year history.

***Section 4:** Repeals and reenacts AS 28.15.046(c)

This section is being repealed and reenacted to allow for a restructuring of the disqualifying offenses to be a school bus driver in the state. The statute as currently written only allows the DMV to deny an application for a school bus license if the person has been convicted within a 20 year period of the following offenses:

1. sexual abuse of a minor in any degree;
2. sexual assault in any degree;
3. incest under AS 11.41.450;
4. unlawful exploitation of a minor;
5. contributing to the delinquency of a minor;
6. a felony involving possession of a controlled or imitation controlled substance;
7. a felony or misdemeanor involving distribution of a controlled or imitation controlled substance;
8. sex trafficking in the first or second degree; and
9. indecent exposure.

The statute as currently written did not allow for the DMV to deny an application of a person who was convicted of a serious felony assault on an infant. The reenacted statute will significantly add to the disqualifying offenses listed above by allowing the DMV to deny a license to a person who has been convicted of:

1. 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, 11.41.360-11.41.370, 11.41.410-11.41.470, or 11.41.500—11.41.530;

2. a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;
3. contributing to the delinquency of a minor under AS 11.51.130;
4. felony indecent viewing or photography under AS 11.61.123;
5. distribution of child pornography under AS 11.61.125;
6. possession of child pornography under AS 11.61.127;
7. distribution of indecent material to minors under AS 11.61.128;
8. felony prostitution under AS 11.66.100(c);
9. sex trafficking in the first, second, or third degree under AS 11.66.110- AS 11.66.130;
10. a felony involving distribution of a controlled or imitation controlled substance under AS 11.71 or AS 11.73; or
11. a felony violation under AS 28.35.030(n) or AS 28.35.032(p).

The bill also prohibits issuance of a license if the applicant has been convicted of assault in the fourth degree, reckless endangerment, misdemeanor prostitution, or a misdemeanor violation of endangering the welfare of a child in the first degree and less than two years have elapsed from their unconditional discharge.

***Section 5:** Repeals and reenacts AS 28.15.046(d)

The current wording of the statute prohibits the DMV from issuing a license to an applicant who has been convicted of misdemeanor driving under the influence of an alcoholic beverage, inhalant, or controlled substance within two years of the time of application. The new statute will modify the two years period to require the DMV deny issuance of a license if less than two years has elapsed since the applicant's unconditional discharge from a first time conviction for driving under the influence or a refusal, less than five years has elapsed from their unconditional discharge for a second conviction for driving under the influence or refusal, or less than 10 years has elapsed from unconditional discharge from a refusal to submit to a chemical test if the offense occurred while driving a commercial motor vehicle.

***Section 6:** Amends AS 28.15.046(e)

This statute modifies the language “substantially similar” to “similar,” which will provide the DMV with a broader mechanism for reviewing if convictions under prior state laws or laws from other jurisdictions would disqualify the applicant from being eligible for obtaining a school bus license in Alaska.

***Section 7:** Amends AS 28.15.046 by adding subsections (g),(h),(i)

The newly created subsections will allow the DMV to immediately cancel the license of a school bus operator if there has been a conviction under subsection (c) or (d); adds a subsection that determines how a person convicted under (c)(2) must supply proof of the unconditional discharge; and defines “unconditional discharge.”

***Section 8:** Amends AS 28.15.101(c)

Amends the statute to allow eligible DMV customers to renew their license by using the DMV's website. DMV currently allows for a partial renewal by mail by completing the application online then mailing the paperwork to DMV for processing.

***Section 9:** Amends AS 28.15.161 (a)

Amends the statute to allow the DMV to cancel the school bus driver license of a person determined to have been convicted of any of the offenses that would disqualify them from initially obtaining the license.

***Section 10:** Amends AS 28.35.080(b)

Amends the statute to allow for a driver involved in an accident to submit either a written or electronic version of an accident report for crashes that exceed \$2,000 or more and are not reported by law enforcement.

***Section 11:** Amends AS 28.35.080(c)

Amends the statute to allow for the accident report that is required to be completed for a driver involved in a qualifying accident to be available on the DMV's website. This will bring current practice into law.

***Section 12:** Amends 28.35.080(e)

Amends the statute to allow law enforcement who investigate an accident to submit an electronic crash report to the DMV unless they qualify for an exemption from DPS. This process will put the submission of crash reports into a format that is currently used with the electronic submission of citations using the traffic record and criminal software (TRaCS) software.

***Section 13:** Amends AS 28.35.080 by adding new subsection (g)

The terminology among law enforcement and other state agencies has transitioned from the term "accident" to "crash." Rather than changing "accident" to "crash" throughout Title 28, this statute is being amended to add a new section that will allow all accident reports submitted under this section to satisfy the requirements of reporting a motor vehicle accident in Alaska.

***Section 14:** Amends the uncodified law of the State of Alaska

Authorizes section 4-7 of the Act to apply to offenses committed before, on, or after the effective date of the Act.

***Section 15:** Effective date

Makes the effective date July 1, 2014.