

28-LS1531\N
Strasbaugh
3/24/14

CS FOR SENATE BILL NO. 206(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS MICCICHE, McGuire

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.

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 AS 28.15.046(c) is repealed and reenacted to read:

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

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

4 (A) a violation, or an attempt, solicitation, or conspiracy to
5 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
6 11.41.360 - 11.41.530;

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

9 (C) felony indecent viewing or photography under
10 AS 11.61.123;

11 (D) distribution of child pornography under AS 11.61.125;

12 (E) possession of child pornography under AS 11.61.127;

13 (F) distribution of indecent material to minors under
14 AS 11.61.128;

15 (G) felony prostitution under AS 11.66.100(c);

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

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

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

21 or

22 (2) who has been convicted of any of the following offenses and less
23 than two years have elapsed since the applicant's date of conviction for the offense:

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

25 (B) reckless endangerment under AS 11.41.250;

26 (C) a misdemeanor violation of endangering the welfare of a
27 child in the first degree under AS 11.51.100;

28 (D) contributing to the delinquency of a minor under
29 AS 11.51.130;

30 (E) misdemeanor prostitution under AS 11.66.100(a)(2).

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 AS 28.15.046(d) is repealed and reenacted to read:

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

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

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

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

(2) less than 10 years have elapsed from the date of the applicant's conviction for

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

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

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

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

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

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

(h) To qualify for a license, an applicant who has been convicted of an offense 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 conviction for the offense.

(i) A license issued under this section expires unless renewed within five years

1 after the date of its issuance. A person may renew a license under this section within
2 one year before its expiration upon proper application, payment of the required fee,
3 successful completion of a test of the licensee's eyesight, and the completion of a
4 background check under (b)(4) of this section.

5 (j) The holder of a school bus driver's license under this section shall, at the
6 time of renewal, report, on a form provided by the department, a conviction for an
7 offense listed in (c), (d), or (e) of this section.

8 (k) Notwithstanding (c) of this section, the department may, under standards
9 set by regulation, issue a license to a person who has been convicted of an offense
10 listed under (c)(2)(A) - (C) of this section if less than two years have elapsed since the
11 date of conviction and the offense was not against a child.

12 (l) In this section, the date of conviction is the date that sentence is imposed
13 for the offense.

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

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

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

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

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

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

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

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

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

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

30 (5) the licensee is restricted from purchasing alcoholic beverages under
31 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 accident occurs within a municipality. A report is not required under this subsection if the accident is investigated by a peace officer.

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

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

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

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

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

(g) The Department of Administration shall consider accident reports under

1 this section to satisfy any requirements for reporting of motor vehicle crashes in the
2 state.

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

5 APPLICABILITY. (a) Except as provided in (b) of this section, secs. 4 - 7 of this Act
6 apply to offenses committed before, on, or after the effective date of this Act.

7 (b) For a person applying for renewal of a license under AS 28.15.046, secs. 4 - 7 of
8 this Act do not apply to an offense for which the person was unconditionally discharged
9 before July 1, 2004.

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

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