

Replacement #1

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE HOLMES

TO: HCS CSSB 64(FIN), Draft Version "Q"

1 Page 1, line 9, following "injury;":

2 Insert "relating to termination of a revocation of a person's driver's license;
3 relating to limitation of drivers' licenses; relating to restoration of a driver's license;"

4
5 Page 16, following line 29:

6 Insert new bill sections to read:

7 "* Sec. 27. AS 28.15.201(d) is amended to read:

8 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
9 a license under AS 28.15.181(c), or the department when revoking a driver's license,
10 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
11 limited license privileges if

12 (1) the revocation was for a misdemeanor conviction under
13 AS 28.35.030 or a similar municipal ordinance and not for a violation of
14 AS 28.35.032;

15 (2) the person

16 (A) has not been previously convicted and the limited license is
17 not granted during the first 30 days of the period of revocation; or

18 (B) has been previously convicted and the limited license is not
19 granted during the first 90 days of the period of revocation;

20 (3) the court or department requires that the person either

21 (A) [TO] use an ignition interlock device during the period of
22 the limited license whenever the person operates a motor vehicle in a
23 community not included in the list published by the department under

1 AS 28.22.011(b) and, when applicable, [(A)] the person provides proof of
2 installation of the ignition interlock device on every vehicle the person
3 operates; or

4 (B) submit to daily testing as required under AS 47.38.020
5 in place of the use of the ignition interlock device; use of daily testing in
6 place of an ignition interlock device under this subparagraph is
7 conditioned upon the person's not violating the requirements of the
8 program established in AS 47.38.020; if the person violates those
9 requirements, the court or the department shall

10 (i) revoke the person's limited license; or

11 (ii) require the use of an ignition interlock device as
12 provided in (A) of this paragraph and shall require the person to
13 continue to submit to daily testing as required under AS 47.38.020
14 [THE PERSON SIGNS AN AFFIDAVIT ACKNOWLEDGING
15 THAT

16 (i) OPERATION BY THE PERSON OF A VEHICLE
17 THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK
18 DEVICE IS SUBJECT TO PENALTIES FOR DRIVING WITH A
19 REVOKED LICENSE;

20 (ii) CIRCUMVENTING OR TAMPERING WITH
21 THE IGNITION INTERLOCK DEVICE IS A CLASS A
22 MISDEMEANOR; AND

23 (iii) THE PERSON IS REQUIRED TO MAINTAIN
24 THE IGNITION INTERLOCK DEVICE THROUGHOUT THE
25 PERIOD OF THE LIMITED LICENSE, TO KEEP UP-TO-DATE
26 RECORDS IN EACH VEHICLE SHOWING THAT ANY
27 REQUIRED SERVICE AND CALIBRATION IS CURRENT, AND
28 TO PRODUCE THOSE RECORDS IMMEDIATELY ON
29 REQUEST];

30 (4) the person is enrolled in and is in compliance with or has
31 successfully completed the alcoholism screening, evaluation, referral, and program

1 requirements of the Department of Health and Social Services under AS 28.35.030(h);

2 (5) the person provides proof of insurance as required by AS 28.20.230
3 and 28.20.240; and

4 (6) the person has not previously been convicted of violating the
5 limitations of an ignition interlock limited license or been convicted of violating the
6 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
7 sections.

8 * Sec. 28. AS 28.15.201 is amended by adding a new subsection to read.

9 (g) A person granted a limited license and required to use an ignition interlock
10 device under (d)(3)(A) of this section shall sign an affidavit acknowledging that

11 (1) operation by the person of a vehicle that is not equipped with an
12 ignition interlock device is subject to penalties for driving with a revoked license;

13 (2) circumventing or tampering with the ignition interlock device is a
14 class A misdemeanor; and

15 (3) the person is required to maintain the ignition interlock device
16 throughout the period of the limited license, to keep up-to-date records in each vehicle
17 showing that any required service and calibration is current, and to produce those
18 records immediately on request."

19
20 Renumber the following bill sections accordingly.

21
22 Page 17, following line 27:

23 Insert a new bill section to read:

24 ** Sec. 30. AS 28.35.030(t) is amended to read:

25 (t) Notwithstanding (b) or (n) of this section, the court

26 (1) shall waive the requirement of the use of an ignition interlock
27 device when a person operates a motor vehicle in a community included on the list
28 published by the department under AS 28.22.011(b);

29 (2) may waive the requirement of the use of an ignition interlock
30 device when the person regains the privilege to operate a motor vehicle if the
31 court requires that a person convicted under this section submit to daily testing

1 as required under AS 47.38.020 in place of the use of the ignition interlock
 2 device; use of daily testing in place of an ignition interlock device under this
 3 subsection is conditioned upon the person's not violating the requirements of the
 4 program established in AS 47.38.020; if the person violates those requirements,
 5 the court shall

6 (i) revoke the person's license, privilege to drive, or
 7 privilege to obtain a license for the remainder of the period the
 8 person is required to use an ignition interlock device as provided in
 9 (b) or (n) of this section; or

10 (ii) require the use of an ignition interlock device as
 11 provided in (A) of this paragraph and shall require the person to
 12 continue to submit to daily testing as required under
 13 AS 47.38.020."
 14

15 Page 25, lines 19 - 21:

16 Delete "certain persons with release conditions ordered as provided under AS 12.30,
 17 or offenders with conditions of probation, that include not consuming controlled substances or
 18 alcoholic beverages"

19 Insert "persons with release conditions ordered as provided under AS 12.30 that
 20 include not consuming controlled substances or alcoholic beverages, offenders with
 21 conditions of probation that include not consuming controlled substances or alcoholic
 22 beverages, persons granted limited licenses under AS 28.15.201(d) and required to submit to
 23 daily testing under this section, or persons required under AS 28.35.030(t) to comply with this
 24 section"
 25

26 Page 26, following line 7:

27 Insert a new subsection to read:

28 "(d) If a person is required to comply with the program provided in this
 29 section as a condition of a limited license under AS 28.15.201(d) or when required by
 30 AS 28.35.030(t), the commissioner shall adopt regulations that provide a means to
 31 ensure that the division of motor vehicles and the court receive notice if the person

1 fails to appear for an appointment as required by the program or tests positive for the
2 use of controlled substances or alcoholic beverages."
3

4 Reletter the following subsection accordingly.
5

6 Page 27, lines 26 - 27:

7 Delete "1 - 30 and "32 - 38"

8 Insert "1 - 33 and 35 - 41"
9

10 Page 27, line 28:

11 Delete "AS 28.35.030(k), as amended by sec. 27 of this Act"

12 Insert "AS 28.15.201(d), as amended by sec. 27 of this Act, AS 28.35.030(k), as
13 amended by sec. 29 of this Act, AS 28.35.030(t), as amended by sec. 30 of this Act"
14

15 Page 27, line 29:

16 Delete "sec. 28"

17 Insert "sec. 31"

18 Delete "sec. 29"

19 Insert "sec. 32"
20

21 Page 27, line 30:

22 Delete "sec. 30"

23 Insert "sec. 33"
24

25 Page 27, line 31:

26 Delete "sec. 34"

27 Insert "sec. 37"
28

29 Page 28, line 1:

30 Delete "secs. 1 - 30 and 32 - 38"

31 Insert "secs. 1 - 33 and 35 - 41"

1

2 Page 28, line 2:

3 Delete "secs. 1 - 30 and 32 - 38"

4 Insert "secs. 1 - 33 and 35 - 41"

5

6 Page 28, line 31:

7 Delete "sec. 32"

8 Insert "sec. 35"

9

10 Page 29, line 1:

11 Delete "sec. 32"

12 Insert "sec. 35"

13

14 Page 29, line 7:

15 Delete "sec. 28"

16 Insert "sec. 31"

17

18 Page 29, line 10:

19 Delete "sec. 29"

20 Insert "sec. 32"

21 Delete "sec. 30"

22 Insert "sec. 33"

23

24 Page 29, line 13:

25 Delete "sec. 34"

26 Insert "sec. 37"

27

28 Page 29, line 16:

29 Delete "Section 31"

30 Insert "Section 34"

31

1 Page 29, line 17:

2 Delete "Section 39"

3 Insert "Section 42"

4

5 Page 29, line 18:

6 Delete "Sections 1 - 30 and 32 - 38"

7 Insert "Sections 1 - 33 and 35 - 41"