

# Alaska State Legislature House of Representatives

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## SPONSOR STATEMENT FOR HB 162

### **"An Act relating to administrative revocation of a driver's license; and repealing Rule 603(a)(3), Alaska Rules of Appellate Procedure."**

When you make poor choices and decide to drive under the influence you will face criminal prosecution. Upon conviction by a jury of your peers you might face a sentence of imprisonment, fines, and use of an ignition interlock device after you regain the privilege of a driver license. If you are found not guilty of all charges, the court shall grant you access to driving license privileges. However, the state of Alaska possesses two separate bodies of authority to determine the rights and privileges of Alaskan drivers.

Under AS 28.15.165, Department of Motor Vehicles (DMV) is authorized to conduct an administrative revocation of a driver's license when a chemical test of a person's breath shows an alcohol level of 0.08 or more, or the person refuses to take the chemical test. The administrative process by the DMV may occur whether or not there is a criminal charge for a court to process. If you wish to contest the administrative revocation you can schedule an administrative revocation hearing over the phone to review DMV's action. The hearing for review of action by the DMV is limited to the issue of whether the law enforcement officer had probable cause to believe that the person was operating a motor vehicle under the influence of drugs or alcohol. The DMV hearing officer will conduct the hearing, examine witnesses, review evidence, and make a final ruling on the issue. Administrative revocations by the DMV may be concurrent or in addition to any penalties applied by the courts and is at the discretion of the DMV hearing officer.

The state of Alaska possesses two separate bodies of authority to determine the rights and privileges of Alaskan drivers. The state of Alaska court system provides for a trial by a jury of your peers which will review the evidence and deliberate on criminal sentencing. In comparison, the DMV's authority to impose conditions on the issuance of a limited license is designed to promptly address public safety and does not necessarily involve the considerations of the verdicts of the courts. In the end, anyone who presents probable cause to a law enforcement officer is considered guilty. Even if found not guilty by a jury of your peers through the Alaska Court System, the DMV has the authority to place additional burdens on the individual. HB 162 solves this dual burden of driver license revocations by repealing the DMV's independent authority to administrative revocation of a driver's license and place it solely within the court.

Thank you for you for supporting HB 162.