

HOUSE BILL NO. 186

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KREISS-TOMKINS, Nageak, Ortiz, Stutes

Introduced: 4/10/15

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vehicle registration; relating to off-road system restricted
2 noncommercial drivers' licenses; relating to off-road system eligible areas; and relating
3 to motor vehicle liability insurance."

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

5 * **Section 1.** AS 28.10.011 is amended to read:

6 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
7 moved, or parked upon a highway or other public parking place in the state shall be
8 registered under this chapter except when the vehicle is

9 (1) driven or moved on a highway only for the purpose of crossing the
10 highway from one private property to another, including an implement of husbandry
11 as defined by regulation;

12 (2) driven or moved on a highway under a dealer's plate or temporary
13 permit as provided for in AS 28.10.031 and 28.10.181(j);

14 (3) special mobile equipment as defined by regulation;

- 1 (4) owned by the United States;
- 2 (5) moved by human or animal power;
- 3 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
4 Relief Act);
- 5 (7) driven or parked only on private property;
- 6 (8) the vehicle of a nonresident as provided under AS 28.10.121;
- 7 (9) transported under a special permit under AS 28.10.151;
- 8 (10) being driven or moved **in an off-road system eligible area by an**
9 **operator with a noncommercial driver's license, including an off-road system**
10 **restricted noncommercial driver's license issued under AS 28.15.126** [ON A
11 HIGHWAY, VEHICULAR WAY, OR A PUBLIC PARKING PLACE IN THE
12 STATE THAT IS NOT CONNECTED BY A LAND HIGHWAY OR VEHICULAR
13 WAY TO
- 14 (A) THE LAND-CONNECTED STATE HIGHWAY
15 SYSTEM; OR
- 16 (B) A HIGHWAY OR VEHICULAR WAY WITH AN
17 AVERAGE DAILY TRAFFIC VOLUME GREATER THAN 499];
- 18 (11) an implement of husbandry operated in accordance with the
19 provisions of AS 19.10.065;
- 20 (12) an electric personal motor vehicle.

21 * **Sec. 2.** AS 28.15 is amended by adding a new section to read:

22 **Sec. 28.15.126. Off-road system restricted noncommercial driver's license.**

23 (a) The department shall waive the road test and issue an off-road system restricted
24 noncommercial driver's license to an applicant who resides and operates a motor
25 vehicle in an off-road system eligible area of the state. A driver issued an off-road
26 system restricted noncommercial driver's license may operate a motor vehicle in an
27 off-road system eligible area of the state. A driver issued an off-road system restricted
28 noncommercial driver's license may not operate a motor vehicle

29 (1) outside the off-road system eligible area of the state on a highway,
30 vehicular way, or a public parking place in the state unless the person has or is
31 accompanied by a person with a driver's license that is not restricted under this

1 section; or

2 (2) outside the state.

3 (b) The department shall annually publish a list of off-road system eligible
4 areas. The department shall make the list available at each office of the department
5 and on the department's Internet website.

6 * **Sec. 3.** AS 28.15.201(d) is amended to read:

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

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

14 (2) the person

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

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

19 (3) the court or department requires the person to use an ignition
20 interlock device during the period of the limited license whenever the person operates
21 a motor vehicle in an area [A COMMUNITY] not included in the list published by
22 the department under AS 28.15.126 [AS 28.22.011(b)] and, when applicable,

23 (A) the person provides proof of installation of the ignition
24 interlock device on every vehicle the person operates;

25 (B) the person signs an affidavit acknowledging that

26 (i) operation by the person of a vehicle that is not
27 equipped with an ignition interlock device is subject to penalties for
28 driving with a revoked license;

29 (ii) circumventing or tampering with the ignition
30 interlock device is a class A misdemeanor; and

31 (iii) the person is required to maintain the ignition

1 interlock device throughout the period of the limited license, to keep
 2 up-to-date records in each vehicle showing that any required service
 3 and calibration is current, and to produce those records immediately on
 4 request;

5 (4) the person is enrolled in and is in compliance with or has
 6 successfully completed the alcoholism screening, evaluation, referral, and program
 7 requirements of the Department of Health and Social Services under AS 28.35.030(h);

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

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

14 * **Sec. 4.** AS 28.22.011(a) is amended to read:

15 (a) The operator or owner of a motor vehicle subject to registration under
 16 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
 17 property in the state, shall be insured under a motor vehicle liability policy that
 18 complies with this chapter or a certificate of self-insurance that complies with
 19 AS 28.20.400 unless **the operator**

20 (1) [THE MOTOR VEHICLE IS BEING DRIVEN OR MOVED ON
 21 A HIGHWAY, VEHICULAR WAY, OR A PUBLIC PARKING PLACE IN THE
 22 STATE THAT IS NOT CONNECTED BY A LAND HIGHWAY OR VEHICULAR
 23 WAY TO

24 (A) THE LAND-CONNECTED STATE HIGHWAY
 25 SYSTEM, OR

26 (B) A HIGHWAY OR VEHICULAR WAY WITH AN
 27 AVERAGE DAILY TRAFFIC VOLUME GREATER THAN 499]; AND

28 (2) THE OPERATOR] has not been cited within the preceding five
 29 years for a traffic law violation with a demerit point value of six or more on the point
 30 schedule determined under regulations adopted by the department under
 31 AS 28.15.221;

1 **(2) has a noncommercial driver's license, including an off-road**
2 **system restricted noncommercial driver's license issued under AS 28.15.126; and**
3 **(3) is operating the motor vehicle in an off-road system eligible**
4 **area of the state.**

5 * **Sec. 5.** AS 28.35.030(t) is amended to read:

6 (t) Notwithstanding (b) or (n) of this section, the court shall waive the
7 requirement of the use of an ignition interlock device when a person operates a motor
8 vehicle in **an area** [A COMMUNITY] included on the list published by the
9 department under **AS 28.15.126** [AS 28.22.011(b)].

10 * **Sec. 6.** AS 28.35.032(t) is amended to read:

11 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
12 requirement of the use of an ignition interlock device when a person operates a motor
13 vehicle in **an area** [A COMMUNITY] included on the list published by the
14 department under **AS 28.15.126** [AS 28.22.011(b)].

15 * **Sec. 7.** AS 28.90.990(a) is amended by adding a new paragraph to read:

16 (32) "off-road system eligible area" means an area of the state, as
17 determined by the department, that does not have land-connected road access to an
18 office that offers road testing at least once every three months and offers a sufficient
19 number of road tests to meet public demand.

20 * **Sec. 8.** AS 28.22.011(b) is repealed.