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Martin
3/24/16

CS FOR HOUSE BILL NO. 186()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Nageak, Ortiz, Stutes

A BILL

FOR AN ACT ENTITLED

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

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

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

Sec. 28.10.011. Vehicles subject to registration. Every vehicle driven, moved, or parked on [UPON] a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

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

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

- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) transported under a special permit under AS 28.10.151;
- (10) [BEING] driven or moved **by an operator with an off-highway commercial driver's license** on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
- (A) the land-connected state highway system; or
- (B) a highway or vehicular way with an average daily traffic volume greater than 499;
- (11) driven or moved in an off-road system eligible area by an operator with a noncommercial driver's license, including an off-road system restricted noncommercial driver's license issued under AS 28.15.126;**
- (12)** [(11)] an implement of husbandry operated in accordance with the provisions of AS 19.10.065;
- (13)** [(12)] an electric personal motor vehicle.

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

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

- (a) The department shall waive the road test and issue an off-road system restricted noncommercial driver's license to an applicant who resides and operates a motor vehicle in an off-road system eligible area of the state. A driver issued an off-road system restricted noncommercial driver's license may operate a motor vehicle in an off-road system eligible area of the state. A driver issued an off-road system restricted noncommercial driver's license may not operate a motor vehicle
- (1) outside the off-road system eligible area of the state on a highway, vehicular way, or a public parking place in the state unless the person has or is accompanied by a person with a driver's license that is not restricted under this

section; or

(2) outside the state.

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

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

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

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

(2) the person

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

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

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

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

(B) the person signs an affidavit acknowledging that

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

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

(iii) the person is required to maintain the ignition

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

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

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

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

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

(a) The operator or owner of a motor vehicle subject to registration under AS 28.10.011 when driven on a highway, vehicular way or area, or on other public property in the state, shall be insured under a motor vehicle liability policy that complies with this chapter or a certificate of self-insurance that complies with AS 28.20.400 unless **the operator has not been cited within the preceding five years for a traffic law violation with a demerit point value of six or more on the point schedule determined under regulations adopted by the department under AS 28.15.221 and**

(1) the motor vehicle is being driven or moved **by an operator with an off-highway commercial driver's license** on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system; [,] or

(B) a highway or vehicular way with an average daily traffic volume greater than 499; **or** [AND]

(2) the operator has **a noncommercial driver's license, including an off-road system restricted noncommercial driver's license issued under**

1 **AS 28.15.126 and is operating the motor vehicle in an off-road system eligible**
2 **area of the state** [NOT BEEN CITED WITHIN THE PRECEDING FIVE YEARS
3 FOR A TRAFFIC LAW VIOLATION WITH A DEMERIT POINT VALUE OF SIX
4 OR MORE ON THE POINT SCHEDULE DETERMINED UNDER REGULATIONS
5 ADOPTED BY THE DEPARTMENT UNDER AS 28.15.221].

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

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

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

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

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

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

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