

**2d FREE CONFERENCE CS FOR SENATE BILL NO. 6**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE FREE CONFERENCE COMMITTEE

Offered: 5/6/96

Sponsor(s): SENATORS TAYLOR, Sharp

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to suspension of a driver's license for failure to appear in  
2 court or failure to pay a fine; relating to court and collection costs for traffic  
3 offenses; and relating to citations and court procedures for municipal traffic and  
4 parking offenses."

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

6 \* **Section 1.** PURPOSE AND INTENT OF SECTION 5. The purpose of sec. 5 of this Act  
7 is to create a mechanism to enforce citations issued for offenses involving a moving motor  
8 vehicle. It is the intent of the legislature that after a person has made a required court  
9 appearance or paid a fine required by the court, that any driver's license suspension imposed  
10 by the court be terminated as quickly as possible.

11 \* **Sec. 2.** AS 12.25.200(b) is amended to read:

12 (b) A citation issued under AS 12.25.180 must indicate

13 (1) the amount of bail or fine applicable to the offense;

14 (2) [,] the procedure a person must follow in responding to the citation;

1                   (3) [, AND] that if the person fails to pay the bail or fine the person  
2 must appear in court;

3                   (4) that failure to pay the bail or fine or appear in court for an  
4 offense involving a moving motor vehicle may result in

5                               (A) suspension of the person's driver's license, privilege to  
6 drive, or privilege to obtain a license; or

7                               (B) attachment of the person's permanent fund dividend to  
8 pay the fine plus court and collection costs under AS 28.05.155; and

9                   (5) [. IN ADDITION, A CITATION MUST INDICATE] that the  
10 person has a right to

11                               (A) [(1)] a trial;

12                               (B) [(2)] engage counsel;

13                               (C) [(3)] confront and question witnesses;

14                               (D) [(4)] testify; and

15                               (E) [(5)] subpoena witnesses on the person's behalf.

16 \* **Sec. 3.** AS 28.01.010 is amended by adding new subsections to read:

17                   (h) A municipality may issue a citation for a traffic offense only if the citation  
18 complies with the provisions of AS 12.25.200.

19                   (i) A municipal parking citation trial or appeal process and fees charged for  
20 it must be substantially similar to the applicable trial or appeal process adopted by the  
21 Alaska Supreme Court or imposed by law.

22 \* **Sec. 4.** AS 28.05 is amended by adding a new section to read:

23                   Sec. 28.05.155. COURT AND COLLECTION COSTS. If a person's  
24 permanent fund dividend is attached to pay the bail or fine for an offense involving  
25 a moving motor vehicle, the court shall increase the bail or fine of that person by at  
26 least

27                               (1) \$25 for court costs; and

28                               (2) \$10 for collection costs.

29 \* **Sec. 5.** AS 28.15.181 is amended by adding a new subsection to read:

30                   (h) The court may suspend the driver's license, privilege to drive, or privilege  
31 to obtain a license of a person who fails to appear in court as required by a citation

1 for an offense involving a moving motor vehicle, or who fails to pay a fine as required  
2 by the court for an offense involving a moving motor vehicle. If the court suspends  
3 a driver's license under this subsection, the court shall also provide notice of the  
4 suspension to the department. A suspension imposed under this subsection remains  
5 in effect until the person appears in court as required by the citation, or pays the fine  
6 as required by the court. When the person appears in court or pays the required fine,  
7 the court shall terminate the suspension imposed under this subsection and provide the  
8 department and the person with written notice of the termination.