

SENATE CS FOR HOUSE BILL NO. 11(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/11/98

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES GREEN, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to driver's licensing; and providing for an effective date."**

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

3 *** Section 1.** AS 28.15.031(a) is amended to read:

4 (a) The department may not issue a driver's license to a person who is

5 (1) under the age of 16 years, except that the department may issue a
6 permit under AS 28.15.051 or a restricted license under AS 28.15.121; or

7 (2) at least 16 years of age but not yet 18 years of age unless the
8 person meets the requirements of AS 28.15.057.

9 *** Sec. 2.** AS 28.15.051(a) is amended to read:

10 (a) Except as provided in (b) of this section, a person who is at least 14 years
11 of age may apply to the department for an instruction permit. The department may,
12 after the applicant has successfully passed all parts of the examination under
13 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
14 The permit allows a person, while having the permit in the person's immediate
15 possession, to drive a specified type or class of motor vehicle on a highway or

vehicular way or area for a period not to exceed two years. The permittee **shall** [MUST] be accompanied by a person at least **21** [19] years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

* **Sec. 3.** AS 28.15 is amended by adding new sections to read:

Sec. 28.15.055. Provisional driver's license. Upon application, the department may issue a provisional driver's license to a person who is at least 16 years of age but not yet 18 years of age if the person has been licensed under an instruction permit issued under AS 28.15.051 or under the law of another state with substantially similar requirements for at least six months.

Sec. 28.15.057. Restrictions on driver's license issued to a person under 18. Except as provided under AS 28.15.051, a person who is at least 16 years of age but not yet 18 years of age may not be issued a driver's license unless the person has been licensed under an instruction permit issued under AS 28.15.051 for at least six months and has held a valid provisional driver's license issued under AS 28.15.055 for at least one year.

* **Sec. 4.** AS 28.15.183(f) is amended to read:

(f) A revocation imposed under this section shall be consecutive to a revocation imposed under another provision of law, except that a revocation imposed under this section **for an offense for which a revocation is required under AS 28.15.185** shall be concurrent with a revocation imposed under AS 28.15.185 that is based on the same incident. A department hearing officer may grant limited license privileges in accordance with the standards set out in AS 28.15.201 to a person whose driver's license, permit, or privilege was revoked under this section.

* **Sec. 5.** AS 28.15.183(g) is amended to read:

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person is enrolled in and is in compliance with, or has successfully completed,

(1) an alcoholism education or rehabilitation treatment program **approved under AS 47.37**, if the revocation resulted from possession or consumption of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially similar elements, from operating a vehicle after consuming alcohol in violation of AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of AS 28.35.285; or

(2) a drug education or rehabilitation treatment program, if the revocation resulted from possession or use of a controlled substance in violation of AS 11.71 or a municipal ordinance with substantially similar elements.

* **Sec. 6.** AS 28.15.185(a) is amended to read:

(a) A person who is at least 13 years of age but not older than 17 years of age **is subject to revocation, under (b) of this section, of the person's driver's license, privilege to drive, or privilege to obtain a license if the person** [WHO] is convicted **of** or [WHO] is adjudicated **a delinquent minor** by a [JUVENILE] court **for** [OF]

(1) misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements; **or**

(2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS; OR

(3)] an offense involving the illegal use or possession of a firearm that is punishable under AS 11 or a municipal ordinance with substantially similar elements [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE, PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF THIS SECTION].

* **Sec. 7.** AS 28.15.185(c) is amended to read:

(c) **When a person described in (a) of this section has been convicted of or adjudicated a delinquent minor for** [UPON CONVICTION OR ADJUDICATION OF] an offense listed in (a) of this section, the court may, upon petition of the person, review the revocation and may restore the driver's license, except a court may not restore the driver's license until

(1) at least one-half of the period of revocation imposed under this

1 section has expired; and

2 (2) the person has taken and successfully completed a state approved
 3 program of drug education or rehabilitation if convicted or adjudicated of misconduct
 4 involving a controlled substance under AS 11.71 or a municipal ordinance with
 5 substantially similar elements [, OR ALCOHOL EDUCATION OR
 6 REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR
 7 CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL
 8 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS]; **however,** this
 9 paragraph does not apply to a person who resides in an area that does not offer a state
 10 approved drug [OR ALCOHOL] education or rehabilitation program or a person that
 11 the court determines does not need [ALCOHOL OR] drug education or rehabilitation.

12 * **Sec. 8.** AS 28.15.211(d) is amended to read:

13 (d) At the end of a period of revocation or limitation following a revocation,
 14 a person whose driver's license has been revoked may apply to the department for the
 15 issuance of a new license, but shall submit to reexamination, pay all required fees
 16 including a reinstatement fee, and, if the license was revoked under AS 28.15.181(a)(5)
 17 or (8), submit proof of

18 (1) enrollment in and compliance with or completion of an alcoholism
 19 education and rehabilitation treatment program **approved under AS 47.37** if the
 20 person was sentenced under AS 28.15.181(c)(1); or

21 (2) completion of and payment for an alcoholism education and
 22 rehabilitation treatment program **approved under AS 47.37** if the person was
 23 convicted under AS 28.15.181(c)(2) - (4).

24 * **Sec. 9.** AS 28.15.241(b) is amended to read:

25 (b) In addition to (a) of this section, two points shall be deducted from the
 26 assessed total upon the driver's furnishing to the department adequate proof of
 27 successful completion, within 12 months of the date of the driver's last violation, of
 28 a driver improvement course approved by the department **or an alcohol information**
 29 **course approved by the Department of Health and Social Services, except that**

30 **(1) not** [. NO] more than one **driver improvement or one alcohol**
 31 **information** course may be used to obtain a reduction in points in any 12-month

period; and

(2) a driver improvement course for a person under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization.

* Sec. 10. AS 28.15.253 is amended to read:

Sec. 28.15.253. Driver improvement or alcohol information courses [COURSE]. Upon conviction of a violation of a traffic law that results in a driver accumulating six or more points from offenses committed during any consecutive 12-month period or nine or more points from offenses committed during any 24-month period, (1) on request of the department, the court may, in addition to any other penalty authorized by law, require the driver to successfully complete a driver improvement course approved by the department or an alcohol information course approved by the Department of Health and Social Services within a period of time prescribed by the court; and (2) the department shall require a person licensed under a provisional license to complete a driver improvement course approved by the department within a time period prescribed by the department. A driver improvement course approved under this section for a person who is under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization. The department may suspend, revoke, or deny the driver's license of a person who fails to successfully complete the driver improvement course or the alcohol information course required by the court under this section within the prescribed time period.

* Sec. 11. AS 28.40.100(a)(8) is amended to read:

(8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state [,] whether or not a person holds a valid license issued in this or another jurisdiction;

* Sec. 12. AS 47.37.040(14) is amended to read:

(14) cooperate with the Department of Public Safety and the Department of Transportation and Public Facilities in establishing and conducting

1 programs designed to deal with the problem of persons operating motor vehicles while
 2 intoxicated or under the influence of drugs, **and develop and approve alcohol**
 3 **information courses required to be taken by drivers under AS 28.15 or made**
 4 **available to drivers to reduce points assessed for violation of traffic laws;**

5 * **Sec. 13.** AS 47.37.045(c) is amended to read:

6 (c) Community action against substance abuse grant funds awarded under this
 7 section may be used for

8 (1) Police-In-School Liaison programs staffed by officers that are
 9 certified by the Alaska Police Standards Council;

10 (2) technical assistance for neighborhood based substance abuse
 11 prevention or treatment programs;

12 (3) coordinators for court ordered community service;

13 (4) preventative or educational programs for youth that involve the
 14 community, parents, youth, and local schools;

15 (5) programs or projects that the division determines are effective in
 16 preventing or treating substance abuse at the community level; [OR]

17 (6) supervised youth recreation programs that focus on preventing or
 18 treating substance abuse; **or**

19 **(7) youth assessment and referral programs that provide substance**
 20 **abuse screening services to and monitor compliance for a minor required to**
 21 **participate in an alcoholism or drug education or rehabilitation treatment**
 22 **program under AS 28.15.183 or before the minor's driver's license may be**
 23 **reinstated under AS 28.15.211.**

24 * **Sec. 14.** APPLICABILITY. Sections 4, 6, and 7 of this Act apply to offenses committed
 25 on or after the effective date of this Act. However, references to previous convictions include
 26 violations and offenses committed on, before, or after the effective date of this Act.

27 * **Sec. 15.** This Act takes effect January 1, 1999.