

SENATE BILL NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR KAWASAKI

Introduced: 1/18/23

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic identification cards; relating to electronic drivers' licenses**
2 **and permits; relating to motor vehicle liability insurance; and providing for an effective**
3 **date."**

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

5 * **Section 1.** AS 18.65.310(a) is amended to read:

6 (a) Upon payment of a \$15 fee, the department shall issue a physical card
7 identical to the motor vehicle operator's license provided for in AS 28.15.111, except
8 that the card shall be of a different color and shall state in bold type letters across the
9 face of the card [IT] that the card [IT] is for identification purposes only. Upon
10 request of a person and upon payment of an additional \$20 fee, the department may
11 issue an identification card under this section that is federally compliant.

12 * **Sec. 2.** AS 18.65.310 is amended by adding new subsections to read:

13 (s) The department may issue an electronic identification card to a person who
14 possesses a physical identification card upon application and payment of an additional

1 \$50 fee. A person issued an electronic identification card shall retain the physical
 2 identification card issued by the department.

3 (t) The department shall adopt regulations for the issuance and use of
 4 electronic identification cards.

5 (u) Presentation of an electronic identification card on a mobile electronic
 6 device for identification purposes does not constitute consent for a peace officer or
 7 other authorized representative of the Department of Public Safety to search, view, or
 8 access other contents of the mobile electronic device. A peace officer or other
 9 authorized representative of the Department of Public Safety presented with an
 10 electronic identification card shall promptly return the mobile electronic device to the
 11 person once the peace officer or representative verifies the identity of the person.

12 (v) A peace officer or other authorized representative of the Department of
 13 Public Safety presented with an electronic identification card on a mobile electronic
 14 device under this section is immune from liability resulting from damage to the
 15 device, except that a peace officer or other authorized representative of the
 16 Department of Public Safety may be liable for civil damages that are the result of the
 17 peace officer's or representative's intentional misconduct.

18 * **Sec. 3.** AS 18.65.320(b) is amended to read:

19 (b) A person whose identification card has been cancelled shall return the
 20 physical card to the department. Failure to return a cancelled card within 10 days after
 21 receiving notice of the cancellation is a violation punishable by a fine of up to \$100.

22 * **Sec. 4.** AS 18.65.330 is amended to read:

23 **Sec. 18.65.330. Definitions [DEFINITION].** In AS 18.65.310 - 18.65.330,

24 (1) "department" means the Department of Administration;

25 (2) "electronic identification card" means a data file specific to an
 26 individual that

27 (A) displays the current identification card of the individual
 28 and all data provided on the front and back of the individual's physical
 29 identification card; and

30 (B) is available on a mobile electronic device through an
 31 application that allows the individual's data file to be downloaded from

1 **the department.**2 * **Sec. 5.** AS 28.05.051 is amended to read:3 **Sec. 28.05.051. Suspended or revoked documents.** (a) When the department
4 suspends or revokes a vehicle registration, certificate of registration, registration plate,
5 permit, or certificate of title or suspends, cancels, or revokes a license, the owner or
6 person in possession of the document shall, immediately upon receiving notice of the
7 suspension, revocation, or cancellation, mail or deliver the registration, certificate,
8 plate, permit, or **physical** license to the department.9 (b) The commissioner, officers and employees of the department designated
10 by the commissioner, judges and employees of a court, and all peace officers [,] may
11 take possession of a certificate of title, registration, or **physical** license issued by this
12 jurisdiction that has been revoked, canceled, limited, or suspended, or is fictitious,
13 stolen, or altered.14 * **Sec. 6.** AS 28.15.011(b) is amended to read:15 (b) Every person exercising the person's privilege to drive, or exercising any
16 degree of physical control of a motor vehicle **on** [UPON] a highway, vehicular way or
17 area, or other public property in this state, is required to have in the possession of the
18 person a valid **physical or electronic** Alaska driver's license issued under the
19 provisions of this chapter for the type or class of vehicle driven, unless expressly
20 exempted by law from this requirement.21 * **Sec. 7.** AS 28.15 is amended by adding a new section to read:22 **Sec. 28.15.126. Electronic licenses and permits.** (a) Upon application, the
23 department may issue an electronic driver's license or permit under this chapter to a
24 person who possesses a physical driver's license or permit. A person issued an
25 electronic driver's license or permit shall retain the physical driver's license or permit
26 issued by the department.27 (b) The commissioner shall adopt regulations for the issuance and use of
28 electronic drivers' licenses and permits issued under this chapter. The commissioner
29 may adopt regulations to require a driver to possess a physical driver's license on their
30 person in certain circumstances.

31 (c) If a person's physical driver's license is seized, revoked, canceled, limited,

1 restricted, or suspended under this chapter, the department shall display a notice
2 regarding the seizure, revocation, cancellation, limitation, restriction, or suspension
3 across the front of the person's electronic driver's license.

4 * **Sec. 8.** AS 28.15.131(a) is amended to read:

5 (a) A licensee shall have the licensee's **physical or electronic** driver's license
6 in immediate possession at all times when driving a motor vehicle, and shall present
7 the license for inspection upon the demand of a peace officer or other authorized
8 representative of the Department of Public Safety identified as such to the licensee by
9 the officer or representative. However, a person charged with violating this section
10 may not be convicted if the person produces in court or in the office of the arresting or
11 citing officer, a driver's license previously issued to the person that was valid at the
12 time of the person's arrest or citation.

13 * **Sec. 9.** AS 28.15.131 is amended by adding new subsections to read:

14 (c) Presentation of an electronic driver's license or permit on a mobile
15 electronic device under this chapter does not constitute consent for a peace officer or
16 other authorized representative of the Department of Public Safety to search, view, or
17 access other contents of the mobile electronic device. A peace officer or other
18 authorized representative of the Department of Public Safety presented with an
19 electronic driver's license or permit shall promptly return the mobile electronic device
20 to the person once the peace officer or representative verifies the identity and license
21 or permit status of the person.

22 (d) A peace officer or other authorized representative of the Department of
23 Public Safety presented with an electronic driver's license or permit on a mobile
24 electronic device under this chapter is immune from liability resulting from damage to
25 the device, except that a peace officer or other authorized representative of the
26 Department of Public Safety may be liable for civil damages that are the result of the
27 peace officer's or representative's intentional misconduct.

28 * **Sec. 10.** AS 28.15.151(a) is amended to read:

29 (a) The department shall maintain a file of
30 (1) every driver's license application, license or permit, and duplicate
31 driver's license issued by **the department** [IT];

(2) every license that has been suspended, revoked, canceled, limited, restricted, or denied, and the reasons for those actions;

(3) all accident reports required to be forwarded to the department under this title; [AND]

(4) every disqualification of an individual from operating a commercial motor vehicle; **and**

(5) every application for an electronic driver's license or permit and the electronic drivers' licenses and permits issued by the department.

* **Sec. 11.** AS 28.15.165(b) is amended to read:

(b) After reading the notice under (a) of this section, the law enforcement officer shall seize the person's physical driver's license if the physical driver's license [IT] is in the person's possession and shall deliver the physical driver's license [IT] to the department with a sworn report describing the circumstances under which the physical driver's license [IT] was seized. If the person was operating a commercial motor vehicle, the officer shall order the person out of service under AS 28.33.130.

* Sec. 12. AS 28.15.166(a) is amended to read:

(a) A person who has received a notice under AS 28.15.165(a) may make a written request for administrative review of the department's action under AS 28.15.165(c) or for limited license privileges under AS 28.15.165(d). If the person's **physical** driver's license has not been previously surrendered to the department, **the physical driver's license** [IT] shall be surrendered to the department at the time the request for review is made.

* **Sec. 13.** AS 28.15.182(d) is amended to read:

(d) When imposing a limitation under (c) of this section, the court shall

- (1) require the surrender of the physical driver's license; and
- (2) issue to the person a certificate valid for the duration of the limitation specifying the terms of the limited license.

* Sec. 14. AS 28.15.183(b) is amended to read:

(b) After reading the notice under (a) of this section, the peace officer shall seize the person's **physical** driver's license or permit if **the physical driver's license**

1 or permit [IT] is in the person's possession and shall deliver the physical driver's
 2 license or permit [IT] to the department with a sworn report describing the
 3 circumstances under which the physical driver's license or permit [IT] was seized.

4 * **Sec. 15.** AS 28.15.184(a) is amended to read:

5 (a) A person who has received a notice under AS 28.15.183(a) may make a
 6 written request for administrative review of the department's action. If the person's
 7 physical driver's license or permit has not been previously surrendered to the
 8 department, the physical driver's license or permit [IT] shall be surrendered to the
 9 department at the time the request for review is made.

10 * **Sec. 16.** AS 28.15.187(b) is amended to read:

11 (b) After reading the notice under (a) of this section, the peace officer shall
 12 seize the person's physical driver's license if the physical driver's license [IT] is in
 13 the person's possession and shall deliver the physical driver's license [IT] to the
 14 department with a sworn report describing the circumstances under which the
 15 physical driver's license [IT] was seized.

16 * **Sec. 17.** AS 28.15.189(a) is amended to read:

17 (a) A person who has received a notice under AS 28.15.187(a) may make a
 18 written request for administrative review of the department's action. If the person's
 19 physical driver's license has not been previously surrendered to the department, the
 20 physical driver's license [IT] shall be surrendered to the department at the time the
 21 request for review is made.

22 * **Sec. 18.** AS 28.15.191(c) is amended to read:

23 (c) A court that suspends, revokes, or limits a driver's license shall require the
 24 surrender of the physical license, and shall immediately forward the physical driver's
 25 license [IT] to the department with the record of conviction and notification of the
 26 effective date of the suspension, revocation, or limitation as determined under
 27 AS 28.15.211(b).

28 * **Sec. 19.** AS 28.15.191(g) is amended to read:

29 (g) A court that has ordered a person to refrain from consuming alcoholic
 30 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
 31 28.35.032, or a similar municipal ordinance or as a condition of probation or parole

1 following a conviction under those sections or a similar municipal ordinance, or as a
2 condition of probation or parole for any other crime shall

3 (1) require the surrender of the person's physical license and
4 identification card and forward the physical license and identification card to the
5 department;

6 (2) report the order to the department within two days; and

7 (3) inform the person that the person's license and identification card
8 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
9 otherwise qualified to receive a license or identification card, when the person obtains
10 a new license or identification card, the license or identification card must list the
11 restriction imposed by AS 04.16.160 for the period of probation or parole.

12 * **Sec. 20.** AS 28.15.191(h) is amended to read:

13 (h) The board of parole shall notify the department within two days whenever
14 a person has been ordered to refrain from consuming alcoholic beverages as a
15 condition of parole, shall require the person to surrender the person's physical license
16 and identification card, and shall inform the person that the person's license and
17 identification card are subject to cancellation under AS 28.15.161 and AS 18.65.310,
18 and that, if the person is otherwise qualified to receive a license or identification card,
19 when the person obtains a new license or identification card, the license or
20 identification card must list the restriction imposed by AS 04.16.160.

21 * **Sec. 21.** AS 28.15.201(b) is amended to read:

22 (b) A court imposing a limitation under (a) of this section shall

23 (1) require certification of employment;

24 (2) require proof of enrollment in and compliance with or completion
25 of an alcoholism treatment program when appropriate;

26 (3) require the surrender of the physical driver's license; and

27 (4) issue to the licensee a certificate valid for the duration of the
28 limitation.

29 * **Sec. 22.** AS 28.15.271(a) is amended to read:

30 (a) The fees for drivers' licenses and permits, including renewals, and all
31 related driver skills tests are as follows:

(1) all noncommercial vehicles and motor-driven cycles
(A) each license fee **\$31** [\$20];
(B) each driver skills test \$15;

(2) all commercial motor vehicles
(A) each license fee **\$155** [\$100];
(B) each driver skills test \$25;

(3) instruction permit **\$23** [\$15];
(4) duplicate of driver's license or instruction permit **\$23** [\$15];
(5) temporary license and renewal of permit **\$8** [\$5];
(6) school bus driver's endorsement renewal **\$8;**
(7) an electronic driver's license or permit **\$50** [\$5].

* **Sec. 23.** AS 28.20.560(a) is amended to read:

(a) A person whose license or registration is suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, is canceled or terminated, shall immediately return the person's **physical** license or registration to the department. If a person fails to return the license or registration to the department, the department, through the commissioner of public safety, shall immediately direct a peace officer to obtain possession of **the license or registration** [IT] and to return **the license or registration** [IT] to the department.

* **Sec. 24.** AS 28.22.019(d) is amended to read:

(d) Displaying proof of motor vehicle liability insurance on a mobile electronic device under this section does not constitute consent for a peace officer or other authorized representative of the Department of Public Safety to access other contents of the mobile electronic device. A peace officer or other authorized representative of the Department of Public Safety presented proof of motor vehicle liability insurance on a mobile electronic device shall promptly return the device to the person once the peace officer or representative verifies that the person possesses proof of motor vehicle liability insurance.

* **Sec. 25.** AS 28.22.019 is amended by adding a new subsection to read:

(f) A peace officer or other authorized representative of the Department of Public Safety presented proof of motor vehicle liability insurance on a mobile

1 electronic device under this section is immune from liability resulting from damage to
 2 the device, except that a peace officer or other authorized representative of the
 3 Department of Public Safety may be liable for civil damages that are the result of the
 4 peace officer's or representative's intentional misconduct.

5 * **Sec. 26.** AS 28.22.041(d) is amended to read:

6 (d) When imposing a limitation under this section, the department shall
 7 (1) require the surrender of the driver's **physical** license; and
 8 (2) issue to the licensee a certificate valid for the duration of the
 9 limitation.

10 * **Sec. 27.** AS 28.33.100 is amended by adding a new subsection to read:

11 (g) Upon application, the department may issue an electronic commercial
 12 driver's license as provided under AS 28.15.126.

13 * **Sec. 28.** AS 28.33.140(i) is amended to read:

14 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a
 15 person from driving a commercial motor vehicle shall require the surrender of the
 16 **physical** license, and shall immediately forward the **physical** license to the department
 17 with the record of conviction and notification of the effective date of the
 18 disqualification. If the disqualification occurs by administrative action as described in
 19 (a) of this section, the person disqualified from driving shall surrender the **physical**
 20 license to the department.

21 * **Sec. 29.** AS 28.35.034 is amended to read:

22 **Sec. 28.35.034. Surrender of license or permit.** A person whose license or
 23 permit to operate or drive a motor vehicle has been revoked under AS 28.15.165 or
 24 28.15.181 shall surrender the **physical** license or permit to the department on receipt
 25 of notice of the revocation. After the period of revocation has expired, the person may
 26 make application for a new license as provided by law.

27 * **Sec. 30.** AS 28.90.990(a) is amended by adding a new paragraph to read:

28 (33) "electronic driver's license or permit" means a data file specific to
 29 an individual that

30 (A) displays the current driver's license or permit status of the
 31 individual and all data included on the front and back of the individual's

1 physical driver's license or permit; and

2 (B) is available on a mobile electronic device through an
3 application that allows the individual's data file to be downloaded from the
4 department.

5 * **Sec. 31.** AS 33.16.150(i) is amended to read:

6 (i) In addition to other conditions of parole imposed under this section, for a
7 prisoner who is serving a sentence for an offense involving the use of alcohol and
8 whom the board has ordered to refrain from possessing or consuming alcoholic
9 beverages, the board shall require the surrender of the person's **physical** driver's
10 license or identification card, forward the **physical** license or identification card to the
11 department, and impose as a condition of parole that, if the parolee is eligible for a
12 driver's license or identification card, the parolee shall apply to the department for a
13 new license or identification card with a restriction imposed on the person under
14 AS 04.16.160. The board shall notify the department of the board's order under this
15 subsection by providing a copy of the board's order. Upon discharge from parole, the
16 board shall notify the department of the parolee's discharge. In this subsection,
17 "department" means the Department of Administration.

18 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: REGULATIONS. The Department of Administration shall adopt
21 regulations necessary to implement the changes made by this Act. The regulations take effect
22 under AS 44.62 (Administrative Procedure Act), but not before the effective date this Act.

23 * **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

24 * **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect January 1, 2024.