



SECTIONAL ANALYSIS

HB 180: Electronic Driver's Licenses

Version A

Section 1: This section adds the word “physical” into Alaska Statute 18.65.310(a) to distinguish that a “physical” Identification Card will now be \$15.

Section 2: This section amends Alaska Statute 18.65.310 by adding a new subsection which establishes that upon application, the department may issue an electronic identification card to a person who currently possesses a physical identification card, and that the electronic identification cards can be a digital companion to physical identification cards, yet it is still mandated that a person retain their physical identification card. This section also requires the department to adopt regulations governing the issuance and use of electronic identification cards. Additionally, the section includes privacy protections by explicitly stating that presenting an electronic ID to law enforcement does not grant permission for officers to search or access any other data on the mobile device while also granting them immunity from liability for any damage to the device unless intentional misconduct is involved.

Section 3: This section adds the word “physical” into Alaska Statute 18.65.320(b) to specify that if an identification card is cancelled, they would need to return the physical card to the department.

Section 4: This section adds a new subsection into Alaska Statute 28.05.021 which will allow the Commissioner of Administration to enter into agreements with a law enforcement agency, a governmental agency or program or a data exchange service.

Section 5: This section adds the word “physical” into Alaska Statute 28.05.051 to state that if a license is suspended, revoked, or cancelled, they would need to return the physical card to the department. This section also allows for designated officials to take possession of a physical license in the event of invalidity.

Section 6: This section amends Alaska Statute 28.15.011(b) to require all drivers to have a physical or electronic driver's license when operating a motor vehicle.

Section 7: This section amends Alaska Statute 28.15 by adding authority in a new section for the Department of Administration to begin issuing electronic driver's licenses or permits to customers who possess a physical driver's license or permit, which they will be required to retain. This section also requires the Commissioner to adopt regulations for issuance and use of

electronic licenses and permits along with an option for the commissioner to require the physical driver's license be carried on their person in certain circumstances. Lastly, this section requires

the department to display notice of revocation, cancellation, limitation, restriction, or suspension across the front of the electronic license.

Section 8: This section adds “physical or electronic” into Alaska Statute 28.15.131(a) which requires a driver to always have a driver's license in their possession when driving a motor vehicle.

Section 9: This section adds a new subsection to Alaska Statute 28.15.131 to protect the drivers' privacy by prohibiting officers from accessing other data on mobile devices when checking an electronic license. It also grants immunity to law enforcement from liability for damage to a mobile device when verifying an electronic driver's license, except in cases of intentional misconduct.

Section 10: This section amends Alaska Statute 28.15.151(a) to add retention requirements of every application for an electronic driver's license or permit as well as copies of the electronic licenses and permits.

Section 11: This section adds the word “physical” into Alaska Statute 28.15.165(b) to signify a law enforcement officer to seize the physical driver's license after failure of a sobriety test or refusal to submit to a chemical test.

Section 12: This section amends Alaska Statute 28.15.166(a) by adding clarifying language mandating a driver to surrender their physical license when requesting an administrative review.

Section 13: This section adds the word “physical” into Alaska Statute 28.15.182(d) to signify the Alaska Court System shall require the surrender the physical driver's license when issuing a Limited License in the circumstance of an accident which caused the death of another.

Section 14: This section amends Alaska Statute 28.15.183(b) by adding clarifying language ensuring law enforcement to seize a driver's physical license or physical permit.

Section 15: This section adds the word “physical” into Alaska Statute 28.15.184(a) to signify a customer who is a minor must surrender the physical driver's license upon request of an administrative hearing if it wasn't seized previously by law enforcement.

Section 16: This section amends Alaska Statute 28.15.187(b) by adding clarifying language ensuring law enforcement to seize a driver's physical license or physical permit when violating any driving laws.

Section 17: This section amends Alaska Statute 28.15.189(a) by adding clarifying language mandating a driver to surrender their physical license when requesting a revocation review.

Section 18: This section amends Alaska Statute 28.15.191(c) by adding clarifying language mandating courts must forward surrendered physical licenses to the DMV when issuing a suspension or revocation.

Section 19: This section amends Alaska Statute 28.15.191(g) by adding clarifying language mandating courts must forward surrendered physical licenses to the DMV when a driver is ordered to refrain from consuming alcoholic beverages as part of their sentencing.

Section 20: This section amends Alaska Statute 28.15.191(h) by adding clarifying language mandating parole boards to require a person to surrender their physical license and identification card when subject to cancellation.

Section 21: This section amends Alaska Statute 28.15.201(b) by adding clarifying language to require the surrender of a physical driver's license when courts issue limited driving privileges.

Section 22: This section adds the word "physical" into Alaska Statute 28.20.560(a) to signify when a customer whose license or registration is suspended, or whose policy of insurance or bond is canceled or terminated shall surrender the physical license to the department. This section also adds clarifying language which states if a license isn't surrendered then DMV should contact the Department of Public Safety to immediately direct an officer to obtain possession of the license or registration.

Section 23: This section amends AS 28.22.041(d) to require the surrender of the physical license when the DMV issues a limited license following a suspension for failing to comply with the mandatory insurance laws.

Section 24: This section amends Alaska Statute 28.33.100 by adding subsection (j) which provides authority to issue an electronic commercial driver's license.

Section 25: This section amends Alaska Statute 28.33.140(i) which clarifies that a person disqualified from driving a commercial motor vehicle must surrender their physical license to the department.

Section 26: This section amends Alaska Statute 28.35.034 to state that a person who has their license or permit revoked under Alaska Statute 28.15.165 or Alaska Statute 28.15.181 must surrender their physical license.

Section 27: This section amends Alaska Statute 33.16.150(i) to require that parolees who are ordered to refrain alcohol must surrender their physical license and that physical license must be forwarded to the department.

Section 28: This section provides an immediate effective date per AS 01.10.070(c).