

SENATE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/9/25

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers of the commissioner of administration with respect to
2 motor vehicles; relating to electronic identification cards; relating to electronic driver's
3 licenses and permits; and providing for an effective 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) Upon application, the department may issue an electronic identification
14 card to a person who possesses a physical identification card. A person issued an

1 electronic identification card shall retain the physical identification card issued by the
2 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 28.05.021 is amended by adding a new subsection to read:

23 (c) The commissioner of administration may enter into an agreement with a
24 law enforcement agency, governmental agency or program, or data exchange service,
25 including the National Driver Register, the Problem Driver Pointer System, the
26 Commercial Driver's License Information System, the State-to-State Verification
27 Service, and the Driver License Data Verification Service.

28 * **Sec. 5.** AS 28.05.051 is amended to read:

29 **Sec. 28.05.051. Suspended or revoked documents.** (a) When the department
30 suspends or revokes a vehicle registration, certificate of registration, registration plate,
31 permit, or certificate of title or suspends, cancels, or revokes a license, the owner or

1 person in possession of the document shall, immediately upon receiving notice of the
 2 suspension, revocation, or cancellation, mail or deliver the registration, certificate,
 3 plate, permit, or **physical** license to the department.

4 (b) The commissioner, officers and employees of the department designated
 5 by the commissioner, judges and employees of a court, and all peace officers [,] may
 6 take possession of a certificate of title, registration, or **physical** license issued by this
 7 jurisdiction that has been revoked, canceled, limited, or suspended, or is fictitious,
 8 stolen, or altered.

9 * **Sec. 6.** AS 28.15.011(b) is amended to read:

10 (b) Every person exercising the person's privilege to drive, or exercising any
 11 degree of physical control of a motor vehicle **on** [UPON] a highway, vehicular way or
 12 area, or other public property in this state, is required to have in the possession of the
 13 person a valid **physical or electronic** Alaska driver's license issued under the
 14 provisions of this chapter for the type or class of vehicle driven, unless expressly
 15 exempted by law from this requirement.

16 * **Sec. 7.** AS 28.15 is amended by adding a new section to read:

17 **Sec. 28.15.126. Electronic licenses and permits.** (a) Upon application, the
 18 department may issue an electronic driver's license or permit under this chapter to a
 19 person who possesses a physical driver's license or permit. A person issued an
 20 electronic driver's license or permit shall retain the physical driver's license or permit
 21 issued by the department.

22 (b) The commissioner shall adopt regulations for the issuance and use of
 23 electronic driver's licenses and permits issued under this chapter. The commissioner
 24 may adopt regulations to require a driver to possess a physical driver's license on their
 25 person in certain circumstances.

26 (c) If a person's physical driver's license is seized, revoked, canceled, limited,
 27 restricted, or suspended under this chapter, the department shall display a notice
 28 regarding the seizure, revocation, cancellation, limitation, restriction, or suspension
 29 across the front of the person's electronic driver's license.

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

31 (a) A licensee shall have the licensee's **physical or electronic** driver's license

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

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

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

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

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

24 (a) The department shall maintain a file of

25 (1) every driver's license application, license or permit, and duplicate
 26 driver's license issued by the department [IT];

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

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

31 (4) every disqualification of an individual from operating a

1 commercial motor vehicle; and

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

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

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

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

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

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

20 (d) When imposing a limitation under (c) of this section, the court shall
 21 (1) require the surrender of the physical driver's license; and
 22 (2) issue to the person a certificate valid for the duration of the
 23 limitation specifying the terms of the limited license.

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

25 (b) After reading the notice under (a) of this section, the peace officer shall
 26 seize the person's physical driver's license or permit if the physical driver's license
 27 or permit [IT] is in the person's possession and shall deliver the physical driver's
 28 license or permit [IT] to the department with a sworn report describing the
 29 circumstances under which the physical driver's license or permit [IT] was seized.

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

31 (a) A person who has received a notice under AS 28.15.183(a) may make a

1 written request for administrative review of the department's action. If the person's
 2 **physical** driver's license or permit has not been previously surrendered to the
 3 department, **the physical driver's license or permit** [IT] shall be surrendered to the
 4 department at the time the request for review is made.

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

6 (b) After reading the notice under (a) of this section, the peace officer shall
 7 seize the person's **physical** driver's license if **the physical driver's license** [IT] is in
 8 the person's possession and shall deliver **the physical driver's license** [IT] to the
 9 department with a sworn report describing the circumstances under which **the**
 10 **physical driver's license** [IT] was seized.

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

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

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

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

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

24 (g) A court that has ordered a person to refrain from consuming alcoholic
 25 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
 26 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
 27 following a conviction under those sections or a similar municipal ordinance, or as a
 28 condition of probation or parole for any other crime shall

29 (1) require the surrender of the person's **physical** license and
 30 identification card and forward the **physical** license and identification card to the
 31 department;

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

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

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

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

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

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

(1) require certification of employment;

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

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

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

* **Sec. 22.** 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.

1 * **Sec. 23.** AS 28.22.041(d) is amended to read:

2 (d) When imposing a limitation under this section, the department shall

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

4 (2) issue to the licensee a certificate valid for the duration of the
5 limitation.

6 * **Sec. 24.** AS 28.33.100 is amended by adding a new subsection to read:

7 (j) Upon application, the department may issue an electronic commercial
8 driver's license as provided under AS 28.15.126.

9 * **Sec. 25.** AS 28.33.140(i) is amended to read:

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

17 * **Sec. 26.** AS 28.35.034 is amended to read:

18 **Sec. 28.35.034. Surrender of license or permit.** A person whose license or
19 permit to operate or drive a motor vehicle has been revoked under AS 28.15.165 or
20 28.15.181 shall surrender the **physical** license or permit to the department on receipt
21 of notice of the revocation. After the period of revocation has expired, the person may
22 make application for a new license as provided by law.

23 * **Sec. 27.** AS 33.16.150(i) is amended to read:

24 (i) In addition to other conditions of parole imposed under this section, for a
25 prisoner who is serving a sentence for an offense involving the use of alcohol and
26 whom the board has ordered to refrain from possessing or consuming alcoholic
27 beverages, the board shall require the surrender of the person's **physical** driver's
28 license or identification card, forward the **physical** license or identification card to the
29 department, and impose as a condition of parole that, if the parolee is eligible for a
30 driver's license or identification card, the parolee shall apply to the department for a
31 new license or identification card with a restriction imposed on the person under

1 AS 04.16.160. The board shall notify the department of the board's order under this
2 subsection by providing a copy of the board's order. Upon discharge from parole, the
3 board shall notify the department of the parolee's discharge. In this subsection,
4 "department" means the Department of Administration.

5 * **Sec. 28.** This Act takes effect immediately under AS 01.10.070(c).