

26-LS0008/P  
Luckhaupt  
3/30/09

**CS FOR HOUSE BILL NO. 3( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES LYNN, HAWKER, CHENAULT, STOLTZE, RAMRAS, AND JOHNSON**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to issuance of identification cards and to issuance of driver's licenses;  
relating to regulations concerning identification cards and driver's licenses; and  
providing for an effective date."**

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

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

(a) Upon payment of a \$15 fee, the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only. Except as provided in (g) and (l) of this section, an identification card expires on the person's birthday in the fifth year following issuance of the card.

**\* Sec. 2.** AS 18.65.310(g) is amended to read:

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older, charge may not be made for issuance of the card.

1 Except as provided in (l) of this section, an identification card issued to a person  
2 who is 60 years of age or older expires on the person's birthday in the 10th year  
3 following issuance of the card.

4 \* Sec. 3. AS 18.65.310 is amended by adding new subsections to read:

5 (k) The department may not issue an identification card under (a) of this  
6 section to a person who has not presented to the department valid documentary  
7 evidence that the person is a citizen of the United States, a national of the United  
8 States, a legal permanent resident of the United States, or a conditional resident alien  
9 of the United States.

10 (l) Notwithstanding (k) of this section, the department may issue an  
11 identification card to a person who presents in person valid documentary evidence of  
12 (1) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the  
13 United States, (2) a pending or approved application for asylum in the United States,  
14 (3) entry into the United States in refugee status, (4) a pending or approved application  
15 for temporary protected status in the United States, (5) approved deferred action  
16 status, or (6) a pending application for adjustment of status to legal permanent  
17 residence status or conditional resident status. The identification card authorized under  
18 this subsection is valid only during the period of the time of the person's authorized  
19 stay in the United States and must clearly indicate that expiration date. If the period of  
20 authorized stay is indefinite, the expiration date for the identification card is one year  
21 from the date of issue. The identification card authorized under this subsection may be  
22 renewed only on presentation of valid documentary evidence that the status by which  
23 the person qualified for the temporary identification card has been extended by the  
24 proper United States government authority. The department may by regulation specify  
25 what is valid documentary evidence under this subsection except that the department  
26 may not specify that a matricula consular card is valid documentary evidence.

27 (m) The commissioner of administration may not adopt a regulation related to  
28 identification cards solely to bring the state into compliance with the requirements of  
29 the federal REAL ID Act of 2005 (P.L. 109-13, Division B).

30 \* Sec. 4. AS 28.05.011 is amended by adding a new subsection to read:

31 (c) The commissioner of administration may not adopt a regulation related to

1 driver's licenses solely to bring the state into compliance with the requirements of the  
2 federal REAL ID Act of 2005 (P.L. 109-13, Division B).

3 \* Sec. 5. AS 28.15.031(b) is amended to read:

4 (b) The department may not issue an original or duplicate driver's license to,  
5 nor renew or reinstate the driver's license of, a person

6 (1) whose license is suspended, revoked, canceled, or withdrawn, or  
7 who is disqualified from obtaining a license, in this or any other jurisdiction except  
8 as otherwise provided in this chapter;

9 (2) who fails to appear in court for the adjudication of a certain  
10 vehicle, driver, or traffic offense when the person's appearance is required by statute,  
11 regulation, or court rule;

12 (3) who is an habitual user of alcohol or another drug to such a degree  
13 that the person is incapable of safely driving a motor vehicle;

14 (4) when the department, based upon medical evidence, has  
15 determined that, because of the person's physical or mental disability, the person is not  
16 able to drive a motor vehicle safely;

17 (5) who is unable to understand official traffic control devices as  
18 displayed in this state or who does not have a fair knowledge of traffic laws and  
19 regulations, as demonstrated by an examination;

20 (6) who has knowingly made a false statement in the person's  
21 application for a license or has committed fraud in connection with the person's  
22 application for, or in obtaining or attempting to obtain, a license, or who has not  
23 applied under oath on the form provided for the purpose of obtaining or attempting to  
24 obtain a license or permit; [OR]

25 (7) who is required under AS 28.20 to furnish proof of financial  
26 responsibility and who has not done so; or

27 (8) who has not presented to the department

28 (A) valid documentary evidence that the person is a citizen  
29 of the United States, a national of the United States, a legal permanent  
30 resident of the United States, or a conditional resident alien of the United  
31 States; a person who is seeking a renewal of, duplicate of, or change of

1 legal name on a license is presumed to meet the requirements of this  
2 subparagraph if the license has not been expired for more than 90 days or  
3 been cancelled, suspended, or revoked and the person has not been  
4 disqualified from obtaining a license; if the department has been notified  
5 by a local, state, or federal government agency that the person seeking a  
6 renewal of, duplicate of, or change of legal name on a license is not a  
7 citizen of the United States or is not legally in the United States, then the  
8 presumption available in this subparagraph does not apply; the  
9 department may by regulation specify what is valid documentary evidence  
10 under this subparagraph except that the department may not specify that  
11 a matricula consular card is valid documentary evidence; or

12 (B) in person, valid documentary evidence of (i) a valid,  
13 unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
14 the United States, (ii) a pending or approved application for asylum in the  
15 United States, (iii) entry into the United States in refugee status, (iv) a  
16 pending or approved application for temporary protected status in the  
17 United States, (v) approved deferred action status, or (vi) a pending  
18 application for adjustment of status to legal permanent residence status or  
19 conditional resident status; a license issued under this subparagraph may  
20 be renewed only on presentation of valid documentary evidence that the  
21 status by which the person qualified for the license has been extended by  
22 the proper United States government authority; a change of name for a  
23 license issued under this subparagraph may be made only on presentation  
24 of valid documentary evidence that the person's name has been changed  
25 with regard to the status by which the person qualified for the license; a  
26 duplicate license for a license issued under this subparagraph may be  
27 issued only on presentation of valid documentary evidence that the  
28 person's status by which the person qualified for the license remains valid  
29 and in effect; the department may by regulation specify what is valid  
30 documentary evidence under this subsection, except that the department  
31 may not specify that a matricula consular card is valid documentary

evidence.

\* Sec. 6. AS 28.15.101(a) is amended to read:

(a) Except as otherwise provided in this chapter and in (d) of this section, a driver's license expires on the licensee's birthday in the fifth year following issuance of the license. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

\* Sec. 7. AS 28.15.101 is amended by adding a new subsection to read:

(d) A driver's license issued under AS 28.15.031(b)(8)(B) is valid only during the period of the time the person is authorized to stay in the United States and must clearly indicate the expiration date. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

\* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to read:

NO COOPERATION WITH FEDERAL REAL ID ACT. This Act may not be construed as support for, or cooperation with, the Federal REAL ID Act of 2005 (P.L. 109-13, Division B).

\* Sec. 9. This Act takes effect January 1, 2010.