

# 2

28.15.160. A license may not display the licensee's social security number and is not valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph."

(b) The department shall provide a method, at the time that an operator's license is issued, by which the owner of a license may make an anatomical gift under AS 13.52. The method must provide a means by which the owner may cancel the anatomical gift. The department shall inform each applicant in writing that, if the applicant executes a gift under AS 13.52 and if the gift is made with the license, the department will transmit the information on the license to a donor registry created under AS 13.50.110. The department shall also direct the applicant to notify a procurement organization or the department under AS 13.50.140 if the license is destroyed or mutilated or the gift is revoked under AS 13.52.183. The department shall carry out the requirements of AS 13.50.100 — 13.50.190. (§ 19 ch 178 SLA 1978; am § 2 ch 50 SLA 1993; am § 21 ch 50 SLA 1997; am § 2 ch 40 SLA 2001; am § 7 ch 68 SLA 2004; am § 7 ch 83 SLA 2004; am § 27 ch 24 SLA 2007; am § 34 ch 100 SLA 2008)

*Sec. 28.15.120. Expiration. [Repealed, § 19 ch 178 SLA 1978.]*

**Sec. 28.15.121. Restricted driver's license.**

(a) The department, upon issuing a driver's license, may for good cause impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle that the licensee drives. The department may impose other restrictions applicable to the licensee that it determines to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may issue a special restricted license or may set out restrictions on the usual license form.

(c) The department may, upon receiving satisfactory evidence of a violation of the restrictions on a license restricted or issued under this section, suspend the restricted license for a period not to exceed 90 days.

(d) A person may not drive a motor vehicle in violation of the restrictions imposed on a restricted license. (§ 19 ch 178 SLA 1978)

*Sec. 28.15.130. School bus drivers. [Repealed, § 19 ch 178 SLA 1978.]*

**Sec. 28.15.131. License to be carried and exhibited on demand.** A licensee shall have the licensee's driver's license in immediate possession at all times when driving a motor vehicle, and shall present the license for inspection upon the demand

of a peace officer or other authorized representative of the Department of Public Safety identified as such to the licensee by the officer or representative. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer, a driver's license previously issued to the person that was valid at the time of the person's arrest or citation. (§ 19 ch 178 SLA 1978; am E.O. No. 99 § 46 (1997))

*Sec. 28.15.140. Change of name. [Repealed, § 25 ch 144 SLA 1977.]*

**Sec. 28.15.141. Duplicate driver's license.** If a valid driver's license issued under this chapter is lost or destroyed, the person to whom the license was issued may, upon payment of the required fee, obtain a duplicate license. A person who recovers an original license for which a duplicate has been issued shall immediately surrender the duplicate to the department. (§ 19 ch 178 SLA 1978)

*Sec. 28.15.150. Records. [Repealed, § 19 ch 178 SLA 1978.]*

**Sec. 28.15.151. Records to be kept by the department.** (a) The department shall maintain a file of

(1) every driver's license application, license or permit, and duplicate driver's license issued by 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.

(b) The department shall also maintain and update within 10 days after receipt by the department a file of all accident reports, abstracts of court records of convictions of vehicle, driver, and traffic offenses, and other information that the department considers necessary to carry out the purposes of this chapter.

(c) The department shall, upon request, subject to the applicable provisions of AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal, state, or federal administrative or judicial agency with a certified abstract of the driving record of a driver within 10 days after receipt of the request by the department; and (2) a parent, foster parent, or guardian of a driver who is under 18 years of age and not an emancipated minor an abstract of the driving record of that driver; the department may refuse to release the driver's address to the parent, foster parent, or guardian if the department determines that the release of the driver's address poses a threat to the health or safety of the driver. The abstract must include a listing of accidents in

(9) "season" means one calendar year beginning October 1 and ending September 30;

(10) "snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats; "snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes. (§ 1 ch 134 SLA 1998)

## Chapter 40.

### General Provisions.

*Sec. 28.40.050. [Renumbered as AS 28.90.010.]*

*Sec. 28.40.060. [Renumbered as AS 28.90.020.]*

*Sec. 28.40.070. [Renumbered as AS 28.90.030.]*

*Sec. 28.40.072. [Renumbered as AS 28.90.035.]*

*Sec. 28.40.075. [Renumbered as AS 28.90.040.]*

*Sec. 28.40.100. [Renumbered as AS 28.90.990.]*

*Sec. 28.40.110. [Renumbered as AS 28.90.995.]*

## Chapter 90.

### General and Miscellaneous Provisions.

#### Article

1. Miscellaneous Provisions (§§ 28.90.010 — 28.90.040)
2. General Provisions (§§ 28.90.990, 28.90.995)

### Article 1.

#### Miscellaneous Provisions.

#### Section

10. Penalties for violations of law, regulations, and municipal ordinances
20. Breath test result validity
30. Fines for offenses committed within highway work zones and traffic safety corridors doubled
35. Prohibition of damage claims regarding highway work zone signs
40. Administration of highway safety program

#### Sec. 28.90.010. Penalties for violations of law, regulations, and municipal ordinances.

(a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by

a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 — 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

(e) *[Repealed, § 5 ch 85 SLA 1987.]* (§ 50-1-8 ACLA 1949; am § 12 ch 241 SLA 1976; am §§ 22, 23 ch 144 SLA 1977; am § 5 ch 85 SLA 1987)

**Sec. 28.90.020. Breath test result validity.** Except for an offense under AS 28.35.280, if an offense described under this title requires that a chemical test of a person's breath produce a particular result, and the chemical test is administered by a properly calibrated instrument approved by the Department of Public Safety, the result described by statute is not affected by the instrument's working tolerance. (§ 17 ch 143 SLA 1996)

**Sec. 28.90.030. Fines for offenses committed within highway work zones and traffic safety corridors doubled.** (a) Whenever a person violates a provision of this title or a regulation adopted under the authority of this title within a highway work zone or traffic safety corridor, notwithstanding the amount of the fine or the maximum fine set under this title, the fine, or maximum fine, is double the amount provided in this title.

(b) Fines imposed and collected under this section for offenses that are committed in a traffic safety corridor shall be separately accounted for under AS 37.05.142.

(c) Notwithstanding the requirements of (b) of this section and AS 37.05.142, the Alaska Court System shall deposit fines collected under this section for offenses committed in a traffic safety corridor in the general fund if the fine is collected at a court location where separate accounting for traffic safety corridor fines is not achievable.

(d) The administrative director of the Alaska Court System shall notify the Department of Administration

## Rule 42

## ALASKA COURT RULES

Arly  
Hooper Bay (closed)  
Kasigluk (closed)  
McGrath  
Mekoryuk (closed)  
Mt. Village (closed)  
Nenana  
Quinhagak (closed)  
Rampart (closed)  
Scammon Bay (closed)  
St. Mary's  
Tanana  
Tuk  
Tununak (closed)

4HB  
4KB  
4MC  
4ME  
4MV  
4NE  
4QU  
4RA  
4SB  
4SM  
4TA  
4TO  
4TU

amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations and determine by October 1 whether to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.

(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

(Adopted by SCO 651 effective July 1, 1985; amended by SCO 1180 effective July 15, 1995)

(Adopted by SCO 478 effective August 17, 1981; amended by SCO 541 effective October 1, 1982; by SCO 564 effective April 4, 1983; by SCO 565 effective May 3, 1983; by SCO 617 effective May 15, 1985; by SCO 672 effective June 15, 1986; by SCO 1034 effective June 14, 1990; by SCO 1035 effective nunc pro tunc February 1, 1991; by SCO 1132 effective July 15, 1993; and by SCO 1493 effective September 26, 2002)

### Cross References

**CROSS REFERENCE:** Administrative Bulletins No. 7 and 7.1 (Case Numbering)

## Rule 42. Docketing. (Reserved).

**Note:** Former Rule 42 was deleted and the rule was reserved by SCO 1481, effective October 15, 2002.

## Rule 43. Bail Forfeiture Schedules.

### (a) Procedure for Adopting Bail Forfeiture Schedule.

The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

### (b) Procedures for Amending Bail Forfeiture Schedules.

(1) By filing a written recommendation, charged with enforcement under a statute for which a bail forfeiture schedule has been authorized, shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered, or processed as a criminal case.

Effective April 30, 1999, the bail amounts listed below are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a highway work zone, as that term is defined in AS 28.90.990 and 13 AAC 40.010(b). Effective May 27, 2006, the bail amounts listed below are doubled for violations of AS 28 and regulations adopted under AS 28 committed within a traffic safety corridor, as that term is defined in AS 28.90.990.

Pursuant to AS 28.15.131 and 13 AAC 04.008, a citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to an inspection official within the time allowed. If the required repair is not made, the offense may be disposed of without court appearance upon payment and forfeiture of the bail amount listed.

Effective August 27, 1998, as a condition of the disposition of an offense without appearance, the defendant shall pay the surcharge prescribed in AS 12.55.039 in addition to the bail forfeiture amount listed below. A court may allow a defendant who is unable to pay the surcharge to perform community work under AS 12.55.055(c) in lieu of the surcharge. The surcharge must be deposited into the general fund in a separate account designated for such surcharges.

Effective September 1, 2003, pursuant to AS 28.15.131, an offense listed in this schedule may not be disposed of without court appearance if the offense is a