

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE HOLMES

TO: HCS CSSB 64(JUD)

1 Page 18, following line 20:

2 Insert a new bill section to read:

3 **** Sec. 30.** AS 28.15.201(d) is amended to read:

4 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
5 a license under AS 28.15.181(c), or the department when revoking a driver's license,
6 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
7 limited license privileges if

8 (1) the revocation was for a misdemeanor conviction under
9 AS 28.35.030 or a similar municipal ordinance and not for a violation of
10 AS 28.35.032;

11 (2) [THE PERSON

12 (A) HAS NOT BEEN PREVIOUSLY CONVICTED AND
13 THE LIMITED LICENSE IS NOT GRANTED DURING THE FIRST 30
14 DAYS OF THE PERIOD OF REVOCATION; OR

15 (B) HAS BEEN PREVIOUSLY CONVICTED AND THE
16 LIMITED LICENSE IS NOT GRANTED DURING THE FIRST 90 DAYS
17 OF THE PERIOD OF REVOCATION;

18 (3)] the court or department requires **that** the person **either**

19 (A) [TO] use an ignition interlock device during the period of
20 the limited license whenever the person operates a motor vehicle in a
21 community not included in the list published by the department under
22 AS 28.22.011(b) and, when applicable, [(A)] the person provides proof of
23 installation of the ignition interlock device on every vehicle the person

operates; or

(B) submit to daily testing as required under AS 47.38.020 in place of the use of the ignition interlock device; use of daily testing in place of an ignition interlock device under this subparagraph is conditioned upon the person's not violating the requirements of the program established in AS 47.38.020; if the person violates those requirements, the court or the department shall

(i) revoke the person's limited license; or

(ii) require the use of an ignition interlock device as provided in (A) of this paragraph and shall require the person to continue to submit to daily testing as required under AS 47.38.020

[THE PERSON SIGNS AN AFFIDAVIT ACKNOWLEDGING THAT

(i) OPERATION BY THE PERSON OF A VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK DEVICE IS SUBJECT TO PENALTIES FOR DRIVING WITH A REVOKED LICENSE;

(ii) CIRCUMVENTING OR TAMPERING WITH THE IGNITION INTERLOCK DEVICE IS A CLASS A MISDEMEANOR; AND

(iii) THE PERSON IS REQUIRED TO MAINTAIN THE IGNITION INTERLOCK DEVICE THROUGHOUT THE PERIOD OF THE LIMITED LICENSE, TO KEEP UP-TO-DATE RECORDS IN EACH VEHICLE SHOWING THAT ANY REQUIRED SERVICE AND CALIBRATION IS CURRENT, AND TO PRODUCE THOSE RECORDS IMMEDIATELY ON REQUEST];

(3) [(4)] the person is enrolled in and is in compliance with or has successfully completed the alcoholism screening, evaluation, referral, and program requirements of the Department of Health and Social Services under AS 28.35.030(h);

(4) [(5)] the person provides proof of insurance as required by

1 AS 28.20.230 and 28.20.240; and

2 (5) [(6)] the person has not previously been convicted of violating the
3 limitations of an ignition interlock limited license or been convicted of violating the
4 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
5 sections."

6
7 Renumber the following bill sections accordingly.

8
9 Page 19, following line 30:

10 Insert a new subsection to read:

11 "(i) A person granted a limited license and required to use an ignition interlock
12 device under (d)(2)(A) of this section shall sign an affidavit acknowledging that

13 (1) operation by the person of a vehicle that is not equipped with an
14 ignition interlock device is subject to penalties for driving with a revoked license;

15 (2) circumventing or tampering with the ignition interlock device is a
16 class A misdemeanor; and

17 (3) the person is required to maintain the ignition interlock device
18 throughout the period of the limited license, to keep up-to-date records in each vehicle
19 showing that any required service and calibration is current, and to produce those
20 records immediately on request."

21
22 Page 22, following line 17:

23 Insert a new bill section to read:

24 "* Sec. 35. AS 28.35.030(t) is amended to read:

25 (t) Notwithstanding (b) or (n) of this section, the court

26 (1) shall waive the requirement of the use of an ignition interlock
27 device when a person operates a motor vehicle in a community included on the list
28 published by the department under AS 28.22.011(b);

29 (2) may waive the requirement of the use of an ignition interlock
30 device when the person regains the privilege to operate a motor vehicle if the
31 court requires that a person convicted under this section submit to daily testing

1 as required under AS 47.38.020 in place of the use of the ignition interlock
2 device; use of daily testing in place of an ignition interlock device under this
3 subsection is conditioned upon the person's not violating the requirements of the
4 program established in AS 47.38.020; if the person violates those requirements,
5 the court shall

6 (i) revoke the person's license, privilege to drive, or
7 privilege to obtain a license for the remainder of the period the
8 person is required to use an ignition interlock device as provided in
9 (b) or (n) of this section; or

10 (ii) require the use of an ignition interlock device as
11 provided in (A) of this paragraph and shall require the person to
12 continue to submit to daily testing as required under
13 AS 47.38.020."

14
15 Renumber the following bill sections accordingly.

16
17 Page 30, line 4:

18 Delete "or"

19 Following "probation":

20 Delete ", "

21
22 Page 30, line 5, following "beverages":

23 Insert ", a person granted a limited license as provided by AS 28.15.201(d), or a
24 person required to comply with this section as provided by AS 28.35.030(t)"

25
26 Page 30, following line 22:

27 Insert a new subsection to read:

28 "(d) If a person is required to comply with the program provided in this section
29 as a condition of a limited license under AS 28.15.201(d) or when required by
30 AS 28.35.030(t), the commissioner shall adopt regulations that provide a means to
31 ensure that the division of motor vehicles and the court receive notice if the person

1 fails to appear for an appointment as required by the program or tests positive for the
2 use of controlled substances or alcoholic beverages."
3

4 Reletter the following subsection accordingly.
5

6 Page 32, lines 12 - 13:

7 Delete "29 - 36, and 38 - 44"

8 Insert "29 - 38, and 40 - 46"
9

10 Page 32, line 14, following "Act,":

11 Insert "AS 28.15.201(d), as amended by sec. 30 of this Act,"
12

13 Page 32, line 15:

14 Delete "AS 28.15.201(g) and (h)"

15 Insert "AS 28.15.201(g) - (i)"

16 Delete "sec. 30"

17 Insert "sec. 31"
18

19 Page 32, lines 15 - 16:

20 Delete "sec. 31"

21 Insert "sec. 32"
22

23 Page 32, line 16:

24 Delete "sec. 32"

25 Insert "sec. 33"
26

27 Page 32, line 17:

28 Delete "sec. 33"

29 Insert "sec. 34"
30

31 Page 32, line 17, following the first occurrence of "Act,":

1 Insert "AS 28.35.030(t), as amended by sec. 35 of this Act,"

2

3 Page 32, line 17:

4 Delete "sec. 34"

5 Insert "sec. 36"

6

7 Page 32, line 18:

8 Delete "sec. 35"

9 Insert "sec. 37"

10

11 Page 32, lines 18 - 19:

12 Delete "sec. 36"

13 Insert "sec. 38"

14

15 Page 32, line 19:

16 Delete "sec. 40"

17 Insert "sec. 42"

18

19 Page 32, line 20:

20 Delete "29 - 36, and 38 - 44"

21 Insert "29 - 38, and 40 - 46"

22

23 Page 32, lines 21 - 22:

24 Delete "29 - 36, and 38 - 44"

25 Insert "29 - 38, and 40 - 46"

26

27 Page 33, line 23:

28 Delete "sec. 38"

29 Insert "sec. 40"

30

31 Page 33, line 25:

- 1 Delete "sec. 38"
- 2 Insert "sec. 40"
- 3
- 4 Page 33, line 30:
- 5 Delete "sec. 34"
- 6 Insert "sec. 36"
- 7
- 8 Page 34, line 2:
- 9 Delete "sec. 35"
- 10 Insert "sec. 37"
- 11 Delete "sec. 36"
- 12 Insert "sec. 38"
- 13
- 14 Page 34, line 5:
- 15 Delete "sec. 40"
- 16 Insert "sec. 42"
- 17
- 18 Page 34, line 9:
- 19 Delete "Section 37"
- 20 Insert "Section 39"
- 21
- 22 Page 34, line 10:
- 23 Delete "Section 45"
- 24 Insert "Section 47"
- 25
- 26 Page 34, line 11:
- 27 Delete "29 - 36, and 38 - 44"
- 28 Insert "29 - 38, and 40 - 46"