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Martin  
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**SENATE CS FOR HOUSE BILL NO. 16(RLS)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY THE SENATE RULES COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES THOMPSON, Saddler, Tarr, Gara, Wool, Millett, Stutes, Foster, Wilson, Johnson, Claman, Guttenberg, LeDoux, Grenn, Tuck, Ortiz, Rauscher, Kawasaki, Sullivan-Leonard, Chenault, Knopp, Fansler, Tilton, Josephson, Kito, Spohnholz, Kopp, Birch, Drummond, Parish**

**SENATORS Giessel, Micciche, Costello**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to rights and responsibilities for drivers when encountering or being stopped by a peace officer; relating to a voluntary disability designation on a state identification card and a driver's license; relating to the implementation of the federal REAL ID Act of 2005; relating to issuance of identification cards and drivers' licenses; relating to data sharing by the Department of Administration; and providing for an effective date."**

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

**\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that the state continue to work with the Alaska delegation in Congress to amend provisions of P.L. 109-13, Division B (REAL ID Act of 2005) that compromise the rights of Alaskans to the privacy of their

personal information, while protecting the nation's efforts to combat terrorism.

\* **Sec. 2.** AS 18.65.220 is amended to read:

**Sec. 18.65.220. Powers.** The council has the power to

(1) adopt regulations for the administration of AS 18.65.130 - 18.65.290;

(2) establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;

(3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers; the curriculum requirements established under this paragraph must include training in

(A) recognizing people with disabilities;

(B) appropriate interactions with persons with disabilities;

(C) resources available to persons with disabilities and to those interacting with persons with disabilities; and

(D) the requirements of Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 - 12165;

(4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

(5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;

(6) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer

1 does not meet the minimum standards for employment; in connection with the  
2 investigation the council may subpoena persons, books, records, or documents related  
3 to the investigation and require answers in writing under oath to questions asked by  
4 the council or the administrator;

5 (7) charge and collect a fee of \$50 for processing applications for  
6 certification of police, probation, parole, municipal correctional, and correctional  
7 officers.

8 \* **Sec. 3.** AS 18.65.310(a) is amended to read:

9 (a) Upon payment of a \$15 fee, the department shall issue a card identical to  
10 the motor vehicle operator's license provided for in AS 28.15.111, except that the card  
11 shall be of a different color and shall state in bold type letters across the face of it that  
12 it is for identification purposes only. **Upon request of a person and upon payment**  
13 **of an additional \$20 fee, the department may issue an identification card under**  
14 **this section that is federally compliant.**

15 \* **Sec. 4.** AS 18.65.310(b) is amended to read:

16 (b) A person may obtain an identification card provided for in (a) of this  
17 section by applying to the department on forms and in the manner prescribed by the  
18 department. **The department shall include on the application for an identification**  
19 **card a requirement that the applicant indicate**

20 **(1) that the applicant understands the options for identification**  
21 **cards available at the time of issuance; and**

22 **(2) the type of identification card that the applicant selects.**

23 \* **Sec. 5.** AS 18.65.310 is amended by adding new subsections to read:

24 (m) The department shall provide a method for a person to designate  
25 voluntarily on an identification card that the person has a disability, including a  
26 cognitive, mental, neurological, or physical disability, or a combination of them. The  
27 department shall create a discreet symbol to place on the identification card of a  
28 person requesting the designation. The method must provide a means by which the  
29 person may cancel the designation. The department may not charge a fee solely for the  
30 designation. To receive the designation, the person shall provide proof of the disability  
31 from a person licensed as a physician or physician assistant under AS 08.64, as a

1 naturopath under AS 08.45, as an advanced nurse practitioner under AS 08.68, or as a  
2 licensed psychologist under AS 08.86. Notwithstanding (a) of this section, the  
3 department may charge a fee of \$5 for replacement of a valid identification card with a  
4 new identification card with a disability designation and may charge a fee of \$5 for  
5 replacement of an identification card with a disability designation with a new  
6 identification card without a disability designation.

7 (n) The department shall adopt regulations for the issuance of identification  
8 cards that are federally compliant. For identification cards that are federally compliant,  
9 the department

10 (1) shall copy, scan, or retain only the minimum number of documents  
11 required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state  
12 or federal law, for issuance of an identification card that is federally compliant;

13 (2) shall destroy, regularly and as close as practicable to 15 years after  
14 the date of application unless otherwise required by another applicable state or federal  
15 law, any documents retained under (1) of this subsection; and

16 (3) may not copy, scan, or retain in any form a document that is not  
17 required to be retained under (1) of this subsection.

18 (o) The department shall continue to issue identification cards that are not  
19 federally compliant. Nothing in this section or regulations adopted under this section  
20 requires a person to be issued an identification card that is federally compliant. An  
21 applicant must clearly request an identification card that is federally compliant to  
22 obtain one. The state or a municipal government may not require a person to possess  
23 or use an identification card that is federally compliant unless the person is a state or  
24 municipal employee and the duties of the person's job require the use of an  
25 identification card that is federally compliant. The state or a municipal government  
26 shall otherwise treat an identification card that is not federally compliant the same as  
27 an identification card that is federally compliant. For an identification card that is not  
28 federally compliant, the department

29 (1) shall retain an image of the face on the identification card for not  
30 more than 15 years after the date of application; if an applicant does not receive an  
31 identification card, the department may not retain an image of the applicant's face;

1 (2) shall scan and retain only the minimum documents necessary for  
2 issuance of the identification card; the department shall destroy any documents  
3 retained one year after the identification card expires.

4 (p) An identification card expires on the person's birthday in the eighth year  
5 following issuance of the identification card. An identification card may be renewed  
6 within one year of its expiration upon proper application and payment of the required  
7 fee. An identification card may be renewed by mail or on the department's Internet  
8 website, except that an identification card may not be renewed by mail or on the  
9 department's Internet website if the most recent renewal of the applicant's  
10 identification card was by mail or on the department's Internet website. Under  
11 regulations adopted by the department, the department may issue to a person an  
12 identification card with a duration of less than eight years if the person is authorized to  
13 stay in the United States for less than eight years or if the period of authorized stay is  
14 indefinite. The department shall issue the identification card for the period of the  
15 authorized stay. If the period of authorized stay is indefinite, the department shall issue  
16 the identification card with a validity of up to eight years.

17 (q) The department shall provide public information about the differences  
18 between identification cards and identification cards that are federally compliant. The  
19 department shall also provide the information to applicants for new and renewal  
20 identification cards at the time of application. At a minimum, the information must  
21 include a description of

- 22 (1) each type of identification card;  
23 (2) the storage and sharing process for an applicant's information for  
24 an identification card and an identification card that is federally compliant; and  
25 (3) the official purpose and limitations on the use of each type of  
26 identification card, including a description of the purposes for which an identification  
27 card that is federally compliant may be required and a description of alternatives to  
28 using an identification card that is federally compliant to serve those purposes.

29 (r) In this section, "identification card that is federally compliant" means an  
30 identification card issued by the state that has been certified by the United States  
31 Department of Homeland Security to be in compliance with the requirements of P.L.

109-13, Division B (REAL ID Act of 2005).

\* **Sec. 6.** AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for community, municipality, or corporation participation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(3). The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

\* **Sec. 7.** AS 28.05.011 is amended by adding a new subsection to read:

(c) If the department publishes a manual related to the safe and lawful operation of a motor vehicle, the manual must include the rights and responsibilities of drivers when encountering or being stopped by a peace officer.

\* **Sec. 8.** AS 28.05 is amended by adding a new section to read:

**Sec. 28.05.068. Prohibition on data sharing.** (a) If the department conveys, distributes, or communicates data to be used in a database, index, pointer system, or any other system managed by an entity other than the department, including the American Association of Motor Vehicle Administrators, to comply with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005), the department may not convey, distribute, or communicate to that entity any data not required to be conveyed, distributed, or communicated for the state to be certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005).

(b) The department shall take all steps available to obtain from the entity an agreement that the state need not convey, distribute, or communicate social security numbers, in whole or in part, to participate in the database, index, pointer system, or

1 other system.

2 (c) The department shall take all steps available to work with other states, the  
3 United States Department of Homeland Security, and any multistate entities in which  
4 the state participates to secure a means of compliance with P.L. 109-13, Division B  
5 (REAL ID Act of 2005), including through an interstate compact, that does not  
6 involve the storage or sharing of social security numbers, in whole or in part, with an  
7 interstate database, index, pointer system, or other system.

8 (d) If the department has complied with (b) and (c) of this section and has  
9 been unable to secure a means of compliance with P.L. 109-13, Division B (REAL ID  
10 Act of 2005) that does not involve the storage or sharing of social security numbers, in  
11 whole or in part, the department shall take all steps necessary to minimize the number  
12 of digits of a social security number required to be stored or shared.

13 (e) The department may share only the least number of digits of a person's  
14 social security number necessary to comply with federal law that requires the  
15 department to determine whether a person has been issued a driver's license in another  
16 state.

17 (f) The department shall submit an annual report on the results of the efforts  
18 required under (b) - (e) of this section to the senate secretary and chief clerk of the  
19 house of representatives on or before January 31 of each year and notify the legislature  
20 that the report is available.

21 \* **Sec. 9.** AS 28.15.041 is amended by adding new subsections to read:

22 (d) The commissioner shall adopt regulations for the issuance of drivers'  
23 licenses that are federally compliant. For drivers' licenses that are federally compliant,  
24 the department

25 (1) shall copy, scan, or retain only the minimum number of documents  
26 required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state  
27 or federal law, for issuance of a driver's license that is federally compliant;

28 (2) shall destroy, regularly and as close as practicable to 15 years after  
29 the date of application unless otherwise required by another applicable state or federal  
30 law, any documents retained under (1) of this subsection; and

31 (3) may not copy, scan, or retain in any form a document that is not

required to be retained under (1) of this subsection.

(e) The department shall continue to issue drivers' licenses that are not federally compliant. Nothing in this section or regulations adopted under this section requires a driver to be issued a driver's license that is federally compliant. An applicant must clearly request a driver's license that is federally compliant to obtain one. The state or a municipal government may not require a person to possess or use a driver's license that is federally compliant unless the person is a state or municipal employee and the duties of the person's job require the use of a driver's license that is federally compliant. The state or a municipal government shall otherwise treat a driver's license that is not federally compliant the same as a driver's license that is federally compliant. For a driver's license that is not federally compliant, the department

(1) shall retain an image of the face on the license for not more than 15 years after the date of application; if an applicant does not receive a driver's license, the department may not retain an image of the applicant's face;

(2) shall scan and retain only the minimum documents necessary for issuance of the driver's license; the department shall destroy any documents retained one year after the driver's license expires.

(f) The department shall provide public information about the differences between drivers' licenses and drivers' licenses that are federally compliant. The department shall also provide the information to applicants for new and renewal drivers' licenses at the time of application. At a minimum, the information must include a description of

(1) each type of driver's license;

(2) the storage and sharing process for an applicant's information for a driver's license and a driver's license that is federally compliant; and

(3) the official purpose and limitations on use of each type of driver's license, including a description of the purposes for which a driver's license that is federally compliant may be required and a description of alternatives to using a driver's license that is federally compliant to serve those purposes.

\* **Sec. 10.** AS 28.15.061(b) is amended to read:



(b) An application under (a) of this section must

(1) contain the applicant's full legal name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed in the past 10 years as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(4) contain the applicant's social security number; the requirement of this paragraph only applies to an applicant who has been issued a social security number; [AND]

(5) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility; and

(6) require that the applicant indicate

(A) that the applicant understands the options for drivers' licenses available at the time of issuance; and

(B) the type of driver's license that the applicant selects.

\* **Sec. 11.** AS 28.15.101(a) is amended to read:

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the eight [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. 12.** AS 28.15.101(d) is amended to read:

(d) Under regulations adopted by the department, the department may issue to a person a driver's license with a duration of less than eight [FIVE] years if the person is authorized to stay in the United States for less than eight [FIVE] years or the period of authorized stay is indefinite. The department shall issue the license for the period of the authorized stay. If the period of authorized stay is indefinite, the department shall issue the license with a validity of up to eight years [ONE YEAR. THE

1 DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE  
2 WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION  
3 MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD  
4 OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE].

5 \* **Sec. 13.** AS 28.15.111(a) is amended to read:

6 (a) Upon successful completion of the application and all required  
7 examinations, and upon payment of the required fee, the department shall issue to  
8 every qualified applicant a driver's license indicating the type or general class of  
9 vehicles that the licensee may drive. The license must (1) display a distinguishing  
10 number assigned to the license; (2) display the licensee's full name, address, date of  
11 birth, brief physical description, and [COLOR] photograph; (3) display either a  
12 facsimile of the signature of the licensee or a space upon which the licensee must write  
13 the licensee's usual signature with pen and ink; (4) **physical security features**  
14 **designed to prevent tampering, counterfeiting, or duplication of the document for**  
15 **fraudulent purposes** [DISPLAY A HOLOGRAPHIC SYMBOL INTENDED TO  
16 PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (5) display, for a  
17 qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to  
18 the extent the department is able, be designed to allow the electronic reading and  
19 electronic display of the information described under (2) of this subsection and the  
20 electronic reading and display and a physical display on the license that the person is  
21 restricted from purchasing alcoholic beverages under AS 04.16.160. A license may not  
22 display the licensee's social security number and is not valid until signed by the  
23 licensee. If facilities are not available for the taking of the photograph required under  
24 this section, the department shall endorse on the license, the words "valid without  
25 photograph."

26 \* **Sec. 14.** AS 28.15.111 is amended by adding new subsections to read:

27 (d) The department shall provide a method, at the time that a driver's license is  
28 issued, by which the owner of a license may voluntarily designate on the license that  
29 the owner has a disability, including a cognitive, mental, neurological, or physical  
30 disability, or a combination of them. The department shall create a discreet symbol to  
31 place on the driver's license of a person requesting the designation. The method must

provide a means by which the owner may cancel the designation. The department may not charge a fee solely for the designation. To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician assistant under AS 08.64, as a naturopath under AS 08.45, as an advanced nurse practitioner under AS 08.68, or as a licensed psychologist under AS 08.86. The department may charge a fee of \$5 for replacement of a valid driver's license with a new driver's license with a disability designation and may charge a fee of \$5 for replacement of a driver's license with a disability designation with a new driver's license without a disability designation.

(e) The department may not engage in bulk sharing of facial images captured as a result of an application for a driver's license with a database, other than a database established by the state, regardless of whether the applicant applied for a driver's license that is federally compliant or a driver's license that is not federally compliant. The prohibition in this subsection does not apply to a commercial driver's license.

(f) A commercial driver's license must be federally compliant.

\* **Sec. 15.** AS 28.15.271(b) is amended to read:

(b) In addition to the fees under (a) of this section,

(1) a person who renews a driver's license by mail shall pay a fee of \$1;

(2) a person who applies for a limited driver's license under AS 28.15.201 shall pay a fee of \$100; and

(3) a person who applies for reinstatement of a driver's license under AS 28.15.211 shall pay a fee of

(A) \$100 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (C) of this paragraph, only once;

(B) \$250 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (D) of this paragraph, two or more times;

(C) \$200 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 only once; or

(D) \$500 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 two or more times;

**(4) a person who applies for a driver's license that is federally compliant shall pay a fee of \$20.**

\* **Sec. 16.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(32) "driver's license that is federally compliant" means a driver's license issued by the state that has been certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005).

\* **Sec. 17.** AS 44.99.040(a)(2) is repealed.

\* **Sec. 18.** AS 28.05.068(f) is repealed June 30, 2021.

\* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Administration may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

\* **Sec. 20.** Sections 17 and 19 of this Act take effect immediately under AS 01.10.070(c).

\* **Sec. 21.** Sections 1, 3, 4, 8 - 13, 15, and 16, AS 18.65.310(n) - (r), enacted by sec. 5 of this Act, and AS 28.15.111(e) and (f), enacted by sec. 14 of this Act, take effect January 1, 2019.