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Sent: Friday, February 23, 2024 6:02 PM
To: Senate State Affairs
Cc: leslie.isaacs@alaska.gov
Subject: DMV responses to questions asked in SB208 hearing 2/22/24

Good afternoon Mr. Chairman,

Thank you for the questions asked of DMV during yesterday's hearing of Senate Bill 208. As promised the following are the responses I said we would research more and provide you and the committee answers to:

1. The question was asked in Section 23 of the bill what the rationale behind repealing the definition of 'domicile' was:

Response received today from the Department of Law, who wrote that provision:

This definition is repealed to provide flexibility to the agency to implement the non-domiciled commercial driver's license program proposed under Sec. 18 of the bill (as AS 28.33.105). The non-domiciled CDL section is made possible by the amendment under Sec. 17 of the bill, which repeals the requirement that a person must be domiciled in the state for the DMV to issue them a CDL (AS 28.33.100(a)(4)). Repealing AS 28.33.100(a)(4) at Sec. 17 and authorizing DMV to issue non-domiciled CDLs at Sec. 18 made it appropriate to repeal the definition for "domicile" because:

(1) the state's definition for "domicile" under AS 28.15.190(9) conflicts with the federal definition for "state of domicile" (49 C.F.R. § 383.5), as the Alaska definition requires a "domicile" to be in a "state of the United States," whereas the federal definition does not. Repealing the state's definition allows the agency to set out a federally compliant definition in regulation; and

(2) by repealing the "[be] domiciled in this state" requirement from AS 28.33.100(a)(4), the bill eliminates the sole occurrence of the term "domicile" from the only chapter to which the definition applies (AS 28.33). As a drafting matter, it is appropriate to repeal an orphaned definition that is no longer applicable to its chapter.

2. The question was asked why the DMV does not forward mail for registration tabs and similar DMV products. This question caught us off guard because we were unaware this may be happening. It is not something DMV prohibits.

Research was conducted with the United States Post Office today. It appears that the issue regarding the forwarding of mail lies within the process through the United States Postal Service (USPS) rather than the contents of the mail or the sender. The DMV does utilize first-class mail for their communications and DMV mail is forwarded by the USPS, if there is a forward in place. Therefore, the impediment to forwarding is not due to a deliberate prevention on our end. It is important to note the USPS recently updated their forwarding procedure, mandating in-person verification of credentials to implement a forward even if the forwarding request was completed online. This is to say DMV does not prohibit the forwarding of DMV mail to recipients, if there is an issue with mail not being forwarded the issue lies with the postal service and the individual citizen.

Jeffrey Schmitz, Director