



LAWS OF ALASKA

2017

Source

SCS HB 16(RLS) am S

Chapter No.

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:

THE ACT FOLLOWS ON PAGE 1

AN ACT

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

8 _____
9 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
10 to read:

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

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

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

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

4 (1) adopt regulations for the administration of AS 18.65.130 -
5 18.65.290;

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

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

17 **(A) recognizing persons with disabilities;**

18 **(B) appropriate interactions with persons with disabilities;**

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

21 **(D) the requirements of 42 U.S.C. 12131 - 12165 (Title II of**
22 **the Americans with Disabilities Act of 1990);**

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

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

30 (6) investigate when there is reason to believe that a police officer,
31 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 those
27 disabilities. The department shall create a discreet symbol to place on the
28 identification card of a person requesting the designation. The method must provide a
29 means by which the person may cancel the designation. The department may not
30 charge a fee solely for the designation. To receive the designation, the person shall
31 provide proof of the disability from a person licensed as a physician or physician

1 assistant under AS 08.64, as a naturopath under AS 08.45, as an advanced practice
2 registered nurse under AS 08.68, or as a licensed psychologist under AS 08.86.
3 Notwithstanding (a) of this section, the department may charge a fee of \$5 for
4 replacement of a valid identification card with a new identification card with a
5 disability designation and may charge a fee of \$5 for replacement of an identification
6 card with a disability designation with a new identification card without a disability
7 designation.

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

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

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

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

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

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

1 identification card, the department may not retain an image of the applicant's face;

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

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

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

23 (1) each type of identification card;

24 (2) the storage and sharing process for an applicant's information for
25 an identification card and an identification card that is federally compliant; and

26 (3) the official purpose and limitations on the use of each type of
27 identification card, including a description of the purposes for which an identification
28 card that is federally compliant may be required and a description of alternatives to
29 using an identification card that is federally compliant to serve those purposes.

30 (r) In this section, "identification card that is federally compliant" means an
31 identification card issued by the state that has been certified by the United States

1 Department of Homeland Security to be in compliance with the requirements of P.L.
2 109-13, Division B (REAL ID Act of 2005).

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

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

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

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

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

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

30 (b) Notwithstanding (a) of this section, the department may not convey,
31 distribute, or communicate to a private entity any scanned or stored documents

1 collected in order to carry out the provisions of AS 28.15.

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

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

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

17 (f) The department may share only the least number of digits of a person's
18 social security number necessary to comply with federal law that requires the
19 department to determine whether a person has been issued a driver's license in another
20 state.

21 (g) The department shall submit an annual report on the results of the efforts
22 required under (c) - (f) of this section to the senate secretary and chief clerk of the
23 house of representatives on or before January 31 of each year and notify the legislature
24 that the report is available.

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

26 (d) The commissioner shall adopt regulations for the issuance of drivers'
27 licenses that are federally compliant. For drivers' licenses that are federally compliant,
28 the department

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

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

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

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

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

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

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

28 (1) each type of driver's license;

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

31 (3) the official purpose and limitations on the use of each type of

1 driver's license, including a description of the purposes for which a driver's license that
2 is federally compliant may be required and a description of alternatives to using a
3 driver's license that is federally compliant to serve those purposes.

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

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

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

8 (2) state whether the applicant has been previously licensed in the past
9 10 years as a driver and, if so, when and by what jurisdiction;

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

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

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

19 **(6) require that the applicant indicate**

20 **(A) that the applicant understands the options for drivers'**

21 **licenses available at the time of issuance; and**

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

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

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

29 * **Sec. 12.** AS 28.15.101(d) is amended to read:

30 (d) Under regulations adopted by the department, the department may issue to
31 a person a driver's license with a duration of less than **eight** [FIVE] years if the person

1 is authorized to stay in the United States for less than **eight** [FIVE] years or the period
2 of authorized stay is indefinite. The department shall issue the license for the period of
3 the authorized stay. If the period of authorized stay is indefinite, the department shall
4 issue the license with a validity of **up to eight years** [ONE YEAR. THE
5 DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE
6 WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION
7 MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD
8 OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE].

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

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

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

30 (d) The department shall provide a method, at the time that a driver's license is
31 issued, by which the owner of a license may voluntarily designate on the license that

1 the owner has a disability, including a cognitive, mental, neurological, or physical
2 disability, or a combination of those disabilities. The department shall create a discreet
3 symbol to place on the driver's license of a person requesting the designation. The
4 method must provide a means by which the owner may cancel the designation. The
5 department may not charge a fee solely for the designation. To receive the designation,
6 the person shall provide proof of the disability from a person licensed as a physician or
7 physician assistant under AS 08.64, as a naturopath under AS 08.45, as an advanced
8 practice nurse under AS 08.68, or as a licensed psychologist under AS 08.86. The
9 department may charge a fee of \$5 for replacement of a valid driver's license with a
10 new driver's license with a disability designation and may charge a fee of \$5 for
11 replacement of a driver's license with a disability designation with a new driver's
12 license without a disability designation.

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

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

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

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

21 (1) a person who renews a driver's license by mail shall pay a fee of
22 \$1;

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

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

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

31 (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; **and**

(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(g) 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 of this Act, 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.