

HOUSE BILL NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PORTER AND TOOHEY

Introduced: 1/16/95

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; and providing for an effective
4 date."

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

6 * **Section 1.** AS 28.15.183(a) is amended to read:

7 (a) If a peace officer has probable cause and based on personal observation
8 that a person who is at least 14 years of age but not yet 21 years of age has possessed
9 or used a controlled substance in violation of AS 11.71 **or in violation of a municipal**
10 **ordinance with substantially similar elements**, or possessed or consumed alcohol in
11 violation of AS 04.16.050 **or in violation of a municipal ordinance with**
12 **substantially similar elements** and the peace officer has cited the person or arrested
13 the person for a violation of AS 11.71, [OR] AS 04.16.050, **or the municipal**
14 **ordinance**, the peace officer shall read a notice and deliver a copy to the person. The

1 notice must advise that

2 (1) the department intends to revoke the person's driver's license or
3 permit, privilege to drive, or privilege to obtain a license or permit;

4 (2) the person has the right to administrative review of the revocation;

5 (3) if the person has a driver's license or permit, the notice itself is a
6 temporary driver's license or permit that expires seven days after it is delivered to the
7 person;

8 (4) revocation of the person's driver's license or permit, privilege to
9 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
10 of the notice to the person unless the person, within seven days, requests an
11 administrative review.

12 * **Sec. 2.** AS 28.15.183(c) is amended to read:

13 (c) Unless the person has requested an administrative review, the department
14 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
15 obtain a license or permit, effective seven days after delivery to the person of the
16 notice required under (a) of this section, upon receipt of a sworn report of a peace
17 officer

18 (1) that the officer had probable cause and based on personal
19 observations that the person is at least 14 years of age but not yet 21 years of age and
20 has possessed or used a controlled substance in violation of AS 11.71 **or in violation**
21 **of a municipal ordinance with substantially similar elements**, or possessed or
22 consumed alcohol in violation of AS 04.16.050 **or in violation of a municipal**
23 **ordinance with substantially similar elements**;

24 (2) that the peace officer has cited the person or arrested the person for
25 a violation of AS 11.71, [OR] AS 04.16.050, **or a municipal ordinance with**
26 **substantially similar elements**;

27 (3) that notice under (a) of this section was provided to the person; and

28 (4) describing the circumstances surrounding the violation of the
29 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
30 of AS 04.16.050, **or the municipal ordinance**.

31 * **Sec. 3.** AS 28.15.183(g) is amended to read:

1 (g) Except as provided under (h) of this section, the department may not issue
2 a new license or reissue a license to a person whose driver's license, permit, or
3 privilege to drive has been revoked under this section unless the person is enrolled in
4 and is in compliance with, or has successfully completed

5 (1) an alcoholism education and rehabilitation treatment program, if the
6 revocation resulted from possession or consumption of alcohol in violation of
7 AS 04.16.050 **or a municipal ordinance with substantially similar elements**; or

8 (2) a drug rehabilitation treatment program, if the revocation resulted
9 from possession or use of a controlled substance in violation of AS 11.71 **or a**
10 **municipal ordinance with substantially similar elements**.

11 * **Sec. 4.** AS 28.15.184(g) is amended to read:

12 (g) The hearing for review of a revocation by the department under
13 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
14 of age but not yet 21 years of age and whether the person possessed or used a
15 controlled substance in violation of AS 11.71 **or in violation of a municipal**
16 **ordinance with substantially similar elements**, or possessed or consumed alcohol in
17 violation of AS 04.16.050 **or in violation of a municipal ordinance with**
18 **substantially similar elements**.

19 * **Sec. 5.** AS 28.15.185(a) is amended to read:

20 (a) A person who is at least 13 years of age but not older than 17 years of age
21 who is adjudicated by a juvenile court of **(1)** misconduct involving a controlled
22 substance under AS 11.71 or **under a municipal ordinance with substantially**
23 **similar elements, or (2)** possession or consumption of alcohol under AS 04.16.050 **or**
24 **under a municipal ordinance with substantially similar elements** is subject to
25 revocation of the person's driver's license under (b) of this section.

26 * **Sec. 6.** AS 28.15.185(c) is amended to read:

27 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
28 the court may, upon petition of the person, review the revocation and may restore the
29 driver's license, except a court may not restore the driver's license until

30 (1) at least one-half of the period of revocation imposed under this
31 section has expired; and

1 (2) the person has taken and successfully completed a state approved
2 program of drug rehabilitation if convicted of misconduct involving a controlled
3 substance under AS 11.71 **or under a municipal ordinance with substantially**
4 **similar elements**, or alcohol rehabilitation if convicted of possession or consumption
5 of alcohol under AS 04.16.050 **or under a municipal ordinance with substantially**
6 **similar elements**; this paragraph does not apply to a person who resides in an area that
7 does not offer a state approved drug or alcohol rehabilitation program or a person that
8 the court determines does not need alcohol or drug rehabilitation.

9 * **Sec. 7.** APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11.71,
10 or a municipal ordinance with substantially similar elements that occur on or after the effective
11 date of this Act.

12 * **Sec. 8.** This Act takes effect July 1, 1995.