

CS FOR SENATE BILL NO. 6(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/30/95

Referred: Rules

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
2 or failure to pay a fine; relating to court and collection costs for traffic offenses;
3 and relating to citations and court procedures for municipal traffic and parking
4 offenses."

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

6 * **Section 1.** PURPOSE AND INTENT OF SECTION 5. The purpose of sec. 5 of this Act
7 is to create a mechanism to enforce citations issued for offenses involving a moving motor
8 vehicle. It is the intent of the legislature that after a person has made a required court
9 appearance or paid a fine required by the court, that any driver's license suspension imposed
10 by the court be terminated as quickly as possible.

11 * **Sec. 2.** AS 12.25.200(b) is amended to read:

12 (b) A citation issued under AS 12.25.180 must indicate

13 (1) the amount of bail or fine applicable to the offense;

14 (2) [,] the procedure a person must follow in responding to the citation;

1 (3) [, AND] that if the person fails to pay the bail or fine the person
2 must appear in court;

3 (4) that failure to pay the bail or fine or appear in court for an
4 offense involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to
6 drive, or privilege to obtain a license; or

7 (B) attachment of the person's permanent fund dividend to
8 pay the fine plus court and collection costs under AS 28.05.155; and

9 (5) [. IN ADDITION, A CITATION MUST INDICATE] that the
10 person has a right to

11 (A) [(1)] a trial;

12 (B) [(2)] engage counsel;

13 (C) [(3)] confront and question witnesses;

14 (D) [(4)] testify; and

15 (E) [(5)] subpoena witnesses on the person's behalf.

16 * **Sec. 3.** AS 28.01.010 is amended by adding a new subsection to read:

17 (h) A municipality may not

18 (1) issue a citation for a traffic offense unless the citation complies with
19 the provisions of AS 12.25.200;

20 (2) enact a parking citation trial or appeal process unless the trial or
21 appeal process and fees charged for it are substantially similar to the applicable trial
22 or appeal process adopted by the Alaska Supreme Court or imposed by law; or

23 (3) issue a citation for a traffic offense unless the citation is issued by
24 a peace officer; this paragraph does not apply to a citation issued for a parking
25 violation; in this paragraph, "parking violation" means a violation of law relating to
26 the space occupied by a motor vehicle and does not include another violation of law.

27 * **Sec. 4.** AS 28.05 is amended by adding a new section to read:

28 Sec. 28.05.155. COURT AND COLLECTION COSTS. If a person's
29 permanent fund dividend is attached to pay the bail or fine for an offense involving
30 a moving motor vehicle, the court shall increase the bail or fine of that person by at
31 least

1 (1) \$25 for court costs; and

2 (2) \$10 for collection costs.

3 * **Sec. 5.** AS 28.15.181 is amended by adding a new subsection to read:

4 (h) The court may suspend the driver's license, privilege to drive, or privilege
5 to obtain a license of a person who fails to appear in court as required by a citation
6 for an offense involving a moving motor vehicle, or who fails to pay a fine as required
7 by the court for an offense involving a moving motor vehicle. If the court suspends
8 a driver's license under this subsection, the court shall also provide notice of the
9 suspension to the department. A suspension imposed under this subsection remains
10 in effect until the person appears in court as required by the citation, or pays the fine
11 as required by the court. When the person appears in court or pays the required fine,
12 the court shall terminate the suspension imposed under this subsection and provide the
13 department and the person with written notice of the termination.