

**HOUSE BILL NO. 180**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE AUSTERMAN**

**Introduced: 3/6/97**

**Referred: Transportation, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to revocation of a minor's driver's license; and providing for**  
2 **an effective date."**

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

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

5 (a) If a peace officer has probable cause to believe that a person who is at  
6 least 14 years of age but not yet 21 years of age has possessed or used a controlled  
7 substance in violation of AS 11.71 [,] or a municipal ordinance with substantially  
8 similar elements, or possessed or consumed alcohol in violation of AS 04.16.050 or  
9 a municipal ordinance with substantially similar elements, operated a vehicle after  
10 consuming alcohol in violation of AS 28.35.280, or refused to submit to a chemical  
11 test under AS 28.35.285 and the peace officer has cited the person or arrested the  
12 person for a violation of AS 11.71, AS 04.16.050, AS 28.35.280, or 28.35.285 or the  
13 municipal ordinance with substantially similar elements, the peace officer shall read  
14 a notice and deliver a copy to the person. The notice must advise that

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

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

4 (3) if the person has a driver's license or permit, the notice itself is a  
5 temporary driver's license or permit that expires seven days after it is delivered to the  
6 person **or after the person is convicted of violating AS 11.71, AS 04.16.050,**  
7 **AS 28.35.280, 28.35.285, or the municipal ordinance, whichever is later;**

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

11 (A) the person, within seven days, requests an administrative  
12 review; **or**

13 (B) **the period of revocation is delayed under (j) of this**  
14 **section;**

15 (5) if the person has been cited under AS 28.35.280 or under  
16 AS 28.35.285, that person, under AS 28.35.290, may not operate a motor vehicle,  
17 aircraft, or watercraft during the 24 hours following issuance of the citation.

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

19 (c) Unless the person has requested an administrative review **or the period of**  
20 **revocation is delayed under (j) of this section,** the department shall revoke the  
21 person's driver's license or permit, privilege to drive, or privilege to obtain a license  
22 or permit, effective seven days after delivery to the person of the notice required under  
23 (a) of this section, upon receipt of a sworn report of a peace officer

24 (1) that the officer had probable cause to believe that the person is at  
25 least 14 years of age but not yet 21 years of age and has possessed or used a  
26 controlled substance in violation of AS 11.71, or a municipal ordinance with  
27 substantially similar elements, or possessed or consumed alcohol in violation of  
28 AS 04.16.050 or a municipal ordinance with substantially similar elements, operated  
29 a vehicle after consuming alcohol in violation of AS 28.35.280, or refused to submit  
30 to a chemical test of breath under AS 28.35.285;

31 (2) that the peace officer has cited the person or arrested the person for

1 (A) a violation of AS 11.71, AS 04.16.050, AS 28.35.280, or  
2 28.35.285; or

3 (B) possession or use of a controlled substance or alcohol in  
4 violation of a municipal ordinance with substantially similar elements;

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

6 (4) describing the circumstances surrounding the violation of the  
7 controlled substances provisions of AS 11.71, the alcoholic beverages provisions of  
8 AS 04.16.050, or the municipal ordinance with substantially similar elements, the  
9 minor operating a vehicle after consuming alcohol [UNDER] provisions of  
10 AS 28.35.280, or the minor refusing to submit to a chemical test of breath [UNDER]  
11 provisions of AS 28.35.285.

12 \* **Sec. 3.** AS 28.15.183 is amended by adding a new subsection to read:

13 (j) Notwithstanding the other provisions of this section, a license revocation  
14 imposed under this section may not begin until the person is convicted, including  
15 conviction following a plea of no contest, of the offense for which the person was  
16 cited or arrested under (a) of this section.

17 \* **Sec. 4.** AS 28.15.187(a) is amended to read:

18 (a) If a peace officer has probable cause based on personal observation that a  
19 person has used a driver's license as fraudulent or false identification as prohibited by  
20 AS 04.16.060(d), the peace officer shall read a notice and deliver a copy to the person.  
21 The notice must advise that

22 (1) the department intends to revoke the person's driver's license,  
23 privilege to drive, or privilege to obtain a license, or refuse to issue an original license  
24 to the person;

25 (2) the person has the right to administrative review of the revocation  
26 or determination not to issue an original license;

27 (3) if the person has a driver's license or a nonresident privilege to  
28 drive, the notice itself is a temporary driver's license that expires seven days after it  
29 is delivered to the person **or after the person is convicted of violating**  
30 **AS 04.16.060(d), whichever is later;**

31 (4) revocation of the person's driver's license, privilege to drive, or

1 privilege to obtain a license, or a determination not to issue an original license takes  
 2 effect seven days after delivery of the notice to the person unless

3 (A) the person, within seven days, requests an administrative  
 4 review; or

5 **(B) the period of revocation is delayed under (g) of this**  
 6 **section.**

7 \* **Sec. 5.** AS 28.15.187(c) is amended to read:

8 (c) Unless the person has requested an administrative review **or the period of**  
 9 **revocation is delayed under (g) of this section**, the department shall revoke the  
 10 person's driver's license, privilege to drive, or privilege to obtain a license, or refuse  
 11 to issue an original license, effective seven days after delivery to the person of the  
 12 notice required under (a) of this section, upon receipt of a sworn report of a peace  
 13 officer

14 (1) that the officer had probable cause based on personal observations  
 15 that the person used a driver's license as fraudulent or false identification as prohibited  
 16 by AS 04.16.060(d);

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

18 (3) describing the circumstances surrounding the violation of  
 19 AS 04.16.060(d).

20 \* **Sec. 6.** AS 28.15.187 is amended by adding a new subsection to read:

21 (g) Notwithstanding the other provisions of this section, a license revocation  
 22 imposed under this section may not begin until the person is convicted, including  
 23 conviction following a plea of no contest, of violating AS 04.16.060(d) as a result of  
 24 being cited or arrested under (a) of this section.

25 \* **Sec. 7.** This Act applies to offenses that occur on or after the effective date of this Act.

26 \* **Sec. 8.** This Act takes effect July 1, 1997.