

**CS FOR SENATE BILL NO. 58(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/26/97

Referred: Judiciary, Finance

Sponsor(s): SENATOR TAYLOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the penalty for the consumption or possession of alcoholic  
2 beverages by persons under 21 years of age, to the issuance, suspension,  
3 limitation, revocation, and reinstatement of drivers' licenses, permits, or privileges  
4 to drive concerning alcohol-related offenses, to youth assessment and referral  
5 programs for minor drivers, and to alcohol information courses for driver  
6 improvement and for reduction of points assessed for violation of traffic laws;  
7 and relating to the use of money collected from fines imposed for the offenses  
8 of possession, control, or consumption of alcoholic beverages by persons under  
9 21 years of age that are punishable as violations."

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

11 \* **Section 1.** AS 04.16.050(b) is amended to read:

12 (b) A person who violates (a) of this section is guilty of

1                   (1) a violation, **and, upon** [. UPON] conviction **of the violation** in the  
2 district court, the court **shall** [MAY] impose a fine of **\$250;**

3                   (2) **a class B misdemeanor if, during the preceding two years, the**  
4 **person was convicted of a violation of (a) of this section or of a municipal**  
5 **ordinance with substantially similar elements** [NOT LESS THAN \$100].

6 \* **Sec. 2.** AS 04.16.050 is amended by adding a new subsection to read:

7                   (c) Money collected from fines imposed under (b)(1) of this section shall be  
8 deposited in the general fund. The legislature may use the money collected from fines  
9 imposed under (b)(1) of this section to make appropriations for assessment and referral  
10 programs that provide substance abuse screening services to and monitor compliance  
11 for a minor required to participate in an alcoholism or drug education or rehabilitation  
12 treatment program under AS 28.15.183(g) or before the minor's driver's license may  
13 be reinstated under AS 28.15.211(d).

14 \* **Sec. 3.** AS 28.15.183(f) is amended to read:

15                   (f) A revocation imposed under this section shall be consecutive to a  
16 revocation imposed under another provision of law, except that a revocation imposed  
17 under this section **for an offense for which a revocation is required under**  
18 **AS 28.15.185** shall be concurrent with a revocation imposed under AS 28.15.185 that  
19 is based on the same incident. A department hearing officer may grant limited license  
20 privileges in accordance with the standards set out in AS 28.15.201 to a person whose  
21 driver's license, permit, or privilege was revoked under this section.

22 \* **Sec. 4.** AS 28.15.183(g) is amended to read:

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

27                   (1) an alcoholism education or rehabilitation treatment program  
28 **approved under AS 47.37**, if the revocation resulted from possession or consumption  
29 of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially  
30 similar elements, from operating a vehicle after consuming alcohol in violation of  
31 AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of

1 AS 28.35.285; or

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

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

6 (a) A person who is at least 13 years of age but not older than 17 years of age  
7 **is subject to revocation, under (b) of this section, of the person's driver's license,**  
8 **privilege to drive, or privilege to obtain a license if the person** [WHO] is convicted  
9 **of** or [WHO] is adjudicated **a delinquent minor** by a [JUVENILE] court **for** [OF]

10 (1) misconduct involving a controlled substance under AS 11.71 or a  
11 municipal ordinance with substantially similar elements; **or**

12 (2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER  
13 AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY  
14 SIMILAR ELEMENTS; OR

15 (3)] an offense involving the illegal use or possession of a firearm that  
16 is punishable under AS 11 or a municipal ordinance with substantially similar elements  
17 [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE,  
18 PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF  
19 THIS SECTION].

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

21 (c) **When a person described in (a) of this section has been convicted of**  
22 **or adjudicated a delinquent minor for** [UPON CONVICTION OR ADJUDICATION  
23 OF] an offense listed in (a) of this section, the court may, upon petition of the person,  
24 review the revocation and may restore the driver's license, except a court may not  
25 restore the driver's license until

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

28 (2) the person has taken and successfully completed a state approved  
29 program of drug education or rehabilitation if convicted or adjudicated of misconduct  
30 involving a controlled substance under AS 11.71 or a municipal ordinance with  
31 substantially similar elements [, OR ALCOHOL EDUCATION OR

1 REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR  
 2 CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL  
 3 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS]; **however**, this  
 4 paragraph does not apply to a person who resides in an area that does not offer a state  
 5 approved drug [OR ALCOHOL] education or rehabilitation program or a person that  
 6 the court determines does not need [ALCOHOL OR] drug education or rehabilitation.

7 \* **Sec. 7.** AS 28.15.211(d) is amended to read:

8 (d) At the end of a period of revocation or limitation following a revocation,  
 9 a person whose driver's license has been revoked may apply to the department for the  
 10 issuance of a new license, but shall submit to reexamination, pay all required fees  
 11 including a reinstatement fee, and, if the license was revoked under AS 28.15.181(a)(5)  
 12 or (8), submit proof of

13 (1) enrollment in and compliance with or completion of an alcoholism  
 14 education and rehabilitation treatment program **approved under AS 47.37** if the  
 15 person was sentenced under AS 28.15.181(c)(1); or

16 (2) completion of and payment for an alcoholism education and  
 17 rehabilitation treatment program **approved under AS 47.37** if the person was  
 18 convicted under AS 28.15.181(c)(2) - (4).

19 \* **Sec. 8.** AS 28.15.241(b) is amended to read:

20 (b) In addition to (a) of this section, two points shall be deducted from the  
 21 assessed total upon the driver's furnishing to the department adequate proof of  
 22 successful completion, within 12 months of the date of the driver's last violation, of  
 23 a driver improvement course approved by the department **or an alcohol information**  
 24 **course approved by the Department of Health and Social Services.** No more than  
 25 one **driver improvement or one alcohol information** course may be used to obtain  
 26 a reduction in points in any 12-month period.

27 \* **Sec. 9.** AS 28.15.253 is amended to read:

28 **Sec. 28.15.253. Driver improvement or alcohol information courses**  
 29 **[COURSE].** Upon conviction of a violation of a traffic law that results in a **driver's**  
 30 **[DRIVER]** accumulating six or more points from offenses committed during any  
 31 consecutive 12-month period or nine or more points from offenses committed during

1 any 24-month period, on request of the department, the court may, in addition to any  
 2 other penalty authorized by law, require the driver to successfully complete a driver  
 3 improvement course approved by the department **or an alcohol information course**  
 4 **approved by the Department of Health and Social Services** within a period of time  
 5 prescribed by the court. The department may suspend, revoke, or deny the driver's  
 6 license of a person who fails to successfully complete the driver improvement course  
 7 **or the alcohol information course** required by the court under this section within the  
 8 prescribed time period.

9 \* **Sec. 10.** AS 47.37.040(14) is amended to read:

10 (14) cooperate with the Department of Public Safety and the  
 11 Department of Transportation and Public Facilities in establishing and conducting  
 12 programs designed to deal with the problem of persons operating motor vehicles while  
 13 intoxicated or under the influence of drugs, **and develop and approve alcohol**  
 14 **information courses required to be taken by drivers under AS 28.15 or made**  
 15 **available to drivers to reduce points assessed for violation of traffic laws;**

16 \* **Sec. 11.** AS 47.37.045(c) is amended to read:

17 (c) Community action against substance abuse grant funds awarded under this  
 18 section may be used for

19 (1) Police-In-School Liaison programs staffed by officers that are  
 20 certified by the Alaska Police Standards Council;

21 (2) technical assistance for neighborhood based substance abuse  
 22 prevention or treatment programs;

23 (3) coordinators for court ordered community service;

24 (4) preventative or educational programs for youth that involve the  
 25 community, parents, youth, and local schools;

26 (5) programs or projects that the division determines are effective in  
 27 preventing or treating substance abuse at the community level; [OR]

28 (6) supervised youth recreation programs that focus on preventing or  
 29 treating substance abuse; **or**

30 **(7) youth assessment and referral programs that provide substance**  
 31 **abuse screening services to and monitor compliance for a minor required to**

1        **participate in an alcoholism or drug education or rehabilitation treatment**  
2        **program under AS 28.15.183 or before the minor's driver's license may be**  
3        **reinstated under AS 28.15.211.**

4        \* **Sec. 12.** APPLICABILITY. Sections 1 - 3, 5, and 6 of this Act apply to offenses  
5        committed on or after the effective date of this Act. However, references to previous  
6        convictions include violations and offenses committed on, before, or after the effective date  
7        of this Act.