

SCS CSHB 151(FIN)

Amendment No. 1 by Senator(s) Pete Kelly:

(S) AM NO 1 FAILED Y8 N12

Page 1, line 9, following "elements":

Insert "**and the possession or consumption of alcohol occurred while occupying or while in the immediate vicinity of a motor vehicle**"

Page 4, following line 5:

Insert a new bill section to read:

"* **Sec. 5.** AS 28.15.183(g) is amended to read:

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may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person is enrolled in and is in compliance with, or has successfully completed,

(1) an alcoholism education or rehabilitation treatment program approved under AS 47.37, if the revocation resulted from possession or consumption of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially similar elements **and the possession or consumption occurred while occupying or while in the immediate vicinity of a motor vehicle**, from operating a vehicle after consuming alcohol in violation of AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of AS 28.35.285; or

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

Renumber the following bill sections accordingly.

Page 5, following line 6:

Insert new bill sections to read:

"* **Sec. 8.** AS 28.15.184(g) is amended to read:

(g) The hearing for review of a revocation by the department under AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years of age but not yet 21 years of age and whether the person possessed or used a controlled substance in violation of AS 11.71 or a municipal ordinance with substantially similar elements, or possessed or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially similar elements **and the possession or consumption occurred while occupying or while in the immediate vicinity of a motor vehicle**, operated a vehicle after consuming alcohol in violation of AS 28.35.280, or refused to submit to a chemical test of breath in violation of AS 28.35.285.

* **Sec. 9.** AS 28.15.219 is amended by adding a new paragraph to read:

(4) "possessed," in relation to alcohol, means having physical possession of an alcoholic beverage."

Page 5, line 3:

Delete "Section 5"

Insert "Section 6"

Page 5, line 5:

Delete "1 - 4 and 6"

Insert "1 - 5 and 7 - 9"

Renumber the following bill sections accordingly.

This amendment text is provisional. Please refer to the certified journal text.