

CS FOR HOUSE BILL NO. 151(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/27/99

Referred: Rules

Sponsor(s): REPRESENTATIVES KOTT, Austerman, Dyson, Rokeberg, Smalley, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation and reinstatement of the driver's license of a
2 person at least 14 but not yet 21 years of age."

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
9 or a municipal ordinance with substantially similar elements **and the possession or**
10 **consumption occurred while occupying a motor vehicle**, operated a vehicle after
11 consuming alcohol in violation of AS 28.35.280, or refused to submit to a chemical
12 test under AS 28.35.285, and the peace officer has cited the person or arrested the
13 person for a violation of AS 11.71, AS 04.16.050, AS 28.35.280, or 28.35.285, or the
14 municipal ordinance with substantially similar elements, the peace officer shall read

1 a notice and deliver a copy to the person. The 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 (5) if the person has been cited under AS 28.35.280 or under
13 AS 28.35.285, that person, under AS 28.35.290, may not operate a motor vehicle,
14 aircraft, or watercraft during the 24 hours following issuance of the citation.

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

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

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

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

30 (A) a violation of AS 11.71, AS 04.16.050, AS 28.35.280, or
31 28.35.285; or

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

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

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

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

12 (f) A revocation imposed under this section shall be consecutive to a
13 revocation imposed under another provision of law, except that **(1)** a revocation
14 imposed under this section **shall be concurrent with a prior revocation imposed**
15 **under this section; and (2) a revocation** for an offense for which a revocation is
16 required under AS 28.15.185 shall be concurrent with a revocation imposed under
17 AS 28.15.185 that is based on the same incident. A [DEPARTMENT HEARING
18 OFFICER MAY GRANT LIMITED LICENSE PRIVILEGES IN ACCORDANCE
19 WITH THE STANDARDS SET OUT IN AS 28.15.201 TO A] person whose driver's
20 license, permit, or privilege was revoked under this section **may apply for limited**
21 **license privileges under AS 28.15.201(d) or reinstatement as provided under (j)**
22 **of this section.**

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

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

28 (1) an alcoholism education or rehabilitation treatment program
29 approved under AS 47.37, if the revocation resulted from possession or consumption
30 of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially
31 similar elements **and the possession or consumption occurred while occupying a**

1 **motor vehicle**, from operating a vehicle after consuming alcohol in violation of
 2 AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of
 3 AS 28.35.285; or

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

7 * **Sec. 5.** AS 28.15.183 is amended by adding a new section to read:

8 (j) A person whose driver's license, permit, or privilege was revoked under
 9 this section may apply for reinstatement of the person's driver's license as provided in
 10 this subsection. A person may apply to the department for reinstatement by filing a
 11 written request for review of the revocation imposed under this section with the
 12 department. The department shall issue a new license or reissue the person's driver's
 13 license as provided under AS 28.15.211(d) if

14 (1) the application for reinstatement is filed at least two years after the
 15 person's license, permit, or privilege was revoked;

16 (2) the person complies with (g) of this section;

17 (3) the person has not violated a provision of this title or a regulation
 18 of the department since the revocation; and

19 (4) the license will allow the person to attend school, care for a
 20 dependent child, or earn a livelihood without creating a danger to the public.

21 * **Sec. 6.** AS 28.15.184(g) is amended to read:

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

31 * **Sec. 7.** AS 28.15.219 is amended by adding a new paragraph to read:

1 (4) "possessed alcohol" means having physical possession of an
2 alcoholic beverage.

3 * **Sec. 8.** APPLICABILITY. Sections 2 - 6 of this Act apply to violations that occur on
4 or after the effective date of this Act.