

**HOUSE BILL NO. 367**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/11/00

Referred: State Affairs, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act providing for the revocation of driving privileges by a court for a  
2 driver convicted of a violation of traffic laws in connection with a fatal motor  
3 vehicle or commercial motor vehicle accident; and amending Rules 43 and 43.1,  
4 Alaska Rules of Administration."

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

6 \* **Section 1.** AS 28.05.151 is amended by adding a new subsection to read:

7 (e) The supreme court, in establishing scheduled amounts of bail under this  
8 section, and each municipality that establishes or has established a fine schedule under  
9 this section, may not allow for the disposition of an offense without court appearance  
10 for a person who is cited for violation of the traffic laws in connection with a motor  
11 vehicle or commercial motor vehicle accident, if the accident resulted in the death of  
12 a person. In this subsection, "traffic laws" has the meaning given in AS 28.15.261.

13 \* **Sec. 2.** AS 28.15 is amended by adding a new section to read:

14 **Sec. 28.15.182. Court revocation of license for accident causing death.** (a)

1 The court convicting a person for a violation of the traffic laws shall revoke the  
 2 driver's license, privilege to drive, or privilege to obtain a license of the person if the  
 3 court finds by a preponderance of evidence that

4 (1) the person was operating a motor vehicle or commercial motor  
 5 vehicle that was involved in an accident;

6 (2) the accident caused the death of another; and

7 (3) the violation of traffic laws by the person contributed to the  
 8 accident.

9 (b) The period of revocation under (a) of this section is one year. This period  
 10 is concurrent with any other period of revocation under AS 28.15.165 or 28.15.181,  
 11 or any other action imposed by the department or court in connection with the  
 12 accident.

13 (c) The court revoking a person's driver's license, privilege to drive, or  
 14 privilege to obtain a license under (a) of this section may consider a request for a  
 15 limited license by the person. A court shall require a certification of employment to  
 16 prove any claim of the person's employment. After a review has been made of the  
 17 person's driving record and other relevant information, the court may grant limited  
 18 license privileges for all or part of the period of revocation if the court finds that

19 (1) the person's ability to earn a livelihood would be severely impaired  
 20 without a limited license; and

21 (2) limitation can be placed on the license that will enable the person  
 22 to earn a livelihood without danger to the public.

23 (d) When imposing a limitation under (c) of this section, the court shall

24 (1) require the surrender of the driver's license; and

25 (2) issue to the person a certificate valid for the duration of the  
 26 limitation specifying the terms of the limited license.

27 \* **Sec. 3.** AS 28.15.219 is amended by adding a new paragraph to read:

28 (4) "traffic laws" has the meaning given in AS 28.15.261.

29 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section  
 30 to read:

31 **INDIRECT COURT RULE AMENDMENT.** (a) AS 28.05.151(e), added by sec. 1

1 of this Act, has the effect of amending Rules 43 and 43.1, Alaska Rules of Administration,  
2 by not allowing for the disposition of an offense without a court appearance for certain  
3 violations of traffic laws in connection with a motor vehicle or commercial motor vehicle  
4 accident resulting in the death of a person.

5 (b) AS 28.05.151(e), enacted by sec. 1 of this Act, takes effect only if (a) of this  
6 section receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
7 Constitution of the State of Alaska.

8 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10 **APPLICABILITY.** This Act applies to actions taken regarding a motor vehicle or  
11 commercial motor vehicle accident that caused the death of a person and that occurred on or  
12 after the effective date of this Act.