

SENATE CS FOR CS FOR HOUSE BILL NO. 40(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/28/02
Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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 accident if the accident resulted in the death of a person. In this subsection,
12 "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 A court convicting a person for a violation of the traffic laws may revoke the driver's
 2 license, privilege to drive, or privilege to obtain a license of a person if the court finds
 3 by clear and convincing 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 person; and

7 (3) the violation of traffic laws by the person was a significant
 8 contributing cause of the accident.

9 (b) The license revocation imposed under (a) of this section may be for a
 10 period of up to three years. This period is concurrent with any other period of
 11 revocation under AS 28.15.165 or 28.15.181, or any other action imposed by the
 12 department or court in connection with the accident.

13 (c) A court revoking a person's driver's license, privilege to drive, or privilege
 14 to obtain a license under (a) of this section may consider a request for a limited license
 15 by the person. A court may not grant a limited license if another statute prohibits a
 16 limited license for violation of its provisions. A court shall require a certification of
 17 employment to prove any claim based on the person's employment and a certification
 18 of need by a licensed health care practitioner to prove a claim based on care for
 19 another person. After a review has been made of the person's driving record and other
 20 relevant information, the court may grant limited license privileges for all or part of
 21 the period of revocation if the court finds that a limitation can be placed on the license
 22 that will enable the person to drive without danger to the public and that, without a
 23 limited license,

24 (1) the person's ability to earn a livelihood would be severely impaired;

25 or

26 (2) the person would be severely impaired in acting as the primary
 27 caregiver for someone with a debilitating physical or mental condition.

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

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

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

1 (e) A representative of the family of a person who died under circumstances as
2 described in (a) of this section may testify at a hearing addressing a driver's license
3 revocation under (a) of this section or a request for a limited license under (c) of this
4 section.

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

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

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

9 **INDIRECT COURT RULE AMENDMENT.** (a) AS 28.05.151(e), added by sec. 1 of
10 this Act, has the effect of amending Rules 43 and 43.1, Alaska Rules of Administration, by
11 not allowing for the disposition of an offense without a court appearance for certain violations
12 of traffic laws in connection with a motor vehicle accident or a commercial motor vehicle
13 accident resulting in the death of a person.

14 (b) Section 1 of this Act takes effect only if (a) of this section receives the two-thirds
15 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

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

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

21 * **Sec. 6.** This Act takes effect September 1, 2002.