

HOUSE BILL NO. 40

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/10/01
Referred: Judiciary, Finance

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 shall revoke the driver's
 2 license, privilege to drive, or privilege to obtain a license of a person if the court finds
 3 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, or
 11 any other action imposed by the department or court in connection with the accident.

12 (c) A court revoking a person's driver's license, privilege to drive, or privilege
 13 to obtain a license under (a) of this section may consider a request for a limited license
 14 by the person. A court may not grant a limited license if another statute prohibits a
 15 limited license for violation of its provisions. A court shall require a certification of
 16 employment to prove any claim based on the person's employment. After a review
 17 has been made of the person's driving record and other relevant information, the court
 18 may grant limited license privileges for all or part of the period of revocation if the
 19 court finds that

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

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

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

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

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

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

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

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

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

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

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

13 * **Sec. 6.** This Act takes effect September 1, 2001.