

HOUSE BILL NO. 175

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

BY REPRESENTATIVE ROKEBERG

Introduced: 3/7/03

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to issuance of a limited driver's license; relating to driving while under**
2 **the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to**
3 **take a chemical test for consumption of an alcoholic beverage, inhalant, or controlled**
4 **substance; and providing for an effective date."**

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

6 * **Section 1.** AS 28.15.201(d) is amended to read:

7 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
8 a license under AS 28.15.181(c), or the department when revoking a driver's license,
9 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
10 limited license privileges [FOR THE FINAL 60 DAYS DURING WHICH THE
11 LICENSE IS REVOKED] if

12 (1) the revocation was for a misdemeanor conviction under
13 AS 28.35.030(a) or [AND NOT FOR A VIOLATION OF] AS 28.35.032;

14 (2) [THE PERSON HAS NOT BEEN PREVIOUSLY CONVICTED;

1 IN THIS PARAGRAPH, "PREVIOUSLY CONVICTED" HAS THE MEANING
 2 GIVEN IN AS 28.35.030 AND ALSO INCLUDES CONVICTIONS BASED ON
 3 LAWS PRESUMING THAT THE PERSON WAS UNDER THE INFLUENCE OF
 4 INTOXICATING LIQUOR IF THERE WAS 0.08 PERCENT OR MORE BY
 5 WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD;

6 (3)] the court or the department determines that the person's ability to
 7 earn a livelihood would be severely impaired without a limited license;

8 **(3)** [(4)] the court or the department determines that a limitation under
 9 (a) of this section can be placed on the license that will enable the person to earn a
 10 livelihood without excessive danger to the public; and

11 **(4)** [(5)] the court or the department determines that the person is
 12 enrolled in and is in compliance with, or has successfully completed the alcoholism
 13 screening, evaluation, referral, and program requirements of the Department of Health
 14 and Social Services under AS 28.35.030(h).

15 * **Sec. 2.** AS 28.35.030(r)(4) is amended to read:

16 (4) "previously convicted" means having been convicted in this or
 17 another jurisdiction **within the 15 years preceding the date of the present offense** of
 18 any of the following offenses; however, convictions for any of these offenses, if
 19 arising out of a single transaction and a single arrest, are considered one previous
 20 conviction:

21 (A) operating a motor vehicle, aircraft, or watercraft in
 22 violation of this section or in violation of another law or ordinance with similar
 23 elements, except that the other law or ordinance may provide for a lower level
 24 of alcohol in the person's blood or breath than imposed under (a)(2) of this
 25 section;

26 (B) refusal to submit to a chemical test in violation of
 27 AS 28.35.032 or in violation of another law or ordinance with similar
 28 elements; or

29 (C) operating a commercial motor vehicle in violation of
 30 AS 28.33.030 or in violation of another law or ordinance with similar
 31 elements, except that the other law or ordinance may provide for a lower level

1 of alcohol in the person's blood or breath than imposed under
2 AS 28.33.030(a)(2).

3 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 **APPLICABILITY.** This Act applies to offenses that occur on or after the effective
6 date of this Act.

7 * **Sec. 4.** This Act takes effect July 1, 2003.