

HOUSE BILL NO. 416

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

BY REPRESENTATIVE WILLIAMS BY REQUEST

Introduced: 2/2/04

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to physician reports regarding driver safety, to driver's courses, and to
 2 driver licensing."

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

4 * **Section 1.** AS 08.64 is amended by adding a new section to article 3 to read:

5 **Sec. 08.64.364. Physicians to report certain conditions.** A physician who
 6 determines that a person who is a licensed driver suffers from a condition
 7 characterized by lapses in consciousness shall provide written notice of the person's
 8 name and condition to the division of motor vehicles.

9 * **Sec. 2.** AS 28.05.035 is amended to read:

10 **Sec. 28.05.035. Approval of accident prevention courses.** For the purposes
 11 of AS 21.89.025(a)(4), the commissioner shall adopt standards for a driver
 12 improvement course and may approve a driver education course [COURSES]
 13 intended to prevent motor vehicle accidents and promote safe driving practices.

14 * **Sec. 3.** AS 28.15.031(b) is amended to read:

1 (b) The department may not issue an original or duplicate driver's license to,
2 or [NOR] renew or reinstate the driver's license of, a person

3 (1) whose license is suspended or revoked, except as otherwise
4 provided in this chapter;

5 (2) who fails to appear in court for the adjudication of a certain
6 vehicle, driver, or traffic offense when the person's appearance is required by statute,
7 regulation, or court rule;

8 (3) who is an habitual user of alcohol or another drug to such a degree
9 that the person is incapable of safely driving a motor vehicle;

10 (4) [REPEALED

11 (5)] when the department, based upon medical evidence, has
12 determined that

13 **(A) the person's best corrected vision is 20/200 or worse in**
14 **that person's better eye; in meeting vision requirements, a person may not**
15 **use a bioptic telescopic or similar lens; or**

16 **(B)** because of the person's physical or mental disability the
17 person is not able to drive a motor vehicle safely;

18 **(5)** [(6)] who is unable to understand official traffic control devices as
19 displayed in this state or who does not have a fair knowledge of traffic laws and
20 regulations, as demonstrated by an examination;

21 **(6)** [(7)] who has knowingly made a false statement in the person's
22 application for a license or has committed fraud in connection with the person's
23 application for, or in obtaining or attempting to obtain, a license, or who has not
24 applied under oath on the form provided for the purpose of obtaining or attempting to
25 obtain a license or permit; or

26 **(7)** [(8)] who is required under AS 28.20 to furnish proof of financial
27 responsibility and who has not done so.

28 * **Sec. 4.** AS 28.15.081 is amended by adding a new subsection to read:

29 (e) The commissioner shall, in implementing this section, provide training to
30 test administrators that encourages sensitivity to the issues of youth and aging.

31 * **Sec. 5.** AS 28.15.091 is amended to read:

1 **Sec. 28.15.091. Department may require re-examination.** If the department
 2 has good cause to believe that a licensed driver is incompetent or otherwise not
 3 qualified to be licensed, it may upon written notice of at least 10 days to the licensee
 4 require the licensee to submit to an examination. Upon conclusion of the examination,
 5 the department shall take action as may be appropriate and may cancel the license of
 6 the person, or may issue a restricted license under AS 28.15.121, or restrict the type or
 7 class of vehicles that the person may drive. If the licensee refuses or neglects to
 8 submit to examination, the department may suspend the driver's license until the
 9 licensee complies with the requirements of re-examination. **In this subsection,**

10 **(1) "examination" includes a physical examination, visual**
 11 **examination, or a test of the driver's ability to exercise ordinary and reasonable**
 12 **control in driving a motor vehicle;**

13 **(2) "good cause" includes accident record, criminal convictions,**
 14 **and observable physical condition of the driver.**

15 * **Sec. 6.** AS 28.15.091 is amended by adding a new subsection to read:

16 (b) The department shall reexamine a licensed driver if the department
 17 receives written notice from a physician or a peace officer that the driver is
 18 incompetent to drive a motor vehicle or otherwise not qualified to be licensed.

19 * **Sec. 7.** AS 28.15.101 is amended by adding a new subsection to read:

20 (d) A driver's license issued to a person who is 78 years of age or older

21 (1) expires on the licensee's second birthday following issuance of the
 22 license; and

23 (2) may not be issued unless the applicant meets the requirements
 24 imposed under (c) of this section and AS 28.15.181, including a demonstration of the
 25 applicant's ability to exercise ordinary and reasonable control in driving a motor
 26 vehicle of the type and general class for which the applicant seeks a license.