

(LIMITED RUN FOR ALL ADDITIONAL SPONSORSHIPS)

**SENATE BILL NO. 53**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS OGAN, Dyson

REPRESENTATIVES Gatto, Stoltze, Lynn, McGuire, Gara, Dahlstrom, Wilson

Introduced: 1/31/03

Referred: Transportation, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

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

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

3 A court convicting a person for a violation of the traffic laws may revoke the driver's  
4 license, privilege to drive, or privilege to obtain a license of a person if the court finds  
5 by clear and convincing evidence that

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

8 (2) the accident caused the death of another person; and

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

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

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

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

27 or

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

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

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

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

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

7                   (f) In this section, "traffic laws" has the meaning given in AS 28.15.261.

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

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

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

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

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

22       \* **Sec. 5.** This Act takes effect September 1, 2003.