

**ALASKA STATE LEGISLATURE**  
**HOUSE TRANSPORTATION STANDING COMMITTEE**

January 27, 2004

1:33 p.m.

**MEMBERS PRESENT**

Representative Jim Holm, Chair  
Representative Beverly Masek  
Representative Dan Ogg  
Representative Nick Stepovich  
Representative Mary Kapsner  
Representative Albert Kookesh

**MEMBERS ABSENT**

Representative Vic Kohring

**COMMITTEE CALENDAR**

HOUSE BILL NO. 213

"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 213

SHORT TITLE: PROVISIONAL DRIVER'S LICENSE

REPRESENTATIVE(S): WEYHRAUCH

03/26/03	(H)	READ THE FIRST TIME - REFERRALS
03/26/03	(H)	TRA, L&C
04/01/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/01/03	(H)	Heard & Held
04/01/03	(H)	MINUTE(TRA)
04/03/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/03/03	(H)	Heard & Held
04/03/03	(H)	MINUTE(TRA)
04/15/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/15/03	(H)	Heard & Held/Subcommittee assigned
04/15/03	(H)	MINUTE(TRA)
01/22/04	(H)	TRA AT 1:30 PM CAPITOL 17
01/22/04	(H)	-- Meeting Postponed to 1/27/04 --
01/27/04	(H)	TRA AT 1:30 PM CAPITOL 17

01/27/04 (H) Heard & Held  
01/27/04 (H) MINUTE(TRA)

**WITNESS REGISTER**

REPRESENTATIVE BRUCE WEYHRAUCH  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: As sponsor of HB 213, explained the proposed committee substitute (CS), Version U, and answered questions; offered to come back with a new proposed CS.

RICHARD CATTANACH, Executive Director  
AGC of Alaska  
Anchorage, Alaska

POSITION STATEMENT: Testified on HB 213 on behalf of the American Automobile Association (AAA); provided statistics showing a reduction in crashes from graduated driver's licenses and driving restrictions for teenagers.

ANNA BARNWELL  
Anchorage, Alaska

POSITION STATEMENT: During hearing on HB 213, testified as an 18-year-old high school senior in support of a graduated driver's license; said even responsible teenagers often don't make the best decisions when driving, and emphasized the need for experience before obtaining a license.

BAILEY AREND  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 213 as a 16-year-old high school junior; cited the high rate of crashes by teenagers and new drivers, and spoke of the need to have an experienced driver along, especially with Alaska's winter driving conditions.

JANIS FLEISCHMAN  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 213 as the mother of four children, one who is still a teenage driver; especially spoke in favor of restricting the ability of a young driver to have other kids in the car unless it's a sibling.

JEFF JESSE, Legislative Vice President  
State Parent Teacher Association (PTA)  
Anchorage, Alaska

POSITION STATEMENT: Urged support for HB 213, saying a graduated licensing bill such as this is a legislative priority for his organization; noted that young drivers from rural areas come into urban areas and drive, thus making additional experience perhaps even more important.

JANET McCABE, Chair  
Partners for Progress  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 213 as being both preventive and educational; said it will benefit new drivers and the public, both now and in the future.

KERSTIN MILLER  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 213 as a parent who has observed many accidents near Service High School.

CHRISTI ROWINSKI  
Fairbanks Chapter  
Mothers Against Drunk Driving (MADD)  
Fairbanks, Alaska

POSITION STATEMENT: Testified on HB 213 on behalf of the four Alaskan MADD chapters; answered questions.

DUANE BANNOCK, Director  
Division of Motor Vehicles (DMV)  
Department of Administration  
Anchorage, Alaska

POSITION STATEMENT: Answered questions about the new fiscal note for HB 213.

KERRY HENNINGS  
Driver Licensing  
Director's Office  
Division of Motor Vehicles  
Department of Administration  
Anchorage, Alaska

POSITION STATEMENT: During hearing on HB 213, answered questions about rural impacts.

KAREN LAWFER, Health Program Manager  
Community Health & Emergency Medical Services  
Division of Public Health  
Department of Health and Social Services

POSITION STATEMENT: Testified in support of HB 213, emphasizing the importance of addressing three high-risk areas for teen drives.

SHELDON E. WINTERS, Attorney at Law  
Lessmeier & Winters  
Lobbyist for State Farm Insurance Company  
Juneau, Alaska

POSITION STATEMENT: Expressed strong support for HB 213 and agreed to try to obtain requested information.

MIKE BRADNER  
(Address not provided)

POSITION STATEMENT: During hearing on HB 213, expressed concern that although foster children need to learn to drive, they may not obtain a permit; acknowledged that it may require separate legislation.

#### **ACTION NARRATIVE**

**TAPE 04-2, SIDE A**  
Number 0001

**CHAIR JIM HOLM** called the House Transportation Standing Committee meeting to order at 1:33 p.m. Representatives Holm, Masek, and Stepovich were present at the call to order. Representatives Ogg, Kapsner, and Kookesh arrived as the meeting was in progress.

#### HB 213-PROVISIONAL DRIVER'S LICENSE

Number 0025

CHAIR HOLM announced that the only order of business would be HOUSE BILL NO. 213, "An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

CHAIR HOLM acknowledged that there wasn't a quorum yet, but said the committee would take testimony. Pointing out a proposed committee substitute (CS), Version U, provided since the bill was last heard in 2003, he requested a motion to adopt it.

Number 0074

REPRESENTATIVE MASEK moved to adopt the proposed CS, Version 23-LS0786\U, Luckhaupt, 1/23/04, as a work draft; she specified that it was just for discussion purposes.

CHAIR HOLM noted the arrival of Representative Ogg and then Representative Kapsner. He called upon Representative Weyhrauch to explain Version U.

Number 0155

REPRESENTATIVE BRUCE WEYHRAUCH, Alaska State Legislature, sponsor, told members that work during the interim had resulted in Version U. The basic reason for the bill is because 36 states have implemented this kind of graduated driver's license provision whereby young people getting a license must show some ability to drive and are prohibited from driving at certain times without the presence of an adult; this has saved a significant number of lives, he said, and data provided to the committee shows the impacts of this kind of legislation on young people's lives in the United States.

REPRESENTATIVE WEYHRAUCH explained changes incorporated in Version U. In Section 1, paragraph (2), "night" has been changed to "nighttime" to provide what he characterized as a helpful definition, between sunset and sunrise. The major difference, however, relates to Section 3, where it says a person authorized to drive a motor vehicle under the provisional driver's license may not, [for] the first six months, operate a vehicle except [with] a passenger who is a parent, legal guardian, or sibling, or is at least 21 years of age. He said this provision is to bring down the age to at least 21 [and is] in order to take one's little brother along, for example. He mentioned driving to or from a person's place of employment, and said the driving must be along the most direct available route.

REPRESENTATIVE WEYHRAUCH referred to page 1, line 14, where it talks about a person who hasn't been convicted of a violation of a traffic law. Noting that this deletes earlier bill language, "has not received a citation", he explained that there would've been a logistical problem associated with tracking if a citation were issued. Thus this is only concerned with a conviction.

Number 0391

REPRESENTATIVE KAPSNER mentioned Nebraska and said many states have a "hardship" license under which kids who live out in the country can drive to and from school at age 14 without an adult.

She asked whether Alaska has anything like that and whether this would affect it.

REPRESENTATIVE WEYHRAUCH deferred to Mr. Bannock of the Division of Motor Vehicles (DMV). He pointed out that this proposed statute is for teens between the ages of 16 and 18, and gives the parent or guardian the opportunity to say [to DMV], "Here's proof that this driver has the high-quality skills and they've got the requisite ... number of hours of experience to allow you ... to issue them this license."

CHAIR HOLM noted that Representative Kookesh had joined the meeting. He turned attention to testimony via teleconference.

Number 0559

RICHARD CATTANACH, Executive Director, AGC of Alaska, speaking on behalf of the American Automobile Association (AAA), presented information he'd also provided in writing. He said driving, a skill learned by doing, is inherently risky. The premise of a graduated driver's license is simple, he said, and it works; if the learning process is extended and exposure to risk is reduced while teens gain skills and experience, the number of crashes involving teens will be reduced. Emphasizing the need to change how teens are taught to drive, he provided statistics as follows:

Two out of five deaths among teens are the result of a traffic crash. Fatalities for teens are twice that of persons 35 and older. Crash-involvement rates for teen drivers are three times that of drivers in their forties and fifties. Teen drivers have a fatality rate that is about four times higher than the fatality rate among drivers 25 through 69. Graduated driver's [licenses] work.

Varying lengths of learner phases, the LPs, as we refer to them: studies have shown that graduated driver's [licenses] are effective in reducing teen crash rates. California ... experienced a 5 percent reduction by imposing a ... six-week learning period. Connecticut had a 22 percent reduction with a three-to six-month learning period. Kentucky experienced a 32 percent reduction with a 180-day learning period. In Michigan, it was 25 percent with a 50-hour learning period; Ohio, 11 percent for a six-month learning

period; New Zealand, 7 percent for six months; Nova Scotia, 24 percent for a six-month learning period.

MR. CATTANACH reported that this has been effective in reducing injury- and fatality-related crash rates. Michigan had a 24 percent reduction, and Florida an 11 percent reduction. In addition, studies show passenger restrictions work. In New Zealand, passenger restrictions resulted in a 9 percent reduction in the proportion of crashes involving teens.

Number 0670

MR. CATTANACH further reported that nighttime restrictions at 9 p.m. for 16-year-old drivers in North Carolina resulted in a 47 percent decrease in total crashes; Florida, with similar restrictions at 11 [p.m.], saw a 17 percent decrease; Michigan, with restrictions from midnight to 5 a.m., saw a 53 percent reduction; and New Zealand, with a 10 p.m. restriction, saw a 37 percent reduction.

MR. CATTANACH said HB 213 has all the components of the most successful graduated driver's license systems: it provides for time to learn, with a six-month instruction period; provides behind-the-wheel experience, with 50 hours of certified driving experience; provides for responsibility, with six months of citation-free driving; and removes two major risk factors, passengers and late-night driving. He said AAA estimated in 2001 that the State of Alaska, through graduated driver's licenses over a decade, could prevent nearly 970 injuries in more than 3,000 crashes and could save more than \$21 million.

MR. CATTANACH said the time has come to change the way teens are taught to drive and that people are ready. A recent AAA poll shows 74 percent of Americans support laws limiting teenage passengers who may ride with inexperienced teen drivers, he said, and 73 percent of adults think officials should do more to improve the safety of drivers ages 15 to 17. He said it isn't an issue of restrictions or burden, or good kids or good parents versus bad. Rather, it's an issue of traffic safety. He concluded, "Extend the learning period, reduce risk factors, and we'll save lives."

Number 0789

REPRESENTATIVE HOLM asked whether AAA has any thoughts about insurance rates in relation to this type of program.

MR. CATTANACH offered to inquire. He said he hadn't asked that when this initial survey was done.

REPRESENTATIVE HOLM noted that someone representing State Farm Insurance Company had signed up to testify.

Number 0825

REPRESENTATIVE OGG said many of the statistics Mr. Cattanach had provided came from areas with a high population and sophisticated road system. For Alaska, he asked if there was a statistical breakdown between metropolitan and "rural and frontier" areas, and whether there is a difference.

MR. CATTANACH replied that he'd expect a difference because of differences in population density; however, AAA doesn't have that kind of data. He added, "We could probably work with the State of Alaska to develop ... that data."

REPRESENTATIVE OGG asked whether Mr. Cavanaugh was speculating that figures might be lower in rural areas.

MR. CATTANACH said he wasn't speculating one way or another.

Number 0940

ANNA BARNWELL testified in support of a graduated driver's license, noting that she is an 18-year-old high school student who received her license at age 15 after having a permit for only six months. Although she's had her license a year and a half, Ms. Barnwell said she doesn't feel she's the best driver out there; in fact, she totaled her mother's car six months after receiving her license, due to falling asleep while driving. At the time, she said, she was embarrassed about falling asleep, but now feels this is a perfect example of something that could be prevented through use of a graduated license. She related her belief that even responsible teenagers, as she considers herself to be, often don't make the best decisions when doing something as important as driving.

MS. BARNWELL emphasized that driving is a huge responsibility that needs to be taken seriously, and said the fact that she was able to get her license with such little experience is "really kind of scary." As a high school student, Ms. Barnwell said she is faced with other teen drivers daily. "I speak for myself - and on ... behalf of other kids in my school and students that I know - that I would feel safer driving if I knew that every one

of my peers had to have the kind of experience that this bill requires, and I think it's an excellent idea," she concluded.

Number 1044

BAILEY AREND testified in support of HB 213, noting that he's a 16-year-old high school junior who's had his license since August, after having his permit nearly three years. Saying he thinks HB 213 is a good idea, mainly because of the high rate of crashes by teenage and new drivers, Mr. Arend reported that many of his friends have been involved in crashes after recently receiving their licenses; he surmised that many of those crashes could have been avoided with a little more experience and possibly an adult or other responsible person in the car.

MR. AREND said Alaska should have a graduated licensing system because of dangerous winter driving conditions that include darkness, ice, and the presence of moose and other large animals. It is harder for an inexperienced driver to control a skid on icy roads, for example. Emphasizing new drivers' need for all the help possible, Mr. Arend reported that the first time he drove at night in wintertime, he slid on black ice and lost control of the car while entering the highway; fortunately, no other cars were hit. He surmised that had his parents or someone else with experience been with him, he'd have been informed of the need to use four-wheel drive, and he indicated it would have been helpful to have someone with a little more experience in the car at any rate. Mr. Arend said the more experience he gets, the more confident and careful a driver he is, especially under [adverse] conditions. He closed by saying it seems sensible to give new drivers more time to learn with guidance before they are on the streets by themselves.

Number 1172

JANIS FLEISCHMAN testified in support of HB 213, noting that she is the mother of four children, one who is still a teenage driver. She offered her belief that increasing the amount of time before a full license is granted "will support safer roads but also support parents enormously." She pointed out the difficulty of controlling all aspects of young drivers. Speaking in favor of all [the proposed restrictions], she said [the restriction on] operating a motor vehicle between the hours of 1 and 5 a.m. will support the current curfew in Anchorage.

MS. FLEISCHMAN especially voiced support for the provision that the youngest drivers won't have other kids in the car - which

results in an enormous distraction - for the first six months. As a teacher for 18 years, she sometimes watches tenth-grade students load five or six other kids in the car for a fast lunch getaway, often in winter driving conditions. Noting how scary this is for her, she said the accidents and crashes involving teenagers that she's seen in the past 10 years almost always occurred when multiple teenagers were in the car. Although parents can ask their children not to do this, those parents aren't at school, and Anchorage has open campuses. She reiterated support for the bill and especially restricting the ability of a young driver to have other kids in the car unless it's a sibling.

Number 1290

REPRESENTATIVE STEPOVICH asked how the curfew works in Anchorage, suggesting it would supersede the bill anyway.

MS. FLEISCHMAN agreed, but said she believes the bill supports the existing curfew because kids aren't supposed to be out between 1 a.m. and 5 a.m., or possibly 4 a.m.

Number 1320

JEFF JESSE, Legislative Vice President, State Parent Teacher Association (PTA), informed the committee that every year his organization has an "issues conference" to which delegates are invited from around the state, from among the 14,000 members, to come and identify their legislative priorities. This year, one legislative priority is passage of a graduated licensing bill such as HB 213. He said for many parents, one of their biggest concerns - with both their own children's driving and that of other teenagers - is lack of experience, especially that gained when a more experienced driver is along, helping the young driver learn how to negotiate the many challenges people face, particularly in Alaska.

MR. JESSE mentioned that there have been concerns about the difficulty of applying graduated licensing in rural communities. In PTA debates, however, he said one issue has been that many young drivers from rural areas come into Fairbanks, Anchorage, or other urban areas where they drive; thus gaining additional experience [before obtaining a license] is perhaps even more important. On behalf of his organization and its members, he urged support for HB 213.

Number 1411

JANET McCABE, Chair, Partners for Progress, testified in support of HB 213 as follows:

Our organization works to support Judge Wanamaker's wellness court, and deals primarily with repeat DUI [driving under the influence] offenders that are in their middle age. But repeatedly we see the tragedy of people who did not realize when they were young what a huge responsibility it is to always drive safely and carefully.

The excellence of a ... graduated driver's license bill is that it is both preventive and educational. It adds provisions to licensing for beginning drivers that will impress on young drivers age 16 to 18 that care and caution must be taken to protect the public as well as themselves. And, certainly, age 16 ... to 18 is the time to learn, and the time they are impressionable. So we think that the bill will have benefits now for new drivers and for the public, but also it will have benefits in the future for when today's drivers are older.

Number 1470

CHAIR HOLM asked how Judge Wanamaker's wellness court fits in. He said there isn't anything like that in Fairbanks.

MS. McCABE acknowledged the desirability of having a wellness court in Fairbanks, but said it's a somewhat different issue. She suggested that a graduated driver's license bill will help to educate kids so that they won't be dealt with in Fairbanks, for example, 20 years from now.

Number 1504

KERSTIN MILLER testified in support of HB 213 as the mother of an 11-year-old and a 13-year-old, and as someone who drives by Service High School in Anchorage between 2 and 3 p.m. many weekdays. Ms. Miller said she's observed lots of accidents on Abbott Road as students judge when to enter the highway or how fast to drive down that hill toward Lake Otis. She said she looks forward to having some of these provisions in place when her children learn to drive; it will help set a standard for parents to educate their children about driving and to provide the experience and time necessary for these drivers to learn in

a graduated, safe way. She suggested this will help new drivers, their peers, and everyone else be safe on the roads.

Number 1556

CHRISTI ROWINSKI, Fairbanks Chapter, Mothers Against Drunk Driving (MADD), informed the committee that today she was speaking on behalf of the four Alaskan MADD chapters: Anchorage, Mat-Su, Fairbanks, and Juneau. She gave an example of how the requirements for a license have changed over time. Now, she said, steps are being proposed that have already made young drivers safer in 40 states.

MS. ROWINSKI said vehicle-related crashes are the leading cause of death among 15- to 20-year-olds; 41 percent of teenage deaths related to motor vehicles in 2002 occurred between 9 p.m. and 6 [a.m.]; 61 percent of teenage passenger deaths in 2002 occurred in crashes in which another teenager was driving; 40 states have implemented GDL [graduated driver's license] programs since the mid-1990s and studies have found that teen crashes in those states were "reduced to 33 percent," with one study finding that fatalities dropped 58 percent. She indicated some of these statistics were from the National [Highway] Traffic Safety Administration, but had been taken from the Insurance Information Institute.

MS. ROWINSKI said the GDL is a rural issue too. Anchorage has about four times as many 15- to 19-year-olds (indisc.--teleconference cutting out), and yet the number of teen drivers seriously injured in Anchorage is only 2.5 times that in the rural areas. She said the Matanuska-Susitna Borough had 47 seriously injured teen drivers, whereas Anchorage had 38, Juneau had 4, and Fairbanks had 25.

CHAIR HOLM informed Ms. Rowinski that the committee was only hearing a portion of the testimony.

MS. ROWINSKI went on to say that deaths in passenger vehicles per 100,000 people in 2002 [as reported in an unspecified document] showed that the 20-year-old group had three times as many male drivers killed as is the "general population hazard ... of being killed." She said the GDL has proven to save money because there are fewer car crashes and fewer violations to be dealt with by cities and the state. Furthermore, applicants pay for the second level of driver's permits. She said all other states have shown that GDL programs don't cost money.

Number 1870

MS. ROWINSKI, in response to a question from Representative Kookesh, said that in the broadest terms, more young drivers in rural areas are seriously injured than in urban areas. The Matanuska-Susitna Borough had 47 seriously injured teen drivers, whereas Anchorage had 38; she said she didn't know what year that was.

REPRESENTATIVE KOOKESH questioned the characterization of the Matanuska-Susitna area as rural. He asked whether Ms. Rowinski had any numbers for areas such as Aniak.

MS. ROWINSKI replied that she didn't, but would try to provide those numbers.

Number 1933

CHAIR HOLM recalled that there was a zero fiscal note last year, whereas now the fiscal note shows a revenue gain of \$102,000. He asked Mr. Bannock about it.

Number 1950

DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Department of Administration, responded affirmatively and explained:

With passage of this, we are proposing to actually tag the physical driver's license with a restriction, and the restriction would clearly identify the license holder as being a provisional driver's license. It is our mathematical formulation that a certain number of people will want to have that removed from their license. As a result, financially it would be treated like a duplicate license, so that what you see on that fiscal note, sir, is both the cost that the driver's license holder would pay to get ... his or her new license and the associated cost to the division to produce that license.

CHAIR HOLM asked whether Mr. Bannock was saying [in the fiscal note analysis] that it only costs \$2 per license to produce, and that DMV will charge \$15 for it.

MR. BANNOCK said that's exactly correct.

Number 1990

REPRESENTATIVE KOOKESH asked how Mr. Bannock sees the provisional license working in rural areas of Alaska where an off-road-system license is allowed.

MR. BANNOCK deferred to Kerry Hennings, the manager of Driver Licensing.

Number 2020

KERRY HENNINGS, Driver Licensing, Director's Office, Division of Motor Vehicles, Department of Administration, answered:

The off-systems licenses, as we call them, where ... they're not required to take a road test, would be handled exactly the same way: a restriction to the license, a restriction that after six months could be removed if they drive citation-free. It would still be under the same standards ... regarding time limits, passengers, the work restrictions after 1 a.m.

REPRESENTATIVE KOOKESH questioned whether that was the sponsor's intent or whether he'd even had time to discuss the off-systems license with [DMV] or some of the [legislators from rural areas]. He said he thinks there are two different questions that require different answers.

MS. HENNINGS clarified that for an off-systems license, the only difference is that the person hasn't taken a "road examination."

REPRESENTATIVE KOOKESH concurred. He said he believed there could be a differential between an off-systems license and a provision license, however, and that it could be a different step. He requested that Representative Weyhrauch address this at some point.

Number 2100

KAREN LAWFER, Health Program Manager, Community Health & Emergency Medical Services, Division of Public Health, Department of Health and Social Services, informed members that she's the mother of an 18-year-old son and a 14-year-old daughter who has had a learner's permit for one week. She said all three parts of HB 213 carry almost equal weight. They address the high-risk areas that teens experience. First is lack of experience. Second is driving at night; with regard to

that, she quoted a police officer as having said, "Nothing good happens from midnight till 5 in the morning with regard to teenagers." And third is distractions from other kids in the car; she suggested this could even go as far as not having radios, compact disk (CD) players, or cell phones, but emphasized the need to keep other kids out of the car so that young drivers can concentrate on driving. Ms. Lawfer highlighted the importance of addressing these three high-risk areas equally, which she said the bill does.

Number 2160

REPRESENTATIVE STEPOVICH asked about the statistics cited earlier that there were only four [serious injuries] in Juneau.

MS. LAWFER said that's four serious and fatal ones, not other crashes where kids weren't hospitalized.

REPRESENTATIVE STEPOVICH said he wonders what Juneau is doing differently from Fairbanks and Anchorage now.

AN UNIDENTIFIED MEMBER noted that this bill talks about parenting all the way.

MS. LAWFER told members that to her, as a parent of an 18-year-old who has been driving for two years, the reassuring thing about the bill is that teen drivers will all be getting the same amount of experience before they can go on. She noted that her insurance company, State Farm Insurance Company, has its own system that parents can use, after which the insurance rate drops by 15 percent.

Number 2232

REPRESENTATIVE OGG expressed concern about fishing areas and "frontier" areas of the state. He asked if there has been a problem involving kids who work and drive between 1 and 5 a.m.

MS. LAWFER indicated statistics show kids are at risk if they've been working late and get behind the wheel of a car. She mentioned kids who get off the ferry after traveling at night to a ballgame, for example, and said they're at risk and are a risk to other drivers on the road. She highlighted the need for concern, just as people are concerned about watching out for drunk drivers and so forth. As a parent, Ms. Lawfer said she would be picking those kids up [at the ferry terminal] to ensure that they arrive home safely. She mentioned the learner's

permit period, which gives kids quite a few hours of experience, and referred to the fact that the bill requires six months for a provisional license that restricts driving during the [late] evening. She continued:

Six months is not a long time, and death and disability is. ... As a person that needs to weigh the two sides to the coin, I think that's probably a real personal choice, that you would have to probably look at petitioning to DMV or somebody, just like if you have somebody that's going to work early in the morning. ... I understand the concern of that. I also understand the concern of "they are at risk."

Number 2321

CHAIR HOLM suggested that both he and Representative Kookesh are concerned about the one-size-fits-all approach. Alaska has huge differences among its people, he said, citing the fact that he grew up on a homestead and learned to drive a tractor. Chair Holm highlighted the assumption that parents are good drivers and therefore can teach their children to be good drivers, but said parents who are bad drivers will teach their kids accordingly. Just because someone happens to be 21 years old or a parent, it doesn't make him or her a good role model for driving. He noted the difficulty of making a policy for everyone in Alaska.

**TAPE 04-2, SIDE B**

Number 2360

MS. LAWFER replied:

I think when you look at ... the risk areas and you look at the amount of time - 50 hours, 10 of them being, at least, night hours - that does ... cover a broad period of time, as far as that. I know it's very hard to make an umbrella when you're dealing with that. I learned to drive on a tractor when I was 13 [years] old ... in Illinois. ... It does equalize the risk factors, and it does mitigate and bring them down, as far as some of the risk factors.

It's not going to fit everybody, but ... you have people that are not good drivers as adults, and they lose their license. Now, are they going to continue to drive? Yes, they probably will. But then there

are laws that say, ... "You've lost your license; you cannot drive." So, to try and equalize it and make it an umbrella for everybody, it does deal with those ... three biggest risk areas; it doesn't deal with all the issues.

Number 2297

REPRESENTATIVE KAPSNER acknowledged that her question might be better asked of the sponsor, but expressed concern about places like Barrow and how defining "nighttime" as the period between sunset and sunrise will affect teenagers during times when there is no sunrise [because of the endless day or night during certain times of the year].

MS. LAWFER deferred to the sponsor.

CHAIR HOLM called upon Mr. Winters, reminding him that there had been a question as to whether the graduated driver's license would result in lower insurance rates.

Number 2259

SHELDON E. WINTERS, Attorney at Law, Lessmeier & Winters, Lobbyist for State Farm Insurance Company ("State Farm"), replied that he didn't have specific information on the effect the bill would have on insurance rates, but would ask State Farm or the industry if there are reports or statistics; if so, he would provide them. Turning to his testimony, Mr. Winters told members he'd simply been asked to show up and voice State Farm's strong support for this bill, which supports safety issues. He referred to earlier testimony about a program implemented by State Farm, and he indicated State Farm's reasons for supporting the bill had been articulated by others. Mr. Winters closed by saying although the bill may have a positive effect of perhaps lowering insurance rates, it isn't about insurance rates; rather, it's about lives and safety. He encouraged members' support.

Number 2199

REPRESENTATIVE STEPOVICH surmised that if this bill goes through, however, parents and their kids who adhere to these laws will expect lower insurance rates. He said he'd hoped Mr. Winters would say yes, the rates would be lower, which would provide further incentive.

MR. WINTERS reiterated that he'll try to provide statistics, which hopefully will be positive.

Number 2170

REPRESENTATIVE OGG asked whether Mr. Winters could obtain statistics showing the difference in this age group's driving while employed versus not employed.

MR. WINTERS said he'd ask, but cautioned against counting on getting those specific statistics.

Number 2116

REPRESENTATIVE KOOKESH addressed the sponsor. He mentioned rural areas of the state that are considered roadless, citing Angoon as an example. He said a teenager who is in high school now can go to the local police department, which has forms from the state; the police gives an off-road-system test that is a written exam; it's sent to Juneau, where it's graded; and if the person passes, he or she receives an off-road-system license.

REPRESENTATIVE KOOKESH expressed concern that the bill will eliminate that provision. He said if a person has to take the written and driving test from the DMV, [teens] in rural Alaska won't be able to have an off-road-system license anymore because of lack of access to a car or to [DMV] staff in order to take the test; there aren't even Village Public Safety Officers (VPSOs) in 127 rural communities to [administer] such a test. He emphasized the need to retain this off-road-system permit, and suggested perhaps it could be "another class of what you're trying to do." He said he wants to support this bill, but not to the point of having the kids in the villages he represents lose out.

REPRESENTATIVE WEYHRAUCH deferred to Mr. Bannock.

Number 2036

MR. BANNOCK replied:

Representative Kookesh raises a very good and valid point. And perhaps I didn't fully explain how the implementation of this will work. The off-system license that he spoke of is going to continue. It's a system that works very well for us in Alaska, and we're not intending to eliminate that or in any way

allow this bill to change the way our testing procedures take place.

What it will do, however, is add a restriction to the license. So whether the license is a traditional license like many of us have or [an] off-system license such as the one that the Representative has spoken to, ... with the passage of this bill it will simply be a restriction on the off-system license.

REPRESENTATIVE WEYHRAUCH asked whether that restriction is just for the "graduated driver's license portion for the ages between 16 and 18."

MR. BANNOCK said yes.

REPRESENTATIVE WEYHRAUCH said a provision under AS 28.15.051 that this bill doesn't modify says the department may issue a special driver's license to a person under the age of 16 because of circumstances of a hardship. He requested confirmation that the bill doesn't change that at all.

MR. BANNOCK said that's correct. The hardship licenses are graded on their own merit. He offered his opinion, if the bill passes, that if a person gives a compelling reason and qualifies for a hardship [permit], it could conceivably "trump" this.

Number 1955

REPRESENTATIVE WEYHRAUCH announced that he would follow up with Representative Kookesh, specifically, as well as Mr. Bannock.

REPRESENTATIVE KOOKESH asked that he also look at page 2, where it has both age 21 and age 25. He asked why it isn't more consistent, since anyone over the age of 21 is considered an adult, and suggested that it be age 21 in both places.

REPRESENTATIVE WEYHRAUCH noted that it's in Section 3, subsections (b)(1) and [(b)(2)(A)].

Number 1901

REPRESENTATIVE KAPSNER returned to her earlier question about defining "nighttime" as the period between sunset and sunrise. She suggested this theoretically could pose a hardship if a law-abiding parent in Barrow wanted to go strictly by the rules. The sun doesn't set in the summer there; it would require

waiting for 10 hours of winter in order to sign off on the young person's 10 hours of nighttime driving, for example. She then surmised that parents could work around it.

Number 1832

CHAIR HOLM requested confirmation of his understanding that if someone who lived in the Bush had the off-road driver's license, it wouldn't be recognized in Anchorage, for example, until that person passed the GDL requirements.

REPRESENTATIVE WEYHRAUCH asked how the state does it.

MR. BANNOCK explained:

When we issue an off-system license, ... that particular license will be good in a limited number of areas that we recognize as being off-system. Just to use a practical example, if a young person had been issued an off-system license and then they flew to Anchorage and rented a car, that would create a problem because that license wouldn't be valid in Anchorage, Alaska. That policy, though, I must say, doesn't have anything to do with this bill in front of us today.

Number 1772

REPRESENTATIVE STEPOVICH asked whether there is any stipulation for the driver's education program. He recalled that it was mandatory when he went to high school, but said he doesn't know whether it still is.

REPRESENTATIVE KAPSNER said it depends on the school district.

REPRESENTATIVE KOOKESH remarked, "It used to be good until we cut all the money from the school systems; then they couldn't afford those driver's programs anymore."

REPRESENTATIVE STEPOVICH asked whether the driver's education program has any effect on licensing right now.

MR. BANNOCK responded that currently DMV doesn't recognize any "curricular or extracurricular school activity-type of classes" for its licensing rules or tests.

Number 1715

REPRESENTATIVE STEPOVICH said he wanted to see how it would correlate if a student took driver's education and also complied with all of [the provisions in the bill].

REPRESENTATIVE WEYHRAUCH related his understanding and intent that if a student takes a driver's education course or some certified training program, then a parent can incorporate that as part of the certification that the student has driver's experience. He pointed out that in some instances, parents may not be able to drive and will have to delegate that responsibility to somebody who is trained.

Number 1678

REPRESENTATIVE OGG noted that there had been discussion the previous year about "the midnight or 11 o'clock to 5 o'clock"; he expressed appreciation to the sponsor for changing that to something that "helps folks out to continue what they're doing."

REPRESENTATIVE OGG referred to [page 2], lines 17-28, subparagraph (B), which read, "driving to or from the person's place of employment and the driving is along the most direct available route." He pointed out that it doesn't allow a person to drive while working. He offered a hypothetical example from his own region, a family with a setnet site that needs supplies and sends a youth on a ferry that boards at 3 a.m., because the permit holder must remain at the location fishing. He expressed concern that the youth wouldn't be able to board that ferry [with a motor vehicle], which might hamper the business.

REPRESENTATIVE WEYHRAUCH explained the intent as follows:

They're under employment, and part of their employment is to go to the ferry ..., and so that is part of the location of employment, particularly for Alaska's purposes; you cannot read this in a vacuum .... So the place of employment could certainly include places where that kid would have to be employed to do their job, which means (indisc.) the ferry. ... I think the operative phrase in the law is "on course," or ... you take a junket away: you take ... a 20-block detour to see a friend, that's not to a place of employment. ...

Going to and from a place of employment is wherever that employment will lead you ... in the reasonable

course and circumstances of one's job. And that's certainly the intent.

REPRESENTATIVE OGG suggested the language is a bit ambiguous with regard to driving while employed.

REPRESENTATIVE WEYHRAUCH reiterated that his intent is "to have it where they're employed, ... to do their work."

REPRESENTATIVE OGG proposed clarifying language such as the following: "driving pursuant to a person's employment".

REPRESENTATIVE STEPOVICH suggested "scope of employment", saying he has heard it used elsewhere.

CHAIR HOLM asked Representative Weyhrauch to have Legislative Legal and Research Services look at it to make sure it works.

REPRESENTATIVE WEYHRAUCH agreed to that.

Number 1529

REPRESENTATIVE KOOKESH referred to page 1, lines 11-12, which talks about "proof satisfactory to the department". He asked whether "proof satisfactory" is a legal term defined anywhere.

REPRESENTATIVE WEYHRAUCH replied that he thinks it is a legal term when it's used in a statute, and added:

I think "proof satisfactory" means something that someone delegated with the task of determining whether the proof is satisfactory or not. ... It's somewhat ambiguous. If they come in and they say, "My mom said I've satisfied the requirement," that may not be satisfactory. If they come in with a note ..., "My son [has satisfied] 50 hours of driving," signed "Mom", [with the] date, ... that probably should be satisfactory.

REPRESENTATIVE KOOKESH said he'd like to at least have a definition someplace that says what satisfies "proof satisfactory", which is broad.

REPRESENTATIVE WEYHRAUCH suggested perhaps Mr. Bannock has had some experience in this area.

Number 1466

MR. BANNOCK explained how DMV would handle it:

What we would employ here for that is an affidavit section on the driver's license application. Currently, ... that is being utilized for parental consent, which is required before issuance of a driver's license today; we simply intend to incorporate that into the deal. In absence, we will also take ... a notarized affidavit from the parent, the legal guardian, or the employer to satisfy this very important requirement.

CHAIR HOLM asked if that's for when [the parent, legal guardian, or employer] isn't present in person.

MR. BANNOCK said that's correct.

REPRESENTATIVE KOOKESH asked why the bill doesn't just say "signed and notarized affidavit".

MR. BANNOCK responded, "I guess - as opposed to having it in statute that it's [a signed] affidavit - the majority of these will be incorporated through the parental-consent signature, which is not, by definition, an affidavit."

CHAIR HOLM expressed confusion about Mr. Bannock's reply, but asked whether that satisfied the concern.

REPRESENTATIVE KOOKESH indicated it was fine as long as the intent was clear.

Number 1388

MR. BANNOCK, in response to questions from Representative Stepovich and Chair Holm, clarified, "The affidavit would come into play if the parent was not there to sign for the parental consent, which we require before issuing the license, or perhaps it came after the fact ... or when the person was taking the restriction off; that's when we would accept the affidavit."

Number 1360

REPRESENTATIVE STEPOVICH asked, besides the details, whether anyone is against this legislation.

REPRESENTATIVE WEYHRAUCH answered that concerns expressed to him were along the lines of the following: kids' not wanting an adult "driving them around"; impacts to rural Alaska; and a mother's wanting her teenager to drive himself or herself to school because she's too busy being a single mother, for example, which may be a hardship exception.

CHAIR HOLM asked Representative Weyhrauch whether there is a hardship exception envisioned with this.

AN UNIDENTIFIED MEMBER said it's already in the law.

Number 1298

REPRESENTATIVE KAPSNER returned attention to notarized affidavits, saying she didn't know how comfortable she was with asking parents to do that or, if a young person had a not-so-involved parent, having that person go through the additional steps of having the parent find a notary. In small communities, the only notary may be the postmaster, and some don't even have a postmaster. She voiced concern about adding more burdens.

REPRESENTATIVE WEYHRAUCH asked about the existing practice involving an affidavit.

MR. BANNOCK explained that mail-in off-system licenses are currently required to be notarized or witnessed by a DMV employee.

REPRESENTATIVE WEYHRAUCH asked whether that applies to everyone in Alaska who has an off-road permit or special exemption.

MR. BANNOCK said yes.

REPRESENTATIVE WEYHRAUCH suggested this wouldn't be new, then.

MR. BANNOCK said that provision of it wouldn't be new.

Number 1229

MR. BANNOCK, in reply to questions from Representative Stepovich, said [DMV] has compiled statistics on how many 16- and 17-year-olds use licenses that would fall under this [bill] today; it was determined that roughly 50 percent would return to the DMV and have this particular restriction taken off their licenses. He said he didn't have the percentage broken down as to "affidavits versus parents."

REPRESENTATIVE STEPOVICH remarked that if parents don't want to pay \$25 for the notary, for example, it sounds as if they'd better show up.

MR. BANNOCK pointed out that current practice, without the provisional driver's licensing system, is that those are the options available upon issuance.

CHAIR HOLM called upon a further testifier, noting that he is a former Representative.

Number 1100

MIKE BRADNER, a parent and foster parent, told members:

Looking at this bill, it's about kids' gaining experience in driving so they become good drivers. But kids who are assigned to you under DFYS [Division of Family and Youth Services] may not get a driver's permit or hold a driver's license. And so there's little opportunity, if you have long-term foster kids, for these children to have opportunity to learn how to drive. And I understand that there's very likely valid reasons - the state being a "deep pocket" - why they may not have a full driver's license. But these kids do need the opportunity to learn how to drive, and it causes you some concern when you see these kids approaching 18 and they're going to become emancipated and they're not going to know how to drive.

And I recently was apprised that they're now beginning to provide transitional money for some of these kids, to give them some services as they make the transition to emancipation. And the federal government does permit that some of this money could be expended for driver's training. But, of course, a kid has to be able to hold a permit.

MR. BRADNER acknowledged impacts on a foster parent's insurance rates if a youngster drives with a full license, for example. He said, however, that the fundamental issue is this: These kids need to learn how to drive. He added that this is something he'll talk to the House Health, Education and Social Services Standing Committee about, since this [restriction] comes from the Department of Health and Social Services, rather than being imposed by DMV.

Number 0996

CHAIR HOLM asked whether Mr. Bradner had any proposed language that would make it better at this point.

MR. BRADNER said he didn't think so, and surmised that it would have to come from separate legislation. He said the central issue is getting training and experience in driving for kids. He suggested perhaps having foster kids has given him a view of how people function who aren't necessarily within the demographics of those who usually testify before the legislature. Mentioning single moms and people who may have one car of "limited ability," he remarked that these parents are reluctant to give their kids driver's training because of not wanting to put the car at risk, perhaps, or not being able to afford the additional insurance.

MR. BRADNER said the simplest advice to parents is to enroll the teens in driver's training and pay the \$600 for the classes, put them behind the wheel with the parent, and then let them drive repeatedly; too often, however, the opposite happens, especially in this group of parents who are reluctant to let their kids drive [or who may not have the money]. He voiced concern about the "DFYS kids" and the impacts he sees on the children.

CHAIR HOLM noted that his father had served with [then-Representative] Bradner and thanked him for his service.

Number 0855

REPRESENTATIVE WEYHRAUCH, in response to Chair Holm, indicated he would bring back a new proposed CS. [HB 213 was held over.]

#### **ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:53 p.m.