

CS FOR HOUSE BILL NO. 3(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/1/07

Referred: Finance

Sponsor(s): REPRESENTATIVE LYNN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of identification cards and to issuance of driver's licenses;
2 and providing for an effective date."

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

4 * **Section 1.** AS 18.65.310(a) is amended to read:

5 (a) Upon payment of a \$15 fee, the department shall issue a card identical to
6 the motor vehicle operator's license provided for in AS 28.15.111, except that the card
7 shall be of a different color and shall state in bold type letters across the face of it that
8 it is for identification purposes only. **Except as provided in (g) and (i) of this**
9 **section, an identification card expires on the person's birthday in the fifth year**
10 **following issuance of the card.**

11 * **Sec. 2.** AS 18.65.310(g) is amended to read:

12 (g) If the person applying for the identification card provided for in (a) of this
13 section is 60 years of age or older, charge may not be made for issuance of the card.
14 **Except as provided in (i) of this section, an identification card issued to a person**

1 **who is 60 years of age or older expires on the person's birthday in the eighth year**
 2 **following issuance of the card.**

3 * **Sec. 3.** AS 18.65.310 is amended by adding new subsections to read:

4 (h) The department may not issue an identification card under (a) of this
 5 section to a person who has not presented to the department valid documentary
 6 evidence that the person is a citizen of the United States, a national of the United
 7 States, a legal permanent resident of the United States, or a conditional resident alien
 8 of the United States.

9 (i) Notwithstanding (h) of this section, the department may issue an
 10 identification card to a person who presents in person valid, documentary evidence of
 11 (1) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the
 12 United States, (2) a pending or approved application for asylum in the United States,
 13 (3) entry into the United States in refugee status, (4) a pending or approved application
 14 for temporary protected status in the United States, (5) approved deferred action
 15 status, or (6) a pending application for adjustment of status to legal permanent
 16 residence status or conditional resident status. The identification card authorized under
 17 this subsection is valid only during the period of the time of the person's authorized
 18 stay in the United States and must clearly indicate that expiration date. If the period of
 19 authorized stay is indefinite, the expiration date for the identification card is one year
 20 from the date of issue. The identification card authorized under this subsection may be
 21 renewed only upon presentation of valid, documentary evidence that the status by
 22 which the person qualified for the temporary identification card has been extended by
 23 the proper United States government authority. The department may by regulation
 24 specify what is valid, documentary evidence under this subsection except that the
 25 department may not specify that a matricula consular card is valid, documentary
 26 evidence.

27 * **Sec. 4.** AS 28.15.031(b) is amended to read:

28 (b) The department may not issue an original or duplicate driver's license to,
 29 nor renew or reinstate the driver's license of, a person

30 (1) whose license is suspended, [OR] revoked, **or cancelled, or who is**
 31 **disqualified from obtaining a license,** except as otherwise provided in this chapter;

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

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

6 (4) when the department, based upon medical evidence, has
 7 determined that, because of the person's physical or mental disability, the person is not
 8 able to drive a motor vehicle safely;

9 (5) who is unable to understand official traffic control devices as
 10 displayed in this state or who does not have a fair knowledge of traffic laws and
 11 regulations, as demonstrated by an examination;

12 (6) who has knowingly made a false statement in the person's
 13 application for a license or has committed fraud in connection with the person's
 14 application for, or in obtaining or attempting to obtain, a license, or who has not
 15 applied under oath on the form provided for the purpose of obtaining or attempting to
 16 obtain a license or permit; [OR]

17 (7) who is required under AS 28.20 to furnish proof of financial
 18 responsibility and who has not done so; or

19 **(8) who has not presented to the department**

20 **(A) valid documentary evidence that the person is a citizen**
 21 **of the United States, a national of the United States, a legal permanent**
 22 **resident of the United States, or a conditional resident alien of the United**
 23 **States; a person who is seeking a renewal of, duplicate of, or change of**
 24 **legal name on a license is presumed to meet the requirements of this**
 25 **subparagraph if the license has not been expired for more than 90 days or**
 26 **been cancelled, suspended, or revoked and the person has not been**
 27 **disqualified from obtaining a license; if the department has been notified**
 28 **by a local, state, or federal government agency that the person seeking a**
 29 **renewal of, duplicate of, or change of legal name on a license is not a**
 30 **citizen of the United States or is not legally in the United States, then the**
 31 **presumption available in this paragraph does not apply; the department**

1 may by regulation specify what is valid, documentary evidence under this
 2 subparagraph except that the department may not specify that a
 3 matricula consular card is valid, documentary evidence; or

4 (B) in person valid, documentary evidence of (i) a valid,
 5 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
 6 the United States, (ii) a pending or approved application for asylum in the
 7 United States, (iii) entry into the United States in refugee status, (iv) a
 8 pending or approved application for temporary protected status in the
 9 United States, (v) approved deferred action status, or (vi) a pending
 10 application for adjustment of status to legal permanent residence status or
 11 conditional resident status; a license issued under this subparagraph may
 12 be renewed only upon presentation of valid, documentary evidence that
 13 the status by which the person qualified for the license has been extended
 14 by the proper United States government authority; a change of name for a
 15 license issued under this subparagraph may be made only upon
 16 presentation of valid, documentary evidence that the person's name has
 17 been changed with regard to the status by which the person qualified for
 18 the license; a duplicate license for a license issued under this
 19 subparagraph may be issued only upon presentation of valid,
 20 documentary evidence that the person's status by which the person
 21 qualified for the license remains valid and in effect; the department may
 22 by regulation specify what is valid, documentary evidence under this
 23 subsection except that the department may not specify that a matricula
 24 consular card is valid, documentary evidence.

25 * **Sec. 5.** AS 28.15.101(a) is amended to read:

26 (a) Except as otherwise provided in this chapter and in (d) of this section, a
 27 driver's license expires on the licensee's birthday in the fifth year following issuance of
 28 the license. A license may be renewed within one year of its expiration upon proper
 29 application, payment of the required fee, and except when a license is renewed under
 30 (c) of this section, successful completion of a test of the licensee's eyesight.

31 * **Sec. 6.** AS 28.15.101 is amended by adding a new subsection to read:

1 (d) A driver's license issued under AS 28.15.031(b)(8)(B) is valid only during
2 the period of the time the person is authorized to stay in the United States and must
3 clearly indicate the expiration date. If the period of authorized stay is indefinite, the
4 expiration date of the license is one year from the date of issue.

5 * **Sec. 7.** This Act takes effect January 1, 2008.