

**HOUSE BILL NO. 19**

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

**BY REPRESENTATIVES MEYER, Crawford, Gruenberg**

**Introduced: 1/16/07**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to ignition interlock limited driver's license privileges."**

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

3 **\* Section 1.** AS 28.15.183(f) is amended to read:

4 (f) A revocation imposed under this section shall be consecutive to a  
5 revocation imposed under another provision of law, except that (1) a revocation  
6 imposed under this section shall be concurrent with a prior revocation imposed under  
7 this section; and (2) a revocation imposed under this section for an offense for which a  
8 revocation is required under AS 28.15.185 shall be concurrent with a revocation  
9 imposed under AS 28.15.185 that is based on the same incident. [A PERSON  
10 WHOSE DRIVER'S LICENSE, PERMIT, OR PRIVILEGE WAS REVOKED FOR A  
11 PERIOD OF AT LEAST 60 DAYS UNDER THIS SECTION MAY APPLY FOR  
12 LIMITED LICENSE PRIVILEGES UNDER AS 28.15.201(d).] A person whose  
13 driver's license, permit, or privilege to drive was revoked for a period of more than  
14 one year under this section may apply for reinstatement as provided under (i) of this  
15 section.

1 \* **Sec. 2.** AS 28.15.201 is amended by adding a new subsection to read:

2 (f) A person whose driver's license or privilege to drive has been revoked  
3 under AS 28.15.165(c) or 28.15.181(c) may apply to the department for ignition  
4 interlock limited license privileges. Ignition interlock limited license privileges allow  
5 the person to operate a vehicle on which an ignition interlock device has been installed  
6 and that is identified on the limited license certificate issued by the department to the  
7 person. The department may grant ignition interlock limited license privileges if

8 (1) the revocation was for a conviction under AS 28.35.030 or  
9 28.35.032;

10 (2) the person provides proof of installation of the ignition interlock  
11 device on every vehicle the person operates;

12 (3) the person signs an affidavit acknowledging that

13 (A) operation by the person of a vehicle that is not equipped  
14 with an ignition interlock device is subject to penalties for driving with a  
15 revoked license;

16 (B) the person is required to maintain the ignition interlock  
17 device throughout the period of the limited license, to keep up-to-date records  
18 in each vehicle showing that any required service and calibration is current,  
19 and to produce those records immediately on request;

20 (4) the person has not previously been convicted of violating the  
21 limitations of an ignition interlock limited license.

22 \* **Sec. 3.** AS 28.15.291(b) is amended to read:

23 (b) Upon conviction under (a) of this section, the court

24 (1) shall impose a minimum sentence of imprisonment

25 (A) if the person has not been previously convicted, of not less  
26 than 10 days with 10 days suspended, including a mandatory condition of  
27 probation that the defendant complete not less than 80 hours of community  
28 work service;

29 (B) if the person has been previously convicted, of not less than  
30 10 days;

31 (C) if the person's driver's license, privilege to drive, or

1 privilege to obtain a license was revoked under circumstances described in  
 2 AS 28.15.181(c)(1), or if the person was driving in violation of a limited  
 3 license issued under AS 28.15.201(f) [AS 28.15.201(d)] following that  
 4 revocation, of not less than 20 days with 10 days suspended, and a fine of not  
 5 less than \$500, including a mandatory condition of probation that the  
 6 defendant complete not less than 80 hours of community work service;

7 (D) if the person's driver's license, privilege to drive, or  
 8 privilege to obtain a license was revoked under circumstances described in  
 9 AS 28.15.181(c)(2), (3), or (4) or if the person was driving in violation of a  
 10 limited license issued under AS 28.15.201(f) [AS 28.15.201(d)] following that  
 11 revocation, of not less than 30 days and a fine of not less than \$1,000;

12 (2) may impose additional conditions of probation;

13 (3) may not

14 (A) suspend execution of sentence or grant probation except on  
 15 condition that the person serve a minimum term of imprisonment and perform  
 16 required community work service as provided in (1) of this subsection;

17 (B) suspend imposition of sentence;

18 (4) shall revoke the person's license, privilege to drive, or privilege to  
 19 obtain a license, and the person may not be issued a new license or a limited license  
 20 nor may the privilege to drive or obtain a license be restored for an additional period  
 21 of not less than 90 days after the date that the person would have been entitled to  
 22 restoration of driving privileges; and

23 (5) may order that the motor vehicle that was used in commission of  
 24 the offense be forfeited under AS 28.35.036.

25 \* **Sec. 4.** AS 28.15.201(d) and 28.15.201(e) are repealed.

26 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
 27 read:

28 TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of  
 29 AS 28.35.030 before the effective date of this Act who has a limited license issued under or is  
 30 eligible to receive a limited license under AS 28.15.201(d) may continue to use that limited  
 31 license or may receive a limited license as provided in AS 28.15.201 as that section read on

1 the day before the effective date of this Act and is subject to penalties for violating the  
2 limitations on that license as provided in AS 28.15.291 as that statute read on the day before  
3 the effective date of this Act.

4 \* **Sec. 6.** This Act takes effect January 1, 2008.