

CS FOR HOUSE BILL NO. 19(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/5/07

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES MEYER, Crawford, Gruenberg

A BILL

FOR AN ACT ENTITLED

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

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

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

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11 WHOSE DRIVER'S LICENSE, PERMIT, OR PRIVILEGE WAS REVOKED FOR A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14 driver's license, permit, or privilege to drive was revoked for a period of more than

1 one year under this section may apply for reinstatement as provided under (i) of this
2 section.

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

4 (f) A court revoking a driver's license, privilege to drive, or privilege to obtain
5 a license under AS 28.15.181(c), or the department when revoking a driver's license,
6 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
7 ignition interlock limited license privileges. Ignition interlock limited license
8 privileges allow the person to operate a vehicle on which an ignition interlock device
9 has been installed and that is identified on the limited license certificate issued by the
10 court or department to the person. The court or department may grant ignition
11 interlock limited license privileges if

12 (1) the revocation was for a conviction under AS 28.35.030, 28.35.032,
13 or a similar municipal ordinance;

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

16 (3) the person signs an affidavit acknowledging that

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

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

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

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

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

28 (1) shall impose a minimum sentence of imprisonment

29 (A) if the person has not been previously convicted, of not less
30 than 10 days with 10 days suspended, including a mandatory condition of
31 probation that the defendant complete not less than 80 hours of community

1 work service;

2 (B) if the person has been previously convicted, of not less than
3 10 days;

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

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

16 (2) may impose additional conditions of probation;

17 (3) may not

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

21 (B) suspend imposition of sentence;

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

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

29 * **Sec. 4.** AS 28.35.030 is amended by adding a new subsection to read:

30 (u) In addition to penalties provided in (a) or (n) of this section, the court may
31 place a person convicted under those subsections on probation for a period of not more

1 than five years following a term of imprisonment, including any suspended term of
2 imprisonment. The court may place a limitation on the person's driver's license during
3 the term of the probation as provided in AS 28.15.201(f).

4 * **Sec. 5.** AS 28.35.032 is amended by adding a new subsection to read:

5 (u) In addition to penalties provided in (a) or (p) of this section, the court may
6 place a person convicted under those subsections on probation for a period of not more
7 than five years following a term of imprisonment, including any suspended term of
8 imprisonment. The court may place a limitation on the person's driver's license during
9 the term of the probation as provided in AS 28.15.201(f).

10 * **Sec. 6.** AS 28.15.201(d) and 28.15.201(e) are repealed.

11 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of
14 AS 28.35.030 before the effective date of this Act who has a limited license issued under or is
15 eligible to receive a limited license under AS 28.15.201(d) may continue to use that limited
16 license or may receive a limited license as provided in AS 28.15.201 as that section read on
17 the day before the effective date of this Act and is subject to penalties for violating the
18 limitations on that license as provided in AS 28.15.291 as that statute read on the day before
19 the effective date of this Act.

20 * **Sec. 8.** This Act takes effect January 1, 2008.