

CS FOR HOUSE BILL NO. 19(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/21/07

Referred: Finance

Sponsor(s): REPRESENTATIVES MEYER, Crawford, Gruenberg, Gara

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 11.76.140 is amended to read:

5 **Sec. 11.76.140. Avoidance of ignition interlock device.** (a) A person
6 **commits the crime of avoidance of ignition interlock device if the person** [MAY
7 NOT] knowingly **circumvents**

8 [(1) CIRCUMVENT] or **tampers** [TAMPER] with an ignition
9 interlock device in a manner intended to allow a person on probation under
10 AS 12.55.102 **or who has an ignition interlock limited license** to avoid using the
11 device [; OR

12 (2) RENT, LOAN, OR LEASE A MOTOR VEHICLE TO A
13 PERSON ON PROBATION UNDER AS 12.55.102, UNLESS THE VEHICLE IS
14 EQUIPPED WITH AN IGNITION INTERLOCK DEVICE DESCRIBED IN

1 AS 12.55.102].

2 (b) Avoidance of ignition interlock device is [NOTWITHSTANDING
3 AS 11.81.250, A PERSON CONVICTED OF VIOLATING THIS SECTION IS
4 GUILTY OF] a class A misdemeanor. [THE MAXIMUM TERM OF
5 IMPRISONMENT THAT MAY BE IMPOSED IS 30 DAYS AND THE MAXIMUM
6 FINE THAT MAY BE IMPOSED IS \$500.]

7 * **Sec. 2.** AS 28.15.183(f) is amended to read:

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14 WHOSE DRIVER'S LICENSE, PERMIT, OR PRIVILEGE WAS REVOKED FOR A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17 driver's license, permit, or privilege to drive was revoked for a period of more than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

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

21 (f) A court revoking a driver's license, privilege to drive, or privilege to obtain
22 a license under AS 28.15.181(c), or the department when revoking a driver's license,
23 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
24 ignition interlock limited license privileges. Ignition interlock limited license
25 privileges allow the person to operate a vehicle on which an ignition interlock device
26 has been installed and shall be identified on the limited license certificate issued by the
27 court or department to the person. If the ignition interlock device prevents a vehicle
28 from being operated, the person has not violated the requirements of the limited
29 license by attempting to operate the vehicle. The court or department may grant
30 ignition interlock limited license privileges if

31 (1) the revocation was for a conviction under AS 28.35.030, 28.35.032,

1 or a similar municipal ordinance;

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

4 (3) the person signs an affidavit acknowledging that

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

8 (B) circumventing or tampering with the ignition interlock
9 device is a class A misdemeanor; and

10 (C) the person is required to maintain the ignition interlock
11 device throughout the period of the limited license, to keep up-to-date records
12 in each vehicle showing that any required service and calibration is current,
13 and to produce those records immediately on request;

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

16 * **Sec. 4.** AS 28.15.291(b) is amended to read:

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

18 (1) shall impose a minimum sentence of imprisonment

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

23 (B) if the person has been previously convicted, of not less than
24 10 days;

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

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

6 (2) may impose additional conditions of probation;

7 (3) may not

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

11 (B) suspend imposition of sentence;

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

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

19 * **Sec. 5.** AS 28.35.030 is amended by adding a new subsection to read:

20 (u) When a defendant is convicted under this section, the court shall consider
 21 the use of an ignition interlock device as provided in AS 12.55.102 and shall make
 22 findings concerning the decision. The court shall require the use of an ignition
 23 interlock device for the entire period of probation or sentence or a portion thereof,
 24 when its use is consistent with the purposes stated in AS 12.55.005 and as needed to
 25 protect public safety.

26 * **Sec. 6.** AS 28.35.032 is amended by adding a new subsection to read:

27 (u) When a defendant is convicted under this section, the court shall consider
 28 the use of an ignition interlock device as provided in AS 12.55.102 and shall make
 29 findings concerning the decision. The court shall require the use of an ignition
 30 interlock device for the entire period of probation or sentence or a portion thereof,
 31 when its use is consistent with the purposes stated in AS 12.55.005 and as needed to

1 protect public safety.

2 * **Sec. 7.** AS 28.15.201(d) and 28.15.201(e) are repealed.

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

5 TRANSITIONAL PROVISION. A person convicted of a misdemeanor violation of
6 AS 28.35.030 before the effective date of this Act who has a limited license issued under or is
7 eligible to receive a limited license under AS 28.15.201(d) may continue to use that limited
8 license or may receive a limited license as provided in AS 28.15.201 as that section read on
9 the day before the effective date of this Act and is subject to penalties for violating the
10 limitations on that license as provided in AS 28.15.291 as that statute read on the day before
11 the effective date of this Act.

12 * **Sec. 9.** This Act takes effect January 1, 2008.