

**HOUSE BILL NO. 126**

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

**BY REPRESENTATIVE JOHANSEN**

**Introduced: 2/12/07**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to driver's licenses and permits, commercial driver's licenses, and**  
2 **other motor vehicle laws; relating to the driver's license compact; and providing for an**  
3 **effective date."**

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

5 **\* Section 1.** AS 28.05 is amended by adding a new section to read:

6 **Sec. 28.05.065. Access to criminal justice information.** (a) For purposes of  
7 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an  
8 employee of the department assigned to perform functions under those chapters may  
9 access information about an adult or juvenile charged with, convicted of, or  
10 adjudicated a delinquent for an offense.

11 (b) For purposes of obtaining access to criminal justice information  
12 maintained by the Department of Public Safety under AS 12.62, the unit assigned  
13 motor vehicle functions in the Department of Administration is a criminal justice  
14 agency conducting a criminal justice activity.

1 (c) In this section,

2 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

3 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

4 \* **Sec. 2.** AS 28.05.071 is amended to read:

5 **Sec. 28.05.071. Change of name or address.** A person who has applied for or  
6 been issued a certificate, registration, title, license, permit, or other form under this  
7 title, and who changes the person's name or moves from the address shown on the  
8 records or forms of the Department of Administration or the Department of Public  
9 Safety, shall notify the appropriate department [IN WRITING] of the change in name  
10 or address within 30 days

11 (1) on a form or in a format specified by the appropriate  
12 department; and

13 (2) in a manner prescribed in regulations adopted by the  
14 appropriate department.

15 \* **Sec. 3.** AS 28.15.021 is amended to read:

16 **Sec. 28.15.021. Persons exempt from driver licensing.** The following  
17 persons are exempt from driver licensing under this chapter:

18 (1) an employee of the United States government while operating a  
19 motor vehicle owned by or leased to the United States government and being operated  
20 on official business, unless the employee is required by the United States government  
21 or an agency of that government to have a state driver's license;

22 (2) a nonresident who is at least 16 years of age and who has a valid  
23 driver's license issued by another jurisdiction; however, an Alaska driver's license  
24 must be obtained by the end of a 90-day period after entry into the state;

25 (3) a member of the armed forces of the United States who has a valid  
26 driver's license issued by another jurisdiction when the permanent residence of the  
27 member is maintained in that jurisdiction;

28 (4) a person when driving an implement of husbandry, as defined by  
29 regulation, that is only temporarily driven or moved on a highway;

30 (5) a person when driving or operating an off-highway vehicle,  
31 watercraft, aircraft, or other vehicle not designed for highway use as specified by the

1 department by regulation;

2 (6) a person who is at least 16 years of age with a valid driver's license  
3 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an  
4 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of  
5 a 90-day period after entering the state;

6 (7) a person when operating an electric personal motor vehicle;

7 **(8) certain drivers in the United States military service who are**  
8 **operating commercial motor vehicles for military purposes; in this paragraph,**  
9 **"certain drivers in the United States military service"**

10 **(A) means**

11 **(i) a member of the United States active duty**  
12 **military, including active duty United States Coast Guard;**

13 **(ii) a member of the United States military reserves;**

14 **(iii) a member of the Alaska National Guard or the**  
15 **national guard of another state on active duty in this state,**  
16 **including a member on part-time Alaska National Guard training;**  
17 **and**

18 **(iv) an individual who serves as an Alaska National**  
19 **Guard military technician; in this sub-subparagraph, "Alaska**  
20 **National Guard military technician" means an individual who is**  
21 **not a member of the military, but is required to wear a military**  
22 **uniform;**

23 **(B) does not include an individual who serves as a United**  
24 **States Military Reserve technician;**

25 **(9) drivers employed by a municipality or established village, as**  
26 **that term is defined in AS 04.21.080, with a population of 3,000 or less operating**  
27 **snow removal equipment in this state within the boundaries of the municipality**  
28 **or established village if**

29 **(A) the employee who is properly licensed in this state and**  
30 **ordinarily operates the equipment is unavailable; or**

31 **(B) the municipality or established village determines that**

1                   **an emergency exists that requires additional assistance;**

2                   **(10) a nonresident who holds a valid commercial driver's license**  
 3                   **issued by another jurisdiction when the permanent residence of the commercial**  
 4                   **driver is maintained in that jurisdiction.**

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

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

8                               (1) whose license is suspended, [OR] revoked, **canceled, or**  
 9                               **withdrawn in this or any other jurisdiction** except as otherwise provided in this  
 10                   chapter;

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

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

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

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

22                              (6) who has knowingly made a false statement in the person's  
 23                   application for a license or has committed fraud in connection with the person's  
 24                   application for, or in obtaining or attempting to obtain, a license, or who has not  
 25                   applied under oath on the form provided for the purpose of obtaining or attempting to  
 26                   obtain a license or permit; or

27                              (7) who is required under AS 28.20 to furnish proof of financial  
 28                   responsibility and who has not done so.

29           \* **Sec. 5.** AS 28.15.031 is amended by adding new subsections to read:

30                   (c) The department may not issue an original or duplicate commercial driver's  
 31                   license to, nor renew or reinstate the commercial driver's license of, a person who is

1 disqualified from operating commercial motor vehicles in this or any other jurisdiction  
2 or is not domiciled in this state.

3 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

4 \* **Sec. 6.** AS 28.15.046(f) is amended to read:

5 (f) Costs of conducting the background check required under (b)(4) of this  
6 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS  
7 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING  
8 ISSUANCE.] Application for renewal may be made by submitting to the department  
9 the results of a current physical examination and paying the required fee.

10 \* **Sec. 7.** AS 28.15.051(a) is amended to read:

11 (a) Except as provided in (b) of this section, a person who is at least 14 years  
12 of age may apply to the department for an instruction permit. The department may,  
13 after the applicant has successfully passed all parts of the examination under  
14 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.  
15 The permit allows a person, while having the permit in the person's immediate  
16 possession, to drive a specified type or class of motor vehicle on a highway or  
17 vehicular way or area for a period not to exceed two years. The permittee shall be  
18 accompanied by a person at least 21 years of age who has been licensed at least one  
19 year to drive the type or class of vehicle being used, who is capable of exercising  
20 control over the vehicle and who occupies a seat beside the driver, or who  
21 accompanies and immediately supervises the driver when the permittee drives a  
22 motorcycle. An instruction permit may be renewed **one time. Once a license is issued**  
23 **to drive a specified type or class of motor vehicle, a driver is not eligible to obtain**  
24 **an instructional permit for that specified type or class of motor vehicle.**

25 \* **Sec. 8.** AS 28.15.061(b) is amended to read:

26 (b) An application under (a) of this section must

27 (1) contain the applicant's full **legal** name, date and place of birth, sex,  
28 and mailing and residence addresses;

29 (2) state whether the applicant has been previously licensed **in the past**  
30 **10 years** as a driver and, if so, when and by what jurisdiction;

31 (3) state whether any previous driver's license issued to the applicant

1 has ever been suspended or revoked or whether an application for a driver's license has  
 2 ever been refused and, if so, the date of and reason for the suspension, revocation, or  
 3 refusal;

4 (4) contain the applicant's social security number; the requirement of  
 5 this paragraph only applies to an applicant who has been issued a social security  
 6 number; and

7 (5) contain other information that the department may reasonably  
 8 require to determine the applicant's identity, competency, and eligibility.

9 \* **Sec. 9.** AS 28.15.151(a) is amended to read:

10 (a) The department **shall** [MAY] maintain a file of

11 (1) every driver's license application, license or permit, and duplicate  
 12 driver's license issued by it;

13 (2) every license that has been suspended, revoked, canceled, limited,  
 14 restricted, or denied, and the reasons for those actions; [AND]

15 (3) all accident reports required to be forwarded to the department  
 16 under this title; **and**

17 **(4) every disqualification of an individual from operating a**  
 18 **commercial motor vehicle.**

19 \* **Sec. 10.** AS 28.15.151(b) is amended to read:

20 (b) The department **shall** [MAY] also maintain **and update within 10 days**  
 21 **after receipt by the department,** a file of all accident reports, abstracts of court  
 22 records of convictions of vehicle, driver, and traffic offenses, and other information  
 23 **that** [WHICH] the department considers necessary to carry out the purposes of this  
 24 chapter.

25 \* **Sec. 11.** AS 28.15.151(c) is amended to read:

26 (c) The department shall, upon request, subject to the applicable provisions of  
 27 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,  
 28 state, or federal administrative or judicial agency with a certified abstract of the  
 29 driving record of a driver **within 10 days after receipt of the request by the**  
 30 **department;** and (2) a parent, foster parent, or guardian of a driver who is under 18  
 31 years of age and not an emancipated minor an abstract of the driving record of that

1 driver; the department may refuse to release the driver's address to the parent, foster  
 2 parent, or guardian if the department determines that the release of the driver's address  
 3 poses a threat to the health or safety of the driver. The abstract must include a listing  
 4 of accidents in which the driver has been determined by the department or a court of  
 5 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic  
 6 offenses, any actions taken upon the driver's license, and information relating to  
 7 financial responsibility.

8 \* **Sec. 12.** AS 28.15.171(b) is amended to read:

9 (b) The department **shall** [MAY], upon receiving the record of a conviction of  
 10 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this  
 11 state, or upon suspending or revoking the person's driving privilege, forward a copy of  
 12 the record or suspension or revocation to the motor vehicle administrator for the  
 13 jurisdiction in which the person convicted is licensed.

14 \* **Sec. 13.** AS 28.15.211(a) is amended to read:

15 (a) Except for a point system suspension or revocation under AS 28.15.221 -  
 16 28.15.241 and unless provided otherwise by law, and unless the suspension or  
 17 revocation was for a cause that has been removed, a person whose driver's license,  
 18 privilege to drive, or privilege to obtain a license has been suspended or revoked may  
 19 not apply for a new license, and the person's driving privilege may not be restored,  
 20 until the expiration of

21 (1) **30 days** [ONE MONTH] from the date on which the license,  
 22 privilege to drive, or privilege to obtain a license was suspended or revoked for a first  
 23 conviction of the particular offense from which the suspension or revocation resulted;

24 (2) **90 days** [THREE MONTHS] from the date on which the license,  
 25 privilege to drive, or privilege to obtain a license was suspended or revoked for a  
 26 second conviction within 12 consecutive months of the same offense from which the  
 27 suspension or revocation resulted;

28 (3) one year from the date on which the license, privilege to drive, or  
 29 privilege to obtain a license was suspended or revoked for a third or subsequent  
 30 conviction within 12 consecutive months of the same offense from which the  
 31 suspension or revocation resulted.

1 \* **Sec. 14.** AS 28.15.211(b) is amended to read:

2 (b) A limitation, suspension, or revocation of a driver's license, privilege to  
 3 drive, or privilege to obtain a license **or a disqualification** imposed by a court **or the**  
 4 **department** takes effect on the date of final judgment, except that if another **court or**  
 5 **department** limitation, suspension, **disqualification**, or revocation is in effect on the  
 6 date of final judgment, the effective date of the last imposed limitation, suspension,  
 7 **disqualification**, or revocation is at the end of the last day of the previous limitation,  
 8 suspension, **disqualification**, or revocation unless the court **or department** specifies  
 9 otherwise.

10 \* **Sec. 15.** AS 28.33.100(a) is amended to read:

11 (a) A person may not drive a commercial motor vehicle until the person  
 12 applies for and is issued a license for that purpose under AS 28.15.041. The  
 13 department may not issue a license to drive a commercial motor vehicle unless the  
 14 applicant

15 (1) is at least 19 years of age, **to operate in intrastate commerce, or**  
 16 **at least 21 years of age, to operate in interstate commerce;**

17 (2) has held a valid driver's license at least one year before the date of  
 18 application or meets the experience qualifications established by the department;

19 (3) has successfully completed all required driving tests and written  
 20 and physical examinations;

21 (4) either does not have a driver's license issued by another jurisdiction  
 22 or surrenders all driver's licenses issued by other jurisdictions; **and**

23 **(5) is domiciled in this state.**

24 \* **Sec. 16.** AS 28.33.140(a) is amended to read:

25 (a) In addition to **any** [THE] court action **or administrative action in this or**  
 26 **any other jurisdiction** [PROVIDED IN AS 28.15.181], conviction of any of the  
 27 following offenses is grounds for immediate disqualification from driving a  
 28 commercial motor vehicle for the periods set out in this section:

29 (1) operating a commercial motor vehicle while under the influence of  
 30 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

31 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

1 (3) operating a motor vehicle while under the influence of an alcoholic  
2 beverage, inhalant, or controlled substance in violation of AS 28.35.030;

3 (4) leaving the scene of an accident in violation of AS 28.35.060, or  
4 failing to file, or providing false information in, an accident report in violation of  
5 AS 28.35.110;

6 (5) a felony under state or federal law that was facilitated because the  
7 person used a [COMMERCIAL] motor vehicle;

8 (6) a serious traffic violation;

9 (7) driving after being placed out of service in violation of regulations  
10 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]

11 (8) operating a commercial motor vehicle in violation of a federal or  
12 state statute or regulation, or a local law or ordinance, relating to railroad-highway  
13 grade crossings;

14 **(9) operating a commercial motor vehicle while the driver's**  
15 **commercial motor vehicle license is suspended, revoked, or canceled, or the**  
16 **driver is disqualified;**

17 **(10) causing a fatality through the negligent operation, or**  
18 **operation in violation of a felony criminal law, of a commercial motor vehicle.**

19 \* **Sec. 17.** AS 28.33.140(c) is amended to read:

20 (c) **Upon a conviction by a court of** [A COURT CONVICTING] a person of  
21 an offense described in (a)(6) of this section, **the department** shall disqualify that  
22 person from driving a commercial motor vehicle for not less than 60 days if the person  
23 has been previously convicted once, and 120 days if the person has been previously  
24 convicted more than once. **The disqualification period under this subsection is in**  
25 **addition to any other previously imposed period of disqualification.** As used in  
26 this subsection, "previously convicted" means having been convicted in this or another  
27 jurisdiction, within three years preceding the date of the present offense, of an offense  
28 described in (a)(6) of this section, or of another law or ordinance with substantially  
29 similar elements, arising out of a separate incident.

30 \* **Sec. 18.** AS 28.33.140(d) is amended to read:

31 (d) **Upon conviction by a court of** [A COURT CONVICTING] a person of

1 an offense described in (a)(1) - (5) of this section, **the department** shall disqualify  
 2 that person from driving a commercial motor vehicle for not less than one year for a  
 3 first offense, except that, if the offense was

4 (1) facilitated by a commercial motor vehicle transporting a hazardous  
 5 **material** [SUBSTANCE] that required that placards be placed on the vehicle under 49  
 6 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

7 (2) a felony offense that involved the manufacture, distribution, or  
 8 dispensing, or possession with intent to manufacture, distribute, or dispense, a  
 9 controlled substance, the disqualification is for life and the license may not be  
 10 reinstated under (g) of this section.

11 \* **Sec. 19.** AS 28.33.140(e) is amended to read:

12 (e) **Upon conviction by a court of** [A COURT CONVICTING] a person of  
 13 an offense described in (a)(1) - (5) of this section, **the department** shall disqualify  
 14 that person from driving a commercial motor vehicle for life if the person has been  
 15 previously convicted. As used in this subsection, "previously convicted" means having  
 16 been convicted in this or another jurisdiction of an offense described in (a)(1) - (5) of  
 17 this section, or of another law or ordinance with substantially similar elements.

18 \* **Sec. 20.** AS 28.33.140(i) is amended to read:

19 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a  
 20 person from driving a commercial motor vehicle shall require the surrender of the  
 21 license, and shall immediately forward the license to the department with the record of  
 22 conviction and notification of the effective date of the disqualification. **If the**  
 23 **disqualification occurs by administrative action as described in (a) of this section,**  
 24 **the person disqualified from driving shall surrender the license to the**  
 25 **department.**

26 \* **Sec. 21.** AS 28.33.140(j) is amended to read:

27 (j) **Upon conviction by a court of** [A COURT CONVICTING] a person of an  
 28 offense described in (a)(7) of this section, **the department** shall disqualify that person  
 29 from driving a commercial motor vehicle for the following periods: (1) if the person  
 30 has not been previously convicted of violating an out-of-service order, not less than  
 31 **180** [90] days; (2) if the person has been previously convicted once of violating an

1 out-of-service order, not less than **two years** [ONE YEAR]; (3) if the person has been  
 2 previously convicted more than once of violating an out-of-service order, not less than  
 3 three years; **(4) if the person operates a commercial motor vehicle transporting**  
 4 **hazardous materials or a vehicle designed to transport 16 or more passengers,**  
 5 **including the driver, in violation of an out-of-service order, not less than 180**  
 6 **days; (5) if the person has been previously convicted of operating a commercial**  
 7 **motor vehicle transporting hazardous materials or a vehicle designed to**  
 8 **transport 16 or more passengers, including the driver, in violation of an out-of-**  
 9 **service order two or more times in separate incidents within a 10-year period, not**  
 10 **less than three years.** In this subsection, "previously convicted" means having been  
 11 convicted in this or another jurisdiction of an offense described in (a)(7) of this section  
 12 within 10 years preceding the date of the present offense.

13 \* **Sec. 22.** AS 28.33.140(k) is amended to read:

14 (k) **Upon conviction by a court of** [A COURT CONVICTING] a person of  
 15 an offense described in (a)(8) of this section, **the department** shall disqualify that  
 16 person from operating a commercial motor vehicle for the following periods: (1) if the  
 17 person has not been previously convicted of violating a federal or state statute or  
 18 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,  
 19 not less than 60 days; (2) if the person has been previously convicted once of violating  
 20 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-  
 21 highway grade crossings, not less than 120 days; (3) if the person has been previously  
 22 convicted more than once of a violation of a federal or state statute or regulation, or a  
 23 local law or ordinance, relating to railroad-highway grade crossings, not less than one  
 24 year. In this subsection, "previously convicted" means having been convicted in this or  
 25 another jurisdiction of an offense described in (a)(8) of this section within three years  
 26 proceeding the date of the present offense.

27 \* **Sec. 23.** AS 28.33.140 is amended by adding new subsections to read:

28 (l) A person who operates a commercial motor vehicle whose driving is  
 29 determined by the United States Department of Transportation to constitute an  
 30 imminent hazard is subject to disqualification as specified by the department in  
 31 regulation. The regulations adopted by the department under this subsection must be

1 substantially similar to those set by the federal government.

2 (m) A person who violates the standards for operating a commercial motor  
3 vehicle set out by the department in regulation is subject to civil penalties established  
4 by the department in regulation. An employer who knowingly allows an employee to  
5 drive in violation of an out-of-service order or in violation of a railroad-highway grade  
6 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by  
7 the department in regulation. The department may adopt regulations under AS 44.62  
8 to implement this subsection. The regulations adopted under this subsection must be  
9 substantially similar to any applicable federal regulations.

10 \* **Sec. 24.** AS 28.33.150(a) is amended to read:

11 (a) A person is guilty of a class A misdemeanor if the person drives a  
12 commercial motor vehicle in this state

13 (1) without being licensed or privileged in this state to drive a  
14 commercial motor vehicle;

15 (2) during a period when that person's driver's license, privilege to  
16 drive, or privilege to obtain a license has been canceled, suspended, or revoked, **or the**  
17 **person has been disqualified,** in this or another jurisdiction;

18 (3) in violation of a limitation placed upon that person's license or  
19 privilege to drive in this or another jurisdiction;

20 (4) during a period when that person has been disqualified from  
21 driving a commercial motor vehicle by a court or an administrative agency in this or  
22 another jurisdiction; or

23 (5) in violation of an out of service order issued under AS 28.33.130 or  
24 under a law in another jurisdiction having substantially similar requirements.

25 \* **Sec. 25.** AS 28.33.190(11) is amended to read:

26 (11) "serious traffic violation" means

27 (A) speeding 15 miles per hour or more above the posted limit;

28 (B) reckless or negligent driving, in violation of AS 28.35.400  
29 or 28.35.410 or an ordinance with substantially similar elements;

30 (C) violation of a provision of this title, or a regulation adopted  
31 under this title, relating to improper lane changes or following too closely, or

1 an ordinance with substantially similar elements; [OR]

2 (D) violation of a law or ordinance relating to traffic control,  
3 which was determined by the court by a preponderance of the evidence to have  
4 been a factor in causing physical injury to a person;

5 **(E) driving a commercial motor vehicle without obtaining a**  
6 **license to drive a commercial motor vehicle;**

7 **(F) driving a commercial motor vehicle without a license to**  
8 **drive a commercial motor vehicle in the driver's possession; however, if an**  
9 **individual provides proof to the department by the date that the**  
10 **individual was required to appear in court or pay any fine for that**  
11 **violation that the individual held a valid license to drive a commercial**  
12 **motor vehicle on the date the citation was issued, the driving may not be**  
13 **considered as a serious traffic violation under this paragraph; or**

14 **(G) driving a commercial motor vehicle without the proper**  
15 **class of license to drive a commercial motor vehicle and any required**  
16 **endorsements for the specific vehicle group being operated, or for the**  
17 **passengers or type of cargo being transported.**

18 \* **Sec. 26.** AS 28.33.190 is amended by adding new paragraphs to read:

19 (12) "commerce" means

20 (A) any trade, traffic, or transportation within the jurisdiction  
21 of the United States between a place in a state and a place outside of the United  
22 States; and

23 (B) trade, traffic, and transportation in the United States that  
24 affects any trade, traffic, and transportation described in (A) of this paragraph;

25 (13) "commercial driver's license" means a license issued by a state or  
26 other jurisdiction, in accordance with the standards contained in 49 C.F.R. 383, to an  
27 individual authorizing the individual to operate a class of a commercial motor vehicle;

28 (14) "conviction" means an unvacated adjudication or conviction of  
29 guilt, or a determination that a person has violated or failed to comply with the law in  
30 a court of original jurisdiction or by an authorized administrative agency, an unvacated  
31 forfeiture of bail or collateral deposited to secure the person's appearance in court, a

1 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court  
 2 cost, or violation of a condition of release without bail, regardless of whether the  
 3 penalty is rebated, suspended, or probated;

4 (15) "domicile" means a state of the United States where a person has  
 5 the person's true, fixed, and permanent home and principal residence and to which the  
 6 person has the intention of returning whenever the person is absent;

7 (16) "hazardous material" means any material that has been designated  
 8 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of  
 9 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42  
 10 C.F.R. 73;

11 (17) "imminent hazard" means the existence of a condition that  
 12 presents a substantial likelihood that death, serious illness, severe personal injury, or a  
 13 substantial endangerment to health, property, or the environment may occur before the  
 14 reasonably foreseeable completion date of a formal proceeding by the United States  
 15 Department of Transportation begun to lessen the risk of that death, illness, injury or  
 16 endangerment.

17 \* **Sec. 27.** AS 28.35.032(s) is amended to read:

18 (s) For purposes of this section, the director of the division within the  
 19 department responsible for administration of this section or a person designated by the  
 20 director may request and receive criminal justice information available under  
 21 AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS  
 22 THE MEANING GIVEN IN AS 12.62.900.]

23 \* **Sec. 28.** AS 28.35.135(b) is amended to read:

24 (b) A person who has a certification, registration, title, license, or other form  
 25 issued under this title, or who has applied for a certification, registration, license, or  
 26 other form, and who changes the person's name or moves from the address shown on  
 27 the department's records or forms, shall notify the department in writing of the change  
 28 in name or address within 30 days

29 **(1) on a form or in a format specified by the department; and**

30 **(2) in a manner prescribed in regulations adopted by the**

31 **department.**

1 \* **Sec. 29.** AS 28.37.150 is amended to read:

2 **Sec. 28.37.150. Grounds requiring refusal to issue license.** Upon application  
3 for a license to drive, the licensing authority in a party state shall ascertain whether the  
4 applicant has ever held, or is the holder of a license to drive issued by another party  
5 state. The licensing authority in the state where application is made may not issue a  
6 license to drive to the applicant if

7 (1) the applicant has held a license, but the license has been suspended,  
8 **revoked, or canceled, or the applicant has been disqualified from operating a**  
9 **commercial motor vehicle,** by reason, in whole or in part, of a violation, and the  
10 suspension period has not terminated;

11 (2) the applicant has held a license, but the license has been revoked by  
12 reason, in whole or in part, of a violation, and the revocation has not terminated;  
13 except that after the expiration of one year from the date the license was revoked, the  
14 person may make application for a new license if permitted by law; the licensing  
15 authority may refuse to issue a license to an applicant if, after investigation, the  
16 licensing authority determines that it will not be safe to grant to the person the  
17 privilege of driving a motor vehicle on the public highways;

18 (3) the applicant is the holder of a license to drive issued by another  
19 party state and currently in force, unless the applicant surrenders the license;

20 **(4) the applicant has held a license, but has been disqualified from**  
21 **operating a commercial motor vehicle by reason, in whole or in part, of a**  
22 **violation, and the disqualification has not terminated; however, a person may**  
23 **make an application for a noncommercial driver license if permitted by other**  
24 **law.**

25 \* **Sec. 30.** AS 28.90.990(a) is amended by adding a new paragraph to read:

26 (29) "criminal justice information" has the meaning given in  
27 AS 12.62.900.

28 \* **Sec. 31.** AS 28.33.140(b) and 28.33.190(8) are repealed.

29 \* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 **TRANSITION: REGULATIONS.** The Department of Administration may proceed to

1 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62  
2 (Administrative Procedure Act), but not before the effective date of the statutory changes.

3 \* **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

4 \* **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect July 1, 2007.