

CS FOR HOUSE BILL NO. 126(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/14/07

Referred: Rules

Sponsor(s): REPRESENTATIVE JOHANSEN

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 criminal justice information about an adult or minor charged with or convicted
10 of 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 a person who**
 27 **holds or is required to have a commercial driver's license** of any of the following
 28 offenses is grounds for immediate disqualification from driving a commercial motor
 29 vehicle for the periods set out in this section:

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

- 1 (2) refusal to submit to a chemical test in violation of AS 28.35.032;
- 2 (3) operating a motor vehicle while under the influence of an alcoholic
3 beverage, inhalant, or controlled substance in violation of AS 28.35.030;
- 4 (4) leaving the scene of an accident in violation of AS 28.35.060, or
5 failing to file, or providing false information in, an accident report in violation of
6 AS 28.35.110;
- 7 (5) a felony under state or federal law that was facilitated because the
8 person used a [COMMERCIAL] motor vehicle;
- 9 (6) a serious traffic violation;
- 10 (7) driving after being placed out of service in violation of regulations
11 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]
- 12 (8) operating a commercial motor vehicle in violation of a federal or
13 state statute or regulation, or a local law or ordinance, relating to railroad-highway
14 grade crossings;
- 15 **(9) operating a commercial motor vehicle while the driver's**
16 **commercial motor vehicle license is suspended, revoked, or canceled, or the**
17 **driver is disqualified;**
- 18 **(10) causing a fatality through the negligent operation, or**
19 **operation in violation of a felony criminal law, of a commercial motor vehicle.**

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

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

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

1 (d) **Upon conviction by a court of** [A COURT CONVICTING] a person of
 2 an offense described in (a)(1) - (5), **(9), or (10)** of this section, **the department** shall
 3 disqualify that person from driving a commercial motor vehicle for not less than one
 4 year for a first offense, except that, if the offense was

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

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

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

13 (e) **Upon conviction by a court of** [A COURT CONVICTING] a person of
 14 an offense described in (a)(1) - (5), **(9), or (10)** of this section, **the department** shall
 15 disqualify that person from driving a commercial motor vehicle for life if the person
 16 has been previously convicted. As used in this subsection, "previously convicted"
 17 means having been convicted in this or another jurisdiction of an offense described in
 18 (a)(1) - (5), **(9), or (10)** of this section, or of another law or ordinance with
 19 substantially similar elements.

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

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

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

29 (j) **Upon conviction by a court of** [A COURT CONVICTING] a person of an
 30 offense described in (a)(7) of this section, **the department** shall disqualify that person
 31 from driving a commercial motor vehicle for the following periods: (1) if the person

1 has not been previously convicted of violating an out-of-service order, not less than
 2 **180** [90] days; (2) if the person has been previously convicted once of violating an
 3 out-of-service order, not less than **two years** [ONE YEAR]; (3) if the person has been
 4 previously convicted more than once of violating an out-of-service order, not less than
 5 three years; **(4) if the person operates a commercial motor vehicle transporting**
 6 **hazardous materials or a vehicle designed to transport 16 or more passengers,**
 7 **including the driver, in violation of an out-of-service order, not less than 180**
 8 **days; (5) if the person has been previously convicted of operating a commercial**
 9 **motor vehicle transporting hazardous materials or a vehicle designed to**
 10 **transport 16 or more passengers, including the driver, in violation of an out-of-**
 11 **service order two or more times in separate incidents within a 10-year period, not**
 12 **less than three years.** In this subsection, "previously convicted" means having been
 13 convicted in this or another jurisdiction of an offense described in (a)(7) of this section
 14 within 10 years preceding the date of the present offense.

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

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

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

30 (l) A person who operates a commercial motor vehicle whose driving is
 31 determined by the United States Department of Transportation to constitute an

1 imminent hazard is subject to disqualification as specified by the department in
 2 regulation. The regulations adopted by the department under this subsection must be
 3 substantially similar to those set by the federal government.

4 (m) A person who violates the standards for operating a commercial motor
 5 vehicle set out by the department in regulation is subject to civil penalties established
 6 by the department in regulation. An employer who knowingly allows an employee to
 7 drive in violation of an out-of-service order or in violation of a railroad-highway grade
 8 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by
 9 the department in regulation. The department may adopt regulations under AS 44.62
 10 to implement this subsection. The regulations adopted under this subsection must be
 11 substantially similar to any applicable federal regulations. In this subsection,
 12 "knowingly," has the meaning given in AS 11.81.900.

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

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

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

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

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

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

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

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

29 (11) "serious traffic violation" means

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

31 (B) reckless or negligent driving, in violation of AS 28.35.400

1 or 28.35.410 or an ordinance with substantially similar elements;

2 (C) violation of a provision of this title, or a regulation adopted
3 under this title, relating to improper lane changes or following too closely, or
4 an ordinance with substantially similar elements; [OR]

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

8 **(E) driving a commercial motor vehicle without obtaining a**
9 **license to drive a commercial motor vehicle;**

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

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

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

22 (12) "commerce" means

23 (A) any trade, traffic, or transportation within the jurisdiction
24 of the United States between a place in a state and a place outside of the United
25 States; and

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

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

31 (14) "conviction" means an unvacated adjudication or conviction of

1 guilt, or a determination that a person has violated or failed to comply with the law in
2 a court of original jurisdiction or by an authorized administrative agency, an unvacated
3 forfeiture of bail or collateral deposited to secure the person's appearance in court, a
4 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court
5 cost, or violation of a condition of release without bail, regardless of whether the
6 penalty is rebated, suspended, or probated;

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

10 (16) "hazardous material" means any material that has been designated
11 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of
12 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42
13 C.F.R. 73;

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

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

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

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

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

- 1 **(1) on a form or in a format specified by the department; and**
 2 **(2) in a manner prescribed in regulations adopted by the**
 3 **department.**

4 * **Sec. 29.** AS 28.37.150 is amended to read:

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

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

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

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

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

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

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

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

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

3 TRANSITION: REGULATIONS. The Department of Administration may proceed to
4 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62
5 (Administrative Procedure Act), but not before the effective date of the statutory changes.

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

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