

**CS FOR HOUSE BILL NO. 126(JUD)(title am)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 3/21/07**

**Offered: 3/14/07**

**Sponsor(s): REPRESENTATIVE JOHANSEN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to access to criminal justice information for certain employees of the**  
2 **Department of Administration; relating to the procedure for changes to certificates,**  
3 **registration, titles, licenses, permits, and other forms relating to driving and motor**  
4 **vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of,**  
5 **expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and**  
6 **exemptions from commercial and other driver's licenses, permits, or privileges to drive;**  
7 **relating to records concerning motor vehicles and their drivers; relating to penalties for**  
8 **violating commercial driver licensing requirements; relating to the driver's license**  
9 **compact; and providing for an effective date."**

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

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

12 **Sec. 28.05.065. Access to criminal justice information.** (a) For purposes of

1 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an  
 2 employee of the department assigned to perform functions under those chapters may  
 3 access criminal justice information about an adult or minor charged with or convicted  
 4 of an offense.

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

9 (c) In this section,

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

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

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

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

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

21 **(2) in a manner prescribed in regulations adopted by the**  
 22 **appropriate department.**

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

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

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

30 (2) a nonresident who is at least 16 years of age and who has a valid  
 31 driver's license issued by another jurisdiction; however, an Alaska driver's license

1 must be obtained by the end of a 90-day period after entry into the state;

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

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

7 (5) a person when driving or operating an off-highway vehicle,  
8 watercraft, aircraft, or other vehicle not designed for highway use as specified by the  
9 department by regulation;

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

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

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

18 **(A) means**

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

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

22 **(iii) a member of the Alaska National Guard or the**  
23 **national guard of another state on active duty in this state,**  
24 **including a member on part-time Alaska National Guard training;**  
25 **and**

26 **(iv) an individual who serves as an Alaska National**  
27 **Guard military technician; in this sub-subparagraph, "Alaska**  
28 **National Guard military technician" means an individual who is**  
29 **not a member of the military, but is required to wear a military**  
30 **uniform;**

31 **(B) does not include an individual who serves as a United**

1                   **States Military Reserve technician;**

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

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

8                   **(B) the municipality or established village determines that**  
 9 **an emergency exists that requires additional assistance;**

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

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

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

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

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

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

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

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

30                   (6) who has knowingly made a false statement in the person's  
 31 application for a license or has committed fraud in connection with the person's

1 application for, or in obtaining or attempting to obtain, a license, or who has not  
 2 applied under oath on the form provided for the purpose of obtaining or attempting to  
 3 obtain a license or permit; or

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

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

7 (c) The department may not issue an original or duplicate commercial driver's  
 8 license to, nor renew or reinstate the commercial driver's license of, a person who is  
 9 disqualified from operating commercial motor vehicles in this or any other jurisdiction  
 10 or is not domiciled in this state.

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

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

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

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

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

1 **an instructional permit for that specified type or class of motor vehicle.**

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

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

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

6 (2) state whether the applicant has been previously licensed **in the past**  
7 **10 years** as a driver and, if so, when and by what jurisdiction;

8 (3) state whether any previous driver's license issued to the applicant  
9 has ever been suspended or revoked or whether an application for a driver's license has  
10 ever been refused and, if so, the date of and reason for the suspension, revocation, or  
11 refusal;

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

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

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

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

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

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

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

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

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

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

1 chapter.

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

3 (c) The department shall, upon request, subject to the applicable provisions of  
 4 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,  
 5 state, or federal administrative or judicial agency with a certified abstract of the  
 6 driving record of a driver **within 10 days after receipt of the request by the**  
 7 **department**; and (2) a parent, foster parent, or guardian of a driver who is under 18  
 8 years of age and not an emancipated minor an abstract of the driving record of that  
 9 driver; the department may refuse to release the driver's address to the parent, foster  
 10 parent, or guardian if the department determines that the release of the driver's address  
 11 poses a threat to the health or safety of the driver. The abstract must include a listing  
 12 of accidents in which the driver has been determined by the department or a court of  
 13 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic  
 14 offenses, any actions taken upon the driver's license, and information relating to  
 15 financial responsibility.

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

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

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

23 (a) Except for a point system suspension or revocation under AS 28.15.221 -  
 24 28.15.241 and unless provided otherwise by law, and unless the suspension or  
 25 revocation was for a cause that has been removed, a person whose driver's license,  
 26 privilege to drive, or privilege to obtain a license has been suspended or revoked may  
 27 not apply for a new license, and the person's driving privilege may not be restored,  
 28 until the expiration of

29 (1) **30 days** [ONE MONTH] from the date on which the license,  
 30 privilege to drive, or privilege to obtain a license was suspended or revoked for a first  
 31 conviction of the particular offense from which the suspension or revocation resulted;

1 (2) **90 days** [THREE MONTHS] from the date on which the license,  
 2 privilege to drive, or privilege to obtain a license was suspended or revoked for a  
 3 second conviction within 12 consecutive months of the same offense from which the  
 4 suspension or revocation resulted;

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

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

10 (b) A limitation, suspension, or revocation of a driver's license, privilege to  
 11 drive, or privilege to obtain a license **or a disqualification** imposed by a court **or the**  
 12 **department** takes effect on the date of final judgment, except that if another **court or**  
 13 **department** limitation, suspension, **disqualification**, or revocation is in effect on the  
 14 date of final judgment, the effective date of the last imposed limitation, suspension,  
 15 **disqualification**, or revocation is at the end of the last day of the previous limitation,  
 16 suspension, **disqualification**, or revocation unless the court **or department** specifies  
 17 otherwise.

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

19 (a) A person may not drive a commercial motor vehicle until the person  
 20 applies for and is issued a license for that purpose under AS 28.15.041. The  
 21 department may not issue a license to drive a commercial motor vehicle unless the  
 22 applicant

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

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

27 (3) has successfully completed all required driving tests and written  
 28 and physical examinations;

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

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

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

2 (a) In addition to any [THE] court action or administrative action in this or  
 3 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who  
 4 holds or is required to have a commercial driver's license of any of the following  
 5 offenses is grounds for immediate disqualification from driving a commercial motor  
 6 vehicle for the periods set out in this section:

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

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

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

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

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

17 (6) a serious traffic violation;

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

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

23 (9) operating a commercial motor vehicle while the driver's  
 24 commercial motor vehicle license is suspended, revoked, or canceled, or the  
 25 driver is disqualified;

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

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

29 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of  
 30 an offense described in (a)(6) of this section, the department shall disqualify that  
 31 person from driving a commercial motor vehicle for not less than 60 days if the person

1 has been previously convicted once, and 120 days if the person has been previously  
 2 convicted more than once. **The disqualification period under this subsection is in**  
 3 **addition to any other previously imposed period of disqualification.** As used in  
 4 this subsection, "previously convicted" means having been convicted in this or another  
 5 jurisdiction, within three years preceding the date of the present offense, of an offense  
 6 described in (a)(6) of this section, or of another law or ordinance with substantially  
 7 similar elements, arising out of a separate incident.

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

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

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

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

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

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

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

29 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a  
 30 person from driving a commercial motor vehicle shall require the surrender of the  
 31 license, and shall immediately forward the license to the department with the record of

1 conviction and notification of the effective date of the disqualification. **If the**  
 2 **disqualification occurs by administrative action as described in (a) of this section,**  
 3 **the person disqualified from driving shall surrender the license to the**  
 4 **department.**

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

6 (j) **Upon conviction by a court of** [A COURT CONVICTING] a person of an  
 7 offense described in (a)(7) of this section, **the department** shall disqualify that person  
 8 from driving a commercial motor vehicle for the following periods: (1) if the person  
 9 has not been previously convicted of violating an out-of-service order, not less than  
 10 **180** [90] days; (2) if the person has been previously convicted once of violating an  
 11 out-of-service order, not less than **two years** [ONE YEAR]; (3) if the person has been  
 12 previously convicted more than once of violating an out-of-service order, not less than  
 13 three years; **(4) if the person operates a commercial motor vehicle transporting**  
 14 **hazardous materials or a vehicle designed to transport 16 or more passengers,**  
 15 **including the driver, in violation of an out-of-service order, not less than 180**  
 16 **days; (5) if the person has been previously convicted of operating a commercial**  
 17 **motor vehicle transporting hazardous materials or a vehicle designed to**  
 18 **transport 16 or more passengers, including the driver, in violation of an out-of-**  
 19 **service order two or more times in separate incidents within a 10-year period, not**  
 20 **less than three years.** In this subsection, "previously convicted" means having been  
 21 convicted in this or another jurisdiction of an offense described in (a)(7) of this section  
 22 within 10 years preceding the date of the present offense.

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

24 (k) **Upon conviction by a court of** [A COURT CONVICTING] a person of  
 25 an offense described in (a)(8) of this section, **the department** shall disqualify that  
 26 person from operating a commercial motor vehicle for the following periods: (1) if the  
 27 person has not been previously convicted of violating a federal or state statute or  
 28 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,  
 29 not less than 60 days; (2) if the person has been previously convicted once of violating  
 30 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-  
 31 highway grade crossings, not less than 120 days; (3) if the person has been previously

1 convicted more than once of a violation of a federal or state statute or regulation, or a  
 2 local law or ordinance, relating to railroad-highway grade crossings, not less than one  
 3 year. In this subsection, "previously convicted" means having been convicted in this or  
 4 another jurisdiction of an offense described in (a)(8) of this section within three years  
 5 proceeding the date of the present offense.

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

7 (l) A person who operates a commercial motor vehicle whose driving is  
 8 determined by the United States Department of Transportation to constitute an  
 9 imminent hazard is subject to disqualification as specified by the department in  
 10 regulation. The regulations adopted by the department under this subsection must be  
 11 substantially similar to those set by the federal government.

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

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

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

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

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

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

31 (4) during a period when that person has been disqualified from

1 driving a commercial motor vehicle by a court or an administrative agency in this or  
2 another jurisdiction; or

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

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

6 (11) "serious traffic violation" means

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

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

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

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

16 **(E) driving a commercial motor vehicle without obtaining a**  
17 **license to drive a commercial motor vehicle;**

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

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

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

30 (12) "commerce" means

31 (A) any trade, traffic, or transportation within the jurisdiction

1 of the United States between a place in a state and a place outside of the United  
2 States; and

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

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

8 (14) "conviction" means an unvacated adjudication or conviction of  
9 guilt, or a determination that a person has violated or failed to comply with the law in  
10 a court of original jurisdiction or by an authorized administrative agency, an unvacated  
11 forfeiture of bail or collateral deposited to secure the person's appearance in court, a  
12 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court  
13 cost, or violation of a condition of release without bail, regardless of whether the  
14 penalty is rebated, suspended, or probated;

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

18 (16) "hazardous material" means any material that has been designated  
19 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of  
20 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42  
21 C.F.R. 73;

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

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

29 (s) For purposes of this section, the director of the division within the  
30 department responsible for administration of this section or a person designated by the  
31 director may request and receive criminal justice information available under

1 AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS  
2 THE MEANING GIVEN IN AS 12.62.900.]

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

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

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

10 **(2) in a manner prescribed in regulations adopted by the**  
11 **department.**

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

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

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

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

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

31 **(4) the applicant has held a license, but has been disqualified from**

1        **operating a commercial motor vehicle by reason, in whole or in part, of a**  
2        **violation, and the disqualification has not terminated; however, a person may**  
3        **make an application for a noncommercial driver license if permitted by other**  
4        **law.**

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

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

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

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

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

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

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