

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 12, 2007

1:09 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 19

"An Act relating to ignition interlock limited driver's license privileges."

- HEARD AND HELD

HOUSE BILL NO. 90

"An Act relating to bail."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 19

SHORT TITLE: LIMITED DRIVER'S LICENSES

SPONSOR(S): REPRESENTATIVE(S) MEYER

01/16/07	(H)	PREFILE RELEASED 1/5/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD, FIN
02/01/07	(H)	STA AT 8:00 AM CAPITOL 106
02/01/07	(H)	Moved CSHB 19(STA) Out of Committee
02/01/07	(H)	MINUTE(STA)
02/05/07	(H)	STA RPT CS(STA) NT 6DP 1NR
02/05/07	(H)	DP: DOLL, LYNN, JOHANSEN, GRUENBERG, JOHNSON, ROSES

02/05/07 (H) NR: COGHILL
02/12/07 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE KEVIN MEYER
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 19.

MIKE PAWLOWSKI, Staff
to Representative Kevin Meyer
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: During discussion of HB 19, responded to questions on behalf of the sponsor, Representative Meyer.

LABETTE NORR
Smart Start, Inc.
(No address provided)
POSITION STATEMENT: Responded to questions during discussion of HB 19.

DUANE BANNOCK, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska
POSITION STATEMENT: Responded to questions during discussion of HB 19.

RODNEY O. HEBERT
Anchorage, Alaska
POSITION STATEMENT: Provided comments during discussion of HB 19.

NARDA BUTLER
Anchorage, Alaska
POSITION STATEMENT: Provided comments and endorsed the passage of HB 19.

DALE FOX, Executive Director
Alaska Cabaret Hotel Restaurant & Retailer's Association (Alaska CHARR)
Anchorage, Alaska
POSITION STATEMENT: During discussion of HB 19, spoke in support of the concept of ignition interlock devices.

WALT MONEGAN, Acting Commissioner
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Expressed his support of HB 19.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section-Juneau
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 19, expressed concerns and responded to questions.

RODNEY DIAL, Lieutenant, Deputy Commander
A Detachment
Division of Alaska State Troopers
Department of Public Safety (DPS)
Ketchikan, Alaska

POSITION STATEMENT: During discussion of HB 19, provided comments and responded to questions.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:09:59 PM](#). Representatives Coghill, Samuels, Holmes, Gruenberg, and Ramras were present at the call to order. Representatives Lynn and Dahlstrom arrived as the meeting was in progress.

HB 19 - LIMITED DRIVER'S LICENSES

[1:10:17 PM](#)

CHAIR RAMRAS announced that the only order of business would be HOUSE BILL NO. 19, "An Act relating to ignition interlock limited driver's license privileges." [Before the committee was CSHB 19(STA).]

[1:11:02 PM](#)

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, sponsor, relayed that he'd introduced HB 19 after working with a constituent who was helping someone who'd been charged with several driving under the influence (DUI) crimes get his life back together. Drunk driving is a serious threat to society and to people's safety, he remarked; yearly, over 5,000 Alaskans are arrested for DUI, and at least 800 of those are arrested for DUI

while having a suspended or revoked driver's license. House Bill 19 won't change the current penalties for DUI crimes, but it will change the statutes that provide for a limited driver's license to those convicted of a DUI - it will create a new limited driver's license. Rather than changing where one drives with a limited driver's license, HB 19 will simply change how one drives; HB 19 will require the installation of an ignition interlock device in the defendant's vehicle, and he/she will be limited to driving only the vehicle in which the device has been installed.

REPRESENTATIVE MEYER relayed that in order to start that vehicle the person must blow into the ignition interlock device, which is essentially a breathalyzer, but if the device detects a set amount of alcohol, the vehicle will not start. Currently Alaska, via the court system, requires repeat DUI offenders to use ignition interlock devices. House Bill 19 will provide the Division of Motor Vehicles (DMV) with the authority to grant a limited driver's license during the license revocation period as long as the person convicted of the DUI has an ignition interlock device installed in his/her vehicle. He expressed the hope that because people who have ignition interlock devices installed in their vehicles won't be able to drive while intoxicated, the streets will be safer from people with repeat DUI convictions.

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MIKE PAWLOWSKI, Staff to Representative Kevin Meyer, Alaska State Legislature, in response to a question, relayed on behalf of Representative Meyer, sponsor of HB 19, that language on page 2, lines 14-15, stipulates that a limited driver's license may be granted if the person provides proof that an ignition interlock device has been installed on every vehicle the person operates. He suggested that a representative from the DMV could provide testimony regarding how the DMV would interpret that language - for example, perhaps a person who drives as part of his/her employment would have to get an ignition interlock device installed on the vehicle that he/she drives for work.

CHAIR RAMRAS surmised, then, that a person couldn't drive the company forklift - or other vehicle - for example, if it weren't also equipped with an ignition interlock device.

REPRESENTATIVE MEYER concurred, though he said he isn't sure whether a driver's license is required in order to drive a forklift.

MR. PAWLOWSKI, in response to a question, said that the penalty for driving with a revoked or suspended license will not be changed by HB 19, although the bill does contain language in Section 2 - proposed AS 28.15.201(f)(3) - which stipulates that the person being granted a limited driver's license must sign an affidavit acknowledging that operating a vehicle which is not installed with an ignition interlock device will subject him/her to the penalties for driving with a revoked license. Furthermore, Section 3 of the bill adds a reference to proposed AS 28.15.201(f), the statute that pertains to driving with a canceled, suspended, or revoked driver's license - AS 28.15.291. Also, language in proposed AS 28.15.201(f)(4) stipulates that a person may not be granted a limited driver's license if he/she has previously been convicted of violating the requirements of a limited driver's license contingent upon the installation of an ignition interlock device.

REPRESENTATIVE SAMUELS characterized allowing someone convicted of DUI to drive anywhere as letting him/her off the hook - the suspension of a driver's license is part of the punishment and serves as a daily reminder. If someone who's prohibited from driving a vehicle that does not have an ignition interlock device installed borrows someone else's car, the penalty should be huge, he opined, because the person is already being granted a freedom.

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REPRESENTATIVE MEYER opined that having to drive with an ignition interlock device is a punishment in itself because it will be embarrassing to have to blow into it each time one wants to start the car; furthermore, there is an expense associated with having an ignition interlock device.

REPRESENTATIVE SAMUELS pointed out, though, that currently under the stipulations associated with getting a limited driver's license, the person only gets to drive to and from work and does not get to do any of the other things that one might use a car for. Under the bill, the person will have all of the driving freedoms he/she had before the DUI conviction. He asked, therefore, whether the amount of license suspension time would be increased.

REPRESENTATIVE MEYER asked members to keep in mind that currently almost 20 percent of the people who have limited driver's licenses issued after a DUI conviction are being picked

up again for DUI. Those people are not just driving to and from work; they are also driving other places. Under the bill, those that take advantage of the limited driver's license will at least be forced to drive sober.

MR. PAWLOWSKI noted that those violating proposed AS 28.15.291, which pertains to driving with a canceled, suspended, or revoked driver's license, may be subject to vehicle forfeiture.

REPRESENTATIVE HOLMES referred to Section 4 of the bill - proposed AS 28.35.030 - and asked whether the court would have discretion with regard to how much probation time it could assign.

MR. PAWLOWSKI, noting the language in Section 4 was the result of an amendment offered by Representative Gruenberg, offered his understanding that Section 4 would limit the length of probation to five years maximum.

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CHAIR RAMRAS asked whether ignition interlock devices have been tested and proven to work at -40°F.

REPRESENTATIVE MEYER offered his understanding that ignition interlock devices have been tested at temperatures of -40°F.

MR. PAWLOWSKI noted that it is the Department of Corrections (DOC) that does the tests.

CHAIR RAMRAS asked whether the ignition interlock devices will work at -50°F, a temperature which makes for an entirely different climate than even -40°F. He asked for information regarding how ignition interlock devices are meant to work for the entire northern region of the state, particularly in remote areas and particularly on the coldest of nights - the question of whether ignition interlock devices will work under such conditions raises life/safety issues because any defect in the equipment could leave someone stranded.

REPRESENTATIVE MEYER relayed that there are two vendors that have sold ignition interlock devices in the northern regions of the state, and that he is anticipating that at least one of them will be speaking later.

CHAIR RAMRAS noted that the bill has an effective date of 1/1/08, and asked whether alternatives have been provided for in

case the ignition interlock devices don't work as planned in all areas of the state.

REPRESENTATIVE GRUENBERG, speaking as the sponsor of the original legislation pertaining to ignition interlock devices, offered his recollection that when that legislation passed in 1989, in order to address the issue of there possibly being problems with the way ignition interlock devices work in certain areas of the state, language was inserted into Title 33 stipulating that the DOC must consider climatic conditions when approving regulations pertaining to a particular device. In other words, by the law, ignition interlock devices must be climatic specific - they may not be certified in colder regions of the state unless they can absolutely operate safely in those regions.

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CHAIR RAMRAS pointed out, however, that [AS 33.05.020(d)] only says:

(d) The regulations in (c) of this section must require that the ignition interlock device operate reliably over the range of automobile environments, otherwise known as automobile manufacturing standards, for the geographic area for which the device is certified.

CHAIR RAMRAS opined that this language still leaves open the question of whether ignition interlock devices will function at -50°F and other extreme conditions when one's safety is most greatly at risk.

REPRESENTATIVE HOLMES offered her understanding that one would still have the option of using the existing provision regarding limited driver's licenses - AS 28.15.201(d); so if one lives in a place where ignition interlock devices are either not readily available or prone to malfunction because of climatic conditions, one could still make use of the existing provision.

MR. PAWLOWSKI explained that that would not be possible because Section 6 of the bill repeals AS 28.15.201(d)-(e). This change was suggested by the DMV as a way of providing consistency and uniform treatment of all areas of Alaska. All mechanical devices - even the vehicles themselves - could have problems functioning at -50°F; for example, he relayed, he would not drive his vehicle under such conditions because he could pretty

much guarantee that he would end up stranded. He suggested that the committee hear from the vendors, adding his understanding that ignition interlock devices have been used in Fairbanks and in places like Fort Yukon.

REPRESENTATIVE HOLMES questioned whether those in rural Alaska will have access to ignition interlock devices.

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MR. PAWLOWSKI, in response to a question, said that under the bill, a person must get an ignition interlock installed if he/she wishes to qualify for the limited driver's license. In response to further questions, he said that by providing the courts with the ability to grant a limited driver's license contingent upon the installation of an ignition interlock device, the courts also have the ability to deduct the cost of the ignition interlock device from the fines. Furthermore, according to testimony from the vendors, installation fees are often waived for those with low incomes; vendors provide free vouchers to the Public Defender Agency (PDA). The monthly cost of maintaining an ignition interlock device amounts to [less than] \$5 a day, and one of the vendors recounted to him, Mr. Pawlowski remarked, that one person has chosen to keep his ignition interlock device on his car long past the required time because it is cheaper than [the cost associated with receiving another DUI].

REPRESENTATIVE DAHLSTROM said she doesn't feel good about the concept of handing out free vouchers to those who've chosen to break the law. She asked whether ignition interlock devices will fit every car and whether they can be tampered with in order to allow a car to be started by someone who has been drinking.

MR. PAWLOWSKI offered his understanding that AS 11.76.140(a) makes it a crime to tamper with or circumvent ignition interlock devices; furthermore, ignition interlock device are monitored on a monthly basis, and so it is fairly easy to catch someone who has altered the device.

REPRESENTATIVE MEYER pointed out that ignition interlock device technology has been around since the 1980s, and offered his understanding that the devices are pretty foolproof. Some devices, he suggested, can distinguish who is blowing into the device, and some have cameras installed.

REPRESENTATIVE SAMUELS asked what the penalty is for circumventing an ignition interlock device.

MR. PAWLOWSKI said that that crime, which is a misdemeanor, could result in a maximum term of imprisonment of 30 days and a maximum fine of \$500.

REPRESENTATIVE SAMUELS asked what would happen if a drunk driver gets someone else to blow into the ignition interlock device.

MR. PAWLOWSKI suggested that the Department of Law (DOL) might be better able to address that issue.

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LABETTE NORR, Smart Start, Inc., with regard to the issue of ignition interlock devices working in cold climates, relayed that her company has installed one unit in Fort Yukon; that unit has been functioning throughout the winter with no problems to date. Approximately 80 units have been installed in Fairbanks, and only one person has had a problem just one time, but there have been no other problems related to cold temperatures. Her company has installed one unit in Nome and other units throughout various parts of the state - including Ketchikan, Sitka, Juneau, Dillingham, Kodiak, Valdez, Delta Junction, Glennallen, Homer, and Kenai - and all have shown good results.

MS. NORR, with regard to the question of whether ignition interlock devices can be installed in any vehicle, explained that the device is mounted underneath the dashboard and so is not visible except for the breathalyzer portion, which is located on the steering column and which can be "unplugged." Ignition interlock devices can be installed in any vehicle, she assured the committee, and have been tested in a controlled environment at temperature as low as -40°C. She reiterated that they've not heard of any problems occurring in units located in Fairbanks, Nome, and Fort Yukon - places that aren't considered to be controlled environments.

CHAIR RAMRAS, remarking on the severity of past winters and the mildness of this winter, asked whether any ignition interlock devices were installed [in the northern regions of the state] during the winter of 2005/2006.

MS. NORR said yes. In response to further questions, she relayed that her company flew into Fort Yukon and Nome and installed a unit in each location, and flies back to service

those units whenever needed. In communities where more than one unit is to be installed, her company will wait until four or five units have been ordered and then will fly into those communities and install them. She offered her understanding that there are two ignition interlock device vendors operating in Alaska, and relayed that her company tries to "pick up" contractors in all the areas it goes into so that there is someone local who can provide service to those people who are required to have ignition interlock devices installed. The units are leased rather than sold, but the replacement cost for a damaged unit is around \$1,500.

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DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), in response to a question, said that the reference to "department" in Section 2 of the bill refers to the DOA, and that the DOA currently has the ability to issue a limited driver's license.

REPRESENTATIVE GRUENBERG referred to page 2, line 9, and suggested that the words, "that is" ought to instead read, "must be", and that the words, "limited license certificate" should instead just read, "limited license".

MR. BANNOCK concurred with the latter point.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

MR. BANNOCK, in response to questions, said that the bill is not providing for a new administrative revocation and is not changing the DMV's current authority; instead, from the point of view of the DMV, the bill merely redefines what a limited license is and what the driver is able to do with it. He offered his understanding that the language on page 2, line 10, clarifies that a limited driver's license can be granted by either the court or the department, adding that the department already has the authority - under AS 28.15.201 - to grant a limited driver's license.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

MR. BANNOCK, in response to a question, said he is not prepared to comment at this time on the possibility that the DMV might be moved from the DOA. In response to further questions, he reiterated his remarks regarding the DMV's current authority, how that authority will not change, and what he believes the

bill will do. He added that currently the DMV issues a limited license certificate, which is just a piece of paper, and encourages the applicant to get an identification (ID) card; under the bill, however, the DMV would create an actual "license," though he would not characterize that as an expansion of the DMV's authority to issue a license - the DMV would just be issuing a plastic card as opposed to a piece of paper.

MR. BANNOCK, in response to more questions, said that oftentimes those who have had their driver's license taken away for DUI are subject to both administrative actions and criminal actions, but sometimes the person is only subject to one action or the other; also, a person could apply to the court for a limited driver's license, be turned down, and then apply to the DMV for one. Noting that the court has greater authority than the DMV to issue a limited driver's license, he offered an example wherein the court told someone to apply to the DMV for a limited driver's license because the court wasn't going to grant one.

REPRESENTATIVE GRUENBERG questioned whether that constitutes good public policy.

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RODNEY O. HERBERT offered his belief that allowing a person to acquire a limited driver's license contingent upon the installation of an ignition interlock device would give that person the ability to transport his/her children, make appointments, and attend treatment and recovery meetings; the provisions of the bill will allow those stopped for DUI to become more self sufficient, and will help protect society and implement punishment in a safe and good way. People do make mistakes and often make them over and over again, he remarked, acknowledging that he is one such person, though one that has been able to straighten his life out; however, his doing so has been hampered by the lack of a limited driver's license. He characterized [the bill] as a good idea and as creating a win/win situation. In conclusion, he thanked the committee for considering HB 19.

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NARDA BUTLER indicated that after becoming familiar with Mr. Hebert's situation, she brought forth to the sponsor the concept embodied in HB 19 because she was very concerned about the safety of the roads her children drive on. She offered her understanding that 50-75 percent of those with revoked licenses

are actually driving anyway; because of this, she is absolutely in favor of allowing for the use of ignition interlock devices to monitor the activities of those drivers. This technology will make the highways safer, she remarked, adding that she heartily endorses the passage of HB 19 as moving towards having laws in Alaska that approach best practices as expressed in other parts of the country.

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DALE FOX, Executive Director, Alaska Cabaret Hotel Restaurant & Retailer's Association (Alaska CHARR), said that the Alaska CHARR supports the concept of ignition interlocks, particularly for those who are repeat DUI offenders, those who've been convicted of high blood alcohol concentration (BAC) offenses, and those who drive with a revoked license after a DUI conviction. He noted that after learning more about how the proposed program will work, the Alaska CHARR may have more comments.

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WALT MONEGAN, Acting Commissioner, Department of Public Safety (DPS), simply expressed his support for HB 19.

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ANNE CARPENETI, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law (DOL), said that the DOL has concerns about limiting the length of probation after a DUI conviction, and opined that neither Sections 4 or 5 of CSHB 19(STA) are necessary - and could perhaps even be detrimental - because AS 12.55.102 already allows a court to order the installation of an ignition interlock device as a condition of probation for alcohol-related offenses.

REPRESENTATIVE GRUENBERG relayed that he would be offering an amendment to cure that problem; his intention is to have the maximum five years probation stipulated in Sections 4 and 5 be in addition, if the court finds that the public safety requires it, to any probation that the court initially sets, and this additional probation would specifically pertain to the length of time one must keep an ignition interlock device installed.

MS. CARPENETI indicated that such a change would make a difference [with regard to how the DOL views Sections 4 and 5]. In response to a question, she explained that there are two

types of license revocation: one, when a person has been arrested for a DUI or a refusal crime, and, two, when a person has been convicted of either crime. When a person is arrested, the arresting officer takes the person's driver's license away and gives the person a piece of paper which the person then uses to start the process pertaining to the administrative revocation of his/her driver's license; this can happen even if the person is not then convicted of DUI or refusal. If a person is convicted, the court can also revoke the person's driver's license. Generally, if a person is subject to both forms of revocation, the revocation periods run at the same time. The process for administrative revocation is described in AS 28.15.165, and that's why the bill addresses both administrative and court revocations, she observed.

REPRESENTATIVE COGHILL surmised, then, that the bill is extending [the DMV's] authority to require an ignition interlock device, and so he is wondering whether the courts should also be involved in that process.

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MS. CARPENETI suggested that perhaps Representative Coghill is wrong in his summation. Both the DMV and the court can currently grant a limited driver's license but that provision of statute - AS 28.15.201(d) - is being repealed by HB 19 and will be substituted by the procedure outlined in proposed AS 28.15.201(f). The bill merely adopts a different set of procedures for granting a limited driver's license, requiring the installation of an ignition interlock device.

REPRESENTATIVE COGHILL said he is questioning whether the DMV ought to receive more oversight - for example, court oversight - in the proposed process. He opined that the bill extends the DOA's authority considerably, and he doesn't want to turn the DMV into a whole new court agency.

MS. CARPENETI said HB 19 sets out pretty narrow standards for when one can have a limited driver's license, because one must have an ignition interlock device installed.

MR. BANNOCK, in response to a question, said he would provide the committee with statistics regarding the DMV's rate of reversals of administrative license revocations, but added his belief that the reversal numbers are small. He opined that the DMV does not have a problem with regard to how it conducts its license revocation hearings.

CHAIR RAMRAS noted that the bill would expand the universe of people who are driving, because otherwise their driver's licenses would be suspended. Therefore, he relayed, he would like information regarding how many driver's licenses are presently suspended, and how many drivers would be able to start driving under the provisions of the bill.

MR. BANNOCK said he would get that information to the committee, and offered that the DMV's fiscal note estimates that annually there would be 300 people taking advantage of the new limited driver's license provisions.

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CHAIR RAMRAS recalled that the sponsor's argument is that people who shouldn't be driving are driving anyway but they won't be a risk if at least they are driving sober. This is in conflict with what the legislature has said, which is that it doesn't want DUI perpetrators driving on Alaska's roads. Seemingly the bill is [providing leniency to] those people who would not be following the law anyway.

MR. BANNOCK assured the committee that the DMV will implement whatever the legislature determines should be the policy.

CHAIR RAMRAS said he would also like statistics regarding the number of felony DUI perpetrators and those that committed vehicular manslaughter as a result of DUI behavior. The bill is proposing a more cumbersome procedure than simply saying certain people can't drive.

MR. BANNOCK said that the DMV will be able to provide some of that information but not that which it doesn't track - for example felony DUI versus non-felony DUI. In response to a concern raised earlier, he offered his belief that the language in proposed AS 28.15.201(f) is almost identical to that in existing AS 28.15.201(d); furthermore, the bill is not aimed at everything that one could lose one's driver's license over, but is instead aimed at only two types of crimes - DUI crimes and crimes of refusal.

CHAIR RAMRAS said he would still like to receive the information he requested because the legislature may not want to grant limited driver's licenses to the most egregious offenders.

MR. BANNOCK suggested that either the Alaska Court System (ACS) system or the DOL may have those additional statistics, and relayed that he will provide the committee with statistics regarding those people whose driver's licenses have been revoked for DUI and refusal crimes. He noted that some of those people already have a limited driver's license and are only supposed to be driving to and from work, and acknowledged that the estimate in the DMV's fiscal note may be incorrect. The statistics he provides, he cautioned, will not contain data about those who've had their license revoked for driving with a suspended license or who've had their license suspended because of "point" deductions or insurance violations.

CHAIR RAMRAS, noting that many who are picked up for DUI also have a wider substance abuse problem, asked whether a person under the influence of a substance other than alcohol would be able to bypass an ignition interlock device. If so, then the roads could become more dangerous because such people could merely substitute the form of substance they are abusing.

MR. BANNOCK acknowledged that as a possible problem.

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RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), offered that one solution would be to not grant a limited driver's license to those with substance abuse problems unrelated to alcohol. Aside from that issue, he indicated, [the DPS] supports [the bill] as another tool to help address some of the problems occurring on Alaska's roads. He assured the committee that [the DPS] would still be investigating DUI crimes regardless of whether a vehicle has an ignition interlock device installed.

CHAIR RAMRAS said he supports the legislation, but is concerned that it will merely create a false sense of security. Therefore, he asked, what steps could be taken to ensure that limited driver's licenses are not granted to those who simply substitute their substance of choice with something that won't be detected by an ignition interlock device.

MR. PAWLOWSKI concurred with Lieutenant Dial that there might be ways to limit, through the ACS, who is granted a limited driver's license. He said he must return to the sponsor's intent in bringing the bill forward, that being to address the fact that the current law regarding limited driver's licenses is

not really working as intended - people are still driving wherever they want to. Statistically, 800-900 people are arrested every year for DUI with a revoked or suspended license. At least while an ignition interlock device is installed in a vehicle, the person won't repeat a DUI offense.

REPRESENTATIVE HOLMES asked whether other states have any data regarding arrests of those with ignition interlock devices installed who are under the influence of some substance other than alcohol.

MR. PAWLOWSKI said he would research that point further.

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REPRESENTATIVE COGHILL expressed interest in receiving statistics regarding moving violations or traffic accidents that occur even when there is an ignition interlock device installed in the vehicle.

MR. PAWLOWSKI, in response to a question, offered his belief that more people than the DMV's estimate of 300 will apply for a limited driver's license under the bill because it will then become the only way to obtain a limited driver's license - only those with an ignition interlock device installed in their vehicle will be granted a limited driver's license. Given that roughly 5,000 Alaskans are arrested every year for DUI, surely a lot more than 300 people annually will be applying for a limited driver's license.

MR. BANNOCK, in response to a question, said that even if the number of people applying for a limited driver's license under the bill doubles, the fiscal note won't double correspondingly. He explained that the fiscal note reflects the cost of setting up the DMV with the proper equipment and hiring an additional person; currently only one employee is dedicated to the limited driver's license program. In response to other questions, he relayed that when someone applies for a limited driver's license, he/she must pay a \$100 application fee as well as the cost of the actual limited driver's license, which is \$20, and acknowledged that these fees are not enough to offset the costs of starting up and maintaining the program proposed by the bill.

LIEUTENANT DIAL concurred with the comments that people with revoked licenses are driving anyway, and indicated that the hope is that the bill will help the DPS with that problem. In response to questions, he offered to research how many people

that the DPS pulls over for DUI are repeat DUI offenders, and relayed that of the hundreds of DUI arrests he's made, in his experience most repeat offenders are driving the same car and, surprisingly, a number of them actually have a sober individual in the car; he said he hopes that [HB 19] will encourage such DUI offenders to allow the sober individual to drive.

CHAIR RAMRAS expressed an interest in altering the bill to address the issue of substitute substances, vehicles, or people who would blow into the device, and to narrow the loopholes without increasing the authority of the DMV beyond its capability.

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REPRESENTATIVE LYNN expressed interest in somehow indicating on the car itself that the owner has a revoked driver's license.

MR. BANNOCK, in response to questions, relayed that the employees that would deal with limited driver's licenses would be a "range 10"; currently the employee that issues a limited driver's license verifies that the application form has been filled out correctly, and under HB 19 the two employees would also ensure that there is actually an ignition interlock device installed in the vehicle in question. He pointed out that these employees are not hearing officers. In response to further questions, he reiterated that DUI offenders can be subject to an administrative revocation, a court-ordered revocation, or both forms of revocation; when the person is subject to both forms of revocation, the periods of revocation are generally concurrent.

REPRESENTATIVE GRUENBERG asked why a person should be subject to both forms of revocation.

MR. BANNOCK pointed out that that is simply the way current law reads.

REPRESENTATIVE HOLMES raised the question of whether they ought to still provide people with another option for obtaining a limited driver's license; for example, perhaps there are areas of the state in which ignition interlock devices are not available.

CHAIR RAMRAS relayed that CSHB 19(STA) would be held over.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:55 p.m.