

**ALASKA STATE LEGISLATURE**  
**HOUSE TRANSPORTATION STANDING COMMITTEE**

March 27, 2012

1:09 p.m.

**MEMBERS PRESENT**

Representative Peggy Wilson, Chair  
Representative Lance Pruitt, Vice Chair  
Representative Eric Feige  
Representative Craig Johnson  
Representative Cathy Engstrom Munoz  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 345

"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

- MOVED HB 345 OUT OF COMMITTEE

HOUSE BILL NO. 212

"An Act relating to requirements for persons holding provisional drivers' licenses."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 345

SHORT TITLE: WAIVE CDL SKILL TEST FOR CERTAIN VETERANS

SPONSOR(S): REPRESENTATIVE(S) SADDLER

02/22/12	(H)	READ THE FIRST TIME - REFERRALS
02/22/12	(H)	TRA, STA
03/27/12	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: HB 212

SHORT TITLE: PROVISIONAL DRIVER'S LICENSE STICKER

SPONSOR(s): REPRESENTATIVE(s) MILLETT BY REQUEST

03/29/11 (H) READ THE FIRST TIME - REFERRALS  
03/29/11 (H) STA, TRA, FIN  
03/13/12 (H) STA AT 8:00 AM CAPITOL 106  
03/13/12 (H) Moved CSHB 212(STA) Out of Committee  
03/13/12 (H) MINUTE(STA)  
03/14/12 (H) STA RPT CS(STA) 3DP 3NR  
03/14/12 (H) DP: JOHANSEN, KELLER, PETERSEN  
03/14/12 (H) NR: GRUENBERG, SEATON, LYNN  
03/27/12 (H) TRA AT 1:00 PM CAPITOL 17

**WITNESS REGISTER**

REPRESENTATIVE DAN SADDLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke as the sponsor of HB 345.

WHITNEY BREWSTER, Director  
Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 345.

AVES THOMPSON, Executive Director  
Alaska Trucking Association, Inc. (ATA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 345.

REPRESENTATIVE CHARISSE MILLETT  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as sponsor of HB 212.

JESSICA LUIKEN  
Anchorage Alaska

**POSITION STATEMENT:** Presented a PowerPoint presentation on HB 212.

WHITNEY BREWSTER, Director  
Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 212.

GERALD LUCKHAUPT, Assistant Revisor of Statutes  
Legislative Legal Counsel  
Legislative Legal and Research Services  
Legislative Affairs Agency (LAA)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions as the drafter of HB 212.

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

**POSITION STATEMENT:** Answered questions during the discussion of HB 212.

#### **ACTION NARRATIVE**

[1:09:26 PM](#)

**CHAIR PEGGY WILSON** called the House Transportation Standing Committee meeting to order at 1:09 p.m. Representatives Gruenberg, Petersen, Johnson, and Wilson were present at the call to order. Representatives Munoz, Feige, and Pruitt arrived as the meeting was in progress.

#### **HB 345-WAIVE CDL SKILL TEST FOR CERTAIN VETERANS**

[1:09:54 PM](#)

CHAIR P. WILSON announced that the first order of business would be HOUSE BILL NO. 345, "An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

[1:10:27 PM](#)

REPRESENTATIVE DAN SADDLER, Alaska State Legislature, speaking as the sponsor of HB 345, stated that HB 345 will help Alaska's returning personnel find good jobs and help Alaska businesses find qualified drivers by acknowledging most military drivers leaving the military service already possess the skills they need to be productive and safe drivers on civilian roads. The U.S. military depends on trucks and truck drivers, the so called "88 Mike" - the military occupation specialty of motor transport

operators. The defense budget cuts indicate more veterans with an "88 Mike" designation are seeking work in Alaska. Fortunately there are many industries that are looking for civilian truck drivers. The civilian commercial license or CVL is a valuable credential that offers a significant boost for anyone looking for work in the civilian job market. He explained that CVLs are issued by the state but under strict federal standards. This bill, HB 345, would direct the Department of Administration (DOA) to adopt regulations in accordance with federal standards, which will allow these veterans to use their military driving experience in lieu of the road skills test as long as the applicant meets other standards.

REPRESENTATIVE SADDLER explained that in order to qualify for a waiver a driver must have spent the last two years or more driving the type of equipment in the military he/she hopes to use in the civilian jobs. Further, the drivers must have worked for the past 90 days as a military driver and must meet federal exemption standards outlined in federal [49] CFR 383.77. The applicant cannot ever have had their driver's license suspended or revoked, had more than one traffic violation, been convicted of any driving offense involving drugs or alcohol, or been convicted for any serious traffic violation involving an accident. These standards, along with the requirement that military drivers must still meet the knowledge test, endorsement of specific knowledge tests, and medical tests, offer assurance that Alaska roads will be just as safe after this bill passes as they currently are today. He summarized the bill, noting that Alaskans who hone their driving skills while still in service to our nation deserve to have that experience validated and honored in the civilian world. He offered his belief that HB 345 is an important tool to help military members obtain credentials they need to get good jobs in the civilian sector and also help Alaska employers hire skilled drivers.

[1:12:50 PM](#)

REPRESENTATIVE PETERSEN asked what type of documentation veterans will need to show the Division of Motor Vehicles (DMV) to allow them to issue the waiver.

REPRESENTATIVE SADDLER deferred to the department to answer.

[1:13:48 PM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated several states have

implemented similar waiver programs for military personnel, including Pennsylvania, Connecticut, Washington, New York, and Nevada. She offered her belief that the DMV could fashion its program after one adopted by Pennsylvania, which requires an applicant to show a military driver's license that clearly identifies the type of vehicle an individual is authorized to drive. She outlined that if it is not clear on the military license, Pennsylvania allows for use of a verification of military experience and training document, or a letter on military letterhead that indicates the type of vehicles the person is or was authorized to operate. Additionally, Pennsylvania also requires federal DD2 or DD214 forms to be used within two years of honorable discharge. Many states have already adopted similar programs and the DMV would review the programs to determine allowable substitute documents and the DMV would institute a similar program by regulation.

1:15:40 PM

CHAIR P. WILSON pointed to language in HB 345 which requires a driver must have spent the last two years or more driving the type of equipment he expects to use in the civilian job and must have worked the past 90 days as a military driver. She questioned whether the DMV will follow the specific requirements of the bill.

MS. BREWSTER answered yes. Additionally, the DMV will make sure its program would also meets the federal requirements since commercial driver licensing is a federally-regulated program so the DMV would need to meet the requirements of 49 CFR 383.77 that specifies what evidence is to be shown to the DMV.

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REPRESENTATIVE GRUENBERG referenced the sponsor statement. He asked if all of HB 345 provisions fall under the federal regulations 49 CFR 383.77.

MS. BREWSTER answered that the 90-day requirement and two-year requirement for operating a similar vehicle is listed in federal regulations 49 CFR 383.77. She pointed out that the state could make the requirements more restrictive since the federal law sets out minimum law.

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REPRESENTATIVE GRUENBERG related his understanding the various disqualifying items, such as not more than one conviction, or having serious traffic violations is limited to those convictions that occurred within the past two years.

MS. BREWSTER related her understanding that is the case.

REPRESENTATIVE GRUENBERG remarked that he did not think many drivers who have been driving for any length of time would have so few traffic violations. He acknowledged the bill addresses the past two years, which seemed doable.

1:19:01 PM

AVES THOMPSON, Executive Director, Alaska Trucking Association, Inc. (ATA) stated that the ATA is a statewide organization representing the interests of nearly 200 member companies. He asked to testify in support of HB 345. One of the pressing problems in the industry is to find qualified drivers for commercial vehicles to deliver freight. He said, "As you all know, if you got it, a truck brought it." The ATA spends a lot of time and effort retaining good drivers. The regulatory bar has been raised in the past few years to further increase the professionalism of drivers in the trucking industry. He offered his belief that when someone says they are just a truck driver, they miss the mark completely. He highlighted that truck driving is a profession that requires a great deal of in-depth knowledge of the regulations as well as driving skills to navigate a large rig through Alaska's highway system. He characterized Alaska's drivers as some of the best in the nation. These Alaska become outstanding drivers through training, experience, and their own enlightened self-interest since sometimes their driving skills can save their own lives or the lives of others. He acknowledged that the industry welcomes veterans and appreciates this opportunity to support them. He emphasized that with the proper certification as to a veteran's experience, the ATA supports waiving the skills test for the issuance of a commercial driver's license. He further said, "As a veteran myself and on behalf of our membership, we are proud to support HB 345 and urge that you pass this bill out of committee with do pass recommendations.

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CHAIR P. WILSON, after first determining no one else wished to testify, closed public testimony on HB 345.

[1:21:11 PM](#)

REPRESENTATIVE JOHNSON inquired as to whether there is a similarity and correlation between military and private vehicles so a veteran could easily come in and drive an 18 wheeler or other big rig.

REPRESENTATIVE SADDLER responded that military personnel drive a wide range of vehicles ranging from jeeps and humvees to large lowboys. He offered his belief there is a correlation and a wide range of experience. He suggested that since the 80s and 90s there has been a move towards automatic transmissions in smaller vehicles. He pointed out that many commercial vehicles have standard transmissions so there might be a small lag time when a military driver may need to pick up an endorsement in order to transition to some commercial vehicles.

[1:22:29 PM](#)

REPRESENTATIVE PETERSEN moved to report HB 345 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 345 was reported from the House Transportation Standing Committee.

[1:23:01 PM](#)

The committee took an at-ease from 1.23 p.m. to 1:25 p.m.

**HB 212-PROVISIONAL DRIVER'S LICENSE STICKER**

[1:25:24 PM](#)

CHAIR P. WILSON announced that the final order of business would be HOUSE BILL NO. 212, "An Act relating to requirements for persons holding provisional drivers' licenses." [Before the committee was CSHB 212(STA).]

[1:25:35 PM](#)

REPRESENTATIVE CHARISSE MILLETT, Alaska State Legislature, speaking as the sponsor of HB 212, related that the concept of the provisional driver's license sticker was brought to her by Jessica Luiken during her Close Up participation last year. She identified a problem, came up with a solution, and prepared a bill. Representative Millett said she did very little work on the bill, which is a product of Jessica's efforts.

[1:26:33 PM](#)

JESSICA LUIKEN, as the student who requested HB 212 as part of her project for her Close-Up class, thanked the committee and Representative Millett for their assistance. She said that in February 2011, she had the opportunity to take part in the Close-Up program, which allows students to learn about the legislative process and state government by presenting a project to a legislator. Her product is HB 212. She showed pie charts that identify the number of deaths that occurred among teenagers from 1999-2006 [slide 2]. She pointed out that out of the 48 percent of the deaths were due to unintentional injury and 73 percent of those are from motor vehicle traffic accidents.

[1:28:04 PM](#)

MS. LUIKEN provided Alaska's statistics for drivers ages 14-16 from 2004-2008 [slide 3]. She explained that the numbers for fatal crashes and fatal injuries in 2008. She explained that the computed average between the minor injury crashes, major injury crashes will be higher than the numbers listed in 2008. Thus although the figures seem to be declining on average they remain the same. She reported on Alaska statistics for drivers' ages 16-17 from 2002-2011, including that this slide lists the ages and percentages of drivers involved in crashes from 2002-2011, but the slide lacks the effects of the crashes on the occupants and passengers in other vehicles involved [slide 4].

[1:28:55 PM](#)

MS. LUIKEN stated that provisional licensed drivers are hazardous due to their apprehension or nervousness since they may be driving by themselves for the first time [slide 5]. She also stated that many young drivers are known to lack sound judgment because of a lack of experience on the road. Weather conditions can be variable ranging from rain or snow and icy roadways. Alaska does not have any driver education requirements. The state has most difficult driving circumstances due to its long summer sunlight hours and wildlife crossing the roadway.

[1:29:52 PM](#)

MS. LUIKEN suggested one solution is to identify a person holding a provisional driver's license by requiring him/her to display a sticker in the rear window of each vehicle operated by the person [slides 6-7]. She stated that displaying a sticker

issued by the Division of Motor Vehicles (DMV) provides a simple solution to alert other drivers the operator is a novice driver [slide 8]. This bill, HB 212, is similar to one that passed in New Jersey. Drivers with a learner's permit and provisional license in New Jersey are required to display a red decal on the back of their license plate. The DMV would issue the stickers to those holding provisional licenses, which would be placed in the rear window of the vehicle. Similar laws have been implemented in New Jersey, British Columbia, Newfoundland, Yukon, and in the United Kingdom and Australia. The bill suggests failure to display as sticker would be considered an infraction, punishable by a fine of not more than \$300 [slide 9]. The enforcement of HB 212 would impress young drivers of how imperative it is to have a sticker on their vehicle to identify them as provisional drivers.

MS. LUIKEN outlined procedures for obtaining and using stickers [slide 10]. The DMV would issue the stickers to those holding provisional licenses, which would be placed in the rear window of the vehicle. The cost of the provisional license will help pay for the sticker.

MS. LUIKEN summarized that teen drivers with provision licenses are statistically more hazardous to themselves and other Alaskans. She suggested that provisional drivers should identify themselves as a means of reducing accidents in Alaska [slide 11].

[1:32:38 PM](#)

REPRESENTATIVE P. WILSON referred to the enforcement of the provisional sticker, which would be the failure to display a sticker as an infraction published by a \$300 fine. She related her understanding that this would allow troopers or other law enforcement personnel to stop anyone younger than 17 years of age.

MS. LUIKEN answered that she was unsure whether the committee had a copy of an amendment that was incorporated into HB 212 in the House State Affairs Committee, which would make the violation a secondary offense. Thus the drivers cannot be pulled over for failure to display a sticker, but could be cited if they are pulled over for some other reason.

REPRESENTATIVE P. WILSON related her understanding the legislature would be passing a bill that cannot be enforced.

MS. LUIKEN answered yes, that the provisional sticker use could not be completely enforced.

REPRESENTATIVE MILLETT clarified that a secondary offense is similar to Alaska's seat belt law, which is also a secondary stop offense. She added that a primary stop is one in which a law enforcement officer can make a stop for a primary cause. She did not want to create a situation where police are pulling people over because they look young or for other issues.

[1:34:37 PM](#)

REPRESENTATIVE GRUENBERG explained some concern that law enforcement might pull over a young driver over just to search the car. He normally agrees with primary offenses but this offense is sufficiently minor.

CHAIR P. WILSON advised that she does not like laws that are not primary enforcement laws since they are not enforced.

[1:35:54 PM](#)

REPRESENTATIVE GRUENBERG offered his belief that this law could be enforced.

CHAIR P. WILSON agreed, but only in the event the driver violates another law.

REPRESENTATIVE GRUENBERG pointed out one instance of enforcement could occur when the driver is doing something else wrong; however, there are other cases. He related a scenario in which there is a crash involving two cars - with one car rear-ending the other - so when the law enforcement officer investigates the accident, if the driver of car two has a provisional license, but has not displayed the necessary sticker that the driver with the provisional license could be cited even if the driver was not at fault.

CHAIR P. WILSON offered her belief when someone rear-ends another vehicle that the driver who rear-ends the other vehicle is almost always found to be at fault.

REPRESENTATIVE GRUENBERG clarified in his scenario the driver of vehicle one would not have had any fault.

[1:37:28 PM](#)

REPRESENTATIVE JOHNSON expressed concerns with the bill. He asked whether anyone recalled when rental cars in Florida had stickers on them that identified the vehicle renters as tourists. He recalled that some people tracked down the visitors and shot some of the tourists. He further recalled that the State of Florida forced the car rental agencies to remove the identifying sticker. He expressed concern that this bill, HB 212, would create an opportunity for nefarious people to target juveniles. He said, "I just don't want to paint a big target on kids' cars saying, 'I'm young, I'm vulnerable. Attack me.'" Additionally, he said he always points out it is not the state's job to be parents or for the state to be a "nanny" state. He agreed with the bill's concept, but those are his two concerns.

[1:39:16 PM](#)

REPRESENTATIVE GRUENBERG pointed out that the state issues handicapped stickers to a class of people who are more vulnerable.

REPRESENTATIVE JOHNSON responded that the state issues stickers for parking, but the handicapped sticker is not a function of driving. Further, he pointed out that specific program is a voluntary program.

REPRESENTATIVE GRUENBERG said there are other reasons to have a provisional license sticker, such as to alert other drivers to the novice driver so seasoned drivers would be more vigilant. He highlighted that in both cases it tends to protect the driver.

REPRESENTATIVE JOHNSON asked whether the next step would be to put a big "D" on vehicles if the owner has had a driving while under the influence (DUI). He questioned how a "Scarlett Letter" that creates a different standard would make young teen drivers drive better drivers simply because they have stickers on their cars.

[1:41:47 PM](#)

CHAIR P. WILSON asked whether this issue of being a possible target had been raised in other committee hearings. She shared the concern.

MS. LUIKEN answered no, stating that the issue was not raised in other committee hearings. She has not been able to obtain any

facts, but she suggested that sexual predators can target young women with or without the bill.

CHAIR P. WILSON asked whether the concern about predators made her fearful.

MS. LUIKEN answered no.

[1:43:03 PM](#)

REPRESENTATIVE MILLETT highlighted that the sticker required under HB 212 is designated as a removable sticker. She related her understanding that the DMV will develop the static as a suction or static cling sticker that drivers could remove when the vehicle is not in operation. She highlighted one point brought up at an earlier hearing - in the House State Affairs Standing Committee hearing - is that student drivers' vehicles often post a large sign to indicate the driver is a novice driver in order for experienced drivers to approach them with caution. She acknowledged that currently not all drivers have opportunities to take student driver training courses; however, this bill would help promote the idea that the responsibility to drive is a privilege. Drivers could develop checklists to include items such as checking to ensure the brake lights work, having proof of insurance, drivers' licenses in their possession, and the provisional sticker in their cars. She did not view the requirements imposed under HB 212 as targeting drivers, but rather as a means to emphasize that the responsibility to drive is not a right, but is a privilege. She suggested the bill could help build new drivers into good drivers. She also suggested that new drivers may not take driving as seriously as they should. She cautioned that a car could be considered a weapon and people can be killed. She concluded that the provisional sticker required under the bill would just add an emphasis to young drivers. As a seasoned driver she related she understands the seriousness of driving, and while she understands Representative Johnson's concern this may lead to the "nanny state," but she disagreed. She emphasized her belief that the provisional license has merit. She recently discovered that Greece has the same identification provision although their law requires a sticker which nearly fills the back window. She recapped that drivers need to take driving seriously and this bill will help reinforce that concept.

[1:46:45 PM](#)

REPRESENTATIVE MUNOZ congratulated Ms. Luiken on her work and progress on the bill. She asked her whether she has researched other states to identify any with similar programs. She further asked if the bill has a fiscal note.

MS. LUIKEN answered that the bill does not have a fiscal note and the sponsor would like it waived from the finance committee. She reported that the only other state she found that has implemented the provisional drivers' license stickers is New Jersey. She referred to a slide in her presentation on the New Jersey law, but did not recall the slide number. She offered to report back to committee members the slide which shows New Jersey uses a red decal affixed to the license plates. She also reported that other states have pending legislation although she was unsure which states. She also offered to research and to provide the information to the committee.

CHAIR P. WILSON clarified that the bill has a zero fiscal note.

REPRESENTATIVE MUNOZ wished Ms. Luiken good luck with her project.

[1:48:50 PM](#)

REPRESENTATIVE FEIGE apologized if this issue was previously addressed. He referred to the sponsor statement that indicates teen drivers account for 20 percent of fatalities and the provisional driver's sticker would help reduce the number of accidents. He questioned the logic of how the sticker would reduce accidents.

MS. LUIKEN responded that if other drivers observe the provisional sticker they will be more cautious, which in the end could help prevent crashes from happening. She indicated that prevention cannot be measured. She explained that the New Jersey law has only been in effect for about a year and a half so data is not yet available; however, she offered her belief that in the end people will take more precautions when they know they the drivers are novices.

[1:50:24 PM](#)

CHAIR P. WILSON turned the gavel over to Vice Chair Pruitt.

[1:50:52 PM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), pointed out the DMV would implement the proposed program for provisional stickers. The DMV would distribute stickers with the provisional license and although a minor fee would be associated with producing the sticker the cost is not significant enough to include in a fiscal note. She researched various decals and the DMV is considering using a static-cling sticker as a low-cost option, which would allow the decal to be moved between vehicles. She estimated that the cost of stickers at about \$.20 per decal and reported the DMV currently has 6,251 provisional licensees. She suggested that the overall cost of the program would be less than \$1,000 per year and will be fairly easy to administer.

[1:52:13 PM](#)

REPRESENTATIVE JOHNSON inquired as to whether the stickers would be luminescent to increase visibility in the dark.

MS. BREWSTER said she has not considered that aspect, but agreed the decals should be visible by law enforcement and others. She offered to consult with law enforcement in the development of the decals.

[1:52:57 PM](#)

REPRESENTATIVE JOHNSON asked whether she had any idea of the potential cost for luminescent stickers.

MS. BREWSTER answered that she was unsure, but will research the cost and report back to the committee.

REPRESENTATIVE JOHNSON offered his belief that a glow in the dark sticker will make the vehicle so much more of a target.

[1:53:27 PM](#)

REPRESENTATIVE PETERSEN recalled testimony before the House State Affairs Standing Committee that had suggested locating the sticker on the back of the vehicle instead of the rear window since the sticker might be scraped off along with the frost. He inquired as to whether the bill should be amended to require it to be affixed to the vehicle instead of the window.

MS. BREWSTER suggested leaving the option broad in the bill to allow the DMV discretion to consider the best way to adhere a sticker to vehicles in Alaska in the winter. She expressed

concern that if the sticker is on outside of vehicle could be removed as a prank. She reiterated her preference to keep the language broad.

[1:55:05 PM](#)

VICE CHAIR PRUITT returned the gavel to Chair P. Wilson.

[1:55:15 PM](#)

REPRESENTATIVE PRUITT indicated the bill allows a fee for the sticker. He asked for an estimate of the fee.

MS. BREWSTER offered her belief the cost would be low so initially she envisions the DMV would not be charging a fee; however, if for some reason it became cost prohibitive to issue a "free of charge" sticker the bill allows future directors to implement a fee structure. She emphasized that during her tenure it was not likely the DMV would charge the customer.

[1:56:02 PM](#)

REPRESENTATIVE P. WILSON asked for the duration of provisional licenses.

MS. BREWSTER answered that it is dependent upon when the individual obtains a provisional license. She explained that an individual must hold a valid instruction permit for a minimum of six months prior to qualifying to apply for a provisional license. Additionally, the driver must be traffic violation free to graduate to a provisional license and at that point they must hold the license for another six month period of traffic violation free time to graduate to an unrestricted license. Thus technically at 16 and a half years of age a person could graduate to an unrestricted license. Once the person reaches 18 years of age the provisional license requirements are no longer applicable.

[1:57:15 PM](#)

REPRESENTATIVE GRUENBERG referred to a sheet in members' packets listing other state laws on the subject, which was provided by the National Council on State Legislatures (NCSL), which lists Missouri, New Jersey, and Ohio. He asked if Missouri and Ohio also have similar laws.

MS. LUIKEN offered to get back to the committee.

[1:58:27 PM](#)

CHAIR P. WILSON held public testimony open. She noted she had not considered the possibility of someone targeting young girls and would like to consult with parents. She asked Ms. Luiken find out what the other two states have done with respect to provisional licenses.

MS. LUIKEN agreed she would research the two states.

REPRESENTATIVE JOHNSON thanked Ms. Luiken for her work on her project and encouraged her to continue to work on the bill.

CHAIR P. WILSON also commended her for her work.

MS. LUIKEN, in closing, explained student driving is so important to her, particularly since her family was involved in a head-on collision six years ago in which the driver of the other car was a teen driver. She noted that she included photos of the crash in her PowerPoint presentation and added that it was a miracle her family survived. Therefore, she said she feels it is her responsibility to advocate for safe teen driving. She said she understands that no bill is perfect and ultimately it comes down to the benefits outweighing the costs. She offered her belief that HB 212 will save lives. She thanked members for their questions. She would like to make this bill safe for Alaskans.

[2:02:47 PM](#)

REPRESENTATIVE GRUENBERG agreed. He said the first amendment is labeled Conceptual Amendment 1. On page 1, line 5 following "a", insert "moveable" so the sticker would be a moveable sticker. He explained this language was taken from the companion bill in the Senate. He suggested that perhaps instead of moveable it should be removable.

REPRESENTATIVE JOHNSON suggested the committee consider transferable.

REPRESENTATIVE GRUENBERG agreed.

[2:04:29 PM](#)

GERALD LUCKHAUPT, Assistant Revisor of Statutes, Legislative Legal Counsel, Legislative Legal and Research Services,

Legislative Affairs Agency (LAA), stated that the Senate version of the bill contains "moveable" and in his view it did not matter which term was used, whether it was "moveable", "removable" or "transferable."

[2:04:54 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 1 as previously stated.

REPRESENTATIVE MUNOZ objected for purpose of discussion.

[2:05:25 PM](#)

REPRESENTATIVE PRUITT objected. He asked whether the language should read "decal" instead of sticker.

MR. LUCKHAUPT answered that this was debated when the bill was initially drafted. He suggested the sticker doesn't need to have adhesive, but the bill would convey the concept that the sticker or decal needs to be affixed. He offered his belief that decal would work and basically either term would work.

CHAIR P. WILSON said she preferred to keep the language the same.

[2:06:24 PM](#)

REPRESENTATIVE GRUENBERG recalled previous discussion held in the State Affairs Committee. He recalled Ms. Brewster testified that her preference was to keep the term as sticker.

MS. BREWSTER responded that Mr. Luckhaupt is correct, that the term sticker is broad enough to allow many options for the decal or sticker to be affixed to the vehicle.

CHAIR P. WILSON envisioned the sticker would be hung on a suction cup with a hook on it so the sticker could just be moved from vehicle to vehicle; however, she agreed that what works for the DMV would be satisfactory to her.

[2:07:36 PM](#)

REPRESENTATIVE PRUITT removed his objection. There being no further objection Conceptual Amendment 1 was adopted.

[2:07:59 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 2, which would reduce the amount of the fine on page 1, line 8, from \$300 to \$200.

CHAIR P. WILSON objected. She said that the fine needs to be substantial enough so teenagers will think about the amount of the fine as a disincentive to break the law.

REPRESENTATIVE PETERSEN recalled when he was a teenager the only televisions were black and white one. He noted that \$200 was a lot of money back then. He suggested \$200 would still be considered a lot of money.

REPRESENTATIVE JOHNSON suggested that \$200 is about the cost of new pair of Air Jordan sneakers.

CHAIR P. WILSON offered her belief some parents hand out money pretty readily to teenagers.

[2:09:25 PM](#)

REPRESENTATIVE JOHNSON asked whether the bill addresses the situation of when stickers accidentally falls off the windows so the individuals are not held responsible.

MR. LUCKHAUPT answered that the provisional driver has one "get out of jail free card" for the first offense, such that even if the driver did not comply, he/she could show proof to the court that the sticker was obtained and is now on the vehicle. Thus the court would then waive the fine. Secondly, he envisioned that law enforcement would use some discretion. He pointed out that vehicle registration tabs on license plates may come off, and an officer may decide not to cite. He pointed out that this once happened to him, noting his license plate was not completely clean and the tab came off. In his case the officer did not cite him since his vehicle had been registered, although technically the missing tab was a violation. He assumed that in the instance of a provisional license that something similar would likely happen, although he agreed there is not any guarantee the officer would not cite.

[2:11:54 PM](#)

REPRESENTATIVE JOHNSON pointed out that vehicle registration is in the DMV's system and an officer can check to determine the

vehicle has been registered. He inquired as to whether a teen driver would have proof that he/she purchased the sticker.

MR. LUCKHAUPT suggested Ms. Brewster could respond.

[2:12:21 PM](#)

CHAIR P. WILSON asked how a teenager would prove he/she affixed the sticker.

MS. LUIKEN said she was unsure. She suggested that the DMV would likely also keep the record, just as the division does with the provisional license. She reiterated she was unsure.

CHAIR P. WILSON pointed out that someone's mother may observe their daughter putting the sticker on the car, but the daughter could later stop the vehicle and take it off. Thus while the mother would be able to attest to the sticker being placed on the vehicle, it does not necessarily mean the sticker remained on the vehicle.

[2:13:37 PM](#)

REPRESENTATIVE PETERSEN recalled Lieutenant Dial testified in a prior committee that for the first offense a driver could bring the vehicle in to demonstrate the sticker was in the car. He acknowledged that numerous reasons exist as to why the sticker is not on display, including that the sticker may have fallen off or a sibling may have taken it off the vehicle. He further recalled testimony that the offense would be treated as similar to a headlight being out. In that instance the driver would fix the headlight and bring the vehicle to the station for the officer to sign off that the headlight had been fixed.

[2:14:42 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), responded that the department is officially neutral on the bill. The department would treat the first violation of a missing provisional sticker as a correctable citation. He stated that for whatever reason the decal was missing the person would be issued a correctable citation and would go to the nearest station or municipal office and show proof of compliance. The citation would then be dismissed. He pointed out since the provisional sticker is a secondary offense that the enforcement would be limited. He suggested the department

would occasionally encounter violations through traffic contacts in which the driver had been stopped for other reasons.

[2:16:02 PM](#)

CHAIR P. WILSON asked whether he had concerns that the bill would pose a risk of targeting teenage girls.

LIEUTENANT DIAL answered he has not considered that aspect, but he did not think the bill posed a significant concern since the department has not currently observed specific groups of people being targeted on Alaska's highways.

[2:16:32 PM](#)

REPRESENTATIVE PRUITT asked whether producing documents at the local station would suffice to satisfy law enforcement that the provisional sticker was in place or if the person would need to appear in court.

MR. LUCKHAUPT pointed out that correctable tickets are typically dealt with by local law enforcement agencies. He stated that the bill also provides for court remedy. He explained that if the ticket was issued in Fairbanks to someone visiting the community to attend a sports competition, but the person actually lives in Anchorage, that it may not be convenient for him/her to appear in Fairbanks to the local law enforcement agency. Thus the bill would also allow the individual to appear in court. He acknowledged this instance is not exactly same as the one described, but correctable tickets are often dealt by law enforcement at their station.

REPRESENTATIVE PRUITT clarified that he wanted to ensure the provisional driver did not need to appear in court.

REPRESENTATIVE MUNOZ asked whether the Senate had considered making this voluntary so the bill would read "may" instead of "shall" and would remove the fees and compliance issues.

MR. LUCKHAUPT answered that he was unsure since he did not attend the prior hearings. He suggested the sponsor or Ms. Luiken may wish to make the bill voluntary; however, he cautioned he was not aware of many teenagers who would want to put the sticker in the window even if their parents would like them to do so.

[2:19:07 PM](#)

REPRESENTATIVE GRUENBERG asked for the sponsor and Ms. Luiken to weigh in on Conceptual Amendment 2.

MS. LUIKEN recalled that in the Senate version of the bill, the Senate State Affairs Committee expressed concern about the high fee of \$300; however, the bill states the fine should not exceed \$300. She related her understanding that the Alaska Supreme Court will set the fee. She reiterated that the charge for not abiding by this law would be set by the court.

CHAIR P. WILSON related her understanding the fee could be set at \$100

[2:21:08 PM](#)

REPRESENTATIVE MILLETT said she did not have any preference. She pointed out that her son had illegal tint on his window, which required him to pay a \$50 ticket. She related his understanding the fines are set by the Department of Public Safety (DPS) by regulation. Thus the department would pick the appropriate fine. Further, the first charge would amount to a "fix-it" ticket and would be treated just like a driver not carrying his/her insurance card, in which the party would bring proof of insurance to the law enforcement to sign off on. She reiterated that this bill uses the same design for provisional license stickers. She left it to the committee to decide whether to set the cap or change it.

[2:22:04 PM](#)

REPRESENTATIVE GRUENBERG believes the bail is set by administrative court rule.

MR. LUCKHAUPT responded that the bail forfeiture amount is set by the Alaska Supreme Court, with input from the DPS and the Department of Administration (DOA), although he was unsure how much input the departments actually have in setting the bail. He explained that every moveable violation or other violation, such as the Division of State Park offenses, uses the bail forfeiture schedule. The person can either pay the bail forfeiture amount, which is something less than the maximum fine for the offense or go to court. Everyone has the opportunity for his/her day in court and the court customarily will not fine the person more than bail forfeiture. He said he selected \$300 for this offense since it is the amount set for motor vehicle infractions. He pointed out that the Alaska State Legislature

sets that amount as the maximum for infractions, which is a non-criminal offense and is not a misdemeanor. He reiterated it would be up to the court to set the bail forfeiture amount. He pointed out the schedule includes parking, speeding, other violations, and all the amounts scheduled for the fine. He offered his belief that the court would examine the seriousness of the offense and matches the fine with how it fits together with all the other offenses on the schedule.

[2:24:34 PM](#)

REPRESENTATIVE GRUENBERG maintained Conceptual Amendment 2 since the fine would be an infraction paid for by a young person. He suggested that \$200 fine seemed more humane for teenagers to pay.

[2:25:08 PM](#)

CHAIR P. WILSON maintained her objection. Conceptual Amendment 2 would reduce the amount of the fine on page 1, line 8 from \$300 to \$200.

[2:26:17 PM](#)

A roll call vote was taken. Representatives Pruitt, Gruenberg, Petersen, and Munoz voted in favor of Conceptual Amendment 2. Representatives Johnson, Feige, and Representative P. Wilson voted against it. Therefore, Conceptual Amendment 2 was adopted by a vote of 4-3.

[2:26:24 PM](#)

REPRESENTATIVE GRUENBERG stated his next amendment is similar to one offered in the Senate to a companion bill.

REPRESENTATIVE MILLETT answered that the proposed amendment, not yet stated, was developed due to concerns by rural legislators whose communities that have less than five miles of road and some villages with less than 20 cars. Many of these communities currently have exemptions for vehicle registration or other exemptions such as not having to take a commercial driver's license test or a driving test. Thus this would mirror those exemptions by not making it apply to rural communities.

CHAIR P. WILSON remarked that rural Alaskans did not need to register their cars.

REPRESENTATIVE FEIGE offered his belief that it costs substantial money to go to town or to a DMV office in order to do so.

REPRESENTATIVE GRUENBERG also suggested that rural Alaska has different provisional licenses.

REPRESENTATIVE MILLETT pointed out that rural Alaskans have some restrictions on their licenses that can also be waived. She pointed out that legitimate reasons for the exemptions exist including limited road system and a lack of law enforcement personnel.

[2:29:21 PM](#)

MS. BREWSTER stated that numerous exemptions exist in AS 28 for rural Alaskans, including an exemption in AS 28.10.011 from registration requirements. She explained the same criteria for rural is used and is that the land is not connected to state highway system or that they have a highway or vehicular way with an average daily volume 499 or less, which is measured by DOT&PF. She recapped that if people are not connected to the road system or the daily traffic volume is less than 499 are exempt. Additionally, these communities are exempt from insurance requirements under AS 28.22.011. She stated that the exemption is also listed in federal regulations for commercial driver's licenses under 49 CFR 383, which exempts these communities from the road skills test for commercial driver's licenses. Further the same criteria is found in the Alaska Administrative Code, 2 AAC 90. 220, which allows drivers in these communities to be exempt from the road skills test for non-commercial driver's licenses.

[2:31:40 PM](#)

REPRESENTATIVE GRUENBERG stated Conceptual Amendment 3 was originally drafted by the legal drafter, but he made several changes to the amendment, including changing "does not apply" to "do not apply."

CHAIR P. WILSON asked Ms. Brewster whether she has reviewed Conceptual Amendment 3.

MR. BREWSTER related she has reviewed proposed Conceptual Amendment 3. In further response to Chair P. Wilson, she agreed she had the specific amendment before her.

REPRESENTATIVE GRUENBERG related he has citations for statutes, federal, and state regulations. He questioned whether this is best drafted to conform to those regulations.

MS. BREWSTER offered her belief that she understands the intent of Conceptual Amendment 3, but suggested the amendment could be modified to specifically identify the statute that sets the criteria for rural communities off the road system. She suggested on line 4 of Conceptual Amendment 4, after "areas" to add "exempt under [AS] 28.10.011." She expressed concern that some areas of the state, including Juneau, Sitka, and Ketchikan could be exempted from the bill. She recapped that tying it to the AS 28.10.011, would also tie it to a community with a traffic volume of 499 or less, which would be more specific.

CHAIR P. WILSON said the amendment is conceptual and the bill drafter is also present.

[2:34:40 PM](#)

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 3 in order to allow Ms. Brewster and the sponsor's staff to work on language to satisfy the DMV's concern.

[The committee treated Conceptual Amendment 3 as withdrawn.]

[2:35:06 PM](#)

REPRESENTATIVE GRUENBERG asked whether any other technical matters exist that should be added or deleted.

MS. BREWSTER offered to get back to Representative Gruenberg on any additional concerns.

CHAIR P. WILSON asked Ms. Brewster to respond through the Chair and she would get back to other committee members.

MS. BREWSTER agreed to do so.

[HB 212 was held over.]

[2:36:27 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:36 p.m.