

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

April 3, 2012

1:37 p.m.

**MEMBERS PRESENT**

Representative Lance Pruitt, Vice Chair  
Representative Eric Feige  
Representative Cathy Engstrom Munoz  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

Representative Peggy Wilson, Chair  
Representative Craig Johnson

**COMMITTEE CALENDAR**

HOUSE BILL NO. 212

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

- MOVED CSHB 212(TRA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

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
03/27/12	(H)	Heard & Held
03/27/12	(H)	MINUTE(TRA)
04/03/12	(H)	TRA AT 1:30 PM BARNES 124

**WITNESS REGISTER**

JESSICA LUIKEN, Self  
Anchorage, Alaska

**POSITION STATEMENT:** Presented HB 212 as a Close-Up student requestor of the bill, on behalf of the sponsor, Representative Charisse Millett.

MILES BROOKES, Staff  
Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified on amendments to HB 212 on behalf of Representative Max Gruenberg.

JEFF TURNER, Staff  
Representative Charisse Millett  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of 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.

#### **ACTION NARRATIVE**

[1:37:03 PM](#)

**VICE CHAIR LANCE PRUITT** called the House Transportation Standing Committee meeting to order at 1:37 p.m. Representatives Feige, Gruenberg, Petersen, and Pruitt were present at the call to order. Representative Munoz arrived as the meeting was in progress.

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

[1:37:26 PM](#)

VICE CHAIR PRUITT announced that the only 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).]

[1:37:53 PM](#)

JESSICA LUIKEN, as a Close-Up student requestor of the bill, on behalf of the sponsor, Representative Charisse Millett, introduced herself. She said she was a Close-Up student and as part of the Close-Up program she was required to bring a project to a state Representative or Senator. She related that her project resulted in HB 212 when Representative Millett agreed to sponsor HB 212 at Ms. Luiken's request. She explained the bill would require provisional license holders to display stickers on their car. She indicated she agrees with the proposed amendments.

[1:38:55 PM](#)

REPRESENTATIVE GRUENBERG remarked that his wife was Ms. Luiken's teacher for the Close-Up program.

[1:39:52 PM](#)

MILES BROOKES, Staff, Representative Max Gruenberg, Alaska State Legislature, introduced himself.

[1:40:08 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, labeled 27-LS0738\B.6, Luckhaupt, 4/2/12, which read as follows:

Page 1, line 5, following "each " :  
Insert "motor"

Page 1, line 7, following "sticker.":  
Insert "The department may by regulation exempt the operation of certain types of motor vehicles from the requirement to display a sticker under this subsection."

VICE CHAIR Pruitt objected for the purpose of discussion.

[1:40:36 PM](#)

MR. BROOKES stated that Amendment 1 was developed after discussions with the Division of Motor Vehicles (DMV). He explained that there could be vehicles as defined broadly in statute as, (16) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;" and in some areas all-terrain vehicles (ATV) or snow machines may be

allowed on a road system. He said that under the bill these vehicles would be required to have a provisional sticker.

1:41:29 PM

REPRESENTATIVE GRUENBERG suggested that Ms. Brewster asked to list the types of vehicles that are exempt. He asked his staff to list the types of vehicles.

MR. BROOKES responded that the vehicles that would be exempt under Amendment 1 are ATVs, snow machines, motorcycles, or motor driven scooters.

REPRESENTATIVE GRUENBERG asked if the sponsor, Ms. Luiken, and the DMV is agreeable.

1:42:20 PM

JEFF TURNER, Staff, Representative Charisse Millett, Alaska State Legislature, answered yes. He said that Representative Millett supports Amendment 1.

MS. LUIKEN agreed with Amendment 1.

1:43:01 PM

WHITNEY BREWSTER, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated that the DMV is agreeable to Amendment 1.

1:43:22 PM

VICE CHAIR PRUITT removed his objection. There being no objection, Amendment 1 was adopted.

1:43:37 PM

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 2, labeled as Conceptual Amendment, which read, as follows [original punctuation provided]:

Page 1, line 6, after "licensee."

Insert "If the DMV chooses a location other than the rear window to display the sticker, it shall do so by regulation."

VICE CHAIR PRUITT objected for the purpose of discussion.

[1:43:59 PM](#)

REPRESENTATIVE GRUENBERG asked his staff to explain Conceptual Amendment 2.

MR. BROOKES stated that Conceptual Amendment 2 was developed after holding discussions with the Division of Motor Vehicles (DMV) and the bill sponsor. He explained that there may be vehicles that are covered by the bill but do not have a rear window. He stated that the DMV could adopt a regulation to indicate an area other than the rear window in the event that a window is not available.

REPRESENTATIVE GRUENBERG clarified that the Conceptual Amendment 2 is not limited to vehicles without rear windows, but will give the DMV the right to determine the specific location if it wishes to do so.

[1:44:50 PM](#)

VICE CHAIR PRUITT asked whether provisional licenses are issued for motorcycles.

MS. BREWSTER answered yes. She said there is a provisional license for Class D and motorcycles.

VICE CHAIR PRUITT answered that this gives the DMV an opportunity to decide where to place a sticker or decal.

MS. LUIKEN answered yes, that is correct.

REPRESENTATIVE GRUENBERG asked whether the sponsor, Ms. Luiken, and the DMV is agreeable to Conceptual Amendment 2.

MR. TURNER answered yes.

MS. LUIKEN answered yes.

MS. BREWSTER answered yes, DMV agrees with Amendment 2.

VICE CHAIR PRUITT removed his objection. There being no further objection, Conceptual Amendment 2 was adopted.

[1:46:36 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 3, labeled 27-LS0738\B.3, Luckhaupt, 4/2/12, which read, as follows:

Page 2, following line 4:

Insert a new subsection to read:

"(d) The requirement in (b) of this section does not apply to

(1) provisional licenses issued to persons to operate motor vehicles in areas of the state off the road system when operating motor vehicles in those areas; and

(2) a person holding a provisional license when the person is operating a motor vehicle in a municipality with a population of less than 500."

REPRESENTATIVE FEIGE objected for the purpose of discussion.

[1:46:57 PM](#)

MR. BROOKES stated that Amendment 3 stemmed from concerns raised by the DMV in terms of applying this to rural areas of the state. He explained that in some areas the traffic count is less than 500 vehicles and some areas in have populations of less than 500 people. Additionally, some villages have less than two miles of roads and the provisional license may not apply.

[1:47:39 PM](#)

REPRESENTATIVE GRUENBERG pointed out members should have a lengthy list of locations that meet this requirement. He explained when the population exceeds 500 that the village is removed from the list. He asked whether the sponsor, Ms. Luiken, and the DMV have any objections to Amendment 3.

MR. TURNER answered that the sponsor agrees with Amendment 3.

MS. LUIKEN agreed with Amendment 3.

MS. BREWSTER answered that the DMV is agreeable to Amendment 3.

[1:48:29 PM](#)

REPRESENTATIVE GRUENBERG referred to line 5, and pointed out that he has crossed out "or" and inserted "and" per the DMV's request.

MS. BREWSTER answered that is correct. She stated that there was some concern that not having a definition of what is considered a road system would leave communities such as Juneau, Ketchikan, and Sitka are exempt under the bill. She explained that the DMV prefers that the road system requirement still be allowed for the exemption, but also includes the caveat of 500 or less to ensure an exemption for those areas that are truly rural.

[1:49:35 PM](#)

REPRESENTATIVE PETERSEN asked whether a municipality of less than 500 chose to be included in the program if the municipality could be included.

MS. BREWSTER said she was not sure how to answer. She offered that it is more of a question for local government if they chose to opt in to the program. She offered her belief that local law enforcement could provide enforcement if the ordinance was adopted.

[1:50:29 PM](#)

REPRESENTATIVE FEIGE asked for clarification on how HB 212 would affect someone who operates a vehicle off the road system. He related a scenario in which he buys an off road vehicle for his daughter who would only use it off the road system. He asked whether the point of the bill is remove off-road vehicles from the requirement or if it is intended to exempt small villages.

REPRESENTATIVE GRUENBERG responded that the way Amendment 3 is drafted, in order to not be required to have the sticker, both paragraphs (1) and (2) would need to be satisfied. Thus the vehicle would have to be operated off the road system and also operated in municipality of less than 500. He concluded that a person not in a municipality who lives off the road system would not need to comply.

MS. BREWSTER answered agreed, that is her understanding, as well.

[1:52:45 PM](#)

VICE CHAIR PRUITT asked whether an individual who holds a provisional license and lives in an area that fits into the requirements, but visits Anchorage - which is on road system - would need a sticker during time spent in the urban area.

MS. BREWSTER answered yes; it was her understanding the person visiting Anchorage would be required to display the provisional sticker.

[1:53:53 PM](#)

REPRESENTATIVE FEIGE asked whether a person would need a driver's license to operate a vehicle off the road system.

MS. BREWSTER answered yes; that anyone operating a vehicle on a public roadway is required to be licensed.

REPRESENTATIVE FEIGE related a scenario in which a person is moose hunting off the road north of Eureka. He commented that the license requirement for operating a vehicle on a state roadway made sense. He removed his objection.

[1:55:04 PM](#)

REPRESENTATIVE GRUENBERG suggested that part of the record should include the list of municipalities and he also hopes Ms. Brewster has the list.

MS. BREWSTER answered that she can follow-up with staff after the hearing and will obtain the list.

[1:55:42 PM](#)

REPRESENTATIVE GRUENBERG recalled that Representative Petersen asked whether a municipality could opt-in to the program in HB 212, but he did was unsure the current language envisioned a municipality opting-in to the program.

MS. BREWSTER offered her belief believe a municipality can adopt an ordinance to opt-in, although she would defer to the DOL.

REPRESENTATIVE GRUENBERG concurred that the municipality would do so by adoption of a local ordinance.

VICE CHAIR PRUITT stated there being no further objection, Amendment 3 is adopted.

[1:57:08 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 4, labeled 27-LS0738\B.4, Luckhaupt, 4/2/12, which read, as follows:

Page 1, line 1, following "**licenses**":

Insert "**; and providing for an effective date**"

Page 2, following line 4:

Insert new bill sections to read:

"\* **Sec. 2.** AS 28.15.055(b) and 28.15.055(c) are repealed December 31, 2016.

\* **Sec. 3.** This Act takes effect January 1, 2013."

REPRESENTATIVE GRUENBERG referred to line 6, which allows the legislature to reconsider the bill during the sunset of December 31, 2016. He offered his belief that four years seemed to be a reasonable period of time to obtain a track record. The second part of the Amendment would delay the effective date to January 1, 2013 to allow time for young people and their families to be aware of the law.

[1:58:46 PM](#)

MR. BROOKES added that the delayed effective date was added since 6,000 provisional licensees exist and this would avoid having the bulk of them to need to comply. He explained that New Jersey has had the program in effect for two years, but there is not a lot of data available. He offered that a four-year window would allow time to study the data and if the program is a good program the legislature could extend it or it will expire

VICE CHAIR PRUITT objected for purpose of discussion. He asked how the DMV would envision this program would be implemented.

[2:00:19 PM](#)

MS. BREWSTER offered her belief there would be extensive public outreach. The DMV would likely contact the existing 6,000 provisional licensees to let them know about the requirements. She related that for new provisional licensees the sticker would be given out at time the license is issued.

VICE CHAIR PRUITT related his understanding there would need to be outreach by the DMV to everyone to advise them to get their sticker.

MS. BREWSTER responded that that the DMV could send licensees the provisional sticker at time of notification. She cautioned against overly burdening the customer if there is another means to distribute the sticker.

VICE CHAIR PRUITT stated that he is not objecting to the January 1 date, but does not want to burden people. He asked whether the language should indicate the sticker will be issued with every new license after January 1, 2013, as opposed to capturing those currently hold provisional licenses.

MS. BREWSTER agreed it would be helpful.

[2:02:19 PM](#)

REPRESENTATIVE GRUENBERG said he did not a problem with that aspect of the bill. He inquired as to whether the DMV could notify licensees by mail or e-mail so the licensees can apply on-line or if the bill needs to be amended.

MS. BREWSTER answered that she did not think the bill needed to be amended. She highlighted that the bill does not specifically require people to apply for the sticker. She explained that simply having provisional licenses would automatically make licensees eligible for the sticker. She agreed the DMV could correspond via mail to get them the sticker versus requiring them to come into an office.

[2:03:43 PM](#)

REPRESENTATIVE MUNOZ asked Ms. Brewster to comment on the sunset provision.

MS. BREWSTER stated that a sunset provision is easily implemented at the DMV and the DMV does not have strong feelings on the sunset provision, which is a policy call.

[2:04:16 PM](#)

REPRESENTATIVE PETERSEN asked whether provisional licenses are called provisional licenses for the first six months.

MS. BREWSTER answered that it is dependent upon the individual. She explained that if the person receives a traffic violation the provisional requirements are extended another six months from the conviction date. She stated that in the best case the provisional license would be a six-month provision or it could continue until they were 18, depending on the individual's driving record.

[2:05:14 PM](#)

REPRESENTATIVE PETERSEN asked whether the DMV would be able to tell provisional licensees that they may need sticker.

MS. BREWSTER asked whether he was referring to permit holders.

REPRESENTATIVE PETERSEN asked whether the DMV would notify everyone who receives provisional license on and after July 1, which is six months prior to the effective date to inform them they will need to get a sticker when the law goes into effect. He suggested that would avoid the issue of having to contact them at a later time.

MS. BREWSTER agreed the DMV could certainly do so, could also have posters in office, and make sure DMV's employees are aware of the new requirements.

[2:06:42 PM](#)

VICE CHAIR PRUITT expressed two concerns with that concept; one, that it may be difficult for 16 year-olds to remember to come back in to the DMV by end of year for the sticker. Second, most may delay and come in one to two weeks before the end of January and create a rush for the DMV.

[2:07:24 PM](#)

VICE CHAIR PRUITT made a motion to adopt Conceptual Amendment 1 to Amendment 4, on line 7 after, add, "for provisional licenses issued after January 1, 2013."

REPRESENTATIVE GRUENBERG suggested the amendment to Amendment 4 should be conceptual.

REPRESENTATIVE PRUITT agreed.

There being no objection, Conceptual Amendment 1 to Amendment 4 was adopted.

[2:08:25 PM](#)

REPRESENTATIVE GRUENBERG asked whether the sponsor, Ms. Luiken, and the DMV supports Amendment 4, as amended.

MR. TURNER answered that the sponsor is fine with Amendment 4.

MS. LUIKEN answered that she approves Amendment 4.

MS. BREWSTER answered that the DMV is agreeable, to Amendment 4, as amended.

VICE CHAIR PRUITT removed his objection. There being no further objection, Amendment 4, as amended, was adopted.

[2:09:27 PM](#)

REPRESENTATIVE GRUENBERG pointed out that several amendments were previously adopted. He asked whether the amendments should be renumbered and staff responded the amendment numbering was fine.

[2:10:09 PM](#)

The committee took an at-ease from 2:10 p.m. to 2:11 p.m.

[2:11:02 PM](#)

REPRESENTATIVE FEIGE expressed concern about the requirements for the sticker since some family members may operate farm equipment. He asked whether an exemption is in order. He referred to the statutes and noted a person when driving an implement of animal husbandry is exempt from a driver's license. He asked whether an amendment is necessary to exempt agricultural operations.

[2:12:22 PM](#)

REPRESENTATIVE GRUENBERG referred to Amendment 1, which allows the department, by regulation, to exempt certain types of motor vehicles from the requirement to display a sticker. He said it is not his intent to have farm vehicles to comply even if the farm vehicle is on the roadway. He agreed a pickup would need to comply, but as the author of the amendment clarified it was not his intention to have the requirement apply to farm implements. He pointed out that he listed some vehicles as

illustrative to provide legislative history. He asked whether the farm implements should be listed or if doing so would suffice for the DMV's purposes.

MS. BREWSTER answered that it would not be the DMV's intent to include vehicles of animal husbandry as vehicles needing the provisional sticker. As Representative Feige indicated earlier, a person is not required to be licensed to operate those types of vehicles. If the vehicles are operated on a public roadway they are allowed for crossing and are not to be utilized to operate on the roadway. She offered her belief that they do not need to be exemption, but she offered to further consult with the Department of Law. She reiterated that these individuals are not required to have a license to operate the vehicles so she doubted an exemption was necessary.

[2:15:11 PM](#)

REPRESENTATIVE FEIGE said he could foresee parcels of land not necessarily connected except by road. He could envision that the farmer may have to move equipment along local road. He suggested that the committee may wish to express its intent. He referred to AS 28.990, and stated that farm vehicles and exempted from being commercial vehicles. He read, "Farm vehicles that are controlled and operated by a farmer used to transport agricultural products, farm machinery, or farm supplies to or from that farmers farm not using the operations of a common or contract motor carrier and used within 150 miles of a farmer's farm." He suggested that any vehicle operated under that language would be exempt from using the sticker.

[2:16:44 PM](#)

REPRESENTATIVE GRUENBERG suggested the committee has a choice of placing the language in statute or the clarification could be done by regulation, noting the committee's intent that the regulation specifically exempts those farm vehicles.

REPRESENTATIVE GRUENBERG asked whether this provides sufficient directive to the DMV.

MS. BREWSTER answered absolutely.

[2:17:46 PM](#)

REPRESENTATIVE FEIGE moved to report the CSHB 212 (STA), as amended, out of committee with individual recommendations and

the accompanying zero fiscal note. There being no objection, the CSHB 212(TRA) was reported from the House Transportation Standing Committee.

[2:19:11 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:19 p.m.