

HOUSE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/23/17

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the implementation of the federal REAL ID Act of 2005; and
2 relating to issuance of identification cards and driver's licenses; and providing for an
3 effective date."

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

5 * **Section 1.** AS 18.65.310(a) is amended to read:

6 (a) **The** [UPON PAYMENT OF A \$15 FEE, THE] department shall issue a
7 card identical to the motor vehicle operator's license provided for in AS 28.15.111,
8 except that the card shall be of a different color and shall state in bold type letters
9 across the face of it that it is for identification purposes only. **The fee for a**
10 **noncompliant identification card is \$15 and the fee for a compliant identification**
11 **card is \$20. In this subsection, "noncompliant identification card" and**
12 **"compliant identifications card" have the meanings given in (n) of this section.**

13 * **Sec. 2.** AS 18.65.310 is amended by adding new subsections to read:

14 (m) The commissioner shall adopt regulations for the issuance of

1 identification cards that comply with P.L. 109-13 (REAL ID Act of 2005) and that
2 meet the standards of 6 CFR Part 37, as amended.

3 (n) The department shall continue to issue noncompliant identification cards.
4 Nothing in this section or regulations adopted under this section shall require a person
5 to be issued a compliant identification card. A person must clearly choose a compliant
6 identification card. If the department cannot determine which type of identification
7 card to issue a person, the department shall issue a noncompliant identification card.
8 All state, borough, and city governments shall treat a noncompliant identification card
9 the same as a compliant identification card. A noncompliant identification card must
10 not cost more than a compliant identification card. In this subsection,

11 (1) "compliant identification card" means an identification card issued
12 by the state that has been certified by the United States Department of Homeland
13 Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL
14 ID Act of 2005);

15 (2) "noncompliant identification card" means an identification card
16 issued by the state that is not certified by the United States Department of Homeland
17 Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL
18 ID Act of 2005).

19 * **Sec. 3.** AS 28.15.041 is amended by adding new subsections to read:

20 (b) The commissioner shall adopt regulations for the issuance of driver's
21 licenses that comply with P.L. 109-13, Division B (REAL ID Act of 2005) and that
22 meet the standards of 6 CFR Part 37, as amended.

23 (c) The department shall continue to issue noncompliant driver's licenses.
24 Nothing in this section or regulations adopted under this section shall require a driver
25 to be issued a compliant driver's license. A person must clearly choose a compliant
26 driver's license. If the department cannot determine which type of license to issue a
27 person, the department shall issue a noncompliant license. All state, borough, and city
28 governments shall treat a noncompliant driver's license the same as a compliant
29 driver's license. A noncompliant license must not cost more than a compliant license.
30 In this subsection,

31 (1) "compliant driver's license" means a driver's license issued by the

1 state that has been certified by the United State Department of Homeland Security to
 2 be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of
 3 2005);

4 (2) "noncompliant driver's license" means a driver's license issued by
 5 the state that gives the holder the appropriate driving authority but is not certified by
 6 the United States Department of Homeland Security to be in compliance with the
 7 requirements of P.L. 109-13, Division B (REAL ID Act of 2005).

8 * **Sec. 4.** AS 28.15.101(a) is amended to read:

9 (a) Except as otherwise provided in this chapter, a driver's license expires on
 10 the licensee's birthday in the eighth [FIFTH] year following issuance of the license. A
 11 license may be renewed within one year of its expiration upon proper application,
 12 payment of the required fee, and except when a license is renewed under (c) of this
 13 section, successful completion of a test of the licensee's eyesight.

14 * **Sec. 5.** AS 28.15.101(d) is amended to read:

15 (d) Under regulations adopted by the department, the department may issue to
 16 a person a driver's license or state identification card with a duration of less than
 17 eight [FIVE] years if the person is authorized to stay in the United States for less than
 18 eight [FIVE] years or the period of authorized stay is indefinite. The department shall
 19 issue the license for the period of the authorized stay. If the period of authorized stay
 20 is indefinite, the department shall issue the license with a validity of one year. [THE
 21 DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE
 22 WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION
 23 MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD
 24 OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE.]

25 * **Sec. 6.** AS 28.15.111(a) is amended to read:

26 (a) Upon successful completion of the application and all required
 27 examinations, and upon payment of the required fee, the department shall issue to
 28 every qualified applicant a driver's license indicating the type or general class of
 29 vehicles that the licensee may drive. The license must (1) display a distinguishing
 30 number assigned to the license; (2) display the licensee's full name, address, date of
 31 birth, brief physical description, and [COLOR] photograph; (3) display either a

1 facsimile of the signature of the licensee or a space upon which the licensee must write
 2 the licensee's usual signature with pen and ink; (4) **physical security features**
 3 **designed to prevent tampering, counterfeiting, or duplication of the document for**
 4 **fraudulent purposes** [DISPLAY A HOLOGRAPHIC SYMBOL INTENDED TO
 5 PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (5) display, for a
 6 qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to
 7 the extent the department is able, be designed to allow the electronic reading and
 8 electronic display of the information described under (2) of this subsection and the
 9 electronic reading and display and a physical display on the license that the person is
 10 restricted from purchasing alcoholic beverages under AS 04.16.160. A license may not
 11 display the licensee's social security number and is not valid until signed by the
 12 licensee. If facilities are not available for the taking of the photograph required under
 13 this section, the department shall endorse on the license, the words "valid without
 14 photograph."

15 * **Sec. 7.** AS 28.15.271(b) is amended to read:

16 (b) In addition to the fees under (a) of this section,

17 (1) a person who renews a driver's license by mail shall pay a fee of
 18 \$1;

19 (2) a person who applies for a limited driver's license under
 20 AS 28.15.201 shall pay a fee of \$100; and

21 (3) a person who applies for reinstatement of a driver's license under
 22 AS 28.15.211 shall pay a fee of

23 (A) \$100 if the person's driver's license has, within the 10 years
 24 preceding the application, been suspended, revoked, or limited under the
 25 provisions of this chapter, except as provided by (C) of this paragraph, only
 26 once;

27 (B) \$250 if the person's driver's license has, within the 10 years
 28 preceding the application, been suspended, revoked, or limited under the
 29 provisions of this chapter, except as provided by (D) of this paragraph, two or
 30 more times;

31 (C) \$200 if the person's driver's license has, within the 10 years

1 preceding the application, been revoked under AS 28.35.030 or 28.35.032 only
2 once; or

3 (D) \$500 if the person's driver's license has, within the 10 years
4 preceding the application, been revoked under AS 28.35.030 or 28.35.032 two
5 or more times;

6 **(4) a person who applies for a compliant driver's license shall pay**
7 **a fee of \$5; in this paragraph "compliant driver's license" has the meaning given**
8 **in AS 28.15.041(c).**

9 * **Sec. 8.** AS 44.99.040(a)(2) is repealed.

10 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).