

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

March 28, 2017

1:10 p.m.

MEMBERS PRESENT

Representative Louise Stutes, Co-Chair
Representative Adam Wool, Co-Chair
Representative Matt Claman
Representative Harriet Drummond
Representative Chuck Kopp
Representative Mark Neuman
Representative Colleen Sullivan-Leonard

MEMBERS ABSENT

Representative David Eastman (alternate)
Representative Gabrielle LeDoux (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 82

"An Act relating to vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-highway commercial drivers' licenses; relating to off-road system eligible areas; and relating to motor vehicle liability insurance."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 82

SHORT TITLE: RESTRICTED OFF HWY DRIVER'S LICENSE

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

01/25/17	(H)	READ THE FIRST TIME - REFERRALS
01/25/17	(H)	STA, TRA
02/02/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/02/17	(H)	Scheduled but Not Heard
02/23/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/23/17	(H)	<Bill Hearing Canceled>
02/28/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/28/17	(H)	Heard & Held
02/28/17	(H)	MINUTE(STA)
03/09/17	(H)	STA AT 3:00 PM GRUENBERG 120

03/09/17 (H) Heard & Held
03/09/17 (H) MINUTE(STA)
03/14/17 (H) STA AT 3:00 PM GRUENBERG 120
03/14/17 (H) Moved CSHB 82(STA) Out of Committee
03/14/17 (H) MINUTE(STA)
03/20/17 (H) STA RPT CS(STA) NT 3DP 2NR
03/20/17 (H) DP: KNOPP, TUCK, KREISS-TOMKINS
03/20/17 (H) NR: WOOL, LEDOUX
03/28/17 (H) TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE JOHNATHAN KREISS-TOMKINS

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 82 as prime sponsor.

BERETT WILBER, Staff

Representative Johnathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 82, offered a PowerPoint presentation and sectional analysis on behalf of Representative Kreiss-Tomkins.

GEORGINA DAVIS-GASTELUM

Kake, Alaska

POSITION STATEMENT: During the hearing on HB 82, offered support for the legislation.

PAUL D. KENDALL

Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 82, testified.

MARLA THOMPSON, Director

Division of Motor Vehicles

Department of Administration

Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 82, answered questions.

ACTION NARRATIVE

[1:10:02 PM](#)

CO-CHAIR ADAM WOOL called the House Transportation Standing Committee meeting to order at 1:10 p.m. Representatives Drummond, Stutes, Kopp, Sullivan-Leonard, Neuman, Wool were present at the call to order. Representative Claman arrived as the meeting was in progress.

HB 82-RESTRICTED OFF HWY DRIVER'S LICENSE

[1:10:34 PM](#)

CO-CHAIR WOOL announced that the only order of business would be HOUSE BILL NO. 82, "An Act relating to vehicle registration; relating to off-highway restricted areas; and relating to motor vehicle liability insurance."

[1:10:56 PM](#)

REPRESENTATIVE JOHNATHAN KREISS-TOMKINS, Alaska State Legislature, introduced himself and advised that this is the second committee of referral.

[1:11:19 PM](#)

BERETT WILBER, Staff, Representative Johnathan Kreiss-Tomkins, Alaska State Legislature, introduced herself.

[1:11:41 PM](#)

MS. WILBER turned to the PowerPoint presentation, "HB 82: Off-Highway Driver's License," [difficulty with the PowerPoint audio.]

[1:12:09 PM](#)

The committee took an at-ease from 1:12 p.m. to 1:13 p.m.

[1:13:19 PM](#)

MS. WILBER turned to slide 1, "What is an OHDL?" and explained that the off-highway driver's license (OHDL) program existed in Alaska prior to 1984, and that 294 off-highway communities currently qualify for OHDL. The licenses, she explained, are designed for rural people in off-road system communities who perform a written test and receive their valid driver's license through the mail. The OHDL functions as a provisional license in on-road communities, and when driving in a non-off-highway community the person must be accompanied by a licensed 21 years

of age or older driver. These 294 communities are exempt from registration and insurance requirements for cars under current law, she explained, and currently there are 1,120 OHDL drivers.

[1:14:41 PM](#)

MS. WILBER turned to slide 2, "294 off-highway communities" and said the slide depicts all of the qualifying communities throughout Alaska.

[1:14:54 PM](#)

MS. WILBER turned to slides 3-4, "Why do we care?" and "They were confused and frustrated" respectively, and explained that the residents of Angoon, Kake, and Hoonah are on the Alaska Marine Highway System (AMHS) and these communities had been eligible for off-highway licenses since the 1980s. Suddenly, she said, in 2011, they were told they were no longer eligible for off-highway licenses, so they contacted Representative Kreiss-Tomkins. Slide 4 depicts the testimony of the various residents.

MS. WILBER turned to slide 5, "Regulatory History!" depicting the regulatory history for off-highway licenses and advised that from 1984-2006, there were no specific regulations on the books and the Division of Motor Vehicles (DMV) operated off-road licenses in a common-sense manner. In 2006, after informally administering the OHDL program for two decades, the DMV drafted regulations due to a push toward the formalization of regulations by the Palin administration. These regulations had two requirements to be eligible, the community could not be connected to the road system, and it could not have a DMV office offering road testing, which is good common-sense criteria. However, in 2011, the regulations changed and rather than simply being about road access, suddenly the new regulations deemed that communities with access to the land connecting to the state highway system were ineligible, and the DMV interpreted the Alaska Marine Highway System (AMHS) as a highway. Consequently, it meant that for the people of Angoon, for example, it was deemed that even though no DMV existed in Angoon, they had access to the Juneau DMV via the AMHS and were no longer eligible. She commented that HB 82, basically goes back to the 2006 criteria.

[1:18:30 PM](#)

MS. WILBER turned to slide 6, "JKT office gets in touch with the DMV" and said she explained to the DMV the cost of a round-trip ferry ride, food, and at least 1-2 nights on the ferry, and asked the DMV to revisit this issue. Ms. Wilber stressed that these regulations were applied inconsistently because many communities on the AMHS continued to be eligible for OHDs, such as Old Harbor, Cold Bay, and Sandy Point, but not Angoon, Hoonah, or Kake.

[1:19:38 PM](#)

REPRESENTATIVE KREISS-TOMKINS, in response to Co-Chair Wool's question as to the DMV's response to this discrepancy, said that after directing 3-4 emails to the DMV with no response, a few months later a new regulation was issued by the DMV that spoke to this exact situation. He noted that his contact was not with the current DMV leadership, and it was a frustrating sequence of events and he still has the emails.

CO-CHAIR WOOL surmised that the DMV did respond with a new regulation explaining its rationale having to do with traffic counts and such.

REPRESENTATIVE KREISS-TOMKINS clarified that he never received a response from the DMV to his 3-4 emails, but then he happened to see that a new regulation was issued a few months later that may have been a response to his emails.

CO-CHAIR WOOL opined that perhaps it justified their rationale.

[1:21:51 PM](#)

MS. WILBER returned to slide 6 and offered that rather than directly answering the question regarding whether ferry access to a DMV counted as true access, the regulation read that every community with an average daily traffic count of over 499 on any segment of road in that community no longer qualified for an off-highway driver's license. Suddenly, she expressed, there was new criteria that definitively excluded these three communities due to their traffic counts being over 499. In response to Representative Kreiss-Tomkins' concern about this new regulation and concern that a community, such as Sand Point with twice the population of Angoon and potentially a larger traffic count was eligible, the DMV advised that there was no traffic data available for that community and its eligibility status would not change, she said.

[1:23:26 PM](#)

MS. WILBER turned to slide 7, "Hello, HB 82" and noted that subsequent to the DMV's response, HB 82 was drafted clarifying the laws and regulations surrounding off-highway driver's licenses. This legislation changes the criteria for off-highway driver's licenses in a manner that aligns with the intent of the off-highway driver's license program. The traffic count added to regulation in 2014 was an arbitrary number, she said, and in 2013 Angoon's traffic count was 915 and not eligible, yet in 2015 its highest traffic count was 433, and suddenly it would become eligible. She described that the flip-flopping of eligibility for the off-highway driver's license program based on when the Department of Transportation & Public Facilities (DOTPF) performs a traffic count in a community, doesn't make sense. For people living in Angoon it doesn't matter what the traffic count is, they can't drive to a DMV and can't get their driver's licenses in their community, and that should be the criteria that governs whether or not a community is eligible for off-highway driver's licenses.

[1:24:47 PM](#)

REPRESENTATIVE NEUMAN referred to 499 being an arbitrary number and noted that DOTPF picked that number for a safety reason and asked whether the sponsor had information from the safety officer at DOTPF as to the number.

MS. WILBER responded that she had spoken with DOTPF a number of times about HB 82 and the traffic count, and it did not see the 499-traffic count as a safety issue. Rather, she related, it is a regulation the DMV essentially borrowed from federal off-highway commercial regulations and decided to apply it to off-highway non-commercial driver's licenses in Alaska because it was convenient. She explained that the response from the DOTPF staff she spoke with do not feel that traffic count is a metric that says anything meaningful as to whether a community is off-highway or not. There is no meaningful safety difference in a community with a traffic count of, for instance, 499 and another community of 515, she said.

[1:26:35 PM](#)

REPRESENTATIVE KOPP referred to the 499 number and explained that that number has been in state statute since the 1970s, but not in regulation. In the event a community's average traffic count is less than 499, it is not subject to vehicle

registration requirements that apply to on-road system communities.

[1:27:22 PM](#)

MS. WILBER turned to slide 8, "What should matter?" and described that traffic count as a difficult metric to decide whether or not communities should be eligible for off-highway licenses. Currently, she said, there is no systematic manner in which the DOTPF shares traffic count data with the DMV. As a result, there is friction if the DOTPF decides to run a traffic count in an off-highway eligible rural community because there's no systematic manner for the DOTPF to give that data to the DMV to then decide whether or not a community should be on or off the list. Traffic count is an arbitrary metric and by removing it from the eligibility standards for off-highway driver's license, the DMV would be saved the hassle of going back and checking every year to determine whether communities have traffic counts over 499, she said.

[1:28:26 PM](#)

CO-CHAIR WOOL asked whether Ms. Wilber said that the DOTPF performs a traffic count analysis, but there was not a mechanism to then inform the DMV that a community was ineligible for off-highway driver's licenses.

MS. WILBER answered yes, she said that this is a fairly new regulation and the list of off-highway eligible communities already exists. At this point, she explained, if someone applies for an off-highway driver's license, the DMV performs a "kind of, on a one-off basis" check of the DOTPF traffic count data and in the event a community is over 499, the DMV denies that person the off-highway license and removes the community from the eligibility list.

[1:29:28 PM](#)

CO-CHAIR WOOL asked whether there are traffic counts from all of the off-highway driver's licenses communities. For example, the communities on the ferry system that were still eligible, such as Sand Point, and whether there are traffic count studies for those communities, as well.

MS. WILBER answered that many of the communities do have traffic count studies, it is the DOTPF responsibility to run the traffic count program in all communities, and the DMV then uses those

traffic counts for this program. She stated that the DMV does not request traffic counts, and the counts were never intended to say anything meaningful about whether or not someone could apply for a driver's license. At the time of drafting this legislation, she was told that DMV just did not have traffic count data for the other still eligible communities. Although, in speaking with the DOTPF and reviewing an extensive traffic count map, she said, to her, and from a DOTPF perspective, it does appear there is traffic count data for those communities.

1:31:20 PM

MS. WILBER turned to slides 9, "Metrics" and commented that by attaching traffic count data to the eligibility criteria of whether or not a person should be eligible for an off-highway driver's license unnecessarily bars rural communities from accessing the off-highway driver's license program. Therefore, she explained, people living in rural communities just do not apply for driver's license because it is prohibitively difficult and expensive, so they drive illegally. The goal of this bill is to change that problem and allow the DMV to return to the 2006 regulation common sense system and make the criteria logical and simple. There are two questions asked under HB 82 in order to qualify for an off-highway driver's license program, if the community is off the road system, and whether a DMV was not located in the community, she explained.

MS. WILBER described that slide 9 offers the results if HB 82 were to become law, and noted the information regarding communities' currently eligible, newly eligible communities, and OHDL towns with ferry access.

1:35:32 PM

CO-CHAIR WOOL questioned the methodology when there may be other factor such as, the number of registered vehicles or how isolated the community. Obviously, he said, Ms. Wilber was saying that, at most, it would be just under 10 percent and that was the highest in some of these communities. The low is .55, but that was only 15 cars in a village of 1,000 people, and that may be the reason for the low number.

MS. WILBER asked that the committee keep in mind that those currently eligible communities such as, Sand Point, Hooper Bay, Gustavus, are currently exempt from registration and insurance requirements. Therefore, it is difficult to compare the registered vehicles between exempt communities and non-exempt

communities. In terms of the average having imperfect methodology, she said she absolutely agrees, it was not meant to be any type of scientific analysis, but rather to illustrate the fact that the bill would add a small number of people to this program.

[1:37:07 PM](#)

REPRESENTATIVE KOPP commented that AS 28.10.011 lists exceptions to "vehicles and communities that do have to have registered vehicles" and subparagraph (10) read as follows:

(10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system;
or

(B) a highway or vehicular way with an average daily traffic volume greater than 499;

REPRESENTATIVE KOPP referred to a 1988 Attorney General Opinion and said it was construed to be in the conjunctive and that the notes read as follows:

Vehicles that are driven on roadways removed from the main land connected highway system must be registered and must have insurance unless, in addition they are only driven on a road system consisting solely of lightly traveled, or less than 500 vehicles per day road.

REPRESENTATIVE KOPP opined that the thinking at that time was that large communities, such as Bethel, should have driver's licenses. The lightly traveled roads spoke to the safety issue which is where the 499-threshold originated, the numbers of vehicles that would be in close proximity, the possibility of vehicle accidents with injuries, property damage, and whether insurance should be required.

[1:39:31 PM](#)

CO-CHAIR WOOL surmised that the 500 count was in statute prior to ...

REPRESENTATIVE KOPP interjected that it's been there since 1980, but that is as far back as he went.

CO-CHAIR WOOL said that meant the pre-existing regulation from the DMV was ...

REPRESENTATIVE KOPP interjected, based on statute.

CO-CHAIR WOOL agreed, and he said to Ms. Wilber that within the first period she referred to in her presentation there actually was a statute and asked whether it was just unenforced. He noted that within the regulation, the 499 number did not just appear when she started making inquiries.

[1:40:24 PM](#)

MS. WILBER agreed that Representative Kopp was absolutely correct about the 499 number being in statute for vehicle registration exemption and insurance exemptions. However, the traffic count of 499 was never in statute relating to the off-highway driver's license program, which is what she meant when she said that in 2011 "they borrowed" those, but they are also in regulation governing off-highway commercial licenses at the federal level and the number does appear in other provisions in statute.

CO-CHAIR WOOL agreed, but he said that this is state, not federal, and not about commercial licenses. He related that it is more about registration and insurance at the state level in a community with less than 500 traffic count exemption from registration and insurance, nothing to do with off-highway driver's licenses.

MS. WILBER answered in the affirmative.

[1:41:26 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD referred to the fiscal note and said it appears there is an "anticipated increase in costs to process -- anticipation of increase off-road vehicle recipients," and the fiscal note requests a Customer Service Representative 1 and asked whether the DMV could absorb the costs as opposed to adding staff.

MS. WILBER advised that Representative Sullivan-Leonard was reviewing an "old fiscal note" and that the DMV had now zeroed out the note.

[1:42:17 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD referred to the letters of support for HB 82, and asked whether anyone was against the legislation, and if so, who and why.

MS. WILBER responded that no one had come out against this bill, and they have worked closely with the DMV, the Department of Public Safety (DPS), and the DOTPF to make sure the language fit their requirements and make this program functional in a meaningful and realistic manner.

[1:43:37 PM](#)

CO-CHAIR WOOL opened public testimony on HB 82.

[1:43:47 PM](#)

GEORGINA DAVIS-GASTELUM said she was speaking in support of HB 82, and on her own behalf. The residents of the rural communities that are not considered off-highway have many obstacles to overcome in order to obtain a driver's license, and because there is not a DMV office in Kake they must travel to Juneau, Sitka, Wrangell, or Petersburg to take the written and road tests. She pointed out that the Sitka DMV only administers road tests on Tuesdays, and if the ferry schedule coincided with that schedule, the people would pay at least \$100 one way, plus hotel, plus food, but if it did not coincide, flying in a small airplane would cost at least \$300 roundtrip, plus hotels and food, and if the person was storm bound, add \$150 per day for expenses plus time away from work. Moreover, in order to take the road test, drivers must borrow a car, rent a car, or take their own vehicle on the ferry at a cost of \$240 one-way. Add to those issues, if young children are in the family, child care was also involved and finding a babysitter for several days.

MS. GASTELUM advised that the DMV website lists third-party testers, independent businesses that administer road tests, except Kake, Angoon, and Hoonah are not included, only Juneau. She related that some rural drivers only wish to drive in the village, herself included. She reminded the committee that Kake's unemployment rates at times have exceeded 80 percent, and it would be less of a financial burden if the written test was solely required rather than paying the \$700 expense, plus the expense of taking the road test. She urged the committee to consider HB 82, and to once again include Kake, Angoon, and Hoonah as locations authorized for off-highway driver's licenses.

1:46:22 PM

PAUL D. KENDALL Anchorage, Alaska, said he is not a public employee or a retired public employee, is a member of a union, and represents no conflict of interest. He offered concern that people do not understand there is "nowhere to run, you cannot run anywhere, they will come up river, they will look for you, there are laws that apply." He said that "we are now" seeing signs that say, "It's your responsibility to know the rules" and there is an unbelievable assault on "us little people." This legislation appeared to be another means of revenue generation which doubly concerned him because there are the clashes between cultures and society.

CO-CHAIR WOOL advised that this is a bill about off-highway driver's licenses.

MR. KENDALL said he was aware, but the bill appeared to be another means of revenue streaming which disconnects the body where "we're trying to make it work out here and you folks -- you public servants seem to be -- seem to be a different type of class and some type of a confrontation or something ...

CO-CHAIR WOOL explained that this bill is not a revenue generator and it will not charge anyone any money for anything, and that Mr. Kendall appeared to be off topic about the actual bill regarding off-highway driver's licenses.

MR. KENDALL said that the folks in Anchorage are watching the legislature and complaining about the length of the session, [difficult to decipher] and offered concern about people in the village having to buy a ticket for a license and fining them.

1:50:06 PM

CO-CHAIR WOOL closed public testimony on HB 82.

1:50:15 PM

REPRESENTATIVE KOPP asked Marla Thompson, Division of Motor Vehicles, how this bill would apply to the Bristol Bay community of King Salmon and Naknek and the 15-mile Alaska Peninsula Highway connecting the two communities. This bill deletes the 499-traffic count threshold, he related, and that community is not connected to the state highway system other than it has a state highway by itself with a total population of approximately

1,500 during the winter, and over 25,000 during the summer, with a traffic count probably in excess of 10,000 per day from June 1 to July 31. He said there are significant safety situations going on in those two months and asked how this bill would affect that community.

[1:51:34 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles, Department of Administration, answered that the DMV's goal is to make it simple for folks and the DMV to implement this process. The goal is to also have many business partners, and commission agents such as city offices and such, that provide DMV services. Currently, she said that DMV services are available at King Salmon through a contract agent operated by the Bristol Bay Borough. In the event the Bristol Bay Borough decided not to provide those services any longer, the DMV would go out and find another entity to help out and offer those services. This bill makes clear there is an option for Alaskans to obtain a driver's license, which is more of a permit if you drive within a non-off-highway area, but there are only 1,800 licenses currently, which is less than .3 percent of drivers. She related that the DMV wants to make it simple for people and make it a simple process for the DMV and not waste a lot of tax payer dollars creating processes.

[1:53:17 PM](#)

REPRESENTATIVE KOPP commented that it is good for the committee to consider that not all rural communities are similar, and some have traffic volumes and counts that would approach decent sized towns seasonally, which is a policy call in those environments. He described the spirit and intent of the bill as being "right on," and that he was trying to think of examples where the committee could craft better legislation.

[1:54:06 PM](#)

REPRESENTATIVE KOPP, in response to Co-Chair Wool, advised that he is from Bristol Bay.

CO-CHAIR WOOL surmised that Representative Kopp was saying that the community was rural with not much traffic except during the summer when thousands of cars show up on the ferry.

REPRESENTATIVE KOPP said to include fishermen and cannery workers, but those cars are actually there year-round and are activated for those few months.

CO-CHAIR WOOL surmised that the traffic counts goes well up, and they are not incoming cars that would be driven by licensed registered insured drivers but are dormant cars until the summer busy season. He further surmised that Representative Kopp's question, in general, was that if all of these cars were activated in the summer, the traffic count would be fairly high in a fairly large community. Except, he said, the committee was told that the community did have a DMV office, so it would not be exempt and was required to have licenses.

[1:55:07 PM](#)

CO-CHAIR WOOL asked Ms. Thompson whether Bristol Bay, with a DMV office, would be non-exempt and the residents would be required to obtain a regular driver's license.

MS. THOMPSON responded yes, she said the residents would have to obtain a regular driver's license because any area with DMV services would not be eligible for off-highway driver's license.

CO-CHAIR WOOL asked whether when Ms. Thompson said "DMV services" she was also including the road test which is cost prohibitive for some of the people in rural communities.

MS. THOMPSON agreed, and she said in some of these communities that road tests would be difficult to perform anyway.

[1:56:00 PM](#)

REPRESENTATIVE NEUMAN offered a scenario in off-highway communities where someone was prone to getting into accidents and damaging property, yet they were not required to carry insurance. He asked the consequences for that person.

REPRESENTATIVE KREISS-TOMKINS advised he would speak briefly to the previous committee discussion and said that Representative Kopp brought into focus an important awareness issue, for example, similar to King Salmon, Metlakatla is currently an off-highway eligible community. Each year, during the first week of August, its Founders Day, the population probably triples or quadruples with many cars arriving on the ferry that becomes a "hopping little place," and a traffic strip count would be off the charts.

REPRESENTATIVE KREISS-TOMKINS related that there are definitely fluxuating levels of traffic in different communities. In speaking to the broader policy consideration, he said, the old regulatory criteria are the same criteria this bill seeks to restore. He described that at the time a community is large enough to be kicked off the off-highway eligible list is basically the time the DMV decides the community is big enough to either establish an office in that community or offer road tests on a regular basis.

[1:58:54 PM](#)

REPRESENTATIVE KREISS-TOMKINS, in response to Representative Neuman's question as to the consequences for the person prone to accidents and damaging property without the requirement of insurance, said that he has spent a lot of time in Angoon, Kake, and Hoonah, "bouncing around town" and he could not think of a similar instance identified in the question, although he could picture that person in his mind. This may be a good question for the Department of Public Safety (DPS) in its Village Public Safety Officer (VPSO) program, he suggested, and assumed the off-highway driver's license could be revoked, and if the person continued to drive without a license, they would be subject to the same sanctions as anyone driving without a driver's license.

[1:59:58 PM](#)

REPRESENTATIVE NEUMAN offered concern as to whether there should be an allowance for local VPSOs to have the authority to remove these types of licenses for a person prone to accidents and just does not care. He said that these people could be using alcohol and/or drugs and getting into accident and there was no language in the bill allowing a local community to have any say in whether "they want to do this," or how to deal with that type of situation.

CO-CHAIR WOOL commented that Representative Neuman was touching on basic law enforcement and the issue was not only whether the person was getting into accidents, but what if the person was driving drunk in a small community without a trooper in a car.

[2:01:21 PM](#)

REPRESENTATIVE KOPP advised there is a sanctionable offense provision addressing a person having any moving violation or a history of bad behavior within five years, wherein they will

either forfeit the license or they are not eligible in the first place for an off-highway driver's license.

CO-CHAIR WOOL asked who would assign the moving violation in a community without a police presence.

[2:02:21 PM](#)

MS. THOMPSON responded that she will perform research, but a person can receive a ticket driving in a non-off-highway community when not driving with an over 21-year-old licensed driver. Her office will get back to the committee, she said.

CO-CHAIR WOOL quiered as to whether the off-highway driver's license is essentially a learner's permit wherein the person in a licensed community must drive with a driver over 21 years, but if in an off-highway community the person can drive unaccompanied.

MS. THOMPSON answered that an off-highway driver's license is definitely a learner's permit. She offered the scenario of someone going from Metlakatla to Juneau and renting a car, the person would be required to have a regular driver's license to rent that car.

CO-CHAIR WOOL pointed out that the language does not read learner's permit and asked whether a learner's permit has a shorter shelf life.

MS. THOMPSON agreed, and she said they have actually looked at the design to make certain it says something similar to "for off-highway use only."

[2:04:02 PM](#)

REPRESENTATIVE NEUMAN related that he believes in local controls and asked whether the local council could have some authority. Previously, he said, he represented a community wherein if the community did not have a law enforcement agency, a local official could stand in that position. He commented that he was unsure whether that was something Representative Kreiss-Tomkins would want to pursue, but this aspect should be addressed.

REPRESENTATIVE KREISS-TOMKINS answered that in concept he agrees with Representative Neuman, although local control has many different sides, but in this particular instance it does make sense that it becomes a community-by-community decision. He

said he pauses because the off-highway driver's license has been around for a couple of decades and he said, "between the two of us, we probably know about as much of OHDL policy and regulation as maybe anyone with a pulse." To his knowledge, he said, they have not come across any community that has had a problem with the program or advised it wants the option to keep OHDLs out of their community. Theoretically, he commented, it makes sense, but his initial reaction is that he hasn't seen it in reality.

[2:05:52 PM](#)

MS. WILBER related that she specifically asked the Department of Public Safety (DPS) if it had received complaints or concerns from off-highway communities about the use of off-highway driver's licenses, and its response was that it had not received safety concerns. Although, people may contact DPS and expressed their concerns as to why they were not eligible for the program, she said.

CO-CHAIR WOOL referred to another concept described by Ms. Thompson that was the sort of itinerant DMV person that shows up in a community once or twice a year to perform testing and then leaves town. He asked whether that would make the town or village ineligible for the off-highway driver's license program.

MS. THOMPSON replied that there had been a discussion, which may be included in the committee substitute, whether the DMV was going to provide driver's services, meaning road tests, once a year which would help in areas where it was difficult finding an employee. The intent is to "get out there as fast as we can," but it would allow the DMV to come in and offer a road test. Except, she reiterated, some communities are so small they are not even road test qualified because there is not enough road or curve or whatever might be necessary.

[2:08:25 PM](#)

REPRESENTATIVE SULLIVAN-LEONARD noted that it is important to hear from local communities and asked whether the sponsor would consider tapping into the Alaska Municipal League with Kathy Wasserman and asking her to "send an e-blast out" to determine whether there were concerns.

[2:09:12 PM](#)

REPRESENTATIVE KREISS-TOMKINS answered that her suggestion sounded like reasonable due diligence and he would be happy to reach out to Ms. Wasserman.

REPRESENTATIVE KOPP underscored a comment by Representative Kreiss-Tomkins and said that the current law allowing rural communities to have unregistered and uninsured vehicles on the highway has been in place for many decades. He clarified that it has always been a balance of risk versus liberty in allowing people to drive and that there is a risk in any freedom, but it has been on the books for a number of years and this bill narrowly expands eligible communities by removing the minimum daily traffic count.

[HB 82 was held over.]

[2:10:42 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:10 p.m.