

SENATE BILL NO. 177

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR MICCICHE

Introduced: 2/5/20
Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to driving without a license."**

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

3 * **Section 1.** AS 28.15.011(d) is amended to read:

4 (d) **Under circumstances not proscribed under AS 28.15.291, violation**
5 [VIOLATION] of (b) of this section is an infraction.

6 * **Sec. 2.** AS 28.15.181(a) is amended to read:

7 (a) Conviction of any of the following offenses is grounds for the immediate
8 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

9 (1) manslaughter or negligent homicide resulting from driving a motor
10 vehicle;

11 (2) a felony in the commission of which a motor vehicle is used;

12 (3) failure to stop and give aid as required by law when a motor
13 vehicle accident results in the death or personal injury of another;

14 (4) perjury or making a false affidavit or statement under oath to the
15 department under a law relating to motor vehicles;

1 (5) operating a motor vehicle or aircraft while under the influence of
2 an alcoholic beverage, inhalant, or controlled substance;

3 (6) reckless driving;

4 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace
5 officer;

6 (8) refusal to submit to a chemical test authorized under
7 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,
8 commercial motor vehicle, or aircraft while under the influence of an alcoholic
9 beverage, inhalant, or controlled substance, or authorized under AS 28.35.031(g);

10 (9) driving while license, privilege to drive, or privilege to obtain a
11 license [,] canceled, suspended, [OR] revoked, or in violation of a limitation **or**
12 **driving without a license**;

13 (10) vehicle theft in the first degree in violation of AS 11.46.360 or
14 vehicle theft in the second degree in violation of AS 11.46.365.

15 * **Sec. 3.** AS 28.15.291(a) is amended to read:

16 (a) A person commits the crime of driving while license canceled, suspended,
17 revoked, or in violation of a limitation **or driving without a license** if the person
18 drives

19 (1) a motor vehicle on a highway or vehicular way or area at a time
20 when that person's driver's license, privilege to drive, or privilege to obtain a license
21 has been canceled, suspended, or revoked under circumstances described in
22 AS 28.15.181 or 28.15.182 or a similar law in another jurisdiction;

23 (2) a motor vehicle on a highway or vehicular way or area at a time
24 when that person's driver's license, privilege to drive, or privilege to obtain a license
25 has been canceled, suspended, or revoked under circumstances other than those
26 described in (1) of this subsection; [OR]

27 (3) in violation of a limitation placed on that person's license or
28 privilege to drive in this or another jurisdiction; **or**

29 **(4) without having been issued a driver's license in this or another**
30 **jurisdiction and the person is not exempt from licensing under AS 28.15.021.**

31 * **Sec. 4.** AS 28.15.291(b) is amended to read:

1 (b) Driving while license canceled, suspended, revoked, or in violation of a
2 limitation or driving without a license is

3 (1) a class A misdemeanor if the person

4 (A) violates (a)(1) or (4) of this section; upon conviction, the
5 court shall impose a minimum sentence of imprisonment of not less than 10
6 days

7 (i) with 10 days suspended if the person has not been
8 previously convicted under (a)(1) or (4) of this section or a similar law
9 of another jurisdiction; or

10 (ii) if the person has been previously convicted under
11 (a)(1) or (4) of this section or a similar law in another jurisdiction; or

12 (B) violates (a)(2) or (3) of this section and the person has been
13 previously convicted under (a) of this section;

14 (2) an infraction if the person violates (a)(2) or (3) of this section.

15 * **Sec. 5.** AS 28.23.100(b) is amended to read:

16 (b) A transportation network company may not allow a driver to accept trip
17 requests through the transportation network company's digital network if the driver

18 (1) has, in the past three years,

19 (A) been convicted of or forfeited bail for a third or subsequent
20 moving traffic violation;

21 (B) been convicted of

22 (i) driving while license canceled, suspended, revoked,
23 or in violation of a limitation or driving without a license under
24 AS 28.15.291;

25 (ii) failure to stop at the direction of a peace officer
26 under AS 28.35.182;

27 (iii) reckless or negligent driving under AS 28.35.400
28 or 28.35.410; or

29 (iv) a law or ordinance of another jurisdiction having
30 similar elements to an offense listed in (i) - (iii) of this subparagraph;

31 (2) has, in the past seven years, been convicted of

1 (A) any offense that is an unclassified, class A, or class B
2 felony in this or another jurisdiction; or

3 (B) a felony or misdemeanor involving

4 (i) a crime under AS 28.33.030, AS 28.35.030, or
5 28.35.032;

6 (ii) a crime under AS 28.35.050 or 28.35.060;

7 (iii) a crime against a person under AS 11.41; or

8 (iv) a law or ordinance of another jurisdiction having
9 similar elements to an offense listed in (i) - (iii) of this subparagraph;

10 (3) is listed on the United States Department of Justice National Sex
11 Offender Public Website; or

12 (4) is under 21 years of age.

13 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY.** This Act applies to offenses committed on or after the effective
16 date of this Act.