

SENATE BILL NO. 194

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATORS KAWASAKI, Costello, Gray-Jackson, Holland

Introduced: 2/15/22

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic identification cards; relating to electronic drivers' licenses**
2 **and permits; relating to motor vehicle liability insurance; and providing for an effective**
3 **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) Upon payment of a \$15 fee, the department shall issue a **physical** card
7 identical to the motor vehicle operator's license provided for in AS 28.15.111, except
8 that the card shall be of a different color and shall state in bold type letters across the
9 face of it that it is for identification purposes only. Upon request of a person and upon
10 payment of an additional \$20 fee, the department may issue an identification card
11 under this section that is federally compliant.

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

13 (s) The department may issue an electronic identification card to a person who
14 possesses a physical identification card upon application and payment of an additional

1 \$50 fee. A person issued an electronic identification card shall retain the physical
2 identification card issued by the department.

3 (t) The department shall adopt regulations for the issuance and use of
4 electronic identification cards.

5 (u) Presentation of an electronic identification card on a mobile electronic
6 device for identification purposes does not constitute consent for a peace officer or
7 other authorized representative of the Department of Public Safety to search, view, or
8 access other contents of the mobile electronic device. A peace officer or other
9 authorized representative of the Department of Public Safety presented with an
10 electronic identification card shall promptly return the mobile electronic device to the
11 person once the peace officer or representative verifies the identity of the person.

12 (v) A peace officer or other authorized representative of the Department of
13 Public Safety presented with an electronic identification card on a mobile electronic
14 device under this section is immune from liability resulting from damage to the
15 device, except that a peace officer or other authorized representative of the
16 Department of Public Safety may be liable for civil damages that are the result of the
17 peace officer's or representative's intentional misconduct.

18 * **Sec. 3.** AS 18.65.320(b) is amended to read:

19 (b) A person whose identification card has been cancelled shall return the
20 **physical** card to the department. Failure to return a cancelled card within 10 days after
21 receiving notice of the cancellation is a violation punishable by a fine of up to \$100.

22 * **Sec. 4.** AS 18.65.330 is amended to read:

23 **Sec. 18.65.330. Definitions [DEFINITION].** In AS 18.65.310 - 18.65.330,

24 **(1) "department" means the Department of Administration;**

25 **(2) "electronic identification card" means a data file specific to an**
26 **individual that**

27 **(A) displays the current identification card of the individual**
28 **and all data provided on the front and back of the individual's physical**
29 **identification card; and**

30 **(B) is available on a mobile electronic device through an**
31 **application that allows the individual's data file to be downloaded from**

1 the department.

2 * **Sec. 5.** AS 28.05.051 is amended to read:

3 **Sec. 28.05.051. Suspended or revoked documents.** (a) When the department
4 suspends or revokes a vehicle registration, certificate of registration, registration plate,
5 permit, or certificate of title or suspends, cancels, or revokes a license, the owner or
6 person in possession of the document shall, immediately upon receiving notice of the
7 suspension, revocation, or cancellation, mail or deliver the registration, certificate,
8 plate, permit, or physical license to the department.

9 (b) The commissioner, officers and employees of the department designated
10 by the commissioner, judges and employees of a court, and all peace officers [,] may
11 take possession of a certificate of title, registration, or physical license issued by this
12 jurisdiction that has been revoked, canceled, limited, or suspended, or is fictitious,
13 stolen, or altered.

14 * **Sec. 6.** AS 28.15.011(b) is amended to read:

15 (b) Every person exercising the person's privilege to drive, or exercising any
16 degree of physical control of a motor vehicle on [UPON] a highway, vehicular way or
17 area, or other public property in this state, is required to have in the possession of the
18 person a valid physical or electronic Alaska driver's license issued under the
19 provisions of this chapter for the type or class of vehicle driven, unless expressly
20 exempted by law from this requirement.

21 * **Sec. 7.** AS 28.15 is amended by adding a new section to read:

22 **Sec. 28.15.126. Electronic licenses and permits.** (a) Upon application, the
23 department may issue an electronic driver's license or permit under this chapter to a
24 person who possesses a physical driver's license or permit. A person issued an
25 electronic driver's license or permit shall retain the physical driver's license or permit
26 issued by the department.

27 (b) The commissioner shall adopt regulations for the issuance and use of
28 electronic drivers' licenses and permits issued under this chapter. The commissioner
29 may adopt regulations to require a driver to possess a physical driver's license on their
30 person in certain circumstances.

31 (c) If a person's physical driver's license is seized, revoked, canceled, limited,

restricted, or suspended under this chapter, the department shall display a notice regarding the seizure, revocation, cancellation, limitation, restriction, or suspension across the front of the person's electronic driver's license.

* **Sec. 8.** AS 28.15.131(a) is amended to read:

(a) A licensee shall have the licensee's physical or electronic driver's license in immediate possession at all times when driving a motor vehicle, and shall present the license for inspection upon the demand of a peace officer or other authorized representative of the Department of Public Safety identified as such to the licensee by the officer or representative. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer, a driver's license previously issued to the person that was valid at the time of the person's arrest or citation.

* **Sec. 9.** AS 28.15.131 is amended by adding new subsections to read:

(c) Presentation of an electronic driver's license or permit on a mobile electronic device under this chapter does not constitute consent for a peace officer or other authorized representative of the Department of Public Safety to search, view, or access other contents of the mobile electronic device. A peace officer or other authorized representative of the Department of Public Safety presented with an electronic driver's license or permit shall promptly return the mobile electronic device to the person once the peace officer or representative verifies the identity and license or permit status of the person.

(d) A peace officer or other authorized representative of the Department of Public Safety presented with an electronic driver's license or permit on a mobile electronic device under this chapter is immune from liability resulting from damage to the device, except that a peace officer or other authorized representative of the Department of Public Safety may be liable for civil damages that are the result of the peace officer's or representative's intentional misconduct.

* **Sec. 10.** AS 28.15.151(a) is amended to read:

(a) The department shall maintain a file of
 (1) every driver's license application, license or permit, and duplicate driver's license issued by it;

(2) every license that has been suspended, revoked, canceled, limited, restricted, or denied, and the reasons for those actions;

(3) all accident reports required to be forwarded to the department under this title; [AND]

(4) every disqualification of an individual from operating a commercial motor vehicle; **and**

(5) every application for an electronic driver's license or permit and the electronic drivers' licenses and permits issued by the department.

* **Sec. 11.** AS 28.15.165(b) is amended to read:

(b) After reading the notice under (a) of this section, the law enforcement officer shall seize the person's **physical** driver's license if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized. If the person was operating a commercial motor vehicle, the officer shall order the person out of service under AS 28.33.130.

* **Sec. 12.** AS 28.15.166(a) is amended to read:

(a) A person who has received a notice under AS 28.15.165(a) may make a written request for administrative review of the department's action under AS 28.15.165(c) or for limited license privileges under AS 28.15.165(d). If the person's **physical** driver's license has not been previously surrendered to the department, it shall be surrendered to the department at the time the request for review is made.

* **Sec. 13.** AS 28.15.182(d) is amended to read:

(d) When imposing a limitation under (c) of this section, the court shall

(1) require the surrender of the **physical** driver's license; and

(2) issue to the person a certificate valid for the duration of the limitation specifying the terms of the limited license.

* **Sec. 14.** AS 28.15.183(b) is amended to read:

(b) After reading the notice under (a) of this section, the peace officer shall seize the person's **physical** driver's license or permit if it is in the person's possession and shall deliver it to the department with a sworn report describing the circumstances under which it was seized.

1 * **Sec. 15.** AS 28.15.184(a) is amended to read:

2 (a) A person who has received a notice under AS 28.15.183(a) may make a
3 written request for administrative review of the department's action. If the person's
4 **physical** driver's license or permit has not been previously surrendered to the
5 department, it shall be surrendered to the department at the time the request for review
6 is made.

7 * **Sec. 16.** AS 28.15.187(b) is amended to read:

8 (b) After reading the notice under (a) of this section, the peace officer shall
9 seize the person's **physical** driver's license if it is in the person's possession and shall
10 deliver it to the department with a sworn report describing the circumstances under
11 which it was seized.

12 * **Sec. 17.** AS 28.15.189(a) is amended to read:

13 (a) A person who has received a notice under AS 28.15.187(a) may make a
14 written request for administrative review of the department's action. If the person's
15 **physical** driver's license has not been previously surrendered to the department, it
16 shall be surrendered to the department at the time the request for review is made.

17 * **Sec. 18.** AS 28.15.191(c) is amended to read:

18 (c) A court that suspends, revokes, or limits a driver's license shall require the
19 surrender of the **physical** license, and shall immediately forward it to the department
20 with the record of conviction and notification of the effective date of the suspension,
21 revocation, or limitation as determined under AS 28.15.211(b).

22 * **Sec. 19.** AS 28.15.191(g) is amended to read:

23 (g) A court that has ordered a person to refrain from consuming alcoholic
24 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
25 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
26 following a conviction under those sections or a similar municipal ordinance, or as a
27 condition of probation or parole for any other crime shall

28 (1) require the surrender of the person's **physical** license and
29 identification card and forward the **physical** license and identification card to the
30 department;

31 (2) report the order to the department within two days; and

(3) inform the person that the person's license and identification card are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is otherwise qualified to receive a license or identification card, when the person obtains a new license or identification card, the license or identification card must list the restriction imposed by AS 04.16.160 for the period of probation or parole.

* **Sec. 20.** AS 28.15.191(h) is amended to read:

(h) The board of parole shall notify the department within two days whenever a person has been ordered to refrain from consuming alcoholic beverages as a condition of parole, shall require the person to surrender the person's **physical** license and identification card, and shall inform the person that the person's license and identification card are subject to cancellation under AS 28.15.161 and AS 18.65.310, and that, if the person is otherwise qualified to receive a license or identification card, when the person obtains a new license or identification card, the license or identification card must list the restriction imposed by AS 04.16.160.

* **Sec. 21.** AS 28.15.201(b) is amended to read:

(b) A court imposing a limitation under (a) of this section shall

- (1) require certification of employment;
- (2) require proof of enrollment in and compliance with or completion of an alcoholism treatment program when appropriate;
- (3) require the surrender of the **physical** driver's license; and
- (4) issue to the licensee a certificate valid for the duration of the limitation.

* **Sec. 22.** AS 28.15.271(a) is amended to read:

(a) The fees for drivers' licenses and permits, including renewals, and all related driver skills tests are as follows:

- (1) all noncommercial vehicles and motor-driven cycles
 - (A) each license fee **\$31** [\$20];
 - (B) each driver skills test \$15;
- (2) all commercial motor vehicles
 - (A) each license fee **\$155** [\$100];
 - (B) each driver skills test \$25;

- 1 (3) instruction permit **\$23** [\$15];
 2 (4) duplicate of driver's license or instruction permit **\$23** [\$15];
 3 (5) temporary license and renewal of permit **\$8** [\$5];
 4 (6) school bus driver's endorsement renewal **\$8**;
 5 **(7) an electronic driver's license or permit \$50** [\$5].

6 * **Sec. 23.** AS 28.20.560(a) is amended to read:

7 (a) A person whose license or registration is suspended under any provision of
 8 this chapter, or whose policy of insurance or bond, when required under this chapter,
 9 is canceled or terminated, shall immediately return the person's **physical** license or
 10 registration to the department. If a person fails to return the license or registration to
 11 the department, the department, through the commissioner of public safety, shall
 12 immediately direct a peace officer to obtain possession of it and to return it to the
 13 department.

14 * **Sec. 24.** AS 28.22.019(d) is amended to read:

15 (d) Displaying proof of motor vehicle liability insurance on a mobile
 16 electronic device under this section does not constitute consent for a peace officer or
 17 other authorized representative of the Department of Public Safety to access other
 18 contents of the mobile electronic device. **A peace officer or other authorized**
 19 **representative of the Department of Public Safety presented proof of motor**
 20 **vehicle liability insurance on a mobile electronic device shall promptly return the**
 21 **device to the person once the peace officer or representative verifies that the**
 22 **person possesses proof of motor vehicle liability insurance.**

23 * **Sec. 25.** AS 28.22.019 is amended by adding a new subsection to read:

24 (f) A peace officer or other authorized representative of the Department of
 25 Public Safety presented proof of motor vehicle liability insurance on a mobile
 26 electronic device under this section is immune from liability resulting from damage to
 27 the device, except that a peace officer or other authorized representative of the
 28 Department of Public Safety may be liable for civil damages that are the result of the
 29 peace officer's or representative's intentional misconduct.

30 * **Sec. 26.** AS 28.22.041(d) is amended to read:

31 (d) When imposing a limitation under this section, the department shall

(1) require the surrender of the driver's **physical** license; and

(2) issue to the licensee a certificate valid for the duration of the limitation.

* **Sec. 27.** AS 28.33.100 is amended by adding a new subsection to read:

(g) Upon application, the department may issue an electronic commercial driver's license as provided under AS 28.15.126.

* **Sec. 28.** AS 28.33.140(i) is amended to read:

(i) In addition to the requirements of AS 28.15.191, a court that disqualifies a person from driving a commercial motor vehicle shall require the surrender of the **physical** license, and shall immediately forward the **physical** license to the department with the record of conviction and notification of the effective date of the disqualification. If the disqualification occurs by administrative action as described in (a) of this section, the person disqualified from driving shall surrender the **physical** license to the department.

* **Sec. 29.** AS 28.35.034 is amended to read:

Sec. 28.35.034. Surrender of license or permit. A person whose license or permit to operate or drive a motor vehicle has been revoked under AS 28.15.165 or 28.15.181 shall surrender the **physical** license or permit to the department on receipt of notice of the revocation. After the period of revocation has expired, the person may make application for a new license as provided by law.

* **Sec. 30.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(33) "electronic driver's license or permit" means a data file specific to an individual that

(A) displays the current driver's license or permit status of the individual and all data included on the front and back of the individual's physical driver's license or permit; and

(B) is available on a mobile electronic device through an application that allows the individual's data file to be downloaded from the department.

* **Sec. 31.** AS 33.16.150(i) is amended to read:

(i) In addition to other conditions of parole imposed under this section, for a

1 prisoner who is serving a sentence for an offense involving the use of alcohol and
2 whom the board has ordered to refrain from possessing or consuming alcoholic
3 beverages, the board shall require the surrender of the person's **physical** driver's
4 license or identification card, forward the **physical** license or identification card to the
5 department, and impose as a condition of parole that, if the parolee is eligible for a
6 driver's license or identification card, the parolee shall apply to the department for a
7 new license or identification card with a restriction imposed on the person under
8 AS 04.16.160. The board shall notify the department of the board's order under this
9 subsection by providing a copy of the board's order. Upon discharge from parole, the
10 board shall notify the department of the parolee's discharge. In this subsection,
11 "department" means the Department of Administration.

12 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITION: REGULATIONS. The Department of Administration shall adopt
15 regulations necessary to implement the changes made by this Act. The regulations take effect
16 under AS 44.62 (Administrative Procedure Act), but not before the effective date this Act.

17 * **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

18 * **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect January 1, 2023.