

1 IN THE HOUSE

BY MR. TAYLOR

2

HOUSE BILL NO. 336

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act transferring certain powers to

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suspend and revoke motor vehicle operator's

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licenses to the district magistrate court;

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permitting that court to also limit the use

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of an operator's license; permitting the

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Department of Public Safety to institute

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proceedings; and providing for an effective

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date."

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

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Section 1. Subsec. (1) of Sec. 8, Ch. 184, SLA 1959 is

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amended by adding a new paragraph to read:

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(h) To suspend for not more than one year, limit

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the use of, or revoke the license of a motor vehicle operator.

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Sec. 2. Subsec. (2) of Sec. 20, Ch. 173, SLA 1959 is amended

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to read:

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(2) Every court having jurisdiction over offenses

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committed under this Act, or any other Act of this state or

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municipal ordinance regulating the operation of motor vehi-

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cles on highways, shall forward to the department a record

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of the conviction of any person in said court for a violation

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of any said laws other than regulations governing standing

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or parking, the surrendered operator's license in cases of

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suspension or revocation, and a report of its action when the

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license of the operator has been suspended, limited or

1 revoked. [AND MAY RECOMMEND THE SUSPENSION OF THE OPERATOR'S
2 LICENSE OF THE PERSON SO CONVICTED.]

3 Sec. 3. Sec. 21, Ch. 173, SLA 1959 is amended to read:

4 Sec. 21. SUSPENDING LICENSE UPON CONVICTION IN ANOTHER
5 JURISDICTION. The department is authorized to start proceed-
6 ings in the district magistrate court to suspend, limit, or
7 revoke the license of any resident of this state or the
8 privilege of a non-resident to drive a motor vehicle in
9 this state upon receiving notice of the conviction of such
10 person in another state, territory or country of an offense
11 therein which, if committed in this state, would be grounds
12 for suspension or revocation of the license of the operator.
13 The department is further authorized upon receiving a
14 record of the conviction in this state of a non-resident
15 driver of a motor vehicle of any offense under the motor
16 vehicle laws of this state, to forward a certified copy of
17 such record to the motor vehicle administrator or other
18 appropriate officer in the state wherein the person so
19 convicted is a resident.

20 Sec. 4. Sec. 23, Ch. 173, SLA 1959 as amended by Sec. 3,
21 Ch. 132, SLA 1961 is repealed and re-enacted to read:

22 Sec. 23. AUTHORITY OF THE DISTRICT MAGISTRATE COURT
23 TO SUSPEND, LIMIT OR REVOKE LICENSES AND THE DEPARTMENT
24 TO START PROCEEDINGS. (1) The district magistrate court
25 may suspend, limit the use of, or revoke a motor vehicle
26 operator's license when the licensee:

- 27 (a) Has committed an offense for which mandatory
- 28 revocation of license is required upon conviction;
- 29 (b) Has been involved as a driver in any accident

1 resulting in the death or personal injury of another or
2 serious property damage;

3 (c) Has been convicted with such frequency of
4 serious offenses against traffic regulations governing
5 the movement of vehicles as to indicate a disregard for
6 traffic laws and a disregard for the safety of other
7 persons on the highways;

8 (d) Is an habitually reckless or negligent driver
9 of a motor vehicle;

10 (e) Is incompetent to drive a motor vehicle;

11 (f) Has permitted an unlawful or fraudulent use
12 of such license; or

13 (g) Has committed an offense in another state which
14 if committed in this state would be grounds for sus-
15 pension or revocation.

16 (2) The department may start a proceeding in district
17 magistrate court to suspend, limit the use of, or revoke
18 the license of a motor vehicle operator upon a showing of
19 its records or other sufficient evidence that there is
20 probable cause to believe that a license should be revoked,
21 limited, or suspended by the district magistrate court
22 under Subsec. (1) of this Section.

23 Sec. 5. Sec. 28, Ch. 173, SLA 1959 is amended to read:

24 Sec. 28. SURRENDER AND RETURN OF LICENSE. The
25 department upon suspending or revoking a license shall
26 require that such license shall be surrendered to and be
27 retained by the department. It shall also retain licenses
28 forwarded to it by courts which have suspended or revoked
29 them. [,EXCEPT THAT AT] At the end of the period of

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suspension such license so surrendered shall be returned
to the licensee.

Sec. 6. This Act takes effect on the day after its passage
and approval or on the day it becomes law without such approval.