

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 177

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the authority to suspend
7 or revoke operator's licenses; amending Ch.
8 173, SLA 1959."

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

10 Section 1. Sec. 20, Ch. 173, SLA 1959 is repealed and re-
11 enacted to read:

12 Sec. 20. ACTION OF COURT UPON CONVICTION: REPORT OF
13 CONVICTION. (1) A court which convicts any person of an
14 offense for which this Act makes the revocation of the of-
15 fender's operator's license mandatory shall require the sur-
16 render of all operator's licenses held by the person con-
17 victed, and either revoke his Alaska operator's license, if
18 he is a resident, or his privilege to drive a motor vehicle
19 in this state if he is not a resident or does not hold an
20 Alaska operator's license.

21 (2) A court which convicts any person of a violation of
22 any statute or ordinance regulating the operation of motor
23 vehicles on the streets or highways other than a statute or
24 ordinance governing standing or parking may suspend the
25 operator's license of the person convicted.

26 (3) The court shall report to the department any action
27 relating to revocation or suspension, and of conviction of a
28 violation under Subsec. (2). The court shall deliver to the
29 department any licenses surrendered to it.

1 (4) For the purposes of this Act, "conviction" means
2 final conviction. A forfeiture of bail or collateral de-
3 posited to secure a defendant's appearance in court is, if not
4 vacated, equivalent to a conviction.

5 Sec. 2. Sec. 21, Ch. 173, SLA 1959 is amended to read:

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

21 Sec. 3. Sec. 22, Ch. 173, SLA 1959 is amended to read:

22 Sec. 22. MANDATORY REVOCATION OF LICENSE [BY DEPART-
23 MENT]. In the event that a court convicts any person of any
24 offense described in this section, or in the event that the
25 department makes a satisfactory showing to the court that a
26 person has been convicted in another state of such an offense
27 the court shall revoke the convicted person's operator's
28 license. The offenses requiring revocation are [THE DEPART-
29 MENT SHALL FORTHWITH REVOKE THE LICENSE OF ANY OPERATOR UPON

1 RECEIVING A RECORD OF SUCH OPERATOR'S CONVICTION OF ANY OF THE
2 FOLLOWING OFFENSES, WHEN SUCH CONVICTION HAS BECOME FINAL]:

3 (1) Manslaughter (or negligent homicide) resulting
4 from the operation of a motor vehicle;

5 (2) The second offense of driving a motor vehicle
6 while under the influence of intoxicating liquor or a narcotic
7 drug to a degree which renders him incapable of safely driving
8 a motor vehicle, either under this Act or Chapter 107, SLA
9 1955;

10 (3) Any felony in the commission of which a motor
11 vehicle is used;

12 (4) Failure to stop and render aid as required
13 under the laws of this state in the event of a motor-vehicle
14 accident resulting in the death or personal injury of another;

15 (5) Perjury or the making of a false affidavit or
16 statement under oath to the department under this Act or under
17 any other law relating to the ownership or operation of motor
18 vehicles;

19 (6) Conviction, or forfeiture of bail not vacated,
20 upon three charges of reckless driving committed within a
21 period of 12 months.

22 Sec. 4. Sec. 23, Ch. 173, SLA 1959 is amended to read:

23 Sec. 23. SUSPENSION OF [AUTHORITY OF DEPARTMENT TO
24 SUSPEND OR REVOKE] LICENSE. Upon petition by the department,
25 and after hearing, the court may suspend any operator's
26 license upon the grounds that the holder of the license:

27 [(1) AFTER GIVING NOTICE AND HOLDING A HEARING THEREON BY A
28 SUPERVISORY OFFICER OF THE DEPARTMENT, THE DEPARTMENT IS
29 HEREBY AUTHORIZED TO SUSPEND THE LICENSE OF AN OPERATOR UPON

1 A SHOWING BY ITS RECORDS OR OTHER SUFFICIENT EVIDENCE THAT
2 THE LICENSEE:]

3 (1) [(A)] Has committed an offense for which man-
4 datory revocation of license is required upon conviction;

5 (2) [(B)] Has been involved as a driver in any
6 accident resulting in the death or personal injury of another
7 or serious property damage;

8 (3) [(C)] Has been convicted with such frequency
9 of serious offenses against traffic regulations governing the
10 movement of vehicles as to indicate a disrespect for traffic
11 laws and a disregard for the safety of other persons on the
12 highways;

13 (4) [(D)] Is an habitually reckless or negligent
14 driver of a motor vehicle;

15 (5) [(E)] Is incompetent to drive a motor vehicle;

16 (6) [(F)] Has permitted an unlawful or fraudulent
17 use of such license; or

18 (7) [(G)] Has committed an offense in another state
19 which if committed in this state would be grounds for suspen-
20 sion or revocation.

21 [(2) UPON SUSPENDING THE LICENSE OF ANY PERSON AS HERE-
22 INBEFORE IN THIS SECTION AUTHORIZED, THE DEPARTMENT SHALL
23 IMMEDIATELY NOTIFY THE LICENSEE IN WRITING AND UPON HIS RE-
24 QUEST SHALL AFFORD HIM AN OPPORTUNITY FOR A HEARING IN ACCORD
25 WITH THE ADMINISTRATIVE PROCEDURES ACT.]

26 Sec. 5. Subsec. (1), Sec. 27, Ch. 173, SLA 1959 is repealed
27 and re-enacted to read:

28 (1) The date of termination of suspension shall be fixed
29 by the court suspending the operator's license. At the end

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of the period of suspension the department shall return the license to the operator. The maximum period of suspension is one year, except that if any person is convicted of driving while his license is suspended, revoked or cancelled, his license may not be returned or a new one issued until one year after the date on which his license would have been returned or he would have been entitled to apply for a new license.

Sec. 6. Secs. 24 and 28, Ch. 173, SLA 1959 are repealed.

Sec. 7. This Act does not affect any administrative proceeding commenced under Ch. 173, SLA 1959 before the effective date of this Act.