

Original Sponsor: Mr. Taylor

Offered: 3/14/63
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 107

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers to limit, sus-
7 pend, and revoke a motor vehicle operator's
8 license."

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

10 * Section 1. AS 28.15.110(c) is amended to read:

11 (c) Upon receiving satisfactory evidence of a violation
12 of the restrictions of the license, the department may bring
13 an action in the district magistrate's court to suspend or
14 revoke the license. [THE LICENSEE IS ENTITLED TO A HEARING
15 IN THE MANNER PROVIDED FOR A HEARING UPON A SUSPENSION OR
16 REVOCAION UNDER THIS CHAPTER.]

17 * Sec. 2. AS 28.15.150(a)(3) is amended to read:

18 (3) the name of every licensee whose license is
19 suspended or revoked [BY THE DEPARTMENT] and after each name
20 a note of the reason for the action.

21 * Sec. 3. AS 28.15.170 is amended by adding a new subsection
22 to read:

23 (c) A person who is denied a license, or whose license
24 is cancelled by the department, may appeal in accordance with
25 the provisions of the Administrative Procedure Act (AS 44.62).

26 * Sec. 4. AS 28.15.190 is repealed and re-enacted to read:

27 Sec. 28.15.190. FORWARDING OF SURRENDERED LICENSE AND
28 REPORT OF ACTION. (a) A court which revokes, suspends, or
29 limits a license shall require the surrender of the license,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

and shall forward it to the department with the report of its action.

(b) A court which convicts a person of an offense described in this chapter, or any other law of this state or a municipal ordinance regulating the operation of motor vehicles on highways, but which does not suspend, limit, or revoke a license, shall send a report of the conviction to the department. Convictions of laws or ordinances governing standing or parking are not required to be reported.

(c) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court which has not been vacated is equivalent to a conviction.

* Sec. 5. AS 28.15.200 is amended to read:

Sec. 28.15.200. SUSPENDING LICENSE UPON CONVICTION IN ANOTHER JURISDICTION. The department may start proceedings in the district magistrate court to suspend, limit, or revoke the license of a resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state, territory, or country of an offense which, if committed in this state, would be grounds for the suspension or revocation of the license of the operator. Upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of an offense under the motor vehicle laws of this state, the department may forward a certified copy of the record to the motor vehicle administrator or other appropriate officer in the state where the person convicted is a resident.

* Sec. 6. AS 28.15.210 is repealed and re-enacted to read:

1 Sec. 28.15.210. MANDATORY REVOCATION OF LICENSE. (a)
2 The following offenses are grounds for the immediate revoca-
3 tion of an operator's license:

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

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

8 (3) failure to stop and give aid as required under
9 the laws of this state in case of a motor vehicle accident
10 resulting in the death or personal injury of another;

11 (4) perjury or the making of a false affidavit or
12 statement under oath to the department under a law relating
13 to the ownership or operation of a motor vehicle.

14 (b) A court convicting a person of any of the offenses
15 listed in (a) of this section shall revoke the license unless
16 the court determines that

17 (1) the person's ability to earn a livelihood
18 would be severely impaired, and

19 (2) a limitation can be placed on the license
20 which will enable the person to earn a livelihood without
21 excessive risk of danger to the public.

22 * Sec. 7. AS 28.15.220 is repealed and re-enacted to read:

23 Sec. 28.15.220. DISCRETIONARY SUSPENSION, REVOCATION,
24 OR LIMITATION OF LICENSE. (a) A court may as a part of the
25 sentence revoke, suspend, or impose a limitation upon a
26 license upon conviction of

27 (1) driving a motor vehicle while under the in-
28 fluence of intoxicating liquor or a narcotic drug to a degree
29 which makes him incapable of safely driving a motor vehicle;

1 (2) reckless driving.

2 (b) A court may as a part of the sentence for convic-
3 tion of a violation of any law or ordinance regulating the
4 operation of motor vehicles upon a highway or upon complaint
5 of the department revoke, suspend, or limit a license, upon
6 a showing by the department that the licensee

7 (1) has committed an offense for which mandatory
8 revocation of license is required upon conviction;

9 (2) was responsible as a driver for causing an
10 accident resulting in the death or personal injury of
11 another or a serious property damage;

12 (3) has been convicted with such frequency of
13 serious offenses against traffic regulations governing the
14 movement of vehicles as to indicate a disrespect for traffic
15 laws and a disregard for the safety of other persons on the
16 highways;

17 (4) is an habitually reckless or negligent driver
18 of a motor vehicle;

19 (5) is incompetent to drive a motor vehicle;

20 (6) permitted an unlawful or fraudulent use of
21 his license;

22 (7) committed an offense in another state which,
23 if committed in this state, would be grounds for suspension
24 or revocation;

25 (8) has operated a motor vehicle in violation of
26 a limitation placed on his license during the period of
27 limitation.

28 * Sec. 8. AS 28.15 is amended by adding a new section to read:

29 Sec. 28.15.225. LIMITED LICENSE. (a) When a court

1 limits a license, it shall require the surrender of the
2 license, and shall forward it to the department with a
3 description of the limitation imposed. It shall, unless the
4 period of limitation is to be preceded by a period of sus-
5 pension, issue to the licensee a certificate, valid for not
6 more than two weeks, authorizing him to operate a motor
7 vehicle subject to the limitations described in the certifi-
8 cate.

9 (b) When the department receives a license with a report
10 from a court that it has been limited, it shall immediately
11 prepare and send to the licensee a license form with the
12 nature and date of termination of the limitation clearly set
13 out on it.

14 (c) At the end of the period of limitation, the depart-
15 ment shall immediately return the licensee's unlimited
16 license to him. The licensee is not bound by the limitation
17 after the date of the termination of the limitation as shown
18 on the limited license.

19 * Sec. 9. AS 28.15.260(a) is repealed and re-enacted to read:

20 (a) The court may not limit or suspend an operator's
21 license or privilege to drive a motor vehicle on the public
22 highways for a longer period than one year, except that for
23 the offenses listed under sec. 220(a)(1) and (2) of this
24 chapter, limitation or suspension shall be as follows:

- 25 (1) 30 days for the first conviction;
26 (2) one year for the second conviction;
27 (3) three years for a third or subsequent con-
28 viction.

29 * Sec. 10. AS 28.15.260 is amended by adding a new subsection

1 to read:

2 (c) A person whose license is cancelled, suspended, or
3 revoked upon conviction of driving while the license was
4 cancelled, suspended, or revoked shall not be issued a new
5 license for an additional period of one year after the date
6 the person would otherwise have been entitled to apply for a
7 new license.

8 * Sec. 11. AS 28.15.270 is repealed and re-enacted to read:

9 Sec. 28.15.270. SURRENDER AND RETURN OF LICENSE. When
10 a court suspends or revokes a license, it shall require the
11 surrender of the license, and forward it to the department.
12 In cases of suspension the department shall keep the license
13 during the period of suspension, and, subject to the require-
14 ments of the Motor Vehicle Safety Responsibility Act (AS
15 28.20), shall return it promptly to the licensee at the end
16 of the period.

17 * Sec. 12. AS 28.15 is amended by adding a new section to read:

18 Sec. 28.15.305. DRIVING IN VIOLATION OF A LIMITATION OF
19 LICENSE. A person who drives a motor vehicle on a public
20 highway in this state in violation of a limitation placed on
21 his operator's license during the period of limitation is
22 guilty of a misdemeanor, and upon conviction is punishable by
23 a fine of not less than \$100 nor more than \$1,000.

24 * Sec. 13. AS 28.15.230 is repealed.
25
26
27
28
29