

Introduced: 2/14/63  
Referred: State Affairs  
and Judiciary

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 77

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Driver License  
7 Compact."

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

9 \* Section 1. AS 28 is amended by adding a new chapter to  
10 read:

11 Chapter 17. DRIVER LICENSE COMPACT

12 Sec. 28.17.010. The Driver License Compact is hereby  
13 enacted into law and entered into with all other jurisdic-  
14 tions legally joining therein in the form substantially as  
15 follows:

16 DRIVER LICENSE COMPACT

17 ARTICLE I. FINDINGS AND DECLARATION OF POLICY.

18 (a) The party states find that:

19 (1) The safety of their streets and highways is  
20 materially affected by the degree of compliance with state  
21 laws and local ordinances relating to the operation of  
22 motor vehicles.

23 (2) Violation of such a law or ordinance is evi-  
24 dence that the violator engages in conduct which is likely  
25 to endanger the safety of persons and property.

26 (3) The continuance in force of a license to  
27 drive is predicated upon compliance with laws and ordinances  
28 relating to the operation of motor vehicles, in whichever  
29 jurisdiction the vehicle is operated.

SB #77

-1-

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

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS.

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

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

ARTICLE III. REPORTS OF CONVICTION.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION.

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

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

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

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

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal

1 injury of another.

2 (b) As to other convictions, reported pursuant to  
3 Article III, the licensing authority in the home state shall  
4 give such effect to the conduct as is provided by the laws  
5 of the home state.

6 (c) If the laws of a party state do not provide for  
7 offenses or violations denominated or described in pre-  
8 cisely the words employed in subdivision (a) of this art-  
9 icle, such party state shall construe the denominations and  
10 descriptions appearing in subdivision (a) hereof as being  
11 applicable to and identifying those offenses or violations  
12 of a substantially similar nature, and the laws of such  
13 party state shall contain such provisions as may be neces-  
14 sary to ensure that full force and effect is given to this  
15 article.

16 ARTICLE V. APPLICATIONS FOR NEW LICENSES.

17 Upon application for a license to drive, the licensing  
18 authority in a party state shall ascertain whether the  
19 applicant has ever held, or is the holder of a license to  
20 drive issued by any other party state. The licensing  
21 authority in the state where application is made shall not  
22 issue a license to drive to the applicant if:

23 (1) The applicant has held such a license, but  
24 the same has been suspended by reason, in whole or in part,  
25 of a violation and if such suspension period has not  
26 terminated.

27 (2) The applicant has held such a license, but  
28 the same has been revoked by reason, in whole or in part, of  
29 a violation and if such revocation has not terminated,

1           except that after the expiration of one year from the date  
2           the license was revoked, such person may make application for  
3           a new license if permitted by law. The licensing authority  
4           may refuse to issue a license to any such applicant if,  
5           after investigation, the licensing authority determines that  
6           it will not be safe to grant to such person the privilege of  
7           driving a motor vehicle on the public highways.

8           (3) The applicant is the holder of a license to  
9           drive issued by another party state and currently in force  
10          unless the applicant surrenders such license.

11           ARTICLE VI.   APPLICABILITY OF OTHER LAWS.

12          Except as expressly required by provisions of this  
13          compact, nothing contained herein shall be construed to  
14          affect the right of any party state to apply any of its  
15          other laws relating to licenses to drive to any person or  
16          circumstance, nor to invalidate or prevent any driver  
17          license agreement or other cooperative arrangement between a  
18          party state and a nonparty state.

19           ARTICLE VII.   COMPACT ADMINISTRATOR AND INTERCHANGE  
20                            OF INFORMATION.

21          (a) The head of the licensing authority of each party  
22          state shall be the administrator of this compact for his  
23          state. The administrators, acting jointly, shall have the  
24          power to formulate all necessary and proper procedures for  
25          the exchange of information under this compact.

26          (b) The administrator of each party state shall fur-  
27          nish to the administrator of each other party state any in-  
28          formation or documents reasonably necessary to facilitate  
29          the administration of this compact.

1 ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

2 (a) This compact shall enter into force and become  
3 effective as to any state when it has enacted the same into  
4 law.

5 (b) Any party state may withdraw from this compact by  
6 enacting a statute repealing the same, but no such with-  
7 drawal shall take effect until six months after the executive  
8 head of the withdrawing state has given notice of the with-  
9 drawal to the executive heads of all other party states. No  
10 withdrawal shall affect the validity or applicability by  
11 the licensing authorities of states remaining party to the  
12 compact of any report of conviction occurring prior to the  
13 withdrawal.

14 ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

15 This compact shall be liberally construed so as to  
16 effectuate the purposes thereof. The provisions of this com-  
17 pact shall be severable and if any phrase, clause, sentence  
18 or provision of this compact is declared to be contrary to  
19 the constitution of any party state or of the United States  
20 or the applicability thereof to any government, agency, per-  
21 son or circumstance is held invalid, the validity of the re-  
22 mainder of this compact and the applicability thereof to any  
23 government, agency, person or circumstance shall not be  
24 affected thereby. If this compact shall be held contrary  
25 to the constitution of any state party thereto, the compact  
26 shall remain in full force and effect as to the remaining  
27 states and in full force and effect as to the state affected  
28 as to all severable matters.

29 Sec. 28.17.020. As used in the compact, the term

1 "licensing authority" with reference to this state, shall  
2 mean the Department of Public Safety. Said department shall  
3 furnish to the appropriate authorities of any other party  
4 state any information or documents reasonably necessary to  
5 facilitate the administration of Articles III, IV and V of  
6 the compact.

7 Sec. 28.17.030. The commissioner of public safety,  
8 serving as the compact administrator provided for in Article  
9 VII of the compact, shall not be entitled to any additional  
10 compensation on account of his service as such administrator,  
11 but shall be entitled to expenses incurred in connection  
12 with his duties and responsibilities as such administrator,  
13 in the same manner as for expenses incurred in connection  
14 with any other duties or responsibilities of his office or  
15 employment.

16 Sec. 28.17.040. As used in the compact, with reference  
17 to this state, the term "executive head" shall mean the  
18 governor.

19 Sec. 28.17.050. Any court or other agency of this  
20 state, or a subdivision thereof, which has jurisdiction to  
21 take any action suspending, revoking or otherwise limiting  
22 a license to drive, shall report any such action and the  
23 adjudication upon which it is based to the Department of  
24 Public Safety within five days on forms approved by the  
25 Department of Public Safety.

26 Sec. 28.17.060. Pursuant to Article IV of the compact,  
27 the Department of Public Safety shall give the same effect  
28 to the conduct reported, pursuant to Article III of this  
29 compact, as it would if such conduct had occurred in this

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

state, in the case of convictions for:

(1) Negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

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

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Driving a vehicle without the owner's consent under sec. 28.35.010;

(6) Reckless or negligent driving under sec. 28.35.040;

(7) Perjury or the making of a false affidavit or statement under oath to an official agency under a law relating to the ownership or operation of motor vehicles.

Sec. 28.17.070. Any act or omission of any official or employee of this state done or omitted pursuant to or in enforcing the provisions of the driver license compact shall be subject to review in accordance with the Administrative Procedure Act, AS 44.62, but any review of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.

\* Sec. 2. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.022. A person required by another party state to the driver license compact, ch. 17 of this title,

1 to have an operator's license in such state because of his  
2 present or regularly occurring employment in such state,  
3 shall not be required to obtain an operator's license in  
4 this state, and may use the operator's license obtained  
5 from the party state where he is so employed.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29