

Original Sponsor: Rules Committee
By Request of the Governor

Offered: 3/18/63
Referred: Rules

1 IN THE SENATE

BY THE SENATE
JUDICIARY COMMITTEE

2 CS FOR 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 Compact."

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

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

9 CHAPTER 17. DRIVER LICENSE COMPACT.

10 Sec. 28.17.010. COMPACT ENACTED. The Driver License
11 Compact is enacted into law and entered into with all other
12 jurisdictions legally joining in it in substantially the
13 following form:

14 DRIVER LICENSE COMPACT

15 ARTICLE I. FINDINGS AND DECLARATION OF POLICY.

16 (a) The party states find that:

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

21 (2) violation of such a law or ordinance is evi-
22 dence that the violator engages in conduct which is likely
23 to endanger the safety of persons and property;

24 (3) the continuance in force of a license to drive
25 is predicated upon compliance with laws and ordinances re-
26 lating to the operation of motor vehicles, in whichever
27 jurisdiction the vehicle is operated.

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

29 (1) promote compliance with the laws, ordinances,

1 and administrative rules and regulations relating to the
2 operation of motor vehicles by their operators in each of the
3 jurisdictions where such operators drive motor vehicles;

4 (2) make the reciprocal recognition of licenses
5 to drive and eligibility therefor more just and equitable
6 by considering the overall compliance with motor vehicle
7 laws, ordinances and administrative rules and regulations as
8 a condition precedent to the continuance or issuance of any
9 license by reason of which the licensee is authorized or per-
10 mitted to operate a motor vehicle in any of the party states.

11 ARTICLE II. DEFINITIONS.

12 In this compact:

13 (1) "state" means a state, territory or possession
14 of the United States, the District of Columbia, or the
15 Commonwealth of Puerto Rico;

16 (2) "home state" means the state which has issued
17 and has the power to suspend or revoke the use of the license
18 or permit to operate a motor vehicle;

19 (3) "conviction" means a conviction of any offense
20 related to the use or operation of a motor vehicle which is
21 prohibited by state law, municipal ordinance or administra-
22 tive rule or regulation, or a forfeiture of bail, bond or
23 other security deposited to secure appearance by a person
24 charged with having committed any such offense, and which
25 conviction or forfeiture is required to be reported to the
26 licensing authority.

27 ARTICLE III. REPORTS OF CONVICTION.

28 The licensing authority of a party state shall report
29 each conviction of a person from another party state for any

1 of the offenses set out in Article IV of this Compact occur-
2 ring within its jurisdiction to the licensing authority of
3 the home state of the licensee. Such report shall clearly
4 identify the person convicted; describe the violation speci-
5 fying the section of the statute, code or ordinance violated;
6 identify the court in which action was taken; indicate
7 whether a plea of guilty or not guilty was entered, or the
8 conviction was a result of the forfeiture of bail, bond or
9 other security; and shall include any special findings made
10 in connection therewith.

11 ARTICLE IV. EFFECT OF CONVICTION.

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

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

20 (2) driving a motor vehicle while under the in-
21 fluence of intoxicating liquor or a narcotic drug, or under
22 the influence of any other drug to a degree which renders
23 the driver incapable of safely driving a motor vehicle;

24 (3) any felony in the commission of which a motor
25 vehicle is used;

26 (4) failure to stop and render aid in the event
27 of a motor vehicle accident resulting in the death or person-
28 al injury of another.

29 (b) As to other convictions, reported pursuant to

1 Article III, the licensing authority in the home state shall
2 give such effect to the conduct as is provided by the laws
3 of the home state.

4 (c) If the laws of a party state do not provide for
5 offenses or violations denominated or described in precisely
6 the words employed in subdivision (a) of this article, such
7 party state shall construe the denominations and descriptions
8 appearing in subdivision (a) hereof as being applicable to
9 and identifying those offenses or violations of a substanti-
10 ally similar nature, and the laws of such party state shall
11 contain such provisions as may be necessary to ensure that
12 full force and effect is given to this article.

13 ARTICLE V. APPLICATIONS FOR NEW LICENSES.

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

20 (1) the applicant has held such a license, but the
21 same has been suspended by reason, in whole or in part, of a
22 violation and if such suspension period has not terminated;

23 (2) the applicant has held such a license, but the
24 same has been revoked by reason, in whole or in part, of a
25 violation and if such revocation has not terminated, except
26 that after the expiration of one year from the date the
27 license was revoked, such person may make application for a
28 new license if permitted by law. The licensing authority
29 may refuse to issue a license to any such applicant if, after

1 investigation, the licensing authority determines that it
2 will not be safe to grant to such person the privilege of
3 driving a motor vehicle on the public highways;

4 (3) the applicant is the holder of a license to
5 drive issued by another party state and currently in force
6 unless the applicant surrenders such license.

7 ARTICLE VI. APPLICABILITY OF OTHER LAWS.

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

15 ARTICLE VII. COMPACT ADMINISTRATOR AND INTERCHANGE
16 OF INFORMATION.

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

22 (b) The administrator of each party state shall furnish
23 to the administrator of each other party state any informa-
24 tion or documents reasonably necessary to facilitate the
25 administration of this compact.

26 ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

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

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

10 ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

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

25 Sec. 28.17.020. FURNISHING INFORMATION AND DOCUMENTS.
26 The Department of Public Safety shall furnish to the appro-
27 priate authorities of another party state any information or
28 documents reasonably necessary to facilitate the administra-
29 tion of Articles III, IV, and V of the compact.

1 Sec. 28.17.030. REPORT ON LICENSE REVOCATION, SUSPEN-
2 SION, OR LIMITATION. A court or other agency of the state,
3 or a subdivision thereof, which has jurisdiction to take
4 action suspending, revoking, or otherwise limiting a license
5 to drive, shall report the action and the adjudication upon
6 which it is based to the Department of Public Safety within
7 five days on forms approved by the department.

8 Sec. 28.17.040. EFFECT OF CONVICTION IN ANOTHER STATE.
9 Under Article IV of the compact, the Department of Public
10 Safety shall give the same effect to the conduct reported
11 under Article III of this compact as it would if the conduct
12 had occurred in this state in the case of convictions for

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

15 (2) driving a motor vehicle while under the in-
16 fluence of intoxicating liquor or a narcotic drug, or under
17 the influence of any other drug to a degree which renders the
18 driver incapable of safely driving a motor vehicle;

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

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

24 (5) driving a vehicle without the owner's consent
25 under AS 28.35.010;

26 (6) reckless or negligent driving under AS 28.35.-
27 040; or

28 (7) perjury or the making of a false affidavit or
29 statement under oath to an official agency under a law

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relating to the ownership or operation of motor vehicles.

Sec. 28.17.050. REVIEW OF ADMINISTRATIVE ACTION OR A CONVICTION. An act or omission of an official or employee of this state done or omitted under 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 a review of a conviction reported under the compact shall be limited to establishing the identity of the person so convicted.

Sec. 28.17.060. DEFINITIONS. In this chapter

(1) "licensing authority" with reference to this state means the Department of Public Safety;

(2) "executive head" with reference to this state means the governor.

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

Sec. 28.15.022. LICENSE EXEMPTION UNDER DRIVER LICENSE COMPACT. A person required by another party state to the Driver License Compact (AS 28.17) to have an operator's license in that state because of his present or regularly occurring employment in that state shall not be required to obtain an operator's license in this state, and may use the operator's license obtained from the party state where he is so employed.