

Introduced: 1/29/68
Referred: Judiciary and
State Affairs

1 IN THE HOUSE

BY RAY

2 HOUSE BILL NO. 456

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to habitual violators by motor vehicle."

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

8 * Section 1. AS 28.15 is amended by adding new sections to read:

9 Sec. 28.15.230. HABITUAL VIOLATOR. (a) The department shall start
10 proceedings in the district court to have a person, resident or non-
11 resident, adjudged an habitual violator if within a 10-year period he is
12 convicted in this or any other state of committing any of the following
13 offenses three or more times:

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

16 (2) a felony in the commission of which a motor vehicle is
17 used;

18 (3) failure to stop and give aid as required under the laws
19 of this state when a motor vehicle accident results in the death or
20 personal injury of another;

21 (4) failure to stop and disclose his identity at the scene of
22 an accident, when driving a motor vehicle involved in an accident result-
23 ing in damage to property of another in excess of \$100;

24 (5) perjury or the making of a false affidavit or statement
25 under oath to the department under a law relating to the ownership or
26 operation of a motor vehicle;

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

1 (7) driving a motor vehicle while his license is cancelled,
2 suspended, or revoked.

3 (b) The department shall start proceedings in the district court
4 to have a person, resident or nonresident, adjudged an habitual violator
5 if within a 10-year period he is convicted in this or any other state of
6 any combination of 15 or more of those offenses listed in secs. 210 and
7 220 of this chapter.

8 Sec. 28.15.235. PENALTY. (a) If a person is adjudged an habitual
9 violator, no license to operate a motor vehicle shall be issued to him
10 (1) for a period of 10 years from the date of the order of the court
11 finding him to be an habitual violator, and (2) until his privilege to
12 operate a motor vehicle has been restored by order of the district court.
13 Upon his petition at the end of the 10-year period, for good cause shown,
14 the court may in its discretion restore the privilege of the person to
15 operate a motor vehicle upon the terms and conditions that the court may
16 prescribe.

17 (b) A person found to be an habitual violator who is convicted of
18 operating a motor vehicle in this state, while the order of the court
19 prohibiting operation is in effect, is punishable by imprisonment in the
20 penitentiary for not less than one year nor more than five years, and
21 no portion of the sentence shall be suspended.

22 * Sec. 2. AS 28.15.030 is amended by adding a new paragraph to read:

23 (12) who has been adjudged an habitual violator and who is
24 under the disabilities imposed under sec. 235 of this chapter.

25 * Sec. 3. AS 28.15.260(a)(3) is amended to read:

26 (3) three years for a third or subsequent conviction occurring,
27 when counted with the other convictions, in a period of more than 10 years.

28 * Sec. 4. AS 28.15.260 is amended by adding a new subsection to read:

29 (d) This section does not apply to secs. 230 and 235 of this chapter.