

Offered: 1/10/72
Referred: Judiciary

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 269

3 IN THE LEGISLATURE OF THE STATE OF ALASKA .

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a point system for motor vehicle
7 violations."

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

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

10 Sec. 28.15.282. POINT SYSTEM. (a) In addition to, and not in
11 substitution for, other provisions of this title, for the purpose of
12 identifying habitually reckless or negligent drivers and habitual or
13 frequent violators of traffic regulations governing the movement of
14 vehicles, the commissioner of public safety shall promulgate and
15 administer under the Administrative Procedures Act (AS 44.62) regulations
16 establishing a uniform system for the suspension or revocation of motor
17 vehicle operator's license issued under this chapter by assigning
18 demerit points for convictions of violations of this chapter or of
19 ordinances adopted by local authorities regulating the operation of
20 motor vehicles.

21 (b) The regulations shall include a designated level of point
22 accumulation which so identifies drivers. In formulating the point
23 system authorized by this section, the commissioner shall consider, in
24 the interest of interstate uniformity, authorizing suspension of a
25 motor vehicle operator's license for an accumulation of 12 or more
26 points as a result of offenses committed during any consecutive 12-
27 month period or 18 or more points as a result of offenses committed
28 during any 24-month period. The commissioner may assign six points
29 for convictions of reckless driving (wilful and wanton disregard for the

1 safety of persons or property) and for convictions of speeding when
2 the licensee drove at least 20 miles per hour over the lawful limit;
3 four points for convictions of relatively serious offenses; and three
4 points for less serious offenses.

5 (c) The commissioner may assess points for convictions in other
6 states of offenses which, if committed in this state, would be grounds
7 for the assessment.

8 (d) Notice of each assessment of points may be given, but notice
9 is required when the point accumulation reaches 50 per cent of the
10 number at which suspension is authorized.

11 (e) No points may be assessed for violating a provision of this
12 title or a city or borough ordinance regulating standing, parking,
13 equipment, size or weight; nor may points be assessed for violations
14 by pedestrians, passengers or bicycle riders, or for violations of
15 provisions relating to the preservation of the condition of traffic-
16 control devices or the highway.

17 (f) If a licensee is convicted of two or more traffic violations
18 committed on a single occasion, the licensee shall be assessed points
19 for one offense only and if the offenses involved have different point
20 values, the licensee shall be assessed for the offense having the greater
21 point value.

22 Sec. 28.15.283. SUSPENSION, HEARING. (a) The commissioner may
23 suspend the license of a driver, with or without preliminary hearing,
24 when his driving record identifies him as an habitually reckless or
25 negligent driver or as an habitual or frequent violator under sec. 282
26 of this chapter. A license may not be revoked without a hearing held
27 in accordance with the provisions of this section.

28 (b) When the license of a person is suspended under this section,
29 the department shall immediately notify the licensee in writing and upon

1 the licensee's request shall afford him an opportunity for a hearing as
2 early as practicable within 20 days after the commissioner receives the
3 request. The hearing shall be held in the city, borough or judicial
4 district where the licensee resides unless the commissioner and the
5 licensee agree that the hearing may be held at some other location in
6 the state. The hearing shall be conducted under the provisions of the
7 Administrative Procedure Act (AS 44.62). Following the hearing, the
8 commissioner shall either rescind his suspension order or, if he finds
9 there is a good cause, he may continue, modify or extend suspension of
10 the license or revoke the license.

11 Sec. 28.15.284. APPEAL. A person whose license is suspended or
12 revoked under secs. 282 - 283 of this chapter may appeal in accordance
13 with the provisions of the Administrative Procedure Act (AS 44.62).
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