

Introduced: 1/21/72
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

CS
2 SENATE BILL NO. 296

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; and providing for an effective date."

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

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

10 Sec. 28.15.282. POINT SYSTEM. (a) For the purpose of identifying
11 habitually reckless or negligent drivers and habitual or frequent
12 violators of traffic regulations governing the movement of vehicles,
13 the department shall adopt regulations establishing a uniform system
14 assigning demerit points for convictions of violations of motor vehicle
15 laws of this state or of ordinances adopted by local authorities
16 regulating the operation of motor vehicles. The regulations shall
17 include a designated level of point accumulation which so identifies
18 drivers. The department may assess points for convictions in other
19 states of offenses which, if committed in this state, would be grounds
20 for assessment. Notice of each assessment of points may be given,
21 but notice is required when the point accumulation reaches 50 per cent
22 of the number required for suspension. No points shall be assessed for
23 violating a provision of law or municipal ordinance regulating standing,
24 parking, equipment size or weight. Points shall be assessed for
25 violations of oversize or overweight permits pertaining to restrictions
26 upon speed or hours of operation. In case of the conviction of a
27 licensee of two or more traffic violations committed on a single
28 occasion, the licensee shall be assessed points for one offense only
29 and if the offense involved have different point values, the licensee

1 shall be assessed for the offense having the greater point value. The
2 department is authorized to suspend or revoke the license of a driver
3 only after a hearing or a reasonable opportunity for a hearing, when
4 his driving record identifies him as an habitually reckless or
5 negligent driver or as an habitual or frequent violator under this
6 section or the regulations promulgated thereunder.

7 (b) Upon suspending the license of a person as authorized by (a)
8 of this section, the department shall immediately notify the licensee
9 stating the reasons for such action and affording reasonable
10 opportunity for a hearing. No suspension or revocation is effective
11 until the licensee has been afforded a reasonable opportunity for a
12 hearing.

13 (c) The points assessed and the application of them against the
14 licensee by the department is in addition to, and not in substitution
15 for, other provisions of this chapter and not in substitution for any
16 penalty prescribed by the court.

17 (d) No points assessed under (a) of this section may be retained
18 for more than two years after their assessment for purposes of
19 suspension or revocation.

20 (e) Points shall be charged against the licensee after
21 conviction, upon a plea or as a result of a trial, for violation of
22 the motor vehicle laws. For the purposes of this section, a
23 forfeiture bail placed as collateral is considered a conviction.

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

25 Sec. 28.15.284. APPEAL. A person whose license is suspended or
26 revoked under sec. 282 of this chapter or the regulations promulgated
27 pursuant to sec. 282 of this chapter may appeal in accordance with
28 the provisions of the Administrative Procedure Act (AS 44.62).

29 * Sec. 3. This Act takes effect July 1, 1973.