

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/14/72
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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
7 vehicle violations; and providing for an effective
8 date."

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

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

11 Sec. 28.15.282. POINT SYSTEM. (a) In addition to other provi-
12 sions of this chapter, for the purpose of identifying habitually reck-
13 less or negligent drivers and habitual or frequent violators of traffic
14 regulations governing the movement of vehicles, the commissioner of
15 public safety shall promulgate and administer under the Administrative
16 Procedures Act (AS 44.62) regulations establishing a uniform system
17 for the suspension or revocation of a motor vehicle operator's license
18 issued under this chapter by assigning demerit points for convictions
19 of violations of this chapter or of ordinances adopted by local
20 authorities regulating the operation of motor vehicles.

21 (b) The regulations shall include a designated level of point
22 accumulation which identifies drivers. In formulating the point
23 system authorized by this section, the commissioner shall consider,
24 in 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.

29 (c) The commissioner may assess points for convictions in other

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1 states of offenses which, if committed in this state, would be grounds
2 for the assessment.

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

6 (e) No points may be assessed for violating a provision of this
7 chapter or a city or borough ordinance regulating standing, parking,
8 equipment, size or weight; nor may points be assessed for violations
9 by pedestrians, passengers or bicycle riders, or for violations of
10 provisions relating to the preservation of the condition of traffic-
11 control devices on the highway. Points shall be assessed
12 for violations of oversize or overweight permits pertaining only to
13 restrictions upon speed or hours of operation.

14 (f) If a licensee is convicted of two or more traffic viola-
15 tions committed on a single occasion, the licensee shall be assessed
16 points for one offense only and if the offenses involved have dif-
17 ferent point values, the licensee shall be assessed for the offense
18 having the greater point value.

19 Sec. 28.15.283. SUSPENSION, REVOCATION; HEARING. (a) The
20 commissioner may suspend or revoke the license of a driver, with or
21 without preliminary hearing, when his driving record identifies him
22 as an habitually reckless or negligent driver or as an habitual or
23 frequent violator under sec. 282 of this chapter.

24 (b) When the license of a person is suspended or revoked under
25 this section, the department shall immediately notify the licensee
26 in writing and the notice shall provide for the licensee to return a
27 notice of appeal under sec. 284 of this chapter.

28 (c) The points assessed and the application of them against
29 the licensee by the department is in addition to, and not in

1 substitution for, other provisions of this chapter and not as a
2 substitute for any penalty prescribed by the court.

3 (d) No points assessed under sec. 282 of this chapter may be
4 retained for more than two years after their assessment for purposes
5 of suspension or revocation.

6 (e) Points shall be charged against the licensee after conviction,
7 upon a plea or as a result of a trial, for violation of the motor
8 vehicle laws. For the purposes of secs, 282 and 283 of this chapter, a
9 forfeiture bail placed as collateral is considered a conviction.

10 Sec. 28.15.284. APPEAL. A person whose license is suspended or
11 revoked under secs, 282 and 283 of this chapter or the regulations
12 promulgated under them may appeal in accordance with the provisions
13 of the Administrative Procedures Act (AS 44.62).

14 * Sec. 2. AS 44.62.330(23) is amended to read:

15 (23) Department of Public Safety, as to suspension,
16 revocation, cancellation or limitation [ETC.,] of driver's licenses
17 except as to revocations under AS 28.35.031 - 28.35.034.

18 * Sec. 3. This Act takes effect on January 1, 1973.
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