

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

*H.C.S.*

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. No more than six points shall be assessed  
29 for any single offense.

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

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

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

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

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

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

29 (c) The points assessed and the application of them against

1 the licensee by the department is in addition to, and not in  
2 substitution for, other provisions of this chapter and not as a  
3 substitute for any penalty prescribed by the court.

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

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

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

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

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

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