

Introduced: 4/8/74  
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 839

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the motor vehicle point system."

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

8 \* Section 1. AS 28.15.282(d) is amended to read:

9 (d) Notice of each assessment of points may be given, but notice  
10 shall be given when the point accumulation reaches 50 per cent of the  
11 number at which suspension, revocation or denial is required [AUTHO-  
12 RIZED]. The commissioner of public safety may [SHALL] provide by  
13 regulation for a driver improvement [MANDATORY] interview with a  
14 driver [,] who is identified as a problem driver. This interview may  
15 be [, TO BE] conducted upon the accumulation of not less than six  
16 points. The purpose of such an interview is to assist the person who  
17 is identified as a problem driver in overcoming substandard driving  
18 habits. An interview required under this subsection is not a substi-  
19 tute for the hearing provided by sec. 286 of this chapter [A DRIVER  
20 IMPROVEMENT INTERVIEW] and is to be conducted in an informal [FORMAL]  
21 manner. A driver shall be required to comply with any recommendations  
22 designed to improve his driving abilities which are made to him during  
23 the interview.

24 \* Sec. 2. AS 28.15.282(h) is amended to read:

25 (h) For purposes of this chapter [ONLY FOR PURPOSES OF ASSESSING  
26 POINTS UNDER THIS SECTION], a plea of nolo contendere accepted by the  
27 court or the forfeiture of any bail or collateral deposited to secure  
28 a defendant's appearance in court, as evidenced by records forwarded  
29 to the department in accordance with the provisions of sec. 190 of this

1 chapter, is considered a conviction.

2 \* Sec. 3. AS 28.15.283 is amended to read:

3 Sec. 28.15.283. SUSPENSION, REVOCATION, LIMITATION, DENIAL. The  
4 department shall suspend, revoke, limit, deny, or initiate other  
5 remedial action against the driving privilege of a person, upon his  
6 failure to appear for a [MANDATORY INTERVIEW OR] driver improvement  
7 interview, a requested hearing under sec. 286 [284] of this chapter,  
8 or upon a driver improvement interview and a failure to request a  
9 hearing as provided in sec. 285 of this chapter, or if a hearing is  
10 requested, upon conclusion of the hearing, when his driving record  
11 identifies him as a habitually reckless or negligent driver or as a  
12 habitual or frequent violator under sec. 282 of this chapter.

13 \* Sec. 4. AS 28.15.286(d) is amended to read:

14 (d) If at the hearing it appears that the record of the licensee  
15 sustains suspension, revocation, limitation, denial, or other remedial  
16 action, the person conducting the hearing shall so order and the  
17 department shall immediately suspend, revoke, limit, deny, or take  
18 other action against the license and the license shall then be surren-  
19 dered to the department if required. If at the hearing it appears that  
20 the record of the licensee does not sustain suspension, revocation,  
21 limitation, denial, or other action, the person conducting the hearing  
22 shall so order and the department may not suspend, revoke, limit, deny,  
23 or take other action against the license and shall adjust the licensee's  
24 accumulated point total if required [ACCORDINGLY].

25 \* Sec. 5. AS 28.15.287 is amended to read:

26 Sec. 28.15.287. JUDICIAL REVIEW UNDER POINT SYSTEM. A person  
27 whose motor vehicle operator's license is suspended, revoked, limited,  
28 or denied under sec. 286 of this chapter may initiate a proceeding in  
29 the district court to rescind the department's action by filing a notice

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of appeal in accordance with the applicable rules of the court governing  
appeals in civil matters. The hearing on the appeal shall be on the  
record of the hearing, except that the court may augment the hearing  
record [DE NOVO].