

Introduced: 4/8/74
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 840

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 motor vehicle operator's licenses;
7 and changing Rule 11(e)(6)(i), Rules of Criminal
8 Procedure."

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

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

11 (d) Notice of each assessment of points may be given, but notice
12 shall be given when the point accumulation reaches 50 per cent of the
13 number at which suspension, revocation or denial is required under (b)
14 of this section, and a driver who has reached that level of point
15 accumulation shall be identified as a problem driver. The department
16 may require a problem driver to appear for a driver improvement interview
17 [IS AUTHORIZED. THE COMMISSIONER OF PUBLIC SAFETY SHALL PROVIDE BY
18 REGULATION FOR A MANDATORY INTERVIEW WITH A DRIVER, WHO IS IDENTIFIED
19 AS A PROBLEM DRIVER, TO BE CONDUCTED UPON THE ACCUMULATION OF NOT LESS
20 THAN SIX POINTS]. The purpose of such an interview is to assist the
21 person who is identified as a problem driver in overcoming substandard
22 driving habits. An interview required under this subsection is not a
23 substitute for a personal [DRIVER IMPROVEMENT] interview under
24 secs. 284 and 285 of this chapter and is to be conducted in an informal
25 [FORMAL] manner. A driver shall be required to comply with any recom-
26 mendations designed to improve his driving abilities which are made to
27 him during the interview.

28 * Sec. 2. AS 28.15.282(i) is amended to read:

29 (i) Two points shall be deducted from a licensee's assessed total

1 if he has not been convicted of a violation of traffic laws which
2 occurred during the 12-month period after the date of his last viola-
3 tion of which he was convicted [NO POINTS ASSESSED UNDER AUTHORITY OF
4 THIS SECTION MAY BE RETAINED FOR MORE THAN TWO YEARS AFTER THE DATE OF
5 THEIR ASSESSMENT FOR PURPOSES OF SUSPENSION, REVOCATION, LIMITATION,
6 OR DENIAL OF A MOTOR VEHICLE OPERATOR'S LICENSE ISSUED UNDER THIS
7 CHAPTER. TWO POINTS SHALL BE DEDUCTED FROM THE ASSESSED TOTAL IF THE
8 OPERATOR HAS NOT BEEN CONVICTED OF A VIOLATION OF THE TRAFFIC LAWS FOR
9 12 MONTHS AFTER HIS LAST CONVICTION]. In addition, two points shall
10 be deducted from the assessed total upon the operator's furnishing to
11 the department adequate proof of successful completion of a driver
12 improvement course approved by the department. No more than one
13 course may be used to obtain a reduction in points in any 12-month
14 period.

15 * Sec. 3. AS 28.15.283 is amended to read:

16 Sec. 28.15.283. SUSPENSION, REVOCATION, LIMITATION, DENIAL. The
17 department shall suspend, revoke, limit, deny, or initiate other
18 remedial action against the driving privilege of a person, (1) upon his
19 failure to appear for a driver improvement [MANDATORY] interview under
20 sec. 282(d) of this chapter or (2) upon his failure to comply with
21 reasonable recommendations designed to improve his driving abilities
22 which are made to him during the driver improvement interview. The
23 department shall suspend, revoke, or deny a motor vehicle operator's
24 license of a person who has been identified through his point accumula-
25 tion as a habitually reckless or negligent driver or as a habitual or
26 frequent violator under sec. 282 of this chapter [OR DRIVER IMPROVEMENT
27 INTERVIEW UNDER SEC. 284 OF THIS CHAPTER, OR UPON A DRIVER IMPROVEMENT
28 INTERVIEW AND A FAILURE TO REQUEST A HEARING AS PROVIDED IN SEC. 285
29 OF THIS CHAPTER, OF IF A HEARING IS REQUESTED, UPON CONCLUSION OF THE

1 HEARING, WHEN HIS DRIVING RECORD IDENTIFIES HIM AS A HABITUALLY RECKLESS
2 OR NEGLIGENT DRIVER OR AS A HABITUAL OR FREQUENT VIOLATOR UNDER SEC.
3 282 OF THIS CHAPTER].

4 * Sec. 4. AS 28.15.284 is amended to read:

5 Sec. 28.15.284. PERSONAL [DRIVER IMPROVEMENT] INTERVIEW. (a)
6 When the department proposes to take action against a person's operator's
7 license or driving privilege under sec. 283 of this chapter [DEPART-
8 MENT'S RECORDS SHOW THAT A LICENSEE HAS ACCUMULATED A SUFFICIENT NUMBER
9 OF POINTS TO BE SUBJECT TO LICENSE SUSPENSION, REVOCATION, LIMITATION,
10 DENIAL, OR OTHER ACTION UNDER SECS. 282 OR 283 OF THIS CHAPTER], the
11 department shall notify the licensee to appear for a personal [DRIVER
12 IMPROVEMENT] interview on a date not less than 10 days after the date
13 of the notice. The notice shall contain a statement setting out the
14 proposed departmental action and the grounds for that action. The
15 notification shall be given to the licensee in writing by registered
16 mail, addressed to the address of the licensee as shown by the records
17 of the department.

18 (b) The interview ordered by the department shall be held at the
19 office of the department nearest to the residence of the licensee,
20 unless the department and the licensee agree that the interview is to be
21 held elsewhere. An interview delay shall be granted by the department
22 only if the licensee presents the department with good cause for the
23 delay. If an interview is delayed, the department shall set a new date
24 for the interview no later than 30 days after the date of the original
25 interview.

26 (c) If a licensee fails to appear for a personal [DRIVER IMPROVE-
27 MENT] interview at the time and place stated by the department in its
28 notice to the licensee and if the licensee has not been granted an
29 interview delay or has not waived the interview as provided in (d)

1 of this section, his failure to appear is considered a waiver of the
2 personal [DRIVER IMPROVEMENT] interview and the department may take
3 appropriate action against the licensee's motor vehicle operator's
4 license.

5 (d) A licensee may waive a personal interview and request an
6 administrative review of the department's proposed action instead of a
7 personal interview. The licensee may make a written answer in which he
8 may controvert any point or issue and present evidence or arguments for
9 the consideration of the department pertinent to the action to be
10 taken or the grounds for the action. After reviewing its records and
11 the written statements, arguments and evidence submitted by the
12 licensee, the department shall render its decision and proceed in the
13 same manner as if the licensee had had a personal interview under
14 sec. 285 of this chapter.

15 * Sec. 5. AS 28.15.285 is amended to read:

16 Sec. 28.15.285. CONDUCT OF PERSONAL [DRIVER IMPROVEMENT] INTER-
17 VIEW; FINDINGS; REQUEST FOR FORMAL HEARING. (a) A personal [DRIVER
18 IMPROVEMENT] interview shall be conducted in an informal manner before
19 an [A DRIVER IMPROVEMENT] examiner sitting as a referee. The licensee
20 shall have the right to make an oral or written answer or statement in
21 which he may controvert any point or issue and present evidence or
22 arguments for the consideration of the department pertinent to the
23 action to be taken or the grounds for the action. The department may
24 consider its records relating to the licensee. The personal [DRIVER
25 IMPROVEMENT] interview is not a formal agency hearing.

26 (b) Upon the conclusion of a personal [DRIVER IMPROVEMENT] inter-
27 view, the department's referee shall make findings on the matter under
28 consideration and prepare and submit recommendations to the department.
29 After a review of the referee's report and the department's records,

1 the department shall render its decision concerning the matter under
2 consideration and shall notify the person involved of its action in
3 writing by registered mail. The decision is effective ten days after
4 [UPON] receipt of the notice. The person upon receiving the notice
5 may, in writing and within 10 days, request a hearing under sec. 286
6 of this chapter.

7 * Sec. 6. AS 28.15.287 is amended to read:

8 Sec. 28.15.287. JUDICIAL REVIEW UNDER POINT SYSTEM. A person
9 whose motor vehicle operator's license is suspended, revoked, limited,
10 or denied under sec. 286 of this chapter may initiate a proceeding
11 in the district court to rescind the department's action by filing a
12 notice of appeal in accordance with the applicable rules of the court
13 governing appeals in civil matters. The hearing on the appeal shall be
14 on the record of the hearing provided for in sec. 286 of this chapter
15 except that the court may augment the hearing record. The scope of
16 review applied in a determination under this section shall be as
17 specified in AS 44.62.570(b) and (c) [DE NOVO].

18 * Sec. 7. AS 28.15.190(c) is amended to read:

19 (c) A conviction on a plea of nolo contendere accepted by the
20 court or a forfeiture of bail or collateral deposited to secure a
21 defendant's appearance in court which has not been vacated is equi-
22 valent to a conviction for purposes of this chapter.

23 * Sec. 8. AS 28.15.282(h) is repealed.

24 * Sec. 9. Section 7 of this Act has the effect of changing Rule 11(e)
25 (6)(i), Rules of Criminal Procedure, by providing that a conviction on a
26 plea of nolo contendere for those offenses required to be reported by the
27 courts to the Department of Public Safety under AS 28.15.190 shall be
28 equivalent to a conviction on a plea of guilty for purposes of AS 28.15 and
29 is admissible against the defendant in a criminal or administrative pro-

1 ceeding based upon AS 28.15.

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