

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 193

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 revocation of motor vehicle
7 operator's license."

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

9 * Section 1. AS 28.15.210 is amended to read:

10 Sec. 28.15.210. MANDATORY REVOCATION OF LICENSE. (a) The
11 following offenses are grounds for the immediate revocation of an
12 operator's license:

13 (1) manslaughter or negligent homicide resulting from the
14 operation of a motor vehicle;

15 (2) a felony in the commission of which a motor vehicle is
16 used;

17 (3) failure to stop and give aid as required under the laws
18 of this state when a motor vehicle accident results in the death or
19 personal injury of another;

20 (4) perjury or the making of a false affidavit or statement
21 under oath to the department under a law relating to the ownership or
22 operation of a motor vehicle;

23 (5) operating or driving an automobile, motorcycle or other
24 motor vehicle while under the influence of intoxicating liquor or
25 dangerous narcotic drugs.

26 (b) A court convicting a person of any of the offenses listed in
27 (a)(1) - (4) [(a)] of this section shall revoke the license unless the
28 court determines that

29 (1) the person's ability to earn a livelihood would be

1 severely impaired, and

2 (2) a limitation can be placed on the license which will
3 enable the person to earn a livelihood without excessive risk of
4 danger to the public.

5 (c) A court convicting a person of the offense specified in
6 (a)(5) of this section shall revoke the license for a period of not
7 less than 30 days for the first conviction. Subsequent convictions of
8 a person for the offense specified in (a)(5) of this section shall
9 result in the following periods of revocation by the court:

10 (1) not less than one year for the second conviction;

11 (2) not less than three years for a third or subsequent
12 conviction.

13 * Sec. 2. AS 28.15.220(a) is amended to read:

14 (a) A court may as a part of the sentence revoke, suspend, or
15 impose a limitation upon a license upon conviction of [(1) DRIVING
16 A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
17 NARCOTIC DRUG TO A DEGREE WHICH MAKES HIM INCAPABLE OF SAFELY DRIVING
18 A MOTOR VEHICLE; (2)] reckless driving.

19 * Sec. 3. AS 28.15.260(a) is amended to read:

20 (a) The court may not limit or suspend an operator's license or
21 privilege to drive a motor vehicle on the public highways for a longer
22 period than one year, except that, for the offense specified in
23 sec. 210(a)(5) of this chapter, the period may be longer than one year
24 and for the offense [OFFENSES] listed under sec. 220(a) [SEC. 220(a)(1)
25 AND (2)] of this chapter, limitation or suspension shall be as follows:

26 (1) 30 days for the first conviction;

27 (2) one year for the second conviction;

28 (3) three years for a third or subsequent conviction.

29 * Sec. 4. AS 28.35.030 is amended to read:

1 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
2 LIQUOR OR DRUGS. A person who, while under the influence of intoxi-
3 cating liquor or dangerous narcotic drugs, operates or drives an auto-
4 mobile, motorcycle or other motor vehicle in the state, upon conviction,
5 is punishable by a fine of not more than \$1,000, or by imprisonment for
6 not more than one year, or by both. However, for a second or subse-
7 quent conviction under this section, the offender shall be imprisoned
8 for not less than one day. In addition, his operator's license shall
9 [MAY] be revoked [LIMITED OR SUSPENDED] in accordance with AS 28.15.-
10 210(c) [AS 28.15.260(a)].

11 * Sec. 5. AS 28.15.300 is amended to read:

12 Sec. 28.15.300. DRIVING WHILE LICENSE CANCELLED, SUSPENDED OR
13 REVOKED. A person who drives a motor vehicle on a public highway in
14 this state at a time when his privilege to do so is cancelled, sus-
15 pended or revoked is guilty of a misdemeanor. In addition, the vehicle
16 used in violation of this section shall be seized by any person
17 authorized to enforce this chapter. Upon conviction of the person for
18 a violation of this section, the vehicle, unless forfeited by order of
19 the court, shall be returned after completion of the case and payment
20 of the fine, if any.