

Original sponsor: Rules Committee
by request of the Governor

Offered: 4/2/74
Referred: Rules

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 operation of motor vehicles."

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

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

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

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

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

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

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

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

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

28 (1) the person's ability to earn a livelihood would be
29 severely impaired, and

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

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

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

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

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

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

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

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

25 (1) 30 days for the first conviction;

26 (2) one year for the second conviction;

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

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

29 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING

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

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

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

20 * Sec. 6. AS 28.35.040 is repealed and re-enacted to read:

21 Sec. 28.35.040. RECKLESS DRIVING. (a) A person who drives a
22 motor vehicle in the state in such a manner as to create a substantial
23 and unjustifiable risk of harm to a person or to property is guilty of
24 reckless driving. A substantial and unjustifiable risk is a risk of
25 such a nature and degree that the conscious disregard thereof or a
26 failure to perceive it constitutes a gross deviation from the standard
27 of conduct that a reasonable person would observe in the situation.

28 (b) A person convicted of reckless driving is guilty of a mis-
29 demeanor and is punishable by a fine of not more than \$1,000 or by

1 imprisonment for not more than one year or by both.

2 (c) Lawfully conducted automobile, snowmobile, motorcycle or
3 other motor vehicle racing or exhibition events are not subject to the
4 provisions of this section.

5 * Sec. 7. AS 28.35 is amended by adding a new section to read:

6 Sec. 28.35.045. NEGLIGENCE DRIVING. (a) A person who drives a
7 motor vehicle in the state in such a manner as to create an unjusti-
8 fiable risk of harm to a person or to property and who, as a result of
9 the creation of the risk, actually endangers a person or property is
10 guilty of negligent driving. An unjustifiable risk is a risk of such
11 a nature and degree that a failure to avoid it constitutes a deviation
12 from the standard of care that a reasonable person would observe in
13 the situation. Proof that a defendant actually endangered a person or
14 property is established by showing that, as a result of the defendant's
15 driving,

16 (1) an accident occurred;

17 (2) a person, including the defendant, took evasive action
18 to avoid an accident;

19 (3) a person, including the defendant, stopped or slowed
20 down suddenly to avoid an accident; or

21 (4) a person or property, including the defendant or his
22 property, was otherwise endangered.

23 (b) The offense of negligent driving is a lesser offense than,
24 and included in, the offense of reckless driving, and a person charged
25 with reckless driving may be convicted of the lesser offense of neg-
26 ligent driving.

27 (c) A person convicted of negligent driving is guilty of a mis-
28 demeanor and is punishable by a fine of not more than \$300, and in
29 addition, the court may limit or suspend his operator's license in

1 accordance with AS 28.15.220(b) and AS 28.15.260(a).

2 (d) Lawfully conducted automobile, snowmobile, motorcycle or
3 other motor vehicle racing or exhibition events are not subject to
4 the provisions of this section.

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