

1 IN THE SENATE BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 194

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the revocation, suspension and
7 limitation of motor vehicle operator's licenses."

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, SUSPENSION OR LIMITATION OF
11 LICENSE. (a) The following offenses are grounds for the immediate
12 revocation of an 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 (b) A court shall, upon convicting a person of any of the offenses
24 listed in (a) of this section or upon a complaint and a showing by the
25 department that a person has committed an offense listed in (a) of
26 this section, revoke or limit that person's operator's license in
27 accordance with (c) of this section. For those offenses for which
28 the court is permitted to impose either a license limitation or a
29 revocation under (c) of this section, the court shall revoke the

1 license unless the court determines that

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

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

7 (c) Revocation or limitation of an operator's license by a court
8 under (a) and (b) of this section shall be as follows:

9 (1) not less than one year nor more than three years' re-
10 vocation for the offenses listed in (a)(1) and (4) of this section;

11 (2) not less than 90 days nor more than three years' revo-
12 cation or limitation for the offenses listed in (a)(2) and (3) of this
13 section.

14 (d) A court, as part of the sentence, shall revoke, suspend or
15 limit, in accordance with (e) of this section, the operator's license
16 of a person upon convicting him of

17 (1) driving a motor vehicle while under the influence of
18 intoxicating liquor or a narcotic drug;

19 (2) reckless driving.

20 (e) For the offenses listed in (d)(1) and (2) of this section,
21 revocation, suspension or limitation by a court under (d) of this
22 section shall be as follows:

23 (1) not less than 30 days nor more than one year's suspension
24 or limitation for the first conviction;

25 (2) one year's suspension or revocation for the second con-
26 viction;

27 (3) three years' revocation for the third or subsequent con-
28 viction.

29 (f) A court may not suspend that part of a sentence which revokes,

1 suspends or limits an operator's license as required under this
2 section. If a court for any reason fails to revoke, suspend or limit,
3 as required by this section, the operator's license of a person con-
4 victed by that court, the department, upon receiving notice of the
5 conviction, shall impose the minimum revocation, suspension or limi-
6 tation required by this section and shall notify the licensee
7 accordingly. For purposes of this section, a limitation of an
8 operator's license is a lesser penalty than a suspension or revocation.

9 * Sec. 2. AS 28.15.260(a) is repealed and re-enacted to read:

10 (a) The court may not limit, revoke or suspend an operator's
11 license for a longer period than one year, except as provided in sec.
12 210 of this chapter.

13 * Sec. 3. AS 28.15.300 is amended to read:

14 Sec. 28.15.300. DRIVING WHILE LICENSE CANCELLED, SUSPENDED OR
15 REVOKED. A person who drives a motor vehicle on a public highway in
16 this state at a time when his license or privilege to do so is
17 cancelled, suspended or revoked is guilty of a misdemeanor and is
18 punishable by a fine of not more than \$1,000, or by imprisonment for
19 not more than one year. For a first conviction under this section, the
20 punishment shall include imprisonment for not less than 10 days, none
21 of which may be suspended by the court, and in the case of a second
22 conviction under this section, the punishment shall include imprison-
23 ment for not less than 30 days, none of which may be suspended by the
24 court. If a court suspends imposition of sentence, it shall require,
25 as a condition of probation, imprisonment for not less than the
26 minimum period of time required by this section upon conviction of the
27 offense defined by this section.

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 or narcotic drugs, operates or drives an automobile,
3 motorcycle or other motor vehicle in the state upon conviction is
4 punishable by a fine of not more than \$1,000, or by imprisonment for
5 not more than one year, or by both. In addition, his operator's
6 license shall [MAY] by revoked, suspended or limited [OR SUSPENDED] in
7 accordance with AS 28.15.210(d) - (f) [AS 28.15.260(a)].

8 * Sec. 5. AS 44.62.330(23) is amended to read:

9 (23) Department of Public Safety, as to suspension, revo-
10 cation, cancellation or limitation [ETC.,] of driver's licenses, except
11 as to revocation and suspension under AS 28.35.031 - 28.35.034 and
12 except as to mandatory minimum revocation, suspension, or limitation
13 under AS 28.35.210(f).

14 * Sec. 6. AS 28.15.220(a) and (b)(1) are repealed.
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